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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0194; Directorate Identifier 2017–CE–006–AD; Amendment 39–18915; AD 2017–11–16]

RIN 2120–AA64

Airworthiness Directives; PILATUS AIRCRAFT LTD. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for PILATUS AIRCRAFT LTD. Model PC–12/47E airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as an error within the flight management system caused by installing Primus APEX software Build 10 or 10.9, which could cause deviation from the correctly calculated barometric vertical navigation nominal glide path. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective July 13, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of July 13, 2017.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0194; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact PILATUS AIRCRAFT LTD., Customer Support PC–12, CH–6371 Stans, Switzerland; phone: +41 41 619 33 33; fax: +41 41 619 73 11; email: *SupportPC12@pilatus-aircraft.com;* Internet: *www.pilatus-aircraft.com*. You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for Docket No. FAA–2017–0194.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to PILATUS AIRCRAFT LTD. Model PC–12/47E airplanes. The NPRM was published in the **Federal Register** on March 21, 2017 (82 FR 14488). The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states:

> An occurrence was reported of a split between the vertical guidance data and the flight director steering commands during a Vertical Glide Path (VGP) approach. Subsequent investigation identified an error within the Flight Management System (FMS) that was introduced into Primus APEX software (S/W) Build 10 and S/W Build 10.9.
>
> This condition, if not corrected, could lead to loss of control of the aeroplane.
>
> To address this potential unsafe condition, Pilatus issued Temporary Revision (TR) No. 38 to the PC–12/47E Pilot's Operating Handbook, (POH) Report No: 02277 (hereafter referred to as ''POH TR 38'' in this AD), limiting VGP Approach mode sourced on baro Vertical Navigation (VNAV) to visual meteorological conditions (VMC) only, and providing procedures applicable in case of VGP deviation occurring during baro VNAV approaches.
>
> For the reason described above, this [EASA] AD requires amendment of the applicable Aircraft Flight Manual (AFM).

The MCAI can be found in the AD docket on the Internet at *https://www.regulations.gov/document?D=FAA-2017-0194-0002*.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the proposal and the FAA's response to the comment.

Request To Clarify the Unsafe Condition

Johan Kruger of PILATUS AIRCRAFT LTD. stated that in the Discussion section and the Reason section (paragraph (e)) of the proposed AD, it is stated that the unsafe condition may result in loss of control due to following incorrect data from the flight management system. The commenter stated that the loss of control statement may be misleading.

The commenter further stated that the autopilot fails to follow the correctly indicated nominal vertical flight path. If the pilot does not observe the indicated vertical deviation, which is the pilot's primary duty during instrument meteorological conditions (IMC) final approach, it could result in the pilot losing situational awareness. In a worst case scenario, the airplane would descent towards terrain and ultimately, if no attention is given to terrain awareness and warning system (TAWS) call outs, collide with the terrain—potential controlled flight into terrain (CFIT).

The commenter requested that the last sentence of paragraph (e) be changed to read: ''We are issuing this AD to prevent the pilot from following incorrect data from the flight management system, which could result in the loss of situational awareness.''

We agree with the commenter and have changed the AD based on this comment.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting the AD with the change described previously and minor editorial changes. We have determined that these minor changes:

• Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and

• Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Related Service Information Under 1 CFR Part 51

We reviewed PILATUS AIRCRAFT LTD. Temporary Revision No. 38 to PC–12/47E Pilot's Operating Handbook, Airplane Flight Manual 02277, Section 2—Limitations, Report No: 02277, dated February 8, 2017. The service information describes procedures for limiting the use of the autopilot and flight director to day visual meteorological conditions (VMC) during barometric vertical navigation (baro VNAV) during a vertical glide path approach (VGP). This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD will affect 350 products of U.S. registry. We also 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 $29,750, or $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.

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 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.

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–2017–0194; 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 the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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 AD:

2017–11–16 PILATUS AIRCRAFT LTD.: Amendment 39–18915; Docket No. FAA–2017–0194; Directorate Identifier 2017–CE–006–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective July 13, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to PILATUS AIRCRAFT LTD. Model PC–12/47E airplanes, all serial numbers, that:

(1) Have Primus APEX Software Build 10 with Honeywell part number (P/N) EB60000487–0110 or Primus APEX Software Build 10.9 with Honeywell P/N EB60000487–0112 installed; and

(2) are certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 34: Navigation.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as an error within the flight management system caused by installing Primus APEX software Build 10 or 10.9, which could cause deviation from the correctly calculated barometric vertical navigation nominal guide path. We are issuing this AD to prevent the pilot from following incorrect data from the flight management system, which could result in the loss of situational awareness.

(f) Actions and Compliance

Unless already done, within 30 days after July 13, 2017 (the effective date of this AD), insert Temporary Revision No. 38 to PC–12/47E Pilot's Operating Handbook, Airplane Flight Manual 02277, Section 2—Limitations, Report No: 02277, dated February 8, 2017.

Note 1 to paragraph (f) of this AD: For airplanes affected by this AD, the Pilot's Operating Handbook and the Airplane Flight Manual are the same document with the Report No.: 02277.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov*. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority

(or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2017–0024, dated February 13, 2017, for related information. The MCAI can be found in the AD docket on the Internet at *https://www.regulations.gov/document?D=FAA-2017-0194-0002*.

(i) Material Incorporated by Reference

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

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

(i) Temporary Revision No. 38 to PC–12/47E Pilot's Operating Handbook, Airplane Flight Manual 02277, Section 2—Limitations, Report No: 02277, dated February 8, 2017.

(ii) Reserved.

(3) For PILATUS AIRCRAFT LTD. service information identified in this AD, contact PILATUS AIRCRAFT LTD., Customer Support PC–12, CH–6371 Stans, Switzerland; phone: +41 41 619 33 33; fax: +41 41 619 73 11; email: *SupportPC12@pilatus-aircraft.com;* Internet: *www.pilatus-aircraft.com*.

(4) You may view this service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. In addition, you can access this service information on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0194.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued in Kansas City, Missouri, on May 26, 2017.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–11411 Filed 6–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9115; Directorate Identifier 2016–NM–068–AD; Amendment 39–18903; AD 2017–11–04]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 767–200, –300, and –400ER series airplanes. This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the fuselage skin lap splices are subject to widespread fatigue damage (WFD). This AD requires repetitive inspections to detect any crack in the fuselage skin at the skin lap splices, and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 13, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 13, 2017.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110 SK57, Seal Beach, CA 90740–5600; telephone: 562–797–1717; Internet: *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9115.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9115; 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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6447; fax: 425–917–6590; email: *wayne.lockett@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 767–200, –300, and –400ER series airplanes. The NPRM published in the **Federal Register** on September 28, 2016 (81 FR 66553). The NPRM was prompted by an evaluation by the DAH indicating that the fuselage skin lap splices are subject to WFD. The NPRM proposed to require repetitive inspections to detect any crack in the fuselage skin at the skin lap splices, and repair of any crack found during the inspection. We are issuing this AD to detect and correct cracks at the fuselage skin lap splice, which can rapidly link up, possibly resulting in rapid decompression and loss of structural integrity of the airplane.

Comments

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

Support for the NPRM

Boeing and another commenter, Connor Blevins, stated their support for the content of the NPRM.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing the Supplemental Type Certificate (STC) ST01920SE does not affect the actions specified in the NPRM.

We concur with the commenter. We have redesignated paragraph (c) of the proposed AD as (c)(1) in this AD and added paragraph (c)(2) to state that installation of STC ST01920SE does not affect the ability to accomplish the actions required by this final rule. Therefore, for airplanes on which STC ST01920SE is installed, a ''change in

product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request for Clarification of Requirements

United Airlines (UAL) requested that we clarify whether Boeing Alert Service Bulletin 767–53A0264, Revision 1, dated April 25, 2016 (''ASB 767–53A0264 R1'') or the structural repair manual (SRM) takes precedence for inspection requirements and whether the operator is able to choose which inspection method to utilize. UAL pointed out that Part 3 of ASB 767–53A0264 R1 specifies high frequency eddy current (HFEC) for the initial and repeat inspections, but the corresponding SRM repair provides the option of HFEC or low frequency eddy current inspections.

We agree that clarification is necessary. Note (a) of tables 1 through 9 of paragraph 1.E., ''Compliance,'' of ASB 767–53A0264 R1 terminates the AD-mandated inspections for any area under an approved repair. The repairs are evaluated with their own damage tolerance inspection program. The post-repair inspection program is different than the baseline inspections specified in Part 3 of ASB 767–53A0264 R1, and as mentioned previously, post-repair damage tolerance inspections are not required by this AD, but are airworthiness limitation items (ALIs) and are required by maintenance and operational rules. Any deviation from the post-repair ALI inspections requires FAA approval, but does not require an alternative method of compliance (AMOC). We have not revised this AD in this regard.

Request for Clarification of Repetitive Inspection Intervals

UAL requested that we clarify the repetitive inspection intervals for any Category B repair specified in the SRM and accomplished as specified in Part 8 of ASB 767–53A0264 R1. UAL pointed out that the Part 8 repetitive inspection intervals conflict with the inspection intervals of Category B repairs specified in the SRM. UAL specified that if a repair is accomplished at the times proposed in the NPRM, the repair is already past the initial inspection thresholds specified in the SRM.

We agree that there is a conflict between the service information and the Category B repair specified in the SRM, and that clarification is necessary. We have coordinated with Boeing regarding this issue. ASB 767–53A0264 R1 refers to the SRM for these repair instructions. Boeing has revised and published temporary revisions to the SRM that address this issue and these revisions provide an inspection threshold based on flight cycles after repair installation. Additionally, we have revised paragraph (h) of this AD to clarify that the post-repair damage tolerance inspections are not required by this AD, but are ALIs and are required by maintenance and operational rules. Any deviation from the post-repair ALI inspections requires FAA approval, but does not require an AMOC. We have also redesignated subsequent paragraphs accordingly.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing ASB 767–53A0264 R1. The service information describes procedures for repetitive inspections and repair for any crack in the fuselage skin at the skin lap splices. 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.

Costs of Compliance

We estimate that this AD affects 332 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	168 work-hours × $85 per hour = $14,280 per inspection cycle.	$0	$14,280 per inspection cycle.	$4,740,960 per inspection cycle.

The size of the area that requires repair must be determined before material and work-hour costs can be estimated. Additionally, materials for repairs must be supplied by the operator. Therefore, we cannot provide cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

2017–11–04 The Boeing Company: Amendment 39–18903; Docket No. FAA–2016–9115; Directorate Identifier 2016–NM–068–AD.

(a) Effective Date

This AD is effective July 13, 2017.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 767–200, –300, and –400ER series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 767–53A0264, Revision 1, dated April 25, 2016 (''ASB 767–53A0264 R1'').

(2) Installation of Supplemental Type Certificate (STC) ST01920SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/59027F43B9A7486E86257B1D006591EE?OpenDocument&Highlight=st01920se*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01920SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder indicating that the fuselage skin lap splices are subject to widespread fatigue damage. We are issuing this AD to detect and correct cracks at the fuselage skin lap splice, which can rapidly link up, possibly resulting in rapid decompression and loss of structural integrity of the airplane.

(f) Compliance

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

(g) Repetitive Inspections and Corrective Actions

Except as specified by paragraph (i) of this AD, at the applicable times specified in paragraph 1.E., ''Compliance,'' of ASB 767–53A0264 R1: Do external surface high frequency eddy current (HFEC), internal surface HFEC, and external surface low frequency eddy current inspections, as applicable, to detect cracks in the fuselage skin lap splices, in accordance with the Accomplishment Instructions of ASB 767–53A0264 R1. If any crack is found during any inspection required by this AD, before further flight, repair in accordance with Part 8 of the Accomplishment Instructions of ASB 767–53A0264 R1. Repeat the inspections thereafter at the times specified in paragraph 1.E., ''Compliance,'' of ASB 767–53A0264 R1, as applicable.

(h) AD Provisions for Part 26 Supplemental Inspections

Repairs identified in Part 8 of ASB 767–53A0264 R1 specify post-modification airworthiness limitation inspections in compliance with 14 CFR 25.571(a)(3) at the modified locations, which support compliance with 14 CFR 121.1109(c)(2) or 129.109(b)(2). As airworthiness limitations, these inspections are required by maintenance and operational rules. It is therefore unnecessary to mandate them in this AD. Deviations from these inspections require FAA approval, but do not require an AMOC.

(i) Service Information Exception

Where ASB 767–53A0264 R1 specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(j) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 767–53A0264, dated May 12, 2015.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), 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 ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

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

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

(4) Except as specified in paragraph (h) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(4)(i) and (k)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled 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 RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(l) Related Information

(1) For more information about this AD, contact Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6447; fax: 425–917–6590; email: *wayne.lockett@faa.gov*.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(3) and (m)(4) of this AD.

(m) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 767–53A0264, Revision 1, dated April 25, 2016.

(ii) Reserved.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110 SK57, Seal Beach, CA 90740–5600; telephone: 562–797–1717; Internet: *https://www.myboeingfleet.com*.

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://*

www.archives.gov/federal-register/cfr/ibr-locations.html.

Issued in Renton, Washington, on May 15, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–11131 Filed 6–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0531; Directorate Identifier 2016–NM–178–AD; Amendment 39–18916; AD 2017–12–01]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 767–200 series airplanes. This AD requires repetitive inspections for damage of a certain drive arm assembly, and related investigative and corrective actions if necessary. This AD was prompted by a report indicating that during an inspection associated with a flap, the extend overtravel stops on an actuator crank arm assembly were making contact with an adjacent drive arm assembly when the flaps were retracted. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 23, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 23, 2017.

We must receive comments on this AD by July 24, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* 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 final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0531.

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–2017–0531; 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 AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6447; fax: 425–917–6590; email: *wayne.lockett@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We have received a report indicating that during an inspection of the outboard support assembly number 3 of the inboard flap of the left wing, an operator observed that the extend overtravel stops on the 4–5 actuator crank arm assembly were making contact with the adjacent 6–9 drive arm assembly when the flaps were totally retracted. The problem occurred with the installation of 767–400ER flaps, modified as specified in supplemental type certificate (STC) ST01329WI–D, on 767–200 airplanes. This condition, if not corrected, could result in interference between the 6–9 drive arm assembly and the 4–5 actuator crank arm assembly, which causes a fatigue load on the 5–7 link that could result in failure of the 5–7 link and subsequent loss of the inboard flap. Continued safe flight and landing could be adversely affected after the departure of a flap during takeoff or landing. We are issuing this AD to correct the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 767–57A0134, dated May 27, 2016. The service information describes procedures for repetitive inspections for damage caused by interference between the 6–9 drive arm assembly and the 4–5 actuator crank arm assembly on the inboard flap outboard support assembly number 3 and number 6, and related investigative and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

AD Requirements

This AD requires accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this AD and the Service Information.'' For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0531.

The phrase ''related investigative actions'' is used in this AD. Related investigative actions are follow-on actions that (1) are related to the primary action, and (2) further investigate the nature of any condition found. Related investigative actions in an AD could include, for example, inspections.

The phrase ''corrective actions'' is used in this AD. Corrective actions correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Differences Between This AD and the Service Information

Boeing Alert Service Bulletin 767–57A0134, dated May 27, 2016, specifies to contact the manufacturer for certain instructions, but this AD would require using repair methods, modification deviations, and alteration deviations in one of the following ways:

• In accordance with a method that we approve; or

• Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Boeing Alert Service Bulletin 767–57A0134, dated May 27, 2016, affects eight airplanes: Those already modified by STC ST01329WI–D. This AD applies to any airplane modified by STC ST01329WI–D, including any airplanes modified in the future. We have coordinated this difference with Boeing.

FAA's Justification and Determination of the Effective Date

There are currently no domestic operators of this product. Therefore, we find that notice and opportunity for prior public comment are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2017–0531 and Directorate Identifier 2016–NM–178–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 because of those comments.

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

ESTIMATED COSTS

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

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Action	Labor cost	Parts cost	Cost per product
4–5 actuator crank arm assembly modification	34 work-hours × $85 per hour = $2,890	$0	$2,890
4–5 actuator crank arm assembly replacement	16 work-hours × $85 per hour = $1,360	[1] 0	1,360

[1] We have received no definitive data that would enable us to provide parts cost estimates for the 4–5 actuator crank arm assembly replacement.

We estimate the following costs to do any necessary repairs that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need these actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
4–5 actuator crank arm assembly interim blend repair	8 work-hours × $85 per hour = $680	$0	$680

We have received no definitive data that would enable us to provide cost estimates for the 6–9 drive arm assembly repair because the work-hours required for repair depend on the damage found.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all available costs in our cost estimate.

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.

Regulatory Findings

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

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

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

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

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

2017–12–01 The Boeing Company: Amendment 39–18916; Docket No. FAA–2017–0531; Directorate Identifier 2016–NM–178–AD.

(a) Effective Date

This AD is effective June 23, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 767–200 series airplanes, equipped with 767–400ER flaps modified as specified in supplemental type certificate (STC) ST01329WI–D.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report indicating that during an inspection associated with a flap, the extend overtravel stops on an actuator crank arm assembly were making contact with an adjacent drive arm assembly when the flaps were retracted. We are issuing this AD to detect and correct interference between a drive arm assembly and an actuator crank arm assembly, which causes a fatigue load on a certain link that could result in failure of that link and subsequent loss of the flap. Continued safe flight and landing could be adversely affected after the departure of a flap during takeoff or landing.

(f) Compliance

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

(g) Inspection of the 6–9 Drive Arm Assembly and Related Investigative and Corrective Actions

Except as provided by paragraph (i)(1) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 767–57A0134, dated May 27, 2016: Do a general visual inspection of the 6–9 drive arm assembly on the left and right wing for any damage, and all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–57A0134, dated May 27, 2016, except as required by paragraph (i)(2) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspection at the interval specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 767–57A0134, dated May 27, 2016.

(h) Optional Terminating Actions

Doing the action specified in either paragraph (h)(1) or paragraph (h)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–57A0134, dated May 27, 2016, except as required by paragraph (i)(2) of this AD, terminates the repetitive inspections required by paragraph (g) of this AD for the drive arm assembly associated with the replacement or modification.

(1) A 4–5 actuator crank arm assembly replacement.

(2) A 4–5 actuator crank arm assembly modification, including all applicable related investigative and corrective actions.

(i) Service Information Exceptions

(1) Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 767–57A0134, dated May 27, 2016, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where Boeing Alert Service Bulletin 767–57A0134, dated May 27, 2016, specifies to contact Boeing for appropriate action as an ''RC'' (Required for Compliance) step, this AD requires repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), 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 ACO, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

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

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

(4) Except as required by paragraph (i)(2) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(4)(i) and (j)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled 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 RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(k) Related Information

For more information about this AD, contact Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6447; fax: 425–917–6590; email: *wayne.lockett@faa.gov*.

(l) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 767–57A0134, dated May 27, 2016.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com*.

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call

202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on May 26, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–11624 Filed 6–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9490; Directorate Identifier 2016–NE–26–AD; Amendment 39–18914; AD 2017–11–15]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for General Electric Company (GE) CF6–80C2L1F turbofan engines. This AD was prompted by a reduction in the life limit of the affected engines which is the result of a revised operating profile. This AD requires replacement of the high-pressure turbine (HPT) spacer/impeller, part number (P/N) 1539M12P02, at a newer, lower life limit. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective July 13, 2017.

ADDRESSES: See the **FOR FURTHER INFORMATION CONTACT** section.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9490; 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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Herman Mak, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7147; fax: 781–238–7199; email: *herman.mak@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain GE CF6–80C2L1F turbofan engines. The NPRM published in the **Federal Register** on January 23, 2017 (82 FR 7734) (''the NPRM''). The NPRM was prompted by a reduction in the life limit of the affected engines which is the result of a revised operating profile. The NPRM proposed to require replacement of the HPT spacer/impeller, P/N 1539M12P02, at a newer, lower life limit. We are issuing this AD to prevent failure of the HPT spacer/impeller, uncontained release of the HPT spacer/impeller, damage to the engine, and damage to the airplane.

Comments

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

Request To Revise Compliance

GE Aviation requested that we indicate in the compliance section of this AD that the affected HPT spacer/impeller is installed on GE CF6–80C2L1F engines only. GE Aviation commented that this P/N impeller is also installed on other models of the CF6–80C2 engine.

We disagree. We believe that the applicability section is clear that this AD applies to GE CF6–80C2L1F turbofan engines with a HPT spacer/impeller, P/N 1539M12P02, installed. We did not change this AD.

Miscellaneous Comment

An individual commenter indicated that the proposal showed the FAA's commitment to ''staying on top of changes in the industry.'' The commenter noted, however, that although GE has updated the life expectancy of this part, it may still be a long time before it needs to be replaced. The commenter indicated, therefore, that the FAA's action may be ''over zealous'' and lead to ''large scale waste.''

We disagree. We are issuing this AD to prevent failure of an engine rotating part, which could lead to failure of the part, uncontained release of the part, damage to the engine, and damage to the airplane. We did not change this AD.

Support for the NPRM

An individual commenter supported the NPRM.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD as proposed.

Costs of Compliance

We estimate that this AD affects 0 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement of HPT spacer/impeller at reduced life.	0 work-hours × $85 per hour = $0	$19,320 (pro-rated cost of part)	$19,320	$0

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

2017–11–15 General Electric Company: Amendment 39–18914; Docket No. FAA–2016–9490; Directorate Identifier 2016–NE–26–AD.

(a) Effective Date

This AD is effective July 13, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) CF6–80C2L1F turbofan engines with a high-pressure turbine (HPT) spacer/impeller, part number (P/N) 1539M12P02, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine/Turboprop Engine—Turbine Section.

(e) Unsafe Condition

This AD was prompted by a reduction in the life limit of the affected engines, which is the result of a revised operating profile. We are issuing this AD to prevent failure of the HPT spacer/impeller, uncontained release of the HPT spacer/impeller, damage to the engine, and damage to the airplane.

(f) Compliance

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

After the effective date of this AD, replace the HPT spacer/impeller, P/N 1539M12P02, before it exceeds 18,000 flight cycles since new.

(g) Installation Prohibition

After the effective date of this AD, do not install an HPT spacer/impeller, P/N 1539M12P02, onto any engine, or return to service any engine with an HPT spacer/impeller, P/N 1539M12P02, installed, if the HPT spacer/impeller exceeds 18,000 flight cycles since new.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov*.

(i) Related Information

For more information about this AD, contact Herman Mak, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7147; fax: 781–238–7199; email: *herman.mak@faa.gov*.

(j) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on May 23, 2017.

Carlos A. Pestana,

Acting Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2017–11780 Filed 6–7–17; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0016; Directorate Identifier 2016–NE–31–AD; Amendment 39–18917; AD 2017–12–02]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain General Electric Company (GE) GEnx–1B64, –1B64/P1, –1B64/P2, –1B67, –1B67/P1, –1B67/P2, –1B70, –1B70/P1, –1B70/P2, –1B70/75/P1, –1B70/75/P2, –1B70C/P1, –1B70C/P2, –1B74/75/P1, –1B74/75/P2, –1B76A/P2 turbofan engines. This AD was prompted by a fracture of the fuel manifold which led to an in-flight shutdown of the engine. This AD requires replacement of the outer left side signal fuel manifold with a part eligible for installation. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 13, 2017.

ADDRESSES: For service information identified in this final rule, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: 513–552–3272; fax: 513–552–3329; email: *geae.aoc@ge.com*. You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0016.

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–2017–0016; 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 final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building

Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Christopher McGuire, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7120; fax: 781–238–7199; email: *chris.mcguire@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all GEnx–1B64, –1B64/P1, –1B64/P2, –1B67, –1B67/P1, –1B67/P2, –1B70, –1B70/P1, –1B70/P2, –1B70/75/P1, –1B70/75/P2, –1B70C/P1, –1B70C/P2, –1B74/75/P1, –1B74/75/P2, –1B76A/P2 engines with outer left side signal fuel manifold, part number (P/N) 2403M46G01, and CAGE code 05813, installed. The NPRM published in the **Federal Register** on February 28, 2017 (82 FR 12070) (''the NPRM''). The NPRM was prompted by a fracture of the fuel manifold which led to an in-flight shutdown of the engine. The NPRM proposed to require replacement of the outer left side signal fuel manifold with a part eligible for installation. We are issuing this AD to prevent fracture of the fuel manifold, engine fire, and damage to the airplane.

Comments

We gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Reduce Compliance Time

The Air Line Pilots Association (ALPA) requested that the FAA reduce the compliance time in this AD from 12 months to 60 days. ALPA commented that the service bulletin (SB) recommends replacement of the left side signal fuel manifold within 60 days of issuance of the SB.

We disagree. Our risk assessment of the potential for additional fuel manifold fractures indicates that 12 months represents an acceptable level of risk for replacement of the affected fuel manifolds. We did not change this AD.

Request To Withdraw NPRM

United Airlines (United) requested that the NPRM be withdrawn. United commented that they have already accomplished the requirements of this AD and removed all affected parts from stock. United noted that GE has reported that this issue has been resolved by all operators. United indicated that this AD will therefore only generate unnecessary work.

We disagree. This AD includes an installation prohibition that prevents any non-conforming parts from being re-installed into engines. Without this prohibition, a non-conforming part could be installed into an engine and re-enter service. We did not change this AD.

Request To Revise Applicability

Japan Airlines (JAL) requested that the applicability of this AD be revised so that it lists affected engine serial numbers instead of applicable engines with the affected part installed. JAL indicated that GE no longer delivers engines with the affected parts installed.

We disagree. This AD includes an installation prohibition to prevent the affected outer left side signal fuel manifold from being re-installed in any engine. By defining applicability according to the affected engine with the outer left side signal fuel manifold, P/N 2403M46G01, and CAGE code 05813, installed, we ensure that all the affected parts are removed from service and not re-installed in any engine. We did not change this AD.

Request To Clarify Compliance Using SB

JAL commented that they believe the AD should allow replacement of the affected outer left side signal fuel manifold using GE GEnx-1B SB 73–0053 R00, dated November 15, 2016.

We agree. This AD does not specify which service material to use when replacing the outer left side signal fuel manifold. This AD lists GE service bulletins, including GEnx–1B SB 73–0053 R00, dated November 15, 2016, as guidance when inspecting, repairing, and replacing the outer left side signal fuel manifold. Therefore, this AD already allows use of GEnx–1B SB 73–0053 R00 when complying with this AD. We did not change this AD.

Request That AD Not Apply to New Engines

JAL requested that newly-delivered engines, which are not covered by GEnx–1B SB 73–0053 R00, dated November 15, 2016, should be considered as ''not applicable to this AD.''

We partially agree. We agree that this AD does not apply to new engines that do not have the affected fuel manifold installed. We disagree with changing the applicability of this AD because we do not want to allow an affected part to be installed later on a new engine. We did not change this AD.

Support for the NPRM

GE expressed support for the NPRM as written.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule as proposed.

Related Service Information

We reviewed GE GEnx–1B SB 73–0051 R00, dated November 4, 2016; GE GEnx–1B SB 73–0052 R00, dated October 28, 2016; and GE GEnx–1B SB 73–0053 R00, dated November 15, 2016. These SBs describe, respectively, procedures for inspecting, repairing, and replacing the outer left side signal fuel manifold, part number 2403M46G01, and CAGE code 05813.

Costs of Compliance

We estimate that this AD affects 109 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement of fuel manifold	2 work-hours × $85 per hour = $170	$16,000	$16,170	$1,762,530

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.

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

2017–12–02 General Electric Company: Amendment 39–18917; Docket No. FAA–2017–0016; Directorate Identifier 2016–NE–31–AD.

(a) Effective Date

This AD is effective July 13, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all GEnx–1B64, –1B64/P1, –1B64/P2, –1B67, –1B67/P1, –1B67/P2, –1B70, 1B70/P1, –1B70/P2, –1B70/75/P1, –1B70/75/P2, –1B70C/P1, –1B70C/P2, –1B74/75/P1, –1B74/75/P2, –1B76A/P2 engines with outer left side signal fuel manifold, part number (P/N) 2403M46G01, and CAGE code 05813, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7313, Fuel Injector Nozzle.

(e) Unsafe Condition

This AD was prompted by fracture of the fuel manifold which led to an in-flight shutdown of the engine. We are issuing this AD to prevent fracture of the fuel manifold, engine fire, and damage to the airplane.

(f) Compliance

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

(1) Inspect the outer left side signal fuel manifold, P/N 2403M46G01 and CAGE code 05813, to determine if the part has additional marking ''XB,'' ''INS,'' or ''KB'' adjacent to part number. If the part is marked with ''XB,'' ''INS,'' or ''KB,'' then no further action is required.

(2) For parts without additional marking ''XB,'' ''INS,'' or ''KB'' adjacent to the part number, within 12 months after the effective date of this AD, replace the outer left side signal fuel manifold with a part eligible for installation.

(g) Installation Prohibition

After the effective date of this AD, do not install an outer left side signal fuel manifold, P/N 2403M46G01, and CAGE code 05813, onto an engine, unless additional marking ''XB,'' ''INS,'' or ''KB'' is adjacent to the part number.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov*.

(i) Related Information

(1) For more information about this AD, contact Christopher McGuire, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7120; fax: 781–238–7199; email: *chris.mcguire@faa.gov*.

(2) GE GEnx-1B Service Bulletin (SB) 73–0051 R00, dated November 4, 2016; GE GEnx–1B SB 73–0052 R00, dated October 28, 2016; and GE GEnx–1B SB 73–0053 R00, dated November 15, 2016, can be obtained from GE using the contact information in paragraph (i)(3) of this AD. These SBs, respectively, describe procedures for inspecting, repairing, and replacing the outer left side signal fuel manifold.

(3) For service information identified in this AD, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: 513–552–3272; fax: 513–552–3329; email: *geae.aoc@ge.com*.

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

(j) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on May 30, 2017.

Robert J. Ganley,

Acting Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2017–11781 Filed 6–7–17; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. No. 17–04]

RIN 1515–AE22

Merchandise Produced by Convict, Forced, or Indentured Labor; Conforming Amendment and Technical Corrections

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection regulations to reflect section 910 of the Trade Facilitation and Trade Enforcement Act of 2015 by removing the ''consumptive demand'' clause from the regulations concerning the prohibition on the importation of merchandise produced by convict, forced, or indentured labor. It also updates the regulations to reflect the correct name of the agency and includes a minor procedural change with regard to the filing of proof of admissibility.

DATES: This final rule is effective on June 8, 2017.

FOR FURTHER INFORMATION CONTACT: Thomas Kendrick, Trade Remedy Law Enforcement Directorate, Office of Trade, *Thomas.Kendrick@dhs.gov,* (202) 863–6057.

SUPPLEMENTARY INFORMATION:

I. Background

Section 307 of the Tariff Act of 1930, as amended (19 U.S.C. 1307) prohibits

the importation of merchandise that has been mined, produced, or manufactured, wholly or in part, in any foreign country by forced labor, including prison labor and forced child labor. Despite this general prohibition, the Tariff Act of 1930 included a ''consumptive demand'' clause, which allowed for the importation of forced-labor-derived goods if the goods were not produced in such quantities in the United States as to meet the ''consumptive demands'' of the United States.

On February 24, 2016, the President signed into law the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) (Pub. L. 114–125). Section 910 of TFTEA repeals the ''consumptive demand'' clause in section 307 of the Tariff Act of 1930, thereby eliminating the consumptive demand exception to the prohibition on importation of goods made with convict labor, forced labor, or indentured servitude. This amendment went into effect on March 10, 2016.

II. Amendments to the Regulations To Remove the ''Consumptive Demand'' Clause

The regulations corresponding to section 307 of the Tariff Act of 1930, as amended, are contained within title 19 of the Code of Federal Regulations (CFR) at 19 CFR 12.42–12.45, ''Merchandise Produced by Convict, Forced, or Indentured Labor.'' This document amends these regulations to remove the ''consumptive demand'' exception from the general prohibition against the importation of goods produced by convict, forced, or indentured labor. While U.S. Customs and Border Protection (CBP) has been enforcing the ban on the importation of merchandise produced through convict, forced, or indentured labor without taking consumptive demand into consideration since section 910 of TFTEA has gone into effect, this conforming amendment is necessary to ensure that 19 CFR reflects the recent statutory amendment. This rulemaking is limited to this conforming amendment and other minor non-substantive amendments.

The non-substantive amendments included in this rulemaking are amendments to correct a spelling error, replace outdated references to ''Customs'' with ''CBP'', and make a minor procedural change. The change in terminology from ''Customs'' to ''CBP'' is consistent with the transfer of the legacy U.S. Customs Service of the Department of the Treasury to the Department of Homeland Security (DHS) in 2003 and the subsequent renaming of the agency as U.S. Customs and Border Protection (CBP) by DHS on March 31, 2007. *See* 72 FR 20131, April 23, 2007. *See also* 75 FR 12445, March 16, 2010.

The procedural change involves the addition of a person (*i.e.,* the Port Director) to whom an importer may submit proof of admissibility when contending that an article was not mined, produced, or manufactured in any part with the use of a prohibited class of labor. The current regulation (19 CFR 12.43(b)) provides that the importer shall submit this information to the Commissioner. To provide more flexibility, and for consistency with 19 CFR 12.42(b), CBP is amending this provision to allow for the proof of admissibility to be submitted to the Commissioner of CBP or to the Port Director.

III. Inapplicability of Notice and Delayed Effective Date

The Administrative Procedure Act (APA) generally requires agencies to publish a notice of proposed rulemaking in the **Federal Register** and provide interested persons the opportunity to submit comments. *See* 5 U.S.C. 553(b) and (c). However, certain exceptions are provided.

The APA provides an exception from notice and comment procedures when an agency finds for good cause that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' *See* 5 U.S.C. 553(b)(3)(B). In this case, CBP finds that good cause exists for dispensing with notice and public procedure as unnecessary because the conforming amendment and technical corrections set forth in this document are required to ensure that 19 CFR reflects both the recent amendments to the underlying statutory authority effected by section 910 of TFTEA and the most up-to-date terminology. For this same reason, pursuant to 5 U.S.C. 553(d)(3), CBP finds that good cause exists for dispensing with the requirement for a delayed effective date.

The APA also provides an exception to the prior notice and comment requirement for ''rules of agency organization, procedure, or practice.'' *See* 5 U.S.C. 553(b)(A). The procedural change discussed above, *i.e.,* including an additional person to whom an importer may submit proof of admissibility when contending that an article was not mined, produced, or manufactured in any part with the use of a prohibited class of labor, is a minor change that has been promulgated for agency efficiency purposes, and is a rule of internal agency procedure.

IV. Statutory and Regulatory Requirements

A. Executive Orders 12866 and 13563

Executive Orders 13563 and 12866 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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. As these amendments are a conforming amendment and technical corrections to the regulations to reflect statutory changes and to make minor non-substantive edits, these amendments do not meet the criteria for a ''significant regulatory action,'' under section 3(f) of Executive Order 12866.

The Regulatory Flexibility Act

Because this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

B. Paperwork Reduction Act

There is no new collection of information required in this document; therefore, the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) are inapplicable.

C. Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1), pertaining to the Secretary of the Treasury's authority (or that of his delegate) to approve regulations related to certain customs revenue functions.

List of Subjects in 19 CFR Part 12

Customs duties and inspection, Reporting and recordkeeping requirements.

Amendments to the CBP Regulations

For the reasons stated above in the preamble, CBP amends 19 CFR part 12 as set forth below.

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 continues and the specific authority for Sections 12.42 through 12.44 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff

Schedule of the United States (HTSUS)), 1624.

* * * * *

Sections 12.42 through 12.44 also issued under 19 U.S.C. 1307, Pub. L. 105–61 (111 Stat. 1272), and Public L. 114–125 (130 Stat. 122);

* * * * *

■ 2. Amend § 12.42 as follows:
■ a. Revise the section heading;
■ b. In paragraph (a), remove the words ''Commissioner of Customs'' and add in their place ''Commissioner of CBP'';
■ c. Revise paragraph (b);
■ d. In paragraphs (c), (d), (e), and (f) remove the words ''Commissioner of Customs'' and add in their place ''Commissioner of CBP''; and
■ e. In paragraph (g), remove the word ''specifed'' and add in its place ''specified'' and remove the word ''Customs'' and add in its place ''CBP'';

The revisions read as follows:

§ 12.42 Findings of Commissioner of CBP.

* * * * *

(b) Any person outside CBP who has reason to believe that merchandise produced in the circumstances mentioned in paragraph (a) of this section is being, or is likely to be, imported into the United States may communicate his belief to any port director or the Commissioner of CBP. Every such communication shall contain, or be accompanied by:

(1) A full statement of the reasons for the belief;

(2) A detailed description or sample of the merchandise; and

(3) All pertinent facts obtainable as to the production of the merchandise abroad.

* * * * *

§ 12.43 [Amended]

■ 3. In § 12.43, in paragraphs (a) and (b), remove the words ''Commissioner of Customs'' and add in their place the words ''port director or Commissioner of CBP''.

§ 12.44 [Amended]

■ 5. Amend § 12.44 as follows:
■ a. In paragraphs (a) and (b) remove all instances of the words ''Commissioner of Customs'' and add in their place ''Commissioner of CBP''; and
■ b. In paragraph (c) remove the word ''Customs'' and add in its place ''CBP''.

Dated: June 5, 2017.

Kevin K. McAleenan,

Acting Commissioner, U.S. Customs and Border Protection.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 2017–11908 Filed 6–7–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0456]

Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA

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 Ballard Bridge, mile 1.1, the Fremont Bridge, mile 2.6, and the University Bridge, mile 4.3, all crossing the Lake Washington Ship Canal at Seattle, WA. The deviation is necessary to accommodate the 4th of July fireworks event. This deviation allows the bridges to remain in the closed-to-navigation position to allow for the safe movement of event participants.

DATES: This deviation is effective from 9 p.m. on July 4, 2017, to 1 a.m. on July 5, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0456] 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 Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil*.

SUPPLEMENTARY INFORMATION: Seattle Department of Transportation, the owner of the impacted drawbridges, requested a temporary deviation from the operating schedule for the Ballard Bridge, mile 1.1, the Fremont Bridge, mile 2.6, and the University Bridge, mile 4.3, all crossing the Lake Washington Ship Canal at Seattle, WA, to facilitate safe passage of participants in the 4th of July fireworks event. The Ballard Bridge provides a vertical clearance of 29 feet in the closed-to-navigation position; the University Bridge provides a vertical clearance of 30 feet in the closed-to-navigation position; the Fremont Bridge provides a vertical clearance of 14 feet (31 feet of vertical clearance for the center 36 horizontal feet) in the closed-to-navigation position. Vertical clearances are referenced to the Mean Water Level of Lake Washington. The normal operating schedule for the three subject bridges is in 33 CFR 117.1051. During this deviation period, the Ballard Bridge and University Bridge need not open to marine vessels from 10 p.m. on July 4, 2017, to 1:00 a.m. on July 5, 2017, and the Fremont Bridge need not open to marine vessels from 9 p.m. on July 4, 2017, to 00:30 a.m. on July 5, 2017.

Waterway usage on Lake Washington Ship Canal ranges from commercial tug and barge to small pleasure craft. The Coast Guard conducted outreach to known users of this waterway for feedback on the deviation and received no objections. Vessels able to pass through the bridges in the closed-to-navigation position may do so at anytime. Both bridges will be able to open for emergencies, and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so 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: June 2, 2017.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2017–11901 Filed 6–7–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0488]

RIN 1625–AA00

Safety Zone; Columbia River, Goble, OR

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone along the navigable waters of the Columbia River in Goble, OR. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by vessel removal and remediation operations

near the vessel RIVER QUEEN. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Columbia River or a designated representative.

DATES: This rule is effective without actual notice from June 8, 2017 until 11:59 p.m. on June 30, 2017. For the purposes of enforcement, actual notice will be used from June 1, 2017, until June 8, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0488 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Laura Springer, Waterways Management Division, Marine Safety Unit Portland, U.S. Coast Guard; telephone 503–240–9319, email *msupdxwwm@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because to do so would be impracticable since delayed promulgation may result in injury to the maritime public or response personnel, and damage to vessels, equipment, and the marine environment. in the vicinity of the affected area from the hazards associated with vessel removal and remediation operations.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register** because such a delay may result in injury or damage to response personnel, vessels, and equipment; the maritime public; and/or the marine environment in the vicinity of the affected area from the hazards associated with vessel removal and remediation operations.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Columbia River (COTP) has determined that potential hazards associated with vessel removal and remediation operations starting June 1, 2017, will be a safety concern for anyone within a designated area surrounding the vessel RIVER QUEEN. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the removal and remediation operations are occurring.

IV. Discussion of the Rule

This rule establishes a safety zone from 8 a.m. June 1, 2017, through 11:59 p.m. June 30, 2017. If the safety concerns are abated before June 30, 2017, the Captain of the Port, Columbia River will issue a general permission to enter the zone and a separate rule to terminate the effective period of this rule. This safety zone covers all navigable waters of the Columbia River surrounding the vessel RIVER QUEEN located in Goble, OR, encompassed by these points: 46°00.566 N., 122°52.34 W.; 46°00.657 N., 122°52.34 W.; 46°00.658 N., 122°52.45 W.; and 46°00.563 N., 122°52.43 W. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during vessel removal and remediation operations. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This temporary final rule 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 (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, and duration of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of the Columbia River in Goble, OR for a month and during a time of year when vessel traffic is normally low. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's

responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that it is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule adjusts rates in accordance with applicable statutory and regulatory mandates. It is categorically excluded under section 2.B.2, figure 2–1, paragraph 34(g) of the Instruction, which pertains to minor regulatory changes that are editorial or procedural in nature. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T13–0488 to read as follows:

§ 165.T13–0488 Safety Zone; Columbia River, Goble, OR.

(a) *Location.* The following area is designated safety zone: All navigable waters of the Columbia River surrounding the vessel RIVER QUEEN located in Goble, OR, encompassed by a line connecting the following points: 46°00.566 N., 122°52.34 W.; 46°00.657 N., 122°52.34 W.; 46°00.658 N., 122°52.45 W.; and 46°00.563 N., 122°52.43 W.

(b) *Enforcement period.* This safety zone is in effect from June 1, 2017 until June 30, 2017. It will be subject to enforcement this entire period unless the Captain of the Port, Columbia River (COTP) determines it is no longer needed in which case the COTP will issue a general permission to enter the zone and a separate rule to terminate the effective period of this rule. The Coast Guard will inform mariners of any change to this period of enforcement via Broadcast Notice to Mariners.

(b) *Regulations.* In accordance with the general regulations in 33 CFR part 165, subpart C, no person may enter or remain in the safety zone created in this section or bring, cause to be brought, or allow to remain in the safety zone created in this section any vehicle, vessel, or object unless authorized by the Captain of the Port or his designated representative.

(c) *Enforcement.* Any Coast Guard commissioned, warrant, or petty officer may enforce the rules in this section.

D.F. Berliner,

Captain, U.S. Coast Guard, Acting Captain of the Port, Sector Columbia River.

[FR Doc. 2017–11846 Filed 6–7–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0412]

RIN 1625–AA00

Safety Zone; Navy Underwater Detonation (UNDET) Exercise, Apra Outer Harbor, GU

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within Apra Outer Harbor, Guam. The safety zone will encompass a U.S. Navy render safe underwater detonation (UNDET) exercise. The Coast Guard believes this safety zone regulation is necessary to protect the public and exercise participants within the affected area from safety hazards associated with the exercise. This safety zone will impact a small designated area of navigable waters in Apra Outer Harbor for 8 hours or less. With the exception of exercise participants, entry of vessels or persons into the zone is prohibited unless specifically authorized by the Captain of the Port Guam.

DATES: This rule is effective from 8 a.m. through 4 p.m. on June 21, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://*

www.regulations.gov, type USCG–2017–0412 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Robin Branch, Sector Guam, U.S. Coast Guard; telephone (671) 355–4939, email *wwmguam@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

After the Coast Guard analyzed the scope and potential impacts associated with a temporary safety zone being established, the Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to public interest. Publishing an NPRM and delaying promulgation of the safety zone would be impracticable and contrary to public interest because immediate actions is needed to protect the safety of the public and exercise participants from the hazards associated with this exercise.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Due to the dangers associated with the UNDET exercise, delaying the effective period of this safety zone beyond June 21, 2017 would be impracticable and contrary to public interest.

The temporary final rule establishing the restricted navigation area relates to the establishment of the safety zone itself. It does not address or regulate the UNDET exercise. The U.S. Navy environmental impact statement and public involvement for the UNDET activity is available at *http://mitt-eis.com/*.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Guam concurs with the U.S. Navy that potential hazards associated with the UNDET exercise on June 21, 2017 is a safety concern for anyone within a 700-yard radius above and below the surface in the area of the exercise. This rule is needed to protect the public, exercise participants, and vessels in the navigable waters within the safety zone during the exercise. Mariners and divers approaching too close to such exercises will be exposed to hazardous conditions and place the exercise participants at risk.

IV. Discussion of the Rule

This rule establishes a safety zone from 8 a.m. through 4 p.m. on June 21, 2017. The safety zone will cover all navigable waters within 700-yards above and below the surface of the water around the exercise. The duration of the zone is intended to protect the public, exercise participants, and vessels in navigable waters during the exercise. No vessel or person, with the exception of exercise participants, will be permitted to enter the safety zones without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

E.O.s 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. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been determined a ''significant regulatory action'' under E.O. 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location and duration of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of waters in the outer harbor for 8 hours or less. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone. Further, the rule allows vessels and persons to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that the establishment of a safety zone is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting up to eight hours that will prohibit entry within 700-yards above and below the surface of a Navy training exercise. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T14–0421 to read as follows:

§ 165. T14–0421 Safety Zone; Navy Underwater Detonation (UNDET) Exercise, Apra Outer Harbor, GU.

(a) *Location.* The following areas, within the Captain of the Port (COTP) Guam Zone (See 33 CFR 3.70–15), from the surface of the water to the ocean floor, are safety zones:

Apra Outer Harbor, Guam, June 21, 2017. All waters above and below the surface bounded by a circle with a 700-yard radius centered at 13 degrees 27 minutes 71 seconds North Latitude and 144 degrees 38 minutes 50 seconds East Longitude, (NAD 1983).

(b) *Effective period.* This section is effective from 8 a.m. through 4 p.m. on June 21, 2017, unless canceled earlier by the COTP Guam.

(c) *Regulations.* The general regulations governing safety zones contained in 33 CFR 165.23 apply. No vessels, with the exception of exercise participants may enter or transit safety zones and no persons in the water, with the exception of exercise participants may enter or transit safety zone unless authorized by the COTP Guam or a designated representative thereof.

(d) *Enforcement.* Any Coast Guard commissioned, warrant, or petty officer, and any other COTP Guam representative permitted by law, may enforce these temporary safety zones.

(e) *Waiver.* The COTP Guam may waive any of the requirements of this section for any person, vessel, or class of vessel upon finding that application of the safety zone is unnecessary or impractical for the purpose of maritime safety and security.

(f) *Penalties.* Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: May 17, 2017.

James B. Pruett,

Captain, U.S. Coast Guard, Captain of the Port, Guam.

[FR Doc. 2017–11926 Filed 6–7–17; 8:45 am]

BILLING CODE 9110–04–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1270

[FDMS No. NARA–16–0005; NARA–2017–042]

RIN 3095–AB87

Presidential Records

AGENCY: National Archives and Records Administration (NARA).

ACTION: Final rule.

SUMMARY: We are revising this regulation to reflect changes instituted by the Presidential and Federal Records Acts Amendments of 2014 (2014 Amendments). These Amendments in part added new requirements to the Presidential Records Act (PRA), which went into effect in 2014. The changes to this regulation make clear that, when we maintain electronic Presidential records on behalf of the President before the President's term of office expires, the President retains exclusive control over the records. In addition, the proposed changes establish procedures that we will follow to notify an incumbent President and former President when we propose to disclose Presidential records to the public, Congress, the courts, or the incumbent President under the provisions of the PRA allowing for access to Presidential records otherwise subject to restrictions. We began the regulatory revision process in response to the 2014 Amendments to reduce confusion about access to Presidential records in light of these recent changes in the law. We published a notice of proposed rulemaking in the **Federal Register** on

December 28, 2016, with a public comment period ending on January 27, 2017. We received no comments.

DATES: This rule is effective on July 10, 2017.

ADDRESSES: National Archives and Records Administration; Regulation Comments Desk, Suite 4100; 8601 Adelphi Road; College Park, MD 2074-6001.

FOR FURTHER INFORMATION CONTACT: Kimberly Keravuori, by email at *regulation_comments@nara.gov,* by telephone at 301–837–3151, or by mail at External Policy Program Manager; Strategy Division (MP), Suite 4100; National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001.

SUPPLEMENTARY INFORMATION:

Background

We are revising our regulations governing Presidential and Vice Presidential records to incorporate changes made by the Presidential and Federal Records Act Amendments of 2014, (''2014 Amendments,'' Pub. L. 113–187, 128 Stat. 1017).

The 2014 Amendments made several changes to the Presidential Records Act (44 U.S.C. 2201–2209). The most substantial change was codifying the procedures by which we notify former and incumbent Presidents so that they may consider whether to restrict public access to Presidential records of former Presidents that are in our legal custody. Executive order previously controlled this review process, which was then subject to change by any sitting administration. Because Congress codified the privilege review for public disclosures in the 2014 Amendments, we are revising the regulation to set out processes for giving notice in such cases, and for former or incumbent Presidents to consider whether to assert a constitutionally based privilege.

The 2014 Amendments did not codify the provisions of the Executive Order allowing for notification to the former and incumbent President when Congress, the courts, or the incumbent President (instead of the public) makes the request for records subject to access restrictions. To ensure that the former and incumbent Presidents are given notice and an opportunity to consider whether to assert a constitutionally based privilege in those circumstances as well, we are revising our regulation to set out procedures we follow prior to disclosing records under the PRA's exceptions to restricted access, which are similar to the procedures we follow when we propose to make disclosures to the public.

The 2014 Amendments also authorized an incumbent President to transfer physical custody of their permanent electronic Presidential records to NARA, while leaving legal custody with the President, and some other minor changes. We are therefore also revising the regulation to reflect these changes.

We are also making a small revision to the regulation to be consistent with 2016 amendments to the Freedom of Information Act, and are revising the wording and organization of the regulation to make it easier to follow, in compliance with provisions of the Plain Writing Act of 2010.

Regulatory Analysis

Review Under Executive Orders 12866 and 13563

Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (September 30, 1993), and Executive Order 13563, Improving Regulation and Regulation Review, 76 FR 23821 (January 18, 2011), direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). This rule is ''significant'' under section 3(f) of Executive Order 12866. It involves revisions to existing regulations to bring them in line with statutory changes, and affects only individuals or Government entities and access to Presidential or Vice Presidential records. The Office of Management and Budget (OMB) has reviewed this regulation.

Review Under Executive Order 13771

This action is exempt from Executive Order 13771, 82 FR 9339 (February 3, 2017) because it is a regulation issued with respect to agency organization and management.

Review Under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.)

Although this rule is not subject to the Regulatory Flexibility Act, *see* 5 U.S.C. 553(a)(2), 601(2), NARA has considered whether this rule, if promulgated, would have a significant economic impact on a substantial number of small entities (5 U.S.C. 603). NARA certifies, after review and analysis, that this rule will not have a significant adverse economic impact on a substantial number of small entities because it affects only individuals or Government entities and access to Presidential or Vice Presidential records.

Review Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, et seq.)

This rule does not contain any information collection requirements subject to the Paperwork Reduction Act.

Review Under Executive Order 13132, Federalism, 64 FR 43255 (August 4, 1999)

Review under Executive Order 13132 requires that agencies review regulations for Federalism effects on the institutional interest of states and local governments, and, if the effects are sufficiently substantial, prepare a Federal assessment to assist senior policy makers. This rule will not have any direct effects on State and local governments within the meaning of the Executive Order. Therefore, the regulation requires no Federalism assessment.

List of Subjects in 36 CFR Part 1270

Archives and records, Government in the Sunshine Act, Open government, Presidential records.

■ For the reasons stated in the preamble, NARA revises 36 CFR part 1270 to read as follows:

PART 1270—PRESIDENTIAL RECORDS

Subpart A—General Provisions

Subpart B—Custody and Control of Presidential Records

Subpart C—Disposing of Presidential Records

Subpart D—Accessing Presidential Records

Authority: 44 U.S.C. 2201–2209.

Subpart A—General Provisions

§ 1270.1 Scope of part.

This part implements the provisions of the Presidential Records Act of 1978, as amended, 44 U.S.C. 2201–2209, and establishes requirements for preserving, protecting, disposing of, and providing access to all Presidential and Vice-Presidential records created during a Presidential or Vice Presidential term of office beginning on or after January 20, 1981.

§ 1270.2 Application.

This part, except §§ 1270.46 and 1270.48, applies to Vice-Presidential records in the same manner as to Presidential records. The Vice President's duties and responsibilities, with respect to Vice-Presidential records, are the same as the President's duties and responsibilities with respect to Presidential records, except those in §§ 1270.46 and 1270.48. The Archivist's authority with respect to Vice-Presidential records is the same as the Archivist's authority with respect to Presidential records, except that the Archivist may enter into an agreement with a non-Federal archival repository to deposit Vice-Presidential records, if the Archivist determines it to be in the public interest.

§ 1270.4 Definitions.

For the purposes of this part—

Agency has the meaning given by 5 U.S.C. 551(1)(A)–(D) and 552(f).

Archivist means the Archivist of the United States or staff of the National Archives and Records Administration acting on behalf of the Archivist.

Presidential records has the meaning given by 44 U.S.C. 2201(2).

Subpart B—Custody and Control of Presidential Records

§ 1270.20 Presidential records in the physical custody of the Archivist.

During a President's term of office, the President may request that the Archivist maintain physical custody of Presidential records, including digital or electronic records. However, the President remains exclusively responsible for control and access to their records until their term of office concludes. During the President's terms of office, the Archivist does not disclose any of these records, except under the President's direction, until the President's term of office concludes. If a President serves consecutive terms, the Archivist does not disclose records without the President's direction until the end of the last term, or the end of another period if specified in 44 U.S.C. 2204 and subpart E of this part.

§ 1270.22 Designating a representative to act for a President.

(a) Title 44 U.S.C. chapter 22 grants the President certain discretion and authority over Presidential records. An incumbent or former President may designate one or more representatives to exercise this discretion and authority, including in the event of the President's death or disability.

(b) The designation under paragraph (a) of this section is effective only if the Archivist receives written notice of it, including the names of the representatives, before the President dies or is disabled.

§ 1270.24 When the Archivist may act for a President.

If a President specifies restrictions on access to Presidential records under 44 U.S.C. 2204(a), but has not made a designation under § 1270.22 at the time of their death or disability, the Archivist exercises the President's discretion or authority under 44 U.S.C. 2204, except as limited by 44 U.S.C. 2208 and § 1270.48.

Subpart C—Disposing of Presidential Records

§ 1270.30 Disposing of Presidential records by an incumbent President.

An incumbent President may dispose of any Presidential records of their administration that, in the President's opinion, lack administrative, historical, informational, or evidentiary value, if the President obtains the Archivist's written views about the proposed disposal and either—

(a) Those views state that the Archivist does not intend to request Congress's advice on the matter because the Archivist either does not consider the records proposed for disposal to be of special interest to Congress or does not consider it to be in the public interest to consult with Congress about the proposed disposal; or

(b)(1) Those views state that the Archivist considers either that the records proposed for disposal may be of special interest to Congress or that consulting with Congress about the proposed disposal is in the public interest; and

(2) The President submits copies of the proposed disposal schedule to the Senate and the House of Representatives at least 60 calendar days of continuous congressional session before the proposed disposal date. For the purpose of this section, a continuous congressional session breaks only when Congress adjourns *sine die* (with no date set to resume). If either House of Congress adjourns with a date set to resume, and breaks for more than three days, the adjourned days do not count when computing the 60-day timeline. The President submits copies of the proposed disposal schedule to the Senate Committees on Rules and Administration and Homeland Security and Governmental Affairs, and to the House Committees on House Administration and Oversight and Government Reform.

§ 1270.32 Disposing of Presidential records in the Archivist's custody.

(a) The Archivist may dispose of Presidential records in the Archivist's legal custody that the Archivist appraises and determines to have insufficient administrative, historical, informational, or evidentiary value to warrant continuing to preserve them.

(b) If the Archivist determines that Presidential records have insufficient value under paragraph (a) of this section, the Archivist publishes a proposed disposal notice in the **Federal Register** with a public comment period of at least 45 days. The notice describes the records the Archivist proposes to dispose of, the reason for disposing of them, and the projected earliest disposal date.

(c) After the public comment period in paragraph (b) of this section, the Archivist publishes a final disposal notice in the **Federal Register** at least 60 calendar days before the earliest disposal date. The notice includes:

(1) A reasonably specific description of the records scheduled for disposal;

(2) The earliest disposal date; and

(3) A concise statement of the reason for disposing of the records.

(d) Publishing the notice required by paragraph (c) of this section in the **Federal Register** constitutes a final agency action for purposes of review under 5 U.S.C. 701–706.

Subpart D—Accessing Presidential Records

§ 1270.38 Public access to Presidential records.

Public access to Presidential records generally begins five years after the President leaves office, and is administered through the Freedom of Information Act (5 U.S.C. 552), as modified by the Presidential Records Act (44 U.S.C. 2204(c)).

§ 1270.40 Restricting access to Presidential records.

(a) An incumbent President may, prior to the end of the President's term of office or last consecutive term of office, restrict access to certain information within Presidential records created during their administration, for

a period not to exceed 12 years after the President leaves office (in accordance with 44 U.S.C. 2204).

(b) If a President specifies such restrictions, the Archivist consults with that President or the President's designated representative to identify the affected records, or any reasonably segregable portion of them.

(c) The Archivist then restricts public access to the identified records or the restricted information contained in them until the earliest of following occurs:

(1) The restricting President waives the restriction, in whole or in part;

(2) The restriction period in paragraph (a) of this section expires for the category of information; or

(3) The Archivist determines that the restricting President or an agent of that President has published the restricted record, a reasonably segregable portion of the record, or any significant element or aspect of the information contained in the record, in the public domain.

§ 1270.42 Appealing restricted access.

(a) If the Archivist denies a person access to a Presidential record or a reasonably segregable portion of it due to a restriction made under § 1270.40, that person may file an administrative appeal. To file an administrative appeal requesting access to Presidential records, send it to the director of the Presidential Library of the President during whose term of office the record was created, at the address listed in 36 CFR 1253.3. To file an administrative appeal requesting access to Vice Presidential records, send it to the director of the Presidential Materials Division at the address listed in 36 CFR 1253.1.

(b) An appeal must arrive to the director within 90 calendar days from the date on the access denial letter.

(c) Appeals must be in writing and must identify:

(1) The specific records the requester is seeking; and

(2) The reasons why the requester believes they should have access to the records.

(d) The director responds to the requester in writing and within 30 working days from the date they receive the appeal. The director's response states whether or not the director is granting access to the Presidential records and the basis for that decision. The director's decision to withhold release of Presidential records is final and is not subject to judicial review.

§ 1270.44 Exceptions to restricted access.

(a) Even when a President imposes restrictions on access under § 1270.40, NARA still makes Presidential records of former Presidents available in the following instances, subject to any rights, defenses, or privileges which the United States or any agency or person may invoke:

(1) To a court of competent jurisdiction in response to a properly issued subpoena or other judicial process, for the purposes of any civil or criminal investigation or proceeding;

(2) To an incumbent President if the President seeks records that contain information they need to conduct current Presidential business and the information is not otherwise available;

(3) To either House of Congress, or to a congressional committee or subcommittee, if the congressional entity seeks records that contain information it needs to conduct business within its jurisdiction and the information is not otherwise available; or

(4) To a former President or their designated representative for access to the Presidential records of that President's administration, except that the Archivist does not make any original Presidential records available to a designated representative that has been convicted of a crime that involves reviewing, retaining, removing, or destroying NARA records.

(b) The President, either House of Congress, or a congressional committee or subcommittee must request the records they seek under paragraph (a) of this section from the Archivist in writing and, where practicable, identify the records with reasonable specificity.

(c) The Archivist promptly notifies the President (or their representative) during whose term of office the record was created, and the incumbent President (or their representative) of a request for records under paragraph (a) of this section.

(d) Once the Archivist notifies the former and incumbent Presidents of the Archivist's intent to disclose records under this section, either President may assert a claim of constitutionally based privilege against disclosing the record or a reasonably segregable portion of it within 30 calendar days after the date of the Archivist's notice. The incumbent or former President must personally make any decision to assert a claim of constitutionally based privilege against disclosing a Presidential record or a reasonably segregable portion of it.

(e) The Archivist does not disclose a Presidential record or reasonably segregable part of a record if it is subject to a privilege claim asserted by the incumbent President unless:

(1) The incumbent President withdraws the privilege claim; or

(2) A court of competent jurisdiction directs the Archivist to release the record through a final court order that is not subject to appeal.

(f)(1) If a former President asserts the claim, the Archivist consults with the incumbent President, as soon as practicable and within 30 calendar days from the date that the Archivist receives notice of the claim, to determine whether the incumbent President will uphold the claim.

(2) If the incumbent President upholds the claim asserted by the former President, the Archivist does not disclose the Presidential record or a reasonably segregable portion of the record unless:

(i) The incumbent President withdraws the decision upholding the claim; or

(ii) A court of competent jurisdiction directs the Archivist to disclose the record through a final court order that is not subject to appeal.

(3) If the incumbent President does not uphold the claim asserted by the former President, fails to decide before the end of the 30-day period detailed in paragraph (f)(1) of this section, or withdraws a decision upholding the claim, the Archivist discloses the Presidential record 60 calendar days after the Archivist received notification of the claim (or 60 days after the withdrawal) unless a court order in an action in any Federal court directs the Archivist to withhold the record, including an action initiated by the former President under 44 U.S.C. 2204(e).

(g) The Archivist may adjust any time period or deadline under this subpart, as appropriate, to accommodate records requested under this section.

§ 1270.46 Notice of intent to disclose Presidential records to the public.

When the Archivist determines it is in the public interest to make a Presidential record available to the public for the first time, the Archivist will:

(a) Promptly notify, in writing, the former President during whose term of office the record was created and the incumbent President, or their representatives, of the intended disclosure. This notice informs the Presidents of the 60-day period in which either President may make a claim of constitutionally based privilege under § 1270.48; and

(b) Notify the public. The notice includes the following information about the intended disclosure:

(1) The number of pages;

(2) A brief description of the records;

(3) The NARA case number;

(4) The date on which the 60-working-day period set out in § 1270.48(a) expires; and

(5) Any other information the Archivist may decide.

§ 1270.48 Releasing records to the public and claiming privilege against disclosure.

(a) Once the Archivist notifies the former and incumbent Presidents of the Archivist's intent to disclose records under § 1270.46, either President may assert a claim of constitutionally based privilege against disclosing the record or a reasonably segregable portion of it. A President must assert their claim within 60 working days after the date of the Archivist's notice, and make the claim in accordance with paragraph (d) of this section.

(b) If neither President asserts a claim within the 60-working-day period, the Archivist discloses the Presidential record covered by the notice. If either President asserts a claim on a reasonably segregable part of the record, the Archivist may disclose only the portion of the record not subject to the claim.

(c)(1) The incumbent or former President may extend the period under paragraph (a) of this section once, for not more than 30 additional working days, by sending the Archivist a written statement asserting that the President needs the extension to adequately review the record.

(2) However, if the 60-day period under paragraph (a) of this section, or any extension of that period under paragraph (c)(1) of this section, would end during the first six months of the incumbent President's first term of office, then the 60-day period or extension automatically extends to the end of that six-month period.

(d)(1) The incumbent or former President must personally make any decision to assert a claim of constitutionally based privilege against disclosing a Presidential record or a reasonably segregable portion of it.

(2) The President must notify the Archivist, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, of a privilege claim under paragraph (a) of this section on the same day that the President asserts such a claim.

(e)(1) If a former President asserts the claim, the Archivist consults with the incumbent President, as soon as practicable and within 30 calendar days from the date that the Archivist receives notice of the claim, to determine whether the incumbent President will uphold the claim.

(2) The Archivist notifies the former President and the public of the incumbent President's decision on the former President's claim no later than 30 calendar days after the Archivist receives notice of the claim.

(3) If the incumbent President upholds the claim asserted by the former President, the Archivist does not disclose the Presidential record or a reasonably segregable portion of the record unless:

(i) The incumbent President withdraws the decision upholding the claim; or

(ii) A court of competent jurisdiction directs the Archivist to disclose the record through a final court order that is not subject to appeal.

(4) If the incumbent President does not uphold the claim asserted by the former President, fails to decide before the end of the 30-day period detailed in paragraph (e)(1) of this section, or withdraws a decision upholding the claim, the Archivist discloses the Presidential record 90 calendar days after the Archivist received notification of the claim (or 90 days after the withdrawal) unless a court order in an action in any Federal court directs the Archivist to withhold the record, including an action initiated by the former President under 44 U.S.C. 2204(e).

(f) The Archivist does not disclose a Presidential record or reasonably segregable part of a record if it is subject to a privilege claim asserted by the incumbent President unless:

(1) The incumbent President withdraws the privilege claim; or

(2) A court of competent jurisdiction directs the Archivist to release the record through a final court order that is not subject to appeal.

§ 1270.50 Consulting with law enforcement agencies.

(a) The Archivist requests specific guidance from the appropriate law enforcement agency when the Archivist is determining whether to release Presidential records compiled for law enforcement purposes that may be subject to 5 U.S.C. 552(b)(7). The Archivist requests guidance if:

(1) No general guidance applies;

(2) The record is particularly sensitive; or

(3) The type of record or information is widespread throughout the files.

(b) When the Archivist decides to release Presidential records compiled for law enforcement purposes, the Archivist notifies any agency that has provided guidance on those records under this section. The notice includes the following:

(1) A description of the records in question;

(2) A statement that the records described contain information compiled for law enforcement purposes and may be subject to the exemption provided by 5 U.S.C. 552(b)(7) for records of this type; and

(3) The name of a contact person at NARA.

(c) Any guidance an agency provides under paragraph (a) of this section is not binding on the Archivist. The Archivist decides whether Presidential records are subject to the exemption in 5 U.S.C. 552(b)(7).

David S. Ferriero,

Archivist of the United States.

[FR Doc. 2017–11895 Filed 6–7–17; 8:45 am]

BILLING CODE 7515–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 60

RIN 2900–AP45

Fisher Houses and Other Temporary Lodging

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations concerning Fisher House and other temporary lodging furnished by VA while a veteran is experiencing an episode of care at a VA medical facility. Such lodging is generally furnished at no cost to veterans' relatives, close friends, and caregivers, because VA's experience has shown that veterans' treatment outcomes are improved by having loved ones nearby. The final rule updates current regulations and better describes the application process for this lodging along with generally reflecting current VA policy and practice.

DATES: This final rule is effective July 10, 2017.

FOR FURTHER INFORMATION CONTACT: Jennifer Koget, National Fisher House and Family Hospitality Program Manager, Care Management and Social Work (10P4C), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–6780. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: VA's program for providing temporary lodging for certain individuals is authorized by section 1708 of title 38, United States Code (U.S.C.). Under

section 1708, VA ''may furnish [certain] persons . . . with temporary lodging in a Fisher [H]ouse or other appropriate facility in connection with the examination, treatment, or care of a veteran under [chapter 17].'' This authority to provide temporary lodging assists VA in providing appropriate treatment and care to veterans because patients often respond better when they are accompanied by relatives, close friends, or caregivers. Thus, providing temporary lodging can be an important element of a veteran's treatment. VA implemented its authority under section 1708 in 38 CFR part 60. The previous regulation no longer accurately described the process by which VA approved requests for Fisher House or other temporary lodging. This final rule amends the regulation to describe the current process.

Prior to January 26, 2016, VA employed VA Form 10–0408A as ''the application for Fisher House and other temporary lodging.'' On January 26, 2016, VA proposed to amend § 60.15 because the application process substantially changed. See 81 FR 4223. We discontinued use of this form in favor of a different process when accepting Fisher House requests. Now, VA requires those making requests to contact VA directly, so we may capture in the veteran's electronic health records all of the information the requester would have included on the form.

The new process has improved the efficiency of evaluating requests for Fisher House and other temporary housing for several reasons. VA facilities cannot practicably store paper forms, and electronic processing will save time and money compared to scanning paper forms into a veteran's medical record. Additionally, because the consult becomes part of the veteran's electronic health record, VA staff can view it when future requests for temporary housing are received. This will save time for the veteran, who will need to provide only updated information to VA staff, rather than having to complete a new form. Accordingly, we proposed amendments to § 60.15(a) by deleting reference to Form 10–0408A and replacing it with a description of the new process.

We provided a 60-day comment period, which ended on March 23, 2016. We received zero (0) comments on the proposed rule. Based on the rationale set forth in the proposed rule and in this document, VA is adopting the provisions of the proposed rule as a final rule with no changes as noted above.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Paperwork Reduction Act

This final rule contains no new provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule will not cause a significant economic impact on health care providers, suppliers, or entities because the proposed rule will apply only to patients receiving care at VA facilities. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

Executive Order 12866, 13563 and 13771

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' requiring review by the Office of Management and Budget (OMB), unless OMB waives such review, as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order. The economic, interagency, budgetary, legal, and policy implications of this final rule have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. Consistent with EO 13771 (82 FR 9339, February 3, 2017) we have estimated the cost savings for this proposed rule to be: $1,999,992. Therefore, this rule is expected to be an EO 13771 deregulatory action.

VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www.va.gov/orpm/,* by following the link for VA Regulations Published From FY 2004 Through Fiscal Year to Date.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program number and title for this rule are as follows: 64.007, Blind Rehabilitation Centers; 64.008, Veterans Domiciliary Care; 64.009, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.011, Veterans Dental Care; 64.013, Veterans Prosthetic Appliances; 64.014, Veterans State Domiciliary Care; 64.015, Veterans State Nursing Home Care; 64.016, Veterans State Hospital Care; 64.018, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; 64.022, Veterans Home Based Primary Care; and 64.024, VA Homeless Providers Grant and Per Diem Program.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on May 15, 2017, for publication.

List of Subjects in 38 CFR Part 60

Health care, Housing, Reporting and recordkeeping requirements, Travel, Veterans.

Dated: June 5, 2017.

Janet Coleman,

Chief, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons set out in the preamble, VA amends 38 CFR part 60 as follows:

PART 60—FISHER HOUSES AND OTHER TEMPORARY HOUSING

■ 1. The authority citation for part 60 continues to read as follows:

Authority: 38 U.S.C. 501, 1708, 1710(a) and as noted in specific sections.

§ 60.10 [Amended]

■ 2. Amend § 60.10 by removing the word ''application'' once in paragraph (a) and twice in paragraph (c) introductory text and adding in its place the word ''request''.

■ 3. Amend § 60.15 by revising paragraphs (a) and (b)(1), (6), and (7) to read as follows:

§ 60.15 Process for requesting Fisher House or other temporary lodging

(a) *Submitting requests.* An accompanying individual requesting Fisher House or other temporary lodging must contact directly the provider, social worker, case manager, or Fisher House Manager at the veteran's VA health care facility of jurisdiction. Upon receiving a request, VA will determine the accompanying individual's eligibility for the requested housing, as provided in paragraph (b)(5) of this section.

(b) *Processing requests.* (1) Requests for all temporary housing are generally processed in the order that they are received by VA, and temporary lodging is then granted on a first come, first served basis; however, in extraordinary circumstances, such as imminent death, critical injury, or organ donation, requests may be processed out of order.

* * * * *

(6) If VA denies a request for one type of lodging, such as at a Fisher House, the request will be considered for other temporary lodging and vice versa, if the requester is eligible.

(7) If VA denies a request for temporary lodging, VA will refer the request to a VA social worker at the VA health care facility of jurisdiction to determine if other arrangements can be made.

* * * * *

[FR Doc. 2017–11888 Filed 6–7–17; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0318; FRL–9960–07–Region 9]

Approval of California Air Plan Revisions, Imperial County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Imperial County Air Pollution Control District (ICAPCD) portion of the California State Implementation Plan (SIP). These revisions concern emissions of volatile organic compounds (VOCs) and particulate matter (PM) from large confined animal facilities (LCAFs). We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: These rules will be effective on July 10, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2016–0318. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Nancy Levin, EPA Region IX, (415) 972 3848, *levin.nancy@epa.gov*.

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

Table of Contents

I. Proposed Action

On December 9, 2016 (81 FR 89024), the EPA proposed to approve the following rules into the California SIP.

Local agency	Rule No.	Rule Title	Adopted/ amended/ revised	Submitted
ICAPCD	217	Large Confined Animal Facilities (LCAF) Permits Required	02/09/2016	04/21/2016
ICAPCD	101	Definitions	02/09/2016	04/21/2016
ICAPCD	202	Exemptions	02/09/2016	04/21/2016

We proposed to approve these rules because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. We received no comments during this period.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving these rules into the California SIP.

IV. Incorporation by Reference

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

V. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 7, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: January 11, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(351)(i)(A)(*5*), (c)(442)(i)(A)(*4*), and (c)(485) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(351) * * *

(i) * * *

(A) * * *

(*5*) Previously approved on May 9, 2011 in paragraph (c)(351)(i)(A)(*4*) of this section and now deleted with replacement in paragraph (c)(485)(i)(A)(*2*), Rule 202, ''Exemptions,'' revised on October 10, 2006.

* * * * *

(442) * * *

(i) * * *

(A) * * *

(*4*) Previously approved on October 2, 2014 in paragraph (c)(442)(i)(A)(*1*) of this section and now deleted with replacement in paragraph (c)(485)(i)(A)(*1*), Rule 101, ''Definitions,'' revised on October 22, 2013.

* * * * *

(485) New and amended regulations were submitted on April 21, 2016 by the Governor's designee.

(i) *Incorporation by reference.* (A) Imperial County Air Pollution Control District.

(*1*) Rule 101, ''Definitions,'' revised February 9, 2016.

(*2*) Rule 202, ''Exemptions,'' revised February 9, 2016.

(*3*) Rule 217, ''Large Confined Animal Facilities (LCAF) Permits Required,'' revised February 9, 2016.

[FR Doc. 2017–11831 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2016–0464; FRL–9962–23–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Revisions to the General Definitions for Texas Air Quality Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (the Act or CAA), the Environmental Protection Agency (EPA) is approving revisions of the Texas State Implementation Plan (SIP) pertaining to EPA's latest definition of volatile organic compounds (VOC), aligning the lead reporting threshold with the EPA's Annual Emissions Reporting Rule (AERR), shortening the distance from the shoreline for applicable offshore sources to report an emission inventory, and revising terminology and definitions for clarity or consistency with the EPA's AERR.

DATES: This rule is effective on September 6, 2017, unless EPA receives relevant adverse comments by July 10, 2017. If EPA receives relevant adverse comments, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2016–0464, at *http://www.regulations.gov* or via email to *salem.nevine@epa.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the Web, cloud, or other file sharing system). For additional submission methods, please contact Ms. Nevine Salem, (214) 665–7222, *salem.nevine@epa.gov*. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Ms. Nevine Salem, (214) 665–7222, *salem.nevine@epa.gov*. To inspect the hard copy materials, please schedule an appointment with Ms. Nevine Salem or Mr. Bill Deese at 214–665–7253.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

On July 28, 2016, Texas Commission on Environmental Quality (TCEQ) submitted a SIP revision to EPA for review and approval. The SIP revisions include amendments to 30 TAC Section 101.1 and 101.10 in 30 TAC Chapter 101, General Air Quality Rules, Subchapter A, General Rules and corresponding revisions to the State Implementation Plan (SIP). The submitted revisions are described below:

1. Definitions Updates—TAC Chapter 101, Section 101.1

EPA periodically revises the list of negligibly reactive compounds to add or delete organic volatile compounds (VOC) from regulation on the basis that these compounds make a negligible contribution to tropospheric ozone [1] formation. Section 302(s) of the CAA specifies that the EPA has the authority to define the meaning of ''VOC,'' and hence what compounds shall be treated as VOCs for regulatory purposes. The policy of excluding negligibly reactive compounds from the VOC definition was first set forth in the ''Recommended Policy on Control of Volatile Organic Compounds'' (42 FR 35314, July 8, 1977) and was supplemented most recently with the ''Interim Guidance on Control of Volatile Organic Compounds in Ozone State Implementation Plans'' (Interim Guidance) (70 FR 54046, September 13, 2005). The EPA uses the reactivity of ethane as the threshold for determining whether a compound has negligible reactivity. Compounds that are less reactive than, or equally reactive to, ethane under certain assumed conditions may be deemed negligibly reactive and therefore suitable for exemption from the regulatory definition of VOC. Compounds that are more reactive than ethane continue to be considered VOCs for regulatory purposes and therefore are subject to control requirements. The selection of ethane as the threshold compound was based on a series of smog chamber experiments that underlay the 1977 policy.

The EPA lists compounds that it has determined to be negligibly reactive in its regulations as being excluded from the definition of VOC. (40 CFR 51.100(s)). The specific organic compounds that will be excluded from TCEQ's definition of VOC that is in the SIP with this revision include: *trans*-1,3,3,3-tetrafluoropropene; 2,3,3,3-tertrafluropropene,[2] HCF_2OCF_2H (HFE-134); $HCF_2OCF_2OCF_2H$ (HFE-236cal2); $HCF_2OCF_2CF_2OCF_2H$ (HFE-338pcc13); $HCF_2OCF_2OCF_2CF_2OCF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130(or150 or 180)),[3] *trans*- 1-chloro-3,3,3-trifluoroprop-1-ene,[4] and 2-amino-2-methyl-1-propanol,[5] Texas is updating its SIP to be consistent with current EPA definitions to provide clarity and consistency for owners and operators of sources subject to TCEQ rules regarding VOC control.

[1] Tropospheric ozone, commonly known as smog, is formed when VOCs and nitrogen oxides (NO_X) react in the atmosphere in the presence of sunlight. Because of the harmful health effects of ozone, the EPA and state governments limit the amount of VOCs that can be released into the atmosphere. VOCs are those organic compounds of carbon that form ozone through atmospheric photochemical reactions. Different VOCs have different levels of reactivity. That is, they do not react to form ozone at the same speed or do not form ozone to the same extent. Some VOCs react slowly or form less ozone; therefore, changes in their emissions have less and, in some cases, very limited effects on local or regional ozone pollution episodes. It has been the EPA's policy that organic compounds with a negligible level of reactivity should be excluded from the regulatory VOC definition so as to focus VOC control efforts on compounds that do significantly increase ozone concentrations. The EPA also believes that exempting such compounds creates an incentive for industry to use negligibly reactive compounds in place of more highly reactive compounds that are regulated as VOCs.

[2] See 78 FR 62451, October 22, 2013—Exclusion of *trans*-1&2, 3,3,3,-tetrafluoropropene.

[3] See 78 FR 9823, February 12, 2013—Exclusion of group of four Hydrofluoropolyethers (HPEPs).

[4] See 78 FR 53029, August 28, 2013—Exclusion of *trans* 1-Chloro-3,3,3 trifluoroprop-1-ene.

[5] See 79 FR 17037, March 27, 2014—Exclusion of 2-amino-2-methyl-1-propanol.

2. Emission Inventory Requirements in TAC Chapter 101, Section 101.10

A. Lead Reporting Threshold

On February 6, 2015 (80 FR 8787), the EPA finalized revisions to 40 Code of Federal Regulations (CFR) Part 51, Subpart A, Air Emissions Reporting Rule (AERR) and in 40 CFR 51.122 that lowered the lead (Pb) point source reporting threshold to 0.5 tons per year (tpy). The purpose of this change was to match requirements of the Pb Ambient Air Monitoring Requirements rule (75 FR 81126), which required monitoring agencies to install and operate source-oriented ambient monitors near Pb sources emitting 0.50 tpy or more by December 27, 2011. With this action, the EPA lowered the point source threshold for Pb emissions to 0.5 tons per year (tpy) of actual emissions. The current TCEQ emissions inventory (EI) reporting rule at 30 TAC Section 101.10 in the SIP (and previous version of the AERR) language requires a source to submit an EI if it has 10 tpy or more of actual or 25 tpy or more of potential lead emissions. Currently, the data needed to meet the new EPA lead reporting threshold requirement are collected under TCEQ's special inventory [6] which requires TCEQ to annually identify and contact these sources for an inventory. This revision for lowering the lead reporting threshold aligns 30 TAC Section 101.10 with the reporting requirements in the EPA's AERR (40 CFR part 51) and would require sources to self-identify and report a full and complete EI annually if they emit 0.5 tpy or more of lead.

B. Off-Shore Emission Inventory Reporting Requirement

Under the current SIP, sources within 25 statute [7] miles from the shoreline are required to submit an EI if the source meets one of the reporting threshold in 30 TAC Section 101.10. TCEQ proposed amendment shortens the applicable distance for a site on waters from 25 statute miles to 9.0 nautical [8] miles (10.4 statute miles) from the shoreline.[9] Texas' territorial waters only extend 9.0 nautical miles. At this time, no sites located between 9.0 nautical miles and 25 statute miles from the shoreline are reporting EIs to Texas. If a site existing between 9.0 nautical miles and 25 statute miles from shore should be required to report in the future, this site would be captured in a federal EI. This revision to align Texas rules with the current federal regulations found in 40 CFR part 51 will clarify requirements in 30 TAC Section 101.10 and change applicability to sources that are within 9.0 nautical miles of the shoreline in accordance with state and federal jurisdiction over offshore sources.

C. Definition and Terminology Revisions

a. 30 TAC Section 101.10(a) requires an inventory to be submitted on forms or other media. The commission adopted amendment removes the redundant phrase ''forms or other'' from this subsection. The phrase ''media'' succinctly covers this requirement.

b. Currently, the data needed to meet the new EPA lead reporting threshold requirement as discussed previously are collected under the special inventory requirement in the SIP's subsection (b)(2) and (3). The amendment in TCEQ's revision makes the requirement clear to the community and does not require the agency to rely on the special inventory provision to collect data that is reported annually.

c. All owners or operators of accounts continuing to meet the SIP's reporting requirements in subsection (a) are required to annually update their EI. The amendment adds subsection (a)(5) to the list of applicability requirements listed in subsection (b)(2) that are required to submit an annual emissions inventory update (AEIU). This addition includes the adopted inclusion of the new lead reporting requirement to this existing requirement.

d. An amendment in subsection (a)(5) to change the units from ''tons'' to ''tpy'' to more clearly define the period over which the emissions are calculated. An annual time-period has always been assumed for this applicability by the State and EPA but the amendment is to clarify.

e. The term ''microns'' is changed to ''micrometers' in the adoption to align language in 30 TAC Section 101.10(b)(1) with the reporting rule in AERR. In applied sciences, a micron is commonly accepted alternative term to micrometer, and thus, the adopted amendment has no effect on the population of sources required to report an EI or on the methodology for estimating emissions.

f. Particulate matter with aerodynamic diameter less than or equal to 2.5 micrometers ($PM_{2.5}$) is added to the list of contaminants that shall be reported in the EI under subsection (b). The list includes the phrase ''any other contaminants'', $PM_{2.5}$ is subject to the NAAQS and is already required for inclusion in an EI. However, specifically listing $PM_{2.5}$ clarifies the reporting requirement and does not change any existing reporting requirement to the agency.

g. A second certifying statement has been added as 30 TAC Section 101.10(d)(2). Texas Health and Safety Code (THSC), Section 382.0215(f) requires that an owner or operator that is required to submit an EI and had no emissions events during the reporting year must include as part of the inventory a statement to this effect. The EI update process and reporting forms already include this certifying statement. An EI cannot be considered completed or for electronically submitted accounts, submitted without either completing this certification or submitting emissions event data. The amendments do not change this practice nor the wording in the certifying statement on the EI; it only includes the existing practice, which is required by THSC Section 382.0215 and reflected in 30 TAC Section 101.10.

II. The EPA's Evaluation

On July 28, 2016, TCEQ submitted SIP revisions to EPA for review and approval. The revisions amend Emission Inventory and General Air Quality rules in 30 TAC Chapter 101. The amended rules will incorporate EPA's latest finalized definitions of VOC compounds, align the lead reporting threshold with the AERR, shorten the distance from the shoreline for applicable offshore sources to report an emission inventory, and revise terminology and definitions for clarity and consistency with the EPA's AERR. These changes are consistent with section 110 of the CAA and meet the regulatory requirements pertaining to the SIPs.

III. Final Action

Pursuant to section 110 of the CAA, EPA is approving the SIP revisions TCEQ submitted to EPA regarding the above revisions to 30 TAC Chapter 101 Emissions Inventory and General Definitions update. These revisions are consistent with section 110 of the CAA and meet the regulatory requirements pertaining to SIPs.

[6] Special Inventories: Any person owing or operating a source of air emissions which is or could be affected by any rule or regulation of the commission (TCEQ) shall file emissions-related data with the commission (upon request by the executive director or a designated representative of the commission) as necessary data may take special procedure arrangements with the Emissions Assessments Section to submit data separate from routine emission inventory submissions or other arrangements as necessary to support claims of confidentiality.

[7] Statute mile = 1 mile (1.6 kilometer).

[8] A nautical mile is based on the circumference of the earth, and is equal to one minute of latitude. It is slightly more than a statute (land measured) mile (1 nautical mile = 1.1508 statute miles). Nautical miles are used for charting and navigating.

[9] 43 U.S.C. 1301.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective September 6, 2017 without further notice unless the Agency receives relevant adverse comments by July 10, 2017. If EPA receives relevant adverse comments, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

IV. Incorporation by Reference

In this action, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are proposing to incorporate by reference revisions to the Texas regulations as described in the Final Action section above. We have made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the EPA Region 6 office.

V. Statutory and Executive Order Reviews

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

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

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

Samuel Coleman was designated the Acting Regional Administrator on May 24, 2017 through the order of succession outlined in Regional Order R6–1110.13, a copy of which is included in the docket for this action.

List of Subjects in 40 CFR Part 52

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

Dated: May 24, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart SS—Texas

■ 2. In § 52.2270(c), the table titled ''EPA Approved Regulations in the Texas SIP'' is amended by revising the entries for Sections 101.1and 101.10.

The revisions read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA Approved Regulations in the Texas SIP

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*
Chapter 101—General Air Quality Regulations				
Subchapter A—General Rules				
Section 101.1	Definitions	7/6/2016	6/8/2017, [Insert **Federal Register** citation].	
*	*	*	*	*
Section 101.10	Emissions Inventory Requirements.	7/6/2016	6/8/2017, [Insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2017–11903 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0036; FRL–9961–29]

Triclopyr; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of triclopyr in or on sugarcane. This action is in response to EPA's granting of an emergency exemption under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on sugarcane. This regulation establishes a maximum permissible level for residues of triclopyr in or on this commodity. The time-limited tolerance will expire on December 31, 2020.

DATES: This regulation is effective June 8, 2017. Objections and requests for hearings must be received on or before August 7, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0036 is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl*. To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.''

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

Under section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2017–0036 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before August 7, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2017–0036, by one of the following methods:

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

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

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with FFDCA sections 408(e) and 408(l)(6) of, 21 U.S.C. 346a(e) and 346a(1)(6), is establishing a time-limited tolerance for residues of triclopyr (2-[(3,5,6-trichloro-2-pyridinyl)oxy]acetic acid), including its metabolites and degradates in or on sugarcane, cane at 40 parts per million (ppm). This time-limited tolerance will expire on December 31, 2020.

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18 related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions. Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, *i.e.,* without having received any petition from an outside party.

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including

all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Triclopyr on Sugarcane and FFDCA Tolerances

The Louisiana Department of Agriculture and Forestry (LDAF) requested a quarantine emergency exemption for the use of triclopyr on sugarcane to control Merrill's nightshade (*Solanum merrillianum* Liou). Merrill's nightshade is a non-native plant that was introduced into the United States sometime before its discovery in 1976, where it has become a pest of importance in sugarcane in Louisiana. According to LDAF, Merrill's nightshade has been confirmed in 17 of the 24 sugarcane producing parishes. Substantial economic damage is occurring and has been documented at 39% reduction of tonnage and 49% reduction of recoverable sugar losses per acre.

After having reviewed the submission, EPA determined that an emergency condition exists for this State, and that the criteria for approval of an emergency exemption are met. EPA has authorized a quarantine exemption under FIFRA section 18 for the use of triclopyr on sugarcane for control of Merrill's nightshade in Louisiana.

As part of its evaluation of the emergency exemption application, EPA assessed the potential risks presented by residues of triclopyr in or on sugarcane. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerances under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent, non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing these tolerances without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although these time-limited tolerances expire on December 31, 2020, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on sugarcane after that date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by these time-limited tolerances at the time of that application. EPA will take action to revoke these time-limited tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because this time-limited tolerance is being approved under emergency conditions, EPA has not made any decisions about whether triclopyr meets FIFRA's registration requirements for use on sugarcane or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that this time-limited tolerance decision serves as a basis for registration of triclopyr by a State for special local needs under FIFRA section 24(c), nor does this tolerance by itself serve as the authority for persons in any State other than Louisiana to use this pesticide on the applicable crop under FIFRA section 18, absent the issuance of an emergency exemption applicable within that State. For additional information regarding the emergency exemption for triclopyr, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

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

Consistent with the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of, and to make a determination on, aggregate exposure expected as a result of this emergency exemption request and the time-limited tolerances for residues of triclopyr, including its metabolites and degradates on sugarcane, cane at 40 ppm. EPA's assessment of exposures and risks associated with establishing time-limited tolerances follows.

A. Toxicological Points of Departure/ Levels of Concern

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

A summary of the toxicological endpoints for triclopyr used for human risk assessment is discussed in Table 1 of the final rule published in the **Federal Register** of February 25, 2016, (81 FR 9353, 9355–56) (FRL–9941–87).

B. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to triclopyr, EPA considered

exposure under the time-limited tolerances established by this action as well as all existing triclopyr tolerances in 40 CFR 180.417. EPA assessed dietary exposures from triclopyr in food as follows:

i. *Acute exposure.* Acute effects were identified for triclopyr. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA) and the Dietary Exposure Evaluation Model-Food Commodity Intake Database (DEEM-FCID), version 3.16. As to residue levels in food, EPA performed the acute analysis using DEEM-FCID to estimate the dietary exposure of the general U.S. population and various population subgroups. The acute assessment was unrefined, assuming that triclopyr residues are present in all commodities at tolerance levels and that 100% of all crops are treated (100% CT). DEEM version 7.81 default processing factors were used to estimate residues in all processed commodities. Drinking water was incorporated directly into the dietary assessment.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA) and the Dietary Exposure Evaluation Model-Food Commodity Intake Database (DEEM-FCID), version 3.16. As to residue levels in food, EPA performed the chronic analysis using DEEM-FCID to estimate the dietary exposure of the general U.S. population and various population subgroups. The chronic assessment was slightly refined, assuming that triclopyr residues are present in all commodities at tolerance levels (100% CT) except milk. An anticipated residue calculated from a recently submitted livestock feeding study was used for milk.

iii. *Cancer.* For the reasons discussed in a previous triclopyr tolerance rule February 25, 2016 (81 FR 9353, 9356) (FRL–9941–87), EPA has concluded that quantification of risk using a non-linear approach will adequately account for all chronic toxicity, including potential carcinogenicity that could result from exposure to triclopyr. Therefore, a separate dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

For this time-limited tolerance rule, the Agency assumed 100% crop treated for all crops.

2. *Dietary exposure from drinking water.* EPA calculated and required setback distances from the application site to the functional potable water intake in order to maintain average drinking water concentration levels below 400 parts per billion (ppb). Since potable water intakes are required to be turned off until triclopyr concentration levels are below 400 ppb, EPA has determined that for acute and chronic dietary risk assessments, the water concentration value of 400 ppb is appropriate to use to assess the contribution to drinking water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 400 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration value of 400 ppb was used to assess the contribution to drinking water.

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

Triclopyr is currently registered for the following uses that could result in residential exposures: aquatic and turf areas. EPA assessed residential exposure using the following assumptions: Residential exposure is not anticipated from the proposed Section 18 emergency use for sugarcane. However, residential exposures are anticipated from currently registered uses of triclopyr. Exposures are expected for adults who apply triclopyr-containing products and for adults and children from post-application exposure in residential areas previously treated with triclopyr. These uses have all been previously assessed and have resulted in no risk estimates of concern for both handler and post-application exposures (L. Venkateshwara; 04–AUG–2015; D426070). Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at: *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf*.

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

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to triclopyr and any other substances.

3,5,6-trichloro-2-pyridinol, commonly known as TCP, is a metabolite of triclopyr, chlorpyrifos, and chlorpyrifos-methyl. Risk assessment of TCP was conducted in 2002, and the previous conclusions that the acute and chronic dietary aggregate exposure estimates are below EPA's LOC are still valid since the tolerances changes will not have a noticeable effect on dietary exposures to TCP. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides*.

C. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* There is evidence of increased qualitative susceptibility to offspring from triclopyr exposure in the rat two-generation reproduction study based on increased incidence of rare pup

malformations observed in the presence of parental toxicity. There is also potential qualitative susceptibility in the rat developmental toxicity study; however, the evidence was not as conclusive as the reproduction toxicity study. Concern is low since effects are well-characterized with clearly established no-observed adverse-effect level/lowest-observed adverse-effect level (NOAEL/LOAEL) values, effects were seen in the presence of parental toxicity, and selected endpoints are protective of the observed effects.

3. *Conclusion.* EPA has determined that reliable data show that the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X, with the exception for inhalation exposures where the FQPA SF is retained at 10X. These decisions are based on the following findings:

i. The toxicity database for triclopyr is adequate for FQPA SF consideration. For assessing risks associated with inhalation exposures, the FQPA SF is retained at 10X to incorporate the database uncertainty factor (UF_{DB}) to account for the lack of a subchronic inhalation toxicity study.

ii. There is no evidence of neurotoxicity from triclopyr exposure.

iii. Selected endpoints are protective of any observed pre- or post-natal offspring susceptibility.

iv. The exposure databases are sufficient and unlikely to underestimate exposure. These assessments will not underestimate the exposure and risks posed by triclopyr.

D. Aggregate Risks and Determination of Safety

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

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to triclopyr will occupy 54% of the aPAD for females 13–49 years old and 8% of the aPAD for all infants less than one year old (<1 year old), the population subgroups receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to triclopyr from food and water will utilize 47% of the cPAD for all infants less than one year old (<1 year old), the population group receiving the greatest exposure. Based on the explanation in the unit regarding residential use patterns, chronic residential exposure to residues of triclopyr is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Triclopyr is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to triclopyr.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 120 for children one year old to less than two years old (1 to <2 years old) (dietary exposures with potential post-application incidental oral exposure resulting from the registered turf use). Because EPA's level of concern for triclopyr is a MOE of 100 or below, these MOEs are not of concern. For adults and children 3 to <6 years old, an aggregate risk index (ARI) is used since the POD for the oral and inhalation routes of exposure are the same, but the LOC values for oral (MOE<100) and inhalation (MOE<1000) exposures are different. The ARIs are 3.6 for children 3 to <6 years old (dietary exposure with post-application inhalation and ingestion from aquatic use), and 1.4 for adults (dietary exposure with handler inhalation exposure from turf use). Since EPA's level of concern is an ARI below 1, these ARIs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term non-dietary, non-occupational exposure plus chronic exposure to food and water (considered to be a background exposure level).

Although triclopyr is currently registered for uses that could result in intermediate-term residential exposure, the Agency has determined that a quantified intermediate-term aggregate assessment is unnecessary since the short-and intermediate-term PODs are the same and the short-term aggregate provides a worst-case estimate of residential exposures. For these reasons, the short-term aggregate is protective of the longer-term exposures.

5. *Aggregate cancer risk for U.S. population.* A cancer aggregate risk assessment was not performed because a separate cancer assessment was not warranted (see Section B.1.iii).

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

V. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodologies (Methods ACR 77.2 and ACR 77.4 using gas chromatography with electron-capture detection (GC/ECD); Method GRM 97.02 using gas chromatography with mass-spectrometry detection (GC/MS)) are available to enforce the tolerance expression. The Food and Drug Administration (FDA) PESTDATA database dated 1/94 (Pesticide Analytical Manual (PAM) Vol. 1, Appendix 1) indicates triclopyr is completely recovered greater than 80% (>80%) using multi-residue method PAM Vol. 1 Section 402. Data pertaining to multi-residue methods testing of triclopyr and its metabolites through Protocols B, C, D and E have been submitted and forwarded to FDA.

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

B. International Residue Limits

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

EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for residues of triclopyr.

VI. Conclusion

Therefore, a time-limited tolerance is established for residues of triclopyr, (2-[(3,5,6-trichloro-2-pyridinyl)oxy]acetic acid), including its metabolites and degradates in or on sugarcane, cane at 40 ppm. This tolerance will expire on December 31, 2020.

VII. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA sections 408(e) and 408(l)(6). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established in accordance with FFDCA sections 408(e) and 408(l)(6), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: May 10, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

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

■ 2. In § 180.417, revise paragraph (b) to read as follows:

§ 180.417 Triclopyr; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances specified in the following table are established for residues of the triclopyr (2-[(3,5,6-trichloro-2-pyridinyl)oxy]acetic acid), including its metabolites and degradates in or on the specified agricultural commodities, resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemptions. The tolerances expire on the date specified in the table.

Commodity	Parts per million	Expiration date
Sugarcane, cane	40	12/31/2020

* * * * *

[FR Doc. 2017–11928 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 232

404 Program Definitions; Exempt Activities Not Requiring 404 Permits

CFR Correction

■ In Title 40 of the Code of Federal Regulations, Parts 190 to 259, revised as of July 1, 2016, on page 319, in § 232.2, the first definition of *Waters of the United States* is removed.

[FR Doc. 2017–11894 Filed 6–7–17; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 150121066–5717–02]

RIN 0648–XF472

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Temporary rule; closure of Angling category Gulf of Mexico trophy fishery.

SUMMARY: NMFS closes the Gulf of Mexico Angling category fishery for large medium and giant (''trophy'' (*i.e.,* measuring 73 inches curved fork length or greater)) Atlantic bluefin tuna (BFT). This action is being taken to prevent any further overharvest of the Angling category Gulf of Mexico trophy BFT subquota.

DATES: Effective 11:30 p.m., local time, June 7, 2017, through December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the

authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006) and amendments.

NMFS is required, under § 635.28(a)(1), to file a closure notice with the Office of the Federal Register for publication when a BFT quota is reached or is projected to be reached. On and after the effective date and time of such notification, for the remainder of the fishing year or for a specified period as indicated in the notification, retaining, possessing, or landing BFT under that quota category is prohibited until the opening of the subsequent quota period or until such date as specified in the notice.

Angling Category Large Medium and Giant Gulf of Mexico ''Trophy'' Fishery Closure

The 2017 BFT fishing year, which is managed on a calendar-year basis and subject to an annual calendar-year quota, began January 1, 2017. The Angling category season opened January 1, 2017, and continues through December 31, 2017. The currently codified Angling category quota is 195.2 mt, of which 4.5 mt is allocated for the harvest of large medium and giant (trophy) BFT by vessels fishing under the Angling category quota, with 1.5 mt allocated for each of the following areas: North of 39°18′ N. lat. (off Great Egg Inlet, NJ); south of 39°18′ N. lat. and outside the Gulf of Mexico (the ''southern area''); and in the Gulf of Mexico. Trophy BFT measure 73 inches (185 cm) curved fork length or greater.

Based on reported landings from the NMFS Automated Catch Reporting System, NMFS has determined that the codified Angling category Gulf of Mexico trophy BFT subquota has been reached and that a closure of the Gulf of Mexico trophy BFT fishery is warranted. Therefore, retaining, possessing, or landing large medium or giant BFT in the Gulf of Mexico by persons aboard vessels permitted in the HMS Angling category and the HMS Charter/Headboat category (when fishing recreationally) must cease at 11:30 p.m. local time on June 7, 2017. This closure will remain effective through December 31, 2017. This action is intended to prevent overharvest of the Angling category Gulf of Mexico trophy BFT subquota, and is taken consistent with the regulations at § 635.28(a)(1).

If needed, subsequent Angling category adjustments will be published in the **Federal Register**. Information regarding the Angling category fishery for Atlantic tunas, including daily retention limits for BFT measuring 27 inches (68.5 cm) to less than 73 inches and any further Angling category adjustments, is available at *hmspermits.noaa.gov* or by calling (978) 281–9260. HMS Angling and HMS Charter/Headboat category permit holders may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. Anglers are also reminded that all BFT that are released must be handled in a manner that will maximize survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the ''Careful Catch and Release'' brochure available at*www.nmfs.noaa.gov/sfa/hms/*.

HMS Charter/Headboat and Angling category vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing *hmspermits.noaa.gov* or by using the HMS Catch Reporting App.

Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. The closure of the Gulf of Mexico Angling category trophy fishery is necessary to prevent any further overharvest of the Gulf of Mexico trophy fishery subquota. NMFS provides notification of closures by publishing the notice in the **Federal Register**, emailing individuals who have subscribed to the Atlantic HMS News electronic newsletter, and updating the information posted on the Atlantic Tunas Information Line and on *hmspermits.noaa.gov*.

These fisheries are currently underway and delaying this action would be contrary to the public interest as it could result in excessive trophy BFT landings that may result in future potential quota reductions for the Angling category, depending on the magnitude of a potential Angling category overharvest. NMFS must close the Gulf of Mexico trophy BFT fishery before additional landings of these sizes of BFT occur. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under 50 CFR 635.28(a)(1), and is exempt from review under Executive Order 12866.

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

Dated: June 5, 2017.

Margo B. Schulze-Haugen,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–11910 Filed 6–5–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 109
Thursday, June 8, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701, 708a, and 708b

RIN 3133–AE73

Bylaws; Bank Conversions and Mergers; and Voluntary Mergers of Federally Insured Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of proposed rulemaking with request for comments.

SUMMARY: The NCUA Board (Board) proposes to revise the procedures a federal credit union (FCU) must follow to merge voluntarily with another credit union. The proposed changes: Revise and clarify the contents and format of the member notice; require merging FCUs to disclose all merger-related financial arrangements for covered persons; increase the minimum member notice period; and provide procedures to allow reasonable member-to-member communications regarding the proposed merger. The proposed changes also make conforming amendments to NCUA regulations governing termination of federal share insurance when the continuing credit union is not an FCU.

DATES: Comments must be received on or before August 7, 2017.

ADDRESSES: You may submit comments by any of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *NCUA Web site: http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx.* Follow the instructions for submitting comments.
- *Email:* Address to *regcomments@ncua.gov.* Include ''[Your name]—Comments on Voluntary Mergers of Federally Insured Credit Unions'' in the email subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for email.
- *Mail:* Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

Public Inspection: You can view all public comments on NCUA's Web site at *http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx* as submitted, except for those we cannot post for technical reasons. NCUA will not edit or remove any identifying or contact information from the public comments submitted. You may inspect paper copies of comments in NCUA's law library at 1775 Duke Street, Alexandria, Virginia 22314–3428, by appointment weekdays between 9 a.m. and 3 p.m. To make an appointment, call (703) 518–6546 or send an email to *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Elizabeth Wirick, Senior Staff Attorney, or Benjamin M. Litchfield, Staff Attorney, Office of General Counsel, 1775 Duke Street, Alexandria, VA 22314–3428 or telephone (703) 518–6540.

SUPPLEMENTARY INFORMATION:

I. Background

Section 205 of the Federal Credit Union Act (FCU Act) prohibits a federally insured credit union (FICU) from merging or consolidating with any other FICU without prior written approval of the Board.[1] This includes the acquisition, either directly or indirectly, of the assets or liabilities of any other FICU. In granting or withholding approval for a merger, the Board is required to consider the following statutory factors: The history, financial condition, and management policies of the FICU; the adequacy of the FICU's reserves; the economic advisability of the transaction; the general character and fitness of the FICU's management; the convenience and needs of the members to be served by the FICU; and whether the FICU is a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes.[2]

The Board adopted a voluntary merger rule pursuant to its authority to administer the FCU Act.[3] The voluntary merger rule requires credit unions proposing to merge to submit a merger package that includes a plan summarizing the details of the merger, including any ''merger-related financial arrangements,'' and, for FCUs, proposed disclosures to members.[4] NCUA regional offices or, for corporate credit unions or natural person credit unions with greater than $10 billion in assets, the Office of National Examinations and Supervision (ONES), review the merger package and, if the proposed merger meets the field of membership and safety and soundness requirements, approve the merger.[5] The voluntary merger rule also requires merging FCUs to inform their members about particular aspects of the merger plan and give members the opportunity to vote on the merger.[6]

As with any maturing industry, the Board recognizes that credit unions are experiencing a period of significant consolidation. Much of this consolidation is occurring through voluntary mergers. This increase in merger activity is a natural part of the business lifecycle and can be driven by one or more of several factors including the desire to provide members with additional products or services, the difficulty in identifying successors for long-serving senior management or volunteers, or the need for additional staff resources. As credit unions seek to increase operating efficiencies through enhanced economies of scale and scope, the Board expects this trend to continue.

Some credit unions may find themselves in the position of being a potential merger partner with more than one credit union. In this position, management must appropriately evaluate competing opportunities and consider which merger partner would be in their members' best interests in terms of member philosophy and continued or expanded products or

[1] 12 U.S.C. 1785(b)(3).

[2] 12 U.S.C. 1785(c).

[3] 12 CFR 708b.

[4] 12 CFR 708b.104.

[5] 12 CFR 708b.105.

[6] 12 CFR 708b.106.

services.[7] Recent merger trends in the credit union industry, however, suggest that some prospective merger partners may be seeking to influence the merging credit union by offering financial incentives to management and certain highly compensated employees to support the merger that the Board believes should be disclosed to members.

NCUA has analyzed recent voluntary merger transactions and is seeking comments on revisions to the voluntary merger rule to address these potential conflicts of interest. The proposed revisions address the timing and contents of the notice provided to members of the merging FCU, provide dissenting members with an opportunity to make their views known to the general membership, address the material that must be submitted to NCUA for review, and revise definitions. In addition, the proposed rule reorganizes the current rule to improve readability and clarity. These revisions will help ensure that a merging FCU's member-owners have more complete and accurate information regarding a proposed merger, including disclosure of financial arrangements that could create conflicts of interest for credit union management. The Board is asking for comment on all aspects of the proposed rule.

The Board recognizes that the concerns addressed in the proposed rule may not be limited to mergers where the merging credit union is an FCU. Offering financial incentives to management and certain highly compensated employees of a merging credit union to support a merger may present safety and soundness risks, as well as member protection issues, which endanger the continuing credit union regardless of whether the merging credit union is an FCU or a federally insured, state-chartered credit union (FISCU). Accordingly, the Board requests specific comments on whether the proposed rule should also apply to merging FISCUs.

II. Section-by-Section Analysis

Section 708b.2 Definitions

The Board proposes to require merging FCUs to disclose to members any increase in compensation or benefits that any ''covered person'' will receive because of a merger. Accordingly, the proposed rule amends § 708b.2 by adding a definition for ''covered person,'' amending the definition of ''merger-related financial arrangement,'' and removing the definition of ''senior management official.'' In addition, the proposed rule adds a definition of ''record date'' to clarify which members are eligible to vote on a proposed merger.

Covered Person

The Board is proposing to expand the scope of the definition of ''merger-related financial arrangement'' to include compensation arrangements with management and certain highly compensated employees rather than just senior management officials or directors. In some recent voluntary mergers involving smaller credit unions, the Board has observed that the current definition of ''senior management official'' is under-inclusive, failing to capture some individuals who perform significant managerial duties or exert substantial influence on credit union decisions but do not have the title of chief executive officer, assistant chief executive officer, or chief financial officer.

Often, a staff member with another title who is responsible for functional areas such as lending or investments will play a similar role as staff with titles covered under the current rule. The Board believes that members have the right to know about all staff with leadership roles and functions, regardless of title, who receive increased compensation as a result of a merger transaction. Accordingly, the Board is proposing to revise the definition of ''merger related financial arrangement'' to include payments made to these individuals.

As a result, the Board is proposing to remove the definition of ''senior management official'' from § 708b.2 and add a definition for ''covered person.'' The term ''covered person'' would include the credit union's chief executive officer or manager; the four most highly compensated employees other than the chief executive officer or manager; and any member of the board of directors or supervisory committee.

The Board seeks specific comments on this approach including whether the number of covered persons should be expanded to include additional employees with management responsibility or who are in a position of influence. For example, NCUA could require disclosure regarding the ten most highly compensated employees to adequately capture merger-related financial arrangements that may occur in mergers involving large, sophisticated credit unions or lower the number to one or two employees for smaller institutions. Alternatively, the Board seeks specific comments on whether credit unions should be required to disclose merger-related financial arrangements for all employees regardless of management responsibility or level of influence. The Board may adjust the definition of ''covered person'' in the final rule based on the persuasiveness of the comments.

Merger-Related Financial Arrangement

The Board adopted a definition for ''merger-related financial arrangement'' in 2010 as part of a rulemaking addressing, among other things, conflicts of interest for senior management officials or directors involved in bank conversions and voluntary mergers.[8] The definition is part of a disclosure regime designed to ensure that members of a converting or merging credit union are aware of any compensation or other benefits that senior management and directors may receive as a result of a proposed conversion or merger.[9]

The term ''merger-related financial arrangement'' is defined in the current part 708b as any material increase in compensation (including indirect compensation, for example, bonuses, deferred compensation, or other financial rewards) or benefits that any board member or senior management official of a merging credit union may receive in connection with a merger transaction.[10] A material increase means an increase that exceeds 15% of the senior management official or director's current compensation or $10,000, whichever is greater.

This definition covers any compensation, of any sort, that meets the 15% or $10,000 threshold that a senior management official or director would not otherwise receive if the merging credit union does not merge. Similar in scope to part 750, NCUA's regulation addressing golden parachutes and indemnification payments, this includes compensation paid by the continuing credit union or the merging credit union.[11] In determining whether

[7] *See* 71 FR 77150, 77155 (Dec. 22, 2006). NCUA has previously provided guidance on general duties of FCU directors in Letter to Federal Credit Unions 11–FCU–02 (Feb. 2011).

[8] 75 FR 81378 (Dec. 28, 2010).

[9] 75 FR at 81384.

[10] 12 CFR 708b.2.

[11] The voluntary merger rule is also similar to the golden parachute rule in its definition of ''payment.'' The golden parachute rule defines ''payment'' as (a) any direct or indirect transfer of any funds or any asset; (b) any forgiveness of any debt or other obligation; (c) the conferring of any benefit; or (d) any segregation of any funds or assets, the establishment or funding of any trust or the purchase of or arrangement for any letter of credit or other instrument, for the purpose of making, or pursuant to any agreement to make, any payment on or after the date on which the funds or assets are segregated, or at the time of or after such trust is established or letter of credit or other instrument is made available, without regard to

such compensation exists, NCUA applies a ''but for'' test to determine whether the senior management official or director would not otherwise receive the compensation but for the merger.

In the years since adopting this definition, the Board has observed that it has often been difficult for merging credit unions to determine if a particular compensation increase meets the 15% or $10,000 threshold. For example, in some cases, a continuing credit union offers a more robust package of benefits to its executives than the merging credit union, and if a senior management official or director from the merging credit union remains employed at the continuing credit union, they will also receive those benefits. But when these benefits depend on continued employment for an extended period, or are subject to factors that are not yet known, as is the case with many pension plans, comparing these potential future benefits to the thresholds may be difficult.

To simplify compliance with the voluntary merger rule and ensure that members have relevant information about the merger, the Board is proposing to redefine ''merger-related financial arrangement'' to include all increases in compensation or benefits that a covered person has received during the 24 months prior to the date of the approval of the merger plan by the boards of directors of both credit unions. The definition would also include all future compensation or benefits that would not be received but for the merger taking place, regardless of the amount. While this may result in merging credit unions reporting more information to members, the Board believes that the benefits to members from the additional disclosures and the added clarity in the rule outweigh the seemingly relatively minor burdens of any additional reporting requirements. The proposed definition will apply to all increases in compensation and benefits from either the merging or the continuing credit union.

The Board has observed that some merging credit unions attempt to define the term ''merger-related financial arrangement'' narrowly to only include increases in compensation or benefits made around the same time as the completion of the merger. This interpretation of what constitutes a ''merger-related financial arrangement,'' however, is inconsistent with NCUA's interpretation. The current definition of ''merger-related financial arrangement'' was never intended to only apply to payments that are provided at the same time as the proposed merger. Instead, the definition is broad in scope applying to any increase in compensation or benefits that NCUA determines would not be provided but for the merger regardless of whether that increase is made before or after the completion of the merger. Accordingly, the Board proposes to clarify the definition to make it unambiguous that the rule applies both retrospectively and prospectively.

Under the current rule, the historical look back period is arguably open-ended provided that NCUA believes that an arrangement is sufficiently merger-related to warrant disclosure. However, it is likely a rare occasion where merger conversations take place more than two years before a merger package is submitted to NCUA for review. Therefore, the Board is proposing to limit the historical look back period to the immediate 24 months preceding the date of approval of the merger plan by the boards of directors of both credit unions. To simplify compliance, the Board is also proposing to require merging FCUs to disclose all increases in compensation or benefits made during the historical look back period regardless of whether that increase was made because of the merger. This will help to avoid undue hardship on merging FCUs. The Board requests comments on this aspect of the proposed rule, including whether the Board should extend or shorten the historical look back period. The Board could adjust the look back period based on the persuasiveness of the comments.

While many merging FCUs make good faith efforts to comply with the requirements of part 708b, the Board is aware of a few recent mergers where merging FCUs were required to disclose severance payments that appeared on their face to be structured as continued employment agreements potentially to evade the disclosure requirements of the voluntary merger rule. The Board seeks to clarify that under both the current voluntary merger rule and the proposed rule, NCUA reserves the right to review of any future compensation paid to covered persons of the merging FCU by the continuing credit union if there are concerns such compensation was tied to the merger.

The Board has also observed that some merging credit unions attempt to define the term ''compensation'' narrowly to only include those benefits specifically listed in the definition of ''merger-related financial arrangement.'' This interpretation of what constitutes compensation for purposes of the voluntary merger rule is in error. The list of compensation and benefit arrangements included in the definition of ''merger-related financial arrangement'' was never intended to be an exhaustive, all-inclusive list. Accordingly, the Board proposes to clarify the definition to make it unambiguous that the rule applies to all compensation or benefits received in connection with a merger transaction, including early payout of pension benefits and increased insurance coverage.

The proposed revisions also require that the disclosure of merger-related financial arrangements include the amount of the compensation or benefits expressed in dollars, where possible. In several recent mergers, credit unions have argued that expressing the increases as a percentage is sufficient, but this fails to provide adequate context in many cases. The Board agrees, however, that certain types of benefits, such as pension plans contingent on future service and improvements in insurance benefits, are not easily translated into a dollar figure. In these cases, disclosing the existence of the additional compensation will suffice. Also, for items such as pay raises, the Board agrees that it is appropriate to express them as a dollar figure that will be received over the course of a year instead of as an absolute dollar amount. The Board seeks specific comments on this aspect of the proposed rule including whether health care, retirement, and other benefits offered on a nondiscriminatory basis to all employees of the credit union should continue to be disclosed as merger-related financial arrangements, and if so, how those benefits should be addressed from a disclosure perspective.

Record Date

The Board is also adding a definition for ''record date'' to clarify which members are eligible to vote on a proposed merger. For various practical and legal considerations, it is commonplace for the board of directors of a corporation to announce an official date by which a shareholder must be an owner of the company in order to participate in an annual meeting or corporate election. While the Board has always interpreted NCUA's voluntary merger rule and the FCU Bylaws to permit the directors of an FCU to set a record date, this authority has never been explicitly stated in part 708b. By adopting this definition and making corresponding changes to § 708b.106, the Board is clarifying the authority of

whether the obligation to make such payment is contingent on: (1) The determination, after such date, of the liability for the payment of such amount; or (2) the liquidation, after such date, of the amount of such payment. 12 CFR 750.1(i).

the directors of an FCU to set a record date.

Section 708b.105 Submission of Merger Proposal to NCUA

As part of the merger package, the proposed rule would require both the merging and continuing credit union to submit board minutes to NCUA that reference the merger during the 24 months preceding the date of approval of the merger plan by the boards of directors of both credit unions. In several recent mergers, review of board minutes has shed light on potential conflicts of interest, including a situation where a credit union chief executive officer voted on a merger proposal that included significant merger-related compensation for himself. The board minutes also provide helpful information on the types of alternatives considered by the credit unions in addition to the merger proposal. The Board seeks comments on this proposed requirement, including whether the time period is the appropriate one.

In addition, the proposed rule would add a requirement that the board of directors of the merging FCU and continuing credit union certify that there are no merger-related financial arrangements other than those disclosed to the members of the merging FCU in the member notice.

Section 708b.106 Approval of the Merger Proposal by Members

The Board is also proposing amendments to § 708b.106, which sets out certain member notice requirements and procedures governing the member vote when the merging credit union is an FCU. The proposed rule will require member notices to be mailed at least 45 days, but no more than 90 days, before the meeting to vote on the merger. The proposed rule will also revise the content of the member notice to provide additional information and clarity for members. Furthermore, the proposed rule will establish procedures to allow for reasonable member-to-member communication in advance of a proposed merger.

Timing Requirements for Member Notice

Members of an FCU that is proposing a voluntary merger must have the opportunity to vote on the merger proposal at a meeting.[12] The current voluntary merger rule allows this meeting to be either a special meeting or at the annual meeting if the FCU's regularly scheduled annual meeting will occur within 60 days after NCUA's approval of the proposed merger.[13] Members must receive notice of the meeting as required by the FCU Bylaws.

The FCU Bylaws require that FCUs mail notices of annual meetings at least 30 days, but not more than 75 days, before the annual meeting.[14] In contrast, the FCU Bylaws only require FCUs to mail notices for special meetings at least 7 days before the meeting.[15] Thus, if the merger proposal is to be considered at a special meeting, members may have only a few days advance notice of a meeting under the current voluntary merger rule and the FCU Bylaws.

The Board is concerned that the current voluntary merger rule's reference to the provisions of the FCU Bylaws may, in many cases, result in an insufficient notice period for members of a merging FCU. Members who cannot or do not wish to attend the merger meeting need time to return their mail ballot so it is received before the date and time of the meeting. If an FCU uses a third-party teller of elections, the teller may not be located in the same area as the FCU or member, and return mail could take additional time. Even if the FCU, member and teller are in the same area, seven days may be insufficient. For example, the Board is aware that in at least one recent proposed merger, an FCU complied with the regulation and mailed the member notices seven days before the meeting, but with mail delays due to a federal holiday during the seven-day period, members did not receive the special meeting notice in time to mail it back before the special meeting.

In addition to allowing time for mail delivery and return mail, members need time to consider fully the ramifications of the merger, including the question of whether to transfer their credit union's field of membership and net worth to another credit union. The contents of the member disclosure may also raise questions that members want the FCU's leadership to address before the merger vote. In at least one recent merger where the merging FCU mailed member notices several weeks before the special meeting, far longer than required under the current regulation, members were dissatisfied with the notice period and contacted NCUA. Allowing additional time between the time the merging FCU sends the member notice and the meeting will provide the merging FCU's membership with adequate time to consider the merger and provide the credit union leadership the time necessary to address any member questions.

Accordingly, the proposed rule would replace the reference to the FCU Bylaws for the timing of the delivery of the member notice with a requirement that the member notice be mailed at least 45 days, but no more than 90 days, before the meeting to vote on the merger. The proposed rule would also revise the notice requirement in Article IV of the FCU Bylaws to be consistent.

The Board believes a notice period of at least 45 days is sufficient to provide for members to respond to a proposed merger, make inquiries, and plan to attend the merger meeting, but not so much time as to be inefficient or that members will forget about the merger meeting and opportunity to vote. Furthermore, the proposed requirement for a notice period of at least 45 days is no more rigorous than the notice requirements for other similar transactions. For example, credit unions seeking to merge into a bank must provide members with clear and conspicuous disclosures 90 days prior to the date of the membership vote on the merger and, again, 30 days before the date of the membership vote on the merger.[16]

However, the Board recognizes that under certain circumstances 45 days may be too long for a merging FCU to wait to complete a merger. For example, a merging FCU may have operational or financial difficulties that do not yet rise to the level of putting the merging FCU in danger of insolvency but nevertheless require a merger to be completed within a shorter period of time. On the other hand, 45 days may not be enough time for a merging FCU to complete a contentious merger where there are multiple member-to-member communications that the credit union wishes NCUA to review. Accordingly, the Board seeks specific comments on whether stakeholders agree with the proposed changes regarding the timing of notices. The Board may adjust the timing of notices depending on the persuasiveness of the comments.

Contents of Member Notice

The Board is also proposing to revise the voluntary merger rule's requirements related to the content of the member notice. The Board has received many questions about the meaning of the current requirements and what, precisely, merging FCUs must disclose. The proposed revisions will update the rule to reflect present-day concerns, add clarity, and make it easier

[12] 12 CFR 708b.106.

[13] 12 CFR 708b.106(a)(1).

[14] 12 CFR 701, App. A, Art. IV, § 2.

[15] *Id.*

[16] 12 CFR 708a.305(a).

for members to understand the basic elements of the merger transaction.

The current voluntary merger rule's requirements in this area are based on the Board's responsibility to ensure that the merger meets the convenience and needs of the members [17] and an FCU board acts in the members' best interests.[18] In assessing the effects of a proposed merger, members need to know how the merger will affect their access to the continuing credit union, which includes details such as whether the continuing credit union plans to keep open the office locations of the merging FCU and the other office locations of the continuing credit union. Members also need to know whether certain benefits such as savings life insurance or credit life insurance will continue after the proposed merger.

Members must also know how the merger will affect the products and services that members currently receive from the merging FCU. Furthermore, members' interests in the transaction extend beyond practical matters of access and services, because the merging FCU's net worth belongs to the members. Members need to understand how much of the merging FCU's net worth will transfer to the continuing credit union. Members also have a right to know if the management and other covered persons of their credit union will personally benefit from the merger transaction. This critical issue is discussed in some detail above.

To ensure that the member notice contains all relevant information in a format members can easily understand, the proposed rule would restructure the current voluntary merger rule's paragraph describing the summary of the merger plan into a list of shorter, easier to read, paragraphs. The proposed changes would improve readability and clarify exactly what information NCUA requires merging FCUs to disclose to their members. The proposal would also simplify certain items listed in the current rule.

One clarification relates to the physical locations of the continuing credit union. Current § 708b.106(a)(2)(iv) requires a list of the names and locations of the continuing credit union and its branches. The Board is aware that an important issue to members of the merging FCU is whether the locations of the continuing credit union will be convenient. This means the members need to know whether the continuing credit union plans to maintain the current location(s) of the merging FCU and the location of the continuing credit union's branches. Yet the current rule does not explicitly require this information, and the Board has noted member notices in several recent mergers where the location information provided to members was incomplete or inaccurate. Many member notices listed the names and locations without providing addresses. The Board has also discovered errors in several other recent member notices that incorrectly identified locations.

The proposed revisions to § 708b.106 require specific disclosures about the continuing credit union's plans for the locations of the merging FCU and a list, including street address, of the continuing credit union's locations. As it could be impractical for a continuing credit union to list all its branches, the proposal requires a list of locations that are in reasonable proximity to the location(s) of the merging FCU. These proposed revisions will ensure that members understand how they will be able to access physical locations of their credit union after the merger.

The proposed revisions would also address the meaning of ''an analysis of share values'' and ''explanation of any share adjustment.'' These terms mean that the member notice should inform members about the net worth of the merging FCU relative to the net worth of the continuing credit union, and whether any of the merging FCU's net worth will be returned to members of the merging FCU in the transaction. An FCU would be permitted to include a short statement explaining its net worth level, subject to review by NCUA as part of its overall review of the merging FCU's disclosures.

As the Board has previously noted, a merging FCU may have a higher net worth ratio because it did not expend its capital offering additional services or providing better facilities.[19] In these cases, it may be appropriate for the merger partners to consider whether the members of the merging FCU should receive some of this net worth through a share adjustment.

On the other hand, the credit unions may appropriately determine that offering additional or improved services or facilities to members of the merging FCU offsets the higher net worth of the merging FCU. The Board emphasizes that it is not requiring or encouraging share adjustments, but simply requiring merging FCUs to provide a more detailed explanation of how much of the merging FCU's net worth will transfer to the continuing credit union and how much, if any, will be rebated to the members of the merging FCU through a share adjustment. The updated language in the proposed rule is designed to be easier for members to work with than the current voluntary merger rule's terminology of ''share values'' and ''share adjustment.''

Another proposed revision relates to how credit unions present the member notice information. If the member notice fails to present critical information or presents it in such a way as to obscure critical details, then members will not be able to make a fully informed decision. Accordingly, merging FCUs must present information to their members in a way that is legible and easily understood.

The Board has observed several member notices in recent mergers that were deficient in this respect. In some recent mergers, FCUs provided member notices that refer to multi-page attachments for critical information such as an explanation of share adjustments or merger-related financial arrangements. While the current voluntary merger rule does not explicitly prohibit this practice, allowing it to continue hinders the goal of having merging FCUs fully inform their members about how the merger is likely to affect them.

The proposed revisions would require that the member notice include at least a summary statement for each component of the merger that is required to be disclosed without referring members to a separate attachment, although credit unions may provide additional information or explanations in the attachments. Members should not be made to page through voluminous and wordy attachments to ascertain the core details of the merger transaction that most affect them and their membership interests.

In most cases, an adequate and informative member notice will need to be no more than a couple of sentences or a short paragraph for each aspect of the merger. The proposed amendments would retain the existing requirement to supply current and consolidated financial statements to members, but the proposed rule would require these statements to be separate documents as they are generally presented as tables and can distract from other important disclosures in the member notice. FCUs would also provide the ballot for the merger proposal as a separate document consistent with existing requirements in

[17] 12 U.S.C. 1785(c)(4).

[18] 12 CFR 701.4(b)(1).

[19] 75 FR 15574, 15584 (Mar. 29, 2010).

NCUA's bank conversions and mergers rule, part 708a.[20]

The changes to the contents of the member notice are proposed with the objective of helping to ensure members have adequate information to evaluate the proposed merger without imposing any significant additional burden on merging or continuing credit unions. If the proposed changes are adopted as a final rule, NCUA will issue a revised version of the credit union merger manual with updated forms corresponding to the changes. The use of a pre-approved, standardized format will speed NCUA's review and approval process.

The Board specifically invites comment on whether the proposed changes to the member notice are needed and sufficiently targeted to assist members in understanding the proposed merger transaction. The Board also invites comment on whether the member notice should be narrowed or expanded to include other items, such as ATM access and comparisons of fees for commonly used services.

Member-to-Member Communications

The proposed rule also includes a new paragraph that establishes procedures to allow for member-to-member communications in advance of a member vote on a proposed merger consistent with existing requirements in NCUA's bank conversions and mergers rule.[21] As part of the member notice, FCUs would be required to inform members that if they wish to provide their opinions about the proposed merger to other members, they can submit their opinions in writing to the merging FCU within 30 calendar days of receipt of the notice, and the FCU will forward those opinions to other members.

The interaction of the timeframes for: (1) The submission and receipt of the member-to-member communication with (2) the minimum required time period for receipt of the member notice before the member vote is taken, will work well in the vast majority of voluntary mergers. However, the Board is aware that, in some cases, the timing could force a merging FCU to postpone the date of the member vote. For example, if a merging FCU provides the minimum notice period of 45 days, and a member uses the maximum of the 30 days permitted to submit a member-to-member communication, there would be no time for the merging FCU to send the member-to-member communication and still comply with the requirement that members receive the member-to-member communication at least 15 days before the vote.

Accordingly, the Board encourages members desiring to communicate with other members about the merger to submit their communication as soon as possible during the 30-day period allotted. Similarly, merging FCUs that anticipate a member-to-member communication may want to provide the member notice earlier than 45 days before the vote to avoid having to postpone the vote.

The Board believes that the timeframes of the proposed rule allow merging FCUs the flexibility to choose a time for sending the member notice that fits their particular circumstances. The leadership of the merging FCU will be in the best position to anticipate whether to expect a member-to-member communication. If a merging FCU believes that no member-to-member communication will occur, then sending notice to members 45 days before the vote may be sufficient although subject to potential problems. If, however, a merging FCU anticipates needing additional time to transmit or to contest a member-to-member communication, it can choose to send the notice to members earlier than 45 days before the vote.

As with the time period for the member notice, the Board is also open to changing the proposed rule's requirements for the timeframes related to member-to-member communications to reasonably longer or shorter periods of time based on the persuasiveness of the comments received.

The member notice must provide contact information at the merging FCU for delivery of such communications, must explain that members must agree to reimburse the credit union's costs of transmitting the communication, and must refer members to this provision of the voluntary merger rule for further information about the communication process. The merging FCU must ensure that members receive all appropriate communications from other members no later than 15 days before the member vote on the proposed merger.

Consistent with the bank conversions and mergers rule, a merging FCU may, at its option, include a statement with the member-to-member communication notifying members that the communication represents the opinion of a member of the merging FCU and does not necessarily reflect the views of the management or directors of the FCU.[22] To avoid potentially misleading member communications, a merging FCU should submit member-to-member communications to the appropriate regional director or director of ONES within seven days of receipt of the communication if it believes that the communication is false or misleading with respect to any material fact, omits material facts necessary to make the statements in the communication true or accurate, relates to a personal claim or grievance, or otherwise is not proper. An FCU, however, may not add any additional information to the member communication without prior approval of a regional director or the director of ONES.

While these requirements were previously reserved only for credit union to bank conversions, the Board is proposing these procedures for credit union to credit union mergers as well. The Board has observed in a recent merger a significant disparity between the high number of members voting to approve the proposed merger by mailed ballot compared to the low number of members voting to approve the merger in person at a member meeting. While such procedures are permissible under NCUA's regulations, the Board is concerned that members voting by mailed ballot do not benefit from the rigorous debate that may take place during a member meeting where members are free to discuss the proposed merger openly with management or the directors of the FCU.

This proposed addition to the voluntary merger rule allows members to communicate with other members in advance of the merger vote, and provides the opportunity for members to share ideas with other members who may be unable to attend the member meeting. These new procedures will allow for healthy member debate of a proposed merger prior to a member vote. While this may result in additional administrative burdens on merging FCUs, the Board believes that requiring merging FCUs to facilitate member-to-member communications is the least restrictive means to achieve this compelling objective of ensuring that members vote on a proposed merger with all information reasonably available to them.

Sections 708b.202 and 204 Notice to Members of Proposal To Terminate on Convert Insurance

To be consistent throughout the regulations, the Board is also proposing to amend the timing of the member notice requirement for federally insured

[20] 12 CFR 708a.104(a) (''A ballot must be included in the same envelope as the 30-day notice and only in the 30-day notice.'').

[21] *See* 12 CFR 708a.104(f).

[22] 12 CFR 708a.104(f)(3)(i).

credit unions seeking to terminate federal share insurance or convert to non-federal share insurance, through merger or otherwise. NCUA regulations currently require that the credit union mail notices to members at least seven days, but not more than 30 days, before the membership vote that will result in the loss of federal share insurance.[23] The proposal would change the required time for mailing the notice to at least 45 days, but not more than 90 days, before the member vote. This is consistent with the member notice period for voluntary mergers.

III. Conforming and Clarifying Amendments to Other NCUA Regulations

Appendix A to Part 701 Federal Credit Union Bylaws

As discussed above, the Board proposes to require the merging FCU to mail member notices at least 45 days, but no more than 90 days, before the meeting to vote on a proposed merger. Accordingly, the Board is proposing to amend Article IV of the FCU Bylaws to be consistent with the proposed amendments to part 708b.

Sections 708a.104 and 708a.305 Conversions and Mergers Into Banks; Disclosures and Communications to Members

The Board proposes to clarify the member-to-member communication requirements in § 708a.104(f)(3) and (g)(3) of NCUA's bank conversions and mergers rule, part 708a, to address circumstances where a member wishes to reply to a member-to-member communication sent by email. Part 708a, in relevant part, sets out the parameters and procedures by which a FICU may convert to a mutual savings bank or merge into a bank.

The clarification addresses circumstances where a member receiving a member-to-member communication by email attempts to reply to that communication. The source of the sent member-to-member communication may not be clear to members receiving it. For example, in one recent bank conversion attempt, members responding to a member-to-member communication unknowingly sent their responses to the converting credit union because it was not clear to them that the credit union was the actual sender, on behalf of the communicating member, of the email rather than the communicating member.

The Board is aware that if a FICU converting to or merging into a bank sends the member-to-member communication, on behalf of the communicating member, from its own email system, it is difficult to have the ''reply'' function direct a reply email back to the communicating member. The Board also realizes that some members replying to a member-to-member communication may wish to contact the credit union and not the communicating member. Accordingly, the Board is not proposing to dictate where replies to an emailed member-to-member communication are directed, but to require disclosure to inform members about where the reply goes.

This requirement could be satisfied in a variety of ways. For example, if a reply would go to the credit union's third-party email provider, the converting or merging FICU could send a message stating that if the member wants to contact either the credit union or the communicating member, they should do so using the respective email addresses for the credit union or the communicating member. The Board does not want FICUs to have to alter email systems and technologies to forward member-to-member communications.

As discussed above, with respect to FCUs seeking to merge with other FICUs pursuant to part 708b, the Board also proposes to require merging FCUs to facilitate member-to-member communications. Accordingly, the clarification made to part 708a regarding member-to-member communications involving bank conversions or mergers would also be incorporated in a similar way into the proposed amendments to part 708b.

IV. Regulatory Procedures

1. Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis of any significant economic impact a regulation may have on a substantial number of small entities (primarily those under $100 million in assets).[24] As discussed below, the proposed rule only impacts a small number of small FCUs and FICUs and imposes costs that are either absorbed by other parties or offset by decreases in regulatory compliance burden.

Number of Small Entities Affected

The proposed rule will not affect a substantial number of small entities. Based on recent experience, the requirements for merging FCUs in subpart A of part 708b will only apply to about 138 small FCUs each year. With nearly 3,000 small FCUs currently in the credit union system, this is not a substantial number of small FCUs.

The requirements for bank conversions or terminating federal share insurance coverage in subpart B of part 708b will apply to even fewer small FICUs. In recent experience, bank conversions have all involved FICUs with greater than $100 million in assets. While some small FICUs may seek to convert to banks, the Board does not believe that this number will be substantial. Likewise, while a majority of the FICUs terminating federal share insurance coverage have less than $100 million in assets, only an average of 5 small FICUs terminate federal share insurance coverage each year.

Economic Impact on Small Entities

The economic impact of the proposed rule will also be minimal. In almost all cases, a small FCU merges into a much larger FICU. The larger FICU often assists the small FCU with each step in the merger process keeping the economic impact on the small FCU to a minimum. Additionally, subpart A of part 708b will require communicating members to reimburse small FCUs for reasonable expenses decreasing the likely economic impact of the new member-to-member communication requirements.

Moreover, the requirement to disclose all merger-related financial arrangements will, in some instances, simplify compliance for merging FCUs with such arrangements. Merging FCUs will no longer be required to determine whether the merger-related financial arrangement is a ''material'' increase in compensation or whether the employee is a ''senior management official'' as defined in current § 708b.2. As discussed above, a number of small FCUs have struggled with this analysis in recent mergers despite good faith efforts to comply with the voluntary merger rule.

Furthermore, the slight increase in the overall time period required to consummate mergers or terminate federal share insurance in subparts A and B of part 708b should not have a significant impact on small FCUs and FICUs.

Accordingly, NCUA certifies that this regulation will not have a significant economic impact on a substantial number of small entities.[25]

2. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) (PRA), the

[23] 12 CFR 708b.202, 204.

[24] 5 U.S.C. 603(a).

[25] 5 U.S.C. 605(a).

NCUA may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

Information collection requirements for parts 708a and 708b are assigned OMB control numbers 3133–0182 and 3133–0024, respectively. Proposed revisions to these currently approved collections due to these proposed amendments have been submitted to OMB for approval in accordance with 5 CFR 1320.11.

The Board invites comment on (a) whether the collections of information are necessary for the proper performance of the agency's function, including practical utility; (b) the accuracy of estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information being collected, and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

All comments are a matter of public record. Comments regarding the information collection requirements of this rule should be sent to (1) Dawn Wolfgang, NCUA PRA Clearance Officer, National Credit Union Administration, 1775 Duke Street, Suite 5067, Alexandria, Virginia 22314–3428, or Fax No. 703–519–8579, or Email at *PRAcomments@ncua.gov* and the (2) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for NCUA, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov.*

Titles: 12 CFR part 708a, Bank Conversions and Mergers (OMB No. 3133–0182) and 12 CFR part 708b, Mergers of Federally-Insured Credit Unions; Voluntary Termination or Conversions of Insured Status (OMB No. 3133–0024).

Frequency: Event generated.

Affected Public: FICUs (708a); FCUs (708b).

Part 708a: The Board proposes to clarify the member-to-member communication requirements in §§ 708a.104(f)(3) and 708a.305(g)(3) to address circumstances where a member wishes to reply to a member-to-member communication sent by email. If applicable, the converting credit union must notify members using the ''reply'' feature that the email has been directed to an address other than the requesting member's and identify to whom the response was sent. This provision is also included under § 708b.106(d)(5).

Part 708b: The Board is proposing to add a requirement that, where the merging credit union is an FCU, the merging and continuing credit unions include at least two years of board minutes in the merger package submitted to NCUA under § 708b.104(a). The merger package would also include a new certification from both credit unions that there are no merger-related financial arrangements other than those that would be disclosed to the merging FCU's members. The proposed rule would also amend the contents of the member notice for members of merging FCUs in § 708b.106(b) to require a detailed description of any merger-related financial arrangements involving a covered person and additional information about the physical locations of the merging and continuing credit unions.

Additionally, proposed § 708b.106(d) would establish a mechanism for member-to-member communications and require a merging FCU to ensure that its members receive any member-to-member communication at least 15 calendar days before a vote. Should the merging FCU believe the member's request is not proper, it must submit the request to the regional director for determination.

Estimated Number of Respondents: 1 (708a); 138 (708b).

Estimated Total Burden Hours: 712 (708a; increase of 2 hours); 8,120 (708b; increase of 558 hours).

3. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. The final rule 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. NCUA has therefore determined that this final rule does not constitute a policy that has federalism implications for purposes of the executive order.

4. Assessment of Federal Regulations and Policies on Families

NCUA has determined that this rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

List of Subjects

12 CFR Part 701

Advertising, Credit, Credit unions, Fair housing, Insurance, Reporting and recordkeeping requirements.

12 CFR Part 708a

Credit unions, Conversions, Mergers of credit unions, Reporting and recordkeeping requirements

12 CFR Part 708b

Credit unions, Mergers of credit unions.

By the National Credit Union Administration Board, on May 25, 2017.

Gerard Poliquin,

Secretary of the Board.

For the reasons discussed above, the National Credit Union Administration proposes to amend 12 CFR parts 701, 708a and 708b as follows:

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

■ 1. The authority citation for part 701 is revised to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1786, 1787, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.;* 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

■ 2. Revise the first sentence of paragraph a. of Section 2 of Article IV of appendix A to part 701 to read as follows:

Appendix A to Part 701—Federal Credit Union Bylaws

* * * * *

Article IV. Meetings of Members

* * * * *

Section 2. *Notice of meetings required.* a. The secretary must give written notice to each member of meetings: At least 30 but no more than 75 days before the date of the annual meeting; at least 7 days before the date of any special meeting; and at least 45 but no more than 90 days before the date of any meeting to vote on a merger with another credit union or a conversion to or merger with a bank. * * *

* * * * *

PART 708a—BANK CONVERSIONS AND MERGERS

■ 3. Revise the authority citation for part 708a to read as follows:

Authority: 12 U.S.C. 1752(7), 1766, 1785(b), 1785(c), and 1789.

■ 4. Add § 708a.104(f)(3)(iii) to read as follows:

§ 708a.104 Disclosures and communications to members.

* * * * *

(f) * * *

(3) * * *

(iii) If use of any ''reply'' or ''reply to'' function in a member's emailed material causes an email to be directed to any email address other than the requesting member's email address (such as the credit union's email address), the converting credit union must notify members using the ''reply'' or ''reply to'' function that the email has been directed to an address other than the requesting member's and identify to whom the response was sent.

* * * * *

■ 5. Add § 708a.305(g)(3)(iii) to read as follows:

§ 708a.305 Disclosures and communications to members.

* * * * *

(g) * * *

(3) * * *

(iii) If use of any ''reply'' or ''reply to'' function in a member's emailed material causes an email to be directed to any email address other than the requesting member's email address (such as the credit union's email address), the converting credit union must notify members using the ''reply'' or ''reply to'' function that the email has been directed to an address other than the requesting member's and identify to whom the response was sent.

* * * * *

PART 708b—MERGERS OF FEDERALLY-INSURED CREDIT UNIONS; VOLUNTARY TERMINATION OR CONVERSION OF INSURED STATUS

■ 6. The authority citation for part 708b is revised to read as follows:

Authority: 12 U.S.C. 1752(7), 1766, 1785, 1786, and 1789.

■ 7. Amend § 708b.2 as follows:

■ a. Add a definition in alphabetical order for ''covered person''.

■ b. Revise the definition of ''merger-related financial arrangement''.

■ c. Add a definition in alphabetical order for ''record date''.

■ d. Remove the definition for ''senior management official''.

The additions and revision read as follows:

§ 708b.2 Definitions.

* * * * *

Covered person means the chief executive officer or manager (or a person acting in a similar capacity); the four most highly compensated employees other than the chief executive officer or manager; and any member of the board of directors or the supervisory committee.

* * * * *

Merger-related financial arrangement means any increase in compensation or benefits that any covered person of a merging credit union has received during the 24 months prior to the date of the approval of the merger plan by the boards of directors of both credit unions. It also means any increase in compensation or benefits that any covered person of a merging credit union will receive in the future because of the merger. This definition includes all direct and indirect compensation, such as salary, bonuses, deferred compensation, early payout of retirement benefits, increased insurance benefits, or any other financial rewards or benefits.

* * * * *

Record date means a date announced by the board of directors of a merging credit union as the official date by which a person must have been a member of the merging credit union in order to be eligible to vote on a proposed merger.

* * * * *

■ 8. Amend § 708b.104 by revising paragraphs (a)(8) and (9) and adding paragraphs (a)(10) and (11) to read as follows.

§ 708b.104 Submission of merger proposal to NCUA.

(a) * * *

(8) If the merging credit union's assets on its latest call report are equal to or greater than the threshold amount established and published in the **Federal Register** annually by the Federal Trade Commission under 15 U.S.C. 18a(a)(2)(B)(i), a statement about whether the two credit unions intend to make a Hart-Scott-Rodino Act premerger notification filing with the Federal Trade Commission and, if not, an explanation why not;

(9) For mergers where the continuing credit union is not federally insured and will not apply for federal insurance:

(i) A written statement from the continuing credit union that it ''is aware of the requirements of 12 U.S.C. 1831t(b), including all notification and acknowledgment requirements''; and

(ii) Proof that the accounts of the credit union will be accepted for coverage by the nonfederal insurer (if the credit union will have nonfederal insurance);

(10) For mergers where the merging credit union is a federal credit union, board minutes for the merging and continuing credit union that reference the merger during the 24 months prior to the date of the approval of the merger plan by the boards of directors of both credit unions; and

(11) For mergers where the merging credit union is a federal credit union, a certification from the merging credit union and the continuing credit union that there are no merger-related financial arrangements other than those disclosed in the notice required under paragraph (a)(4) of this section in connection with the proposed merger.

* * * * *

■ 9. Revise § 708b.106 to read as follows:

§ 708b.106 Approval of the merger proposal by members.

(a) *Advance notice of member vote.* If the merging credit union is a federal credit union, members must receive at least 45 calendar days, but no more than 90 calendar days, advance written notice of any member meeting called to vote on the merger proposal.

(b) *Contents of member notice.* While the merging credit union may refer members to attachments for additional information or explanation, the notice provided to members pursuant to paragraph (a) of this section shall, at a minimum, contain the following:

(1) A statement of the purpose of the meeting and the time and place;

(2) A statement of the right of members to vote on the merger proposal in person or by mail ballot to be received no later than the date and time announced for the member meeting called to vote on the merger proposal;

(3) A statement of the right of members to communicate with other members by mail or email pursuant to paragraph (d) of this section;

(4) A summary of the merger plan, including but not necessarily limited to:

(i) A statement that the merging credit union does or does not have a higher net worth percentage than the continuing credit union;

(ii) A statement as to whether the members of the merging credit union will receive a share adjustment or not, including a summary of reasons for the decision and, at the merging credit union's discretion, a short explanation about the capital level;

(iii) An explanation of any changes in insurance such as life savings protection insurance or loan protection insurance;

(iv) An explanation of any changes related to federal share insurance (if the continuing credit union is not federally insured); and

(v) A detailed description of all merger-related financial arrangements

involving a covered person (*e.g.,* the amount of any increase in the covered person's compensation, bonus, deferred compensation, insurance benefits, or other financial benefits including early payouts of retirement benefits provided because of the merger). This description must include the recipient's name and title as well as, at a minimum, the amount of the merger-related financial arrangement expressed, where possible, as a dollar figure;

(5) A statement of the reasons for the proposed merger; and

(6) A statement identifying the physical locations of the merging credit union by street address, stating whether each location is to be closed or retained, and a list of branches of the continuing credit union by street address that are located in reasonable proximity to the merging credit union's locations.

(c) *Additional documents.* The notice provided to members pursuant to paragraph (a) of this section shall be accompanied separately by the following documents:

(1) The current financial statements for each credit union and a consolidated financial statement for the continuing credit union;

(2) Any additional information or explanatory material that the merging credit union wishes to provide that does not detract from the required disclosures and gives further detail to members regarding information disclosed pursuant to paragraph (b) of this section; and

(3) A Ballot for Merger Proposal.

(d) *Member-to-member communications.* Within 30 calendar days of receiving the notice provided to members pursuant to paragraph (a) of this section, members may jointly or individually make a written request to the merging credit union that the credit union mail or email a requesting member or members' merger-related communications to other members eligible to vote provided that the member or members agree to reimburse the credit union for reasonable expenses, excluding overhead, of mailing or emailing the communications on behalf of the requesting member(s). The merging credit union must ensure that members receive all merger-related communications at least 15 calendar days prior to any member meeting called to vote on the merger proposal.

(e) *Additional procedures governing member-to-member communications.* Member-to-member communication requests pursuant to paragraph (d) of this section are governed by these additional procedures:

(1) A member request must indicate if the member wants the materials mailed or emailed. If the member requests the materials to be mailed, the credit union must mail the materials to all eligible members. If a member requests the materials to be emailed, the credit union will email the materials to all members who have agreed to accept communications electronically from the credit union. The merging credit union will inform the member of the percentage of members for whom it does not have an email address.

(2) The merging credit union may, at its option, include the following statement with a member's materials:

On (date), the board of directors of (name of merging credit union) adopted a proposal to merge with (name of continuing credit union). Credit union members who wish to express their opinions about the proposed merger to other members may provide those opinions to (name of credit union). By law, the credit union, at the requesting members' expense, must then send those opinions to the other members. The attached document represents the opinion of a member of this credit union. This opinion is a personal opinion and does not necessarily reflect the views of the management or directors of the credit union.

(3) The merging credit union may not add anything other than the statement allowed by paragraph (e)(2) of this section to the member communication without prior approval of the regional director.

(4) After consultation with the regional director according to paragraph (f) of this section, the merging credit union is not required to mail or email materials that:

(i) Due to size or similar reasons are impracticable to mail or email;

(ii) Are false or misleading with respect to any material fact;

(iii) Omit a material fact necessary to make the statement in the material not false or misleading;

(iv) Relate to a personal claim or personal grievance, or solicit personal gain or business advantage by or on behalf of any party;

(v) Relate to any matter, including a general economic, political, racial, religious, social, or similar cause that is not materially related to the proposed merger;

(vi) Directly or indirectly and without expressed factual foundation impugn a person's character, integrity, or reputation;

(vii) Directly or indirectly and without expressed factual foundation make charges concerning improper, illegal, or immoral conduct; or

(viii) Directly or indirectly and without expressed factual foundation make statements impugning the safety and soundness of the credit union.

(5) If use of any ''reply'' or ''reply to'' function in a member's emailed material causes an email to be directed to any email address other than the requesting member's email address (such as the credit union's email address), the converting credit union must notify members using the ''reply'' or ''reply to'' function that the email has been directed to an address other than the requesting member's and identify to whom the response was sent.

(f) *Consultation with regional director regarding improper member communications.* If the merging credit union believes some or all of the member or members' request is not proper, it must submit the member materials to the regional director within 7 calendar days of receipt. The credit union must include with its transmittal letter a specific statement of why the materials are not proper and a specific recommendation for how the materials should be modified, if possible, to make them proper. The regional director will review the communication, communicate with the requesting member, and respond to the credit union within 7 calendar days with a determination on the propriety of the materials. The credit union must then immediately mail or email the material to the members if so directed by NCUA.

(g) *Clear and conspicuous disclosures required.* Any information required by paragraph (b) of this section to be disclosed on the notice provided to members pursuant to paragraph (a) of this section shall be legible, written in plain language, designed to be understood by ordinary consumers, and in the language in which most transactions are conducted for that member.

(h) *Approval of a proposal to merge.* Approval of a proposal to merge a federal credit union into a federally insured credit union requires the affirmative vote of a majority of the members of the merging credit union, as of a certain record date established by the board of directors, who vote on the proposal. If the continuing credit union is not federally insured, the requirements of subpart B of this part also apply and the merging credit union must use the form notice and ballot in subpart C of this part unless the regional director approves the use of different forms.

■ 10. Revise § 708b.202(b) to read as follows:

§ 708b.202 Notice to members of proposal to terminate insurance.

* * * * *

(b) The credit union must deliver the notice in person to each member, or mail it to each member at the address for the member as it appears on the records of the credit union, at least 45 days, but not more than 90 days, before the date of the vote. Members must be permitted to vote by mail ballot. The credit union may provide the notice of the proposal and the ballot to members at the same time.

* * * * *

■ 11. Revise § 708b.204(b) to read as follows:

§ 708b.204 Notice to members of proposal to convert insurance.

* * * * *

(b) The credit union must deliver the notice in person to each member, or mail it to each member at the address for the member as it appears on the records of the credit union, at least 45 days, but not more than 90 days, before the date of the vote. Members must be permitted to vote by mail ballot. The credit union may provide the notice of the proposal and the ballot to members at the same time.

* * * * *

[FR Doc. 2017–11331 Filed 6–7–17; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0254; Directorate Identifier 2017–NE–10–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all General Electric Company (GE) CF34–8E model turbofan engines. This proposed AD was prompted by a report that using a certain repair procedure for the fan outlet guide vane (OGV) frame could alter the strength capability of the fan OGV frame. This proposed AD would require replacement of all fan OGV frames repaired using this procedure. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 24, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* 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 General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: 513–552–3272; fax: 513–552–3329; email: *geae.aoc@ge.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

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–2017–0254; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Martin Adler, Aerospace Engineer, Engine Certification Office, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7157; fax: 781–238–7199; email: *martin.adler@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0254; Directorate Identifier 2017–NE–10–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We received a report that using a certain repair procedure for the fan OGV frame could alter the strength capability of the fan OGV frame because the repair procedure included an improper heat cycle. This proposed AD would require replacement of all fan OGV frames repaired using this procedure. This condition, if not corrected, could result in failure of the fan OGV frame, engine separation, and loss of the airplane.

Related Service Information

We reviewed GE CF34–8E Engine Manual, GEK 112031, 72–00–23, REPAIR 006. The repair describes procedures for applying a dry-film lubricant to the fan OGV frame with heat curing.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require replacement of fan OGV frames.

Costs of Compliance

We estimate that this proposed AD affects 42 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Fan OGV frame part—annual, prorated cost	0 work-hour × $85 per hour = $0.00	$12,300.00	$12,300.00	$516,600.00

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

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.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

General Electric Company: Docket No. FAA–2017–0254; Directorate Identifier 2017–NE–10–AD.

(a) Comments Due Date

We must receive comments by July 24, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all General Electric Company (GE) CF34–8E2; CF34–8E2A1; CF34–8E5; CF34–8E5A1; CF34–8E5A2; CF34–8E6; and CF34–8E6A1 model turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC), 7270, Turbine Engine Bypass Section.

(e) Unsafe Condition

This AD was prompted by a report that using a certain repair procedure for the fan outlet guide vane (OGV) frame could alter the strength capability of the fan OGV frame. We are issuing this AD to prevent failure of the fan OGV frame, engine separation, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

(1) For engines with a fan OGV frame installed that was repaired using GE CF34–8E Engine Manual, GEK 112031, 72–00–23, REPAIR 006:

(i) If the fan OGV frame has 24,900 cycles since new (CSN) or more on the effective date of this AD, remove the OGV frame from service within 100 cycles after the effective date of this AD.

(ii) If the OGV frame has less than 24,900 CSN on the effective date of this AD, remove the fan OGV frame from service at the next shop visit after the effective date of this AD, or before exceeding 25,000 CSN, whichever occurs earlier.

(2) After the effective date of this AD, do not install a fan OGV frame that was repaired using GE CF34–8E Engine Manual, GEK 112031, 72–00–23, REPAIR 006.

(h) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges.

(i) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov.*

(j) Related Information

(1) For more information about this AD, contact Martin Adler, Aerospace Engineer, Engine Certification Office, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7157; fax: 781–238–7199; email: *martin.adler@faa.gov.*

(2) GE CF34–8E Engine Manual, GEK 112031, 72–00–23, REPAIR 006 can be obtained from GE using the contact information in paragraph (j)(3) of this AD.

(3) For service information identified in this AD, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: 513–552–3272; fax: 513–552–3329; email: *geae.aoc@ge.com.*

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

Issued in Burlington, Massachusetts, on May 25, 2017.

Carlos A. Pestana,

Acting Assistant Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2017–11782 Filed 6–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0251; Directorate Identifier 2016–NM–101–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: We propose to adopt a new airworthiness directive (AD) for The Boeing Company Model 757–200 series airplanes with certain supplemental type certificates. This proposed AD was prompted by a report indicating that the main cargo door (MCD) forward-most cam latch on the forward center cam latch pair broke during flight. This proposed AD would require repetitive inspections for discrepancies of cam latches, latch pins, and latch pin cross bolts of the MCD; replacement of all alloy steel cross bolts through the latch pins with corrosion-resistant steel (CRES) cross bolts of the MCD; and related investigative and corrective actions if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 24, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* 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 VT Mobile Aerospace Engineering Inc., 2100 9th Street, Brookley Aeroplex, Mobile, AL 36615; telephone: 251–379–0112; email: *mae.757sf@vtmae.com;* Internet: *http://www.vtmae.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 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–2017–0251; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Samuel Belete, Aerospace Engineer, Systems and Equipment Branch, ACE–119A, FAA, Atlanta Aircraft Certification Office (ACO), 1701 Columbia Avenue, College Park, GA 30337; telephone: 404–474–5580; fax: 404–474–5605; email: *samuel.belete@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0251; Directorate Identifier 2016–NM–101–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We have received a report indicating that a forward-most cam latch of the forward center cam latch pair on a Model 757 airplane MCD broke during flight. We issued AD 2015–25–01, Amendment 39–18339 (80 FR 79461, December 22, 2015) (''AD 2015–25–01''), to address the unsafe condition for The Boeing Company Model 757–200, 757–200CB, and 767–200PF series airplanes delivered under a Boeing supplemental type certificate. We have determined that action is needed to address the same unsafe condition on Model 757–200 series airplanes that have been converted from a passenger to a freighter configuration in accordance with VT Mobile Aerospace Engineering Inc. (MAE) Supplemental Type Certificate (STC) ST03562AT (14 pallet) or VT MAE STC ST04242AT (15 pallet), and from passenger to combination cargo/passenger configuration in accordance with VT MAE STC ST03952AT (combi). The VT MAE MCD cam latches and latch pins are similar to those in the Boeing MCD addressed in AD 2015–25–01. However, AD 2015–25–01 does not include the airplanes addressed in this proposed AD. We are proposing this AD to detect and correct discrepancies of the MCD cam latches, latch pins, and latch pin cross bolts, which, if left undetected, could reduce the structural integrity of the MCD, and result in potential loss of the cargo door and rapid decompression of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed VT Mobile Aerospace Engineering Inc. Service Bulletin MAE757SF–SB–52–12/02, Revision 3, dated July 22, 2016 (''MAE757SF–SB–52–12/02, R3''). The service information describes procedures for doing inspections for discrepancies of cam latches, latch pins, and latch pin cross bolts of the MCD; replacement of all alloy steel cross bolts through the latch pins with CRES cross bolts of the MCD; and related investigative and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.''

Related investigative actions include detailed inspections of mating parts and adjacent cam latches and cam pins for cracks and gouges, high frequency eddy current or magnetic particle inspection of cam latches for cracks, and checks of the rig of the MCD. Corrective actions include replacing discrepant parts, repairing damage, and rigging the MCD.

The compliance time for the general visual inspection is 375 flight cycles after the rig of the MCD was checked. The initial compliance time for the other inspections is before the accumulation of 40,000 total latch pin flight cycles, or 3,000 or 6,000 flight cycles after the rig of the MCD was checked. The compliance time for the replacement is 3,000 flight cycles after the rig of the MCD was checked. The compliance times for the repetitive inspections range from 375 flight cycles to 6,000 flight cycles.

Differences Between This Proposed AD and the Service Information

Where MAE757SF–SB–52–12/02, R3, specifies doing actions on airplanes meeting certain conditions identified in the ''Condition'' column of table 1 of paragraph I.D., ''Compliance,'' this proposed AD specifies doing these actions on all airplanes.

Costs of Compliance

We estimate that this proposed AD affects 119 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	20 work-hours × $85 per hour = $1,700 per inspection cycle.	$0	$1,700 per inspection cycle.	$202,300 per inspection cycle.

We estimate the following costs to do any necessary related investigative and corrective actions that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Related investigative and corrective actions	Up to 144 work-hours × $85 per hour = $12,240.	Up to $3,000	Up to $15,240.

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.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2017–0251; Directorate Identifier 2016–NM–101–AD.

(a) Comments Due Date

We must receive comments by July 24, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 757–200 series airplanes, certificated in any category, that have been converted from passenger to freighter configuration as specified in any of the VT Mobile Aerospace Engineering Inc. Supplemental Type Certificates (STCs) identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD.

(1) ST03562AT (14 pallet) (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/7239683609eb1b4086257ff1004d0f2b/$FILE/ST03562AT.pdf*).

(2) ST04242AT (15 pallet) (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/edd46d607cedd3a286257ff1004d8d82/$FILE/ST03952AT.pdf*.)

(3) ST03952AT (combi—airplanes that can carry passenger, freight, or both in the cabin) (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/edd46d607cedd3a286257ff1004d8d82/$FILE/ST03952AT.pdf*).

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Unsafe Condition

This AD was prompted by a report indicating that the main cargo door (MCD) forward-most cam latch on the forward center cam latch pair broke during flight. We are issuing this AD to detect and correct

discrepancies of the MCD cam latches, latch pins, and latch pin cross bolts, which, if left undetected, could reduce the structural integrity of the MCD and result in potential loss of the cargo door and rapid decompression of the airplane.

(f) Compliance

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

(g) Repetitive Inspections, Replacement, and Related Investigative and Corrective Actions

At the applicable time specified in paragraph I.D., ''Compliance,'' of VT Mobile Aerospace Engineering Inc. Service Bulletin MAE757SF–SB–52–12/02, Revision 3, dated July 22, 2016 (''MAE757SF–SB–52–12/02, R3''), except as required by paragraph (h)(1) of this AD; or within 30 days after the effective date of this AD, whichever occurs later: Do the actions specified in paragraphs (g)(1) through (g)(4) of this AD, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of MAE757SF–SB–52–12/02, R3, except as specified in paragraph (h)(2) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspections specified in paragraphs (g)(1), (g)(2), and (g)(4) of this AD thereafter at the applicable intervals specified in paragraph I.D., ''Compliance,'' of MAE757SF–SB–52–12/02, R3.

(1) Do a general visual inspection for any broken or missing cam latches, latch pins, and latch pin cross bolts of the MCD.

(2) Do a detailed inspection for any cracks or gouges in critical areas of the cam latches and latch pins of the MCD and for any cam latches with lip deformation.

(3) Replace all previously unreplaced alloy steel cross bolts through the latch pins with corrosion resistant steel (CRES) cross bolts of the MCD.

(4) Do a high frequency eddy current (HFEC) or magnetic particle inspection for any cracks in the critical areas of cam latch 1 and cam latch 2 of the MCD.

(h) Exceptions to Service Information

(1) Where the ''Condition'' column of table 1 of paragraph I.D., ''Compliance,'' of MAE757SF–SB–52–12/02, R3, refers to airplanes meeting certain conditions identified in ''Condition 1'': for this AD, ''Condition 1'' applies to all airplanes.

(2) Where the Accomplishment Instructions of MAE757SF–SB–52–12/02, R3, specify doing actions only for airplanes that had completed a certain rig and check of the MCD on them, this AD requires doing those actions on all airplanes.

(i) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using VT Mobile Aerospace Engineering Inc. Service Bulletin MAE757SF–SB–52–12/02, Revision 2, dated February 18, 2016.

(j) Special Flight Permit

A special flight permit may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane, for a single unpressurized flight, to a location where the airplane can be modified.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta Aircraft Certification Office (ACO), 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 ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD.

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

(l) Related Information

(1) For more information about this AD, contact Samuel Belete, Aerospace Engineer, Systems and Equipment Branch, ACE–119A, FAA, Atlanta ACO, 1701 Columbia Avenue, College Park, GA 30337; telephone 404–474–5580; fax 404–474–5605; email: *samuel.belete@faa.gov*.

(2) For service information identified in this AD, contact VT Mobile Aerospace Engineering Inc., 2100 9th Street, Brookley Aeroplex, Mobile, AL 36615; telephone: 251–379–0112; email: *mae.757sf@vtmae.com;* Internet: *http://www.vtmae.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 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 April 11, 2017.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–11893 Filed 6–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9421; Airspace Docket No. 16–ASW–17]

Proposed Establishment Class E Airspace; Cisco, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM), withdrawal.

SUMMARY: This action withdraws the NPRM published in the **Federal Register** on March 13, 2017, proposing to establish Class E airspace extending upward from 700 feet above the surface at Gregory M. Simmons Memorial Airport, Cisco, TX. The FAA has determined that withdrawal of that NPRM is warranted as the airport does not meet the requirements for the airspace at this time.

DATES: *Effective date:* 0901 UTC, June 8, 2017.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

History

An NPRM was published in the **Federal Register** on March 13, 2017 (82 FR 13409) Docket No. FAA–2016–9421, to amend Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface at Gregory M. Simmons Memorial Airport, Cisco, TX. The proposed action was to accommodate a new special instrument approach procedure at the airport. A further review of the airport determined that it was not part 139 certified, as required by FAA Order 8260.19G, Flight Procedures and Airspace, and that the overlying air traffic control facility does not require the establishment of Class E airspace extending upward from 700 feet above the surface at the airport to accommodate the instrument approach procedure at this time. Therefore, the FAA is withdrawing the NPRM.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal

■ In consideration of the foregoing, the NPRM for FR Doc. FAA–2016–9421, Airspace Docket No. 16–ASW–17, as published in the **Federal Register** of March 13, 2017 (82 FR 13409) FR Doc. 2017–04793, is hereby withdrawn.

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

Issued in Fort Worth, TX, on May 31, 2017.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2017–11677 Filed 6–7–17; 8:45 am]

BILLING CODE 4910–13–P

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1318

Procedures for Implementing the National Environmental Policy Act

AGENCY: Tennessee Valley Authority.

ACTION: Proposed rule; request for comments.

SUMMARY: The Tennessee Valley Authority (TVA) is proposing to amend its procedures implementing the National Environmental Policy Act (NEPA) to make these implementing procedures better align with its decision making processes, and to incorporate into these procedures guidance issued by the Council on Environmental Quality (CEQ) since the procedures were last amended. TVA also proposes to move its NEPA implementing procedures from TVA Instruction IX (Environmental Review) to Chapter XIII (Tennessee Valley Authority) in the Code of Federal Regulations as Part 1318. In addition, implementation of the Executive Order (E.O.) 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input, is addressed.

DATES: Written comments must be postmarked and electronic comments must be submitted on or before August 7, 2017.

ADDRESSES: Comments can be submitted by one of the following methods:

1. *TVA's NEPA Web site: http://www.tva.gov/nepa.* Follow the instructions for submitting comments electronically on the Web site.
2. *Email: NEPArule@tva.gov.*
3. *Mail comments to:* NEPA Rule Comments, Tennessee Valley Authority, 400 W. Summit Hill Drive 11D–K, Knoxville, TN 37902.

Before including your address, phone number, email address, or other personal identifying information in your comment, please note that any comments received, including names and addresses, will become part of the project administrative record and will be available for public inspection.

FOR FURTHER INFORMATION CONTACT: Matthew Higdon, NEPA Specialist, Tennessee Valley Authority, 400 W. Summit Hill Drive #11D–K, Knoxville, Tennessee 37902. Telephone: 865–632–8051. Email: *mshigdon@tva.gov.*

SUPPLEMENTARY INFORMATION:

Background

This proposed rule revises TVA's implementing procedures for assessing the effects of TVA's actions in accordance with NEPA, as amended (42 U.S.C. 4321 *et seq.*). CEQ regulations at 40 CFR 1505.1 and 1507.3 require Federal agencies to adopt procedures as necessary to supplement CEQ's regulations implementing NEPA and to consult with CEQ during their development. TVA established its procedures for implementing NEPA in 1980 (45 FR 54511–15, August 15, 1980), and amended the procedures in 1983 (48 FR 19264, April 28, 1983) to incorporate requirements relating to floodplain management and protection of wetlands, among other things.

TVA has completed an internal review of its NEPA procedures and practices and has identified the need to revise its procedures. TVA found during its review that some procedures must be updated to more accurately address TVA's current mission, program areas, or organizational structure. Also, the current procedures should be updated to appropriately address the currently evolving energy market place, current communication trends, and CEQ guidance and additional orders that were established subsequent to the initial TVA NEPA procedures. In addition, TVA has identified opportunities to improve its practices and to provide clarity to the procedures to ensure environmental compliance and improve the decision-making process. In updating its procedures, TVA also wishes to ensure that those procedures reduce paperwork and delay to the extent possible.

The proposed amendments include: (1) Updates to organizational references to clarify roles and responsibilities within TVA; (2) acknowledgement of the use of modern notification and communication methods to improve public participation; (3) revisions to TVA's list of categorical exclusions to include common actions that have been demonstrated to have little effect on the human environment and to remove categorical exclusions for actions which TVA rarely or no longer undertakes; (4) instructions to incorporate E.O. 13690; and (5) revisions to improve the clarity of the procedures and remove redundant and outdated information. Key changes to the procedures proposed by TVA are described below.

TVA's NEPA implementing procedures have been contained in TVA Instruction IX (Environmental Review), a section of TVA's administrative code of internal policies and procedures. Although most of the code was eliminated in the 1980s, Instruction IX (Environmental Review) has remained in effect. TVA now proposes to publish the amended procedures as rules to be codified in Chapter XIII (Tennessee Valley Authority) as part 1318 of the Code of Federal Regulations (18 CFR part 1318). The heading of part 1318 would be ''Implementation of the National Environmental Policy Act of 1969.'' TVA intends to promote greater transparency in the NEPA process by incorporating its NEPA procedures in the Code of Federal Regulations (CFR). Extensive changes to the format and organization of the procedures are needed to meet the uniform requirements applying to Federal regulations codified in the CFR.

TVA consulted with CEQ while preparing these proposed regulations. Like TVA's current NEPA procedures, the proposed regulations would supplement the CEQ regulations implementing NEPA. The proposed regulations were drafted with the objective of minimizing repetition of requirements already contained in the CEQ regulations and with the understanding that the TVA-specific regulations would be applied with the CEQ regulations. The notice and the proposed TVA regulations include many words and phrases that are specifically defined in either the NEPA statute or CEQ regulations. Many of these definitions can be found in part 1508 of the CEQ regulations (40 CFR part 1508). In addition, the proposed TVA regulations include definitions for certain terms.

Administrative Requirements

A. Unfunded Mandates Reform Act and Various Executive Orders Including E.O. 12866, Regulatory Planning and Review; E.O. 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 12988, Civil Justice Reform Act; E.O. 13045, Protection of Children From Environmental Health Risks; E.O. 13132, Federalism; E.O. 13175, Consultation and Coordination With Indian Tribal Governments; E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, and Use; and E.O. 13771, Reducing Regulation and Controlling Regulatory Costs

This proposed rule amends TVA's procedures for the implementation of NEPA and is not subject to review by the Office of Management and Budget (OMB) under E.O. 12866. The proposed rule contains no Federal mandates for State, local, or tribal government or for the private sector. TVA has determined that these amendments will not have a significant annual effect of $100 million or more or result in expenditures of $100 million in any one year by State, local, or tribal governments or by the private sector. Nor will the amendments

have concerns for environmental health or safety risks that may disproportionately affect children, have significant effect on the supply, distribution, or use of energy, or disproportionally impact low-income or minority populations. Accordingly, this proposed rule has no implications for any of the aforementioned authorities.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* TVA is required to prepare a regulatory flexibility analysis unless the head of the agency certifies that the proposal will not have a significant economic impact on a substantial number of small entities. TVA's Chief Executive Officer has certified that the amendments promulgated in this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. This determination is based on the finding that the amendments are directed toward changing existing TVA procedures for conducting environmental reviews and do not compel any other party to take any action or interfere with an action taken by any other party. The amendments do not change the substantive requirements of TVA programs that are most likely to affect small entities (*e.g.,* TVA permitting, economic assistance and development programs).

C. Paperwork Reduction Act

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

D. National Environmental Policy Act

The CEQ does not direct agencies to prepare a NEPA analysis or document before establishing agency procedures that supplement the CEQ regulations for implementing NEPA. TVA's NEPA procedures assist in the fulfillment of its responsibilities under NEPA, but are not the agency's final determination of what level of NEPA analysis is required for a particular agency action. The requirements for establishing agency NEPA procedures are set forth at 40 CFR 1505.1 and 1507.3. The determination that establishing agency NEPA procedures does not require NEPA analysis and documentation has been upheld in *Heartwood, Inc.* v. *U.S. Forest Service,* 73 F. Supp. 2d 962, 972–73 (S.D. III. 1999), aff'd, 230 F.3d 947, 954–55 (7th Cir. 2000).

Description of Proposed Changes

TVA's proposed regulations are organized under subparts A through G of 18 CFR part 1318, covering the contents of TVA Instruction IX (Environmental Review) sections 1 through 5. Subpart A of the proposed regulations includes sections 1 through 4 of TVA's current NEPA procedures. The provisions in section 5 of TVA's current NEPA procedures are now found in Subparts B through G of the proposed regulations. TVA proposes to reorganize some sections of the procedures to improve its organization by grouping similar subjects together. As noted above, the new numbering and formatting of sections and paragraphs changes the structure and organization of the procedures, but is necessary to meet the requirements for codifying regulations in the CFR.

The majority of implementing procedures found in TVA Instruction IX (Environmental Review) would transfer to 18 CFR part 1318 and remain intact, except for organizational and grammatical changes added to improve clarity and reflect regulatory requirements. Throughout the procedures, TVA proposes to revise references to TVA management and staff positions and office titles because those positions and office titles have changed since 1983 and are subject to further change over time; therefore, these titles would be revised to more general terms to clarify roles and responsibilities within TVA. The following paragraphs contain a section-by-section summary of key proposed changes under each subpart from those currently in TVA's NEPA procedures. These summaries are provided so that members of the public may focus their review on changes proposed by TVA.

Subpart A—General Information

Subpart A of the proposed regulations includes sections 1 through 4 of TVA's current NEPA procedures.

Section 1318.10 Purpose. Minor revisions are proposed for this section to improve clarity.

Section 1318.20 Policy. In addition to minor edits to improve clarity, this section would incorporate TVA's policy that the application of NEPA principles during the environmental review process will assist TVA to make better, more informed decisions.

Section 1318.30 Abbreviations. Abbreviations for the following would be added to this section: Categorical Exclusion, Draft Environmental Impact Statement, Environmental Impact Statement, Environmental Protection Agency, Final Environmental Impact Statement, Finding of No Significant Impact, and Record of Decision.

Section 1318.40 Definitions. TVA would add a definition of ''controversial'' and revise the definition of ''floodplain'' to recognize that the Federal Flood Risk Management Standard applies for federally funded projects. The definition of ''important farmland'' would be moved to reflect the alphabetical order of defined terms.

Subpart B—Initiating the NEPA Process

This subpart incorporates and expands the current procedures in section 5.1 of TVA Instruction IX.

Section 1318.100 Action formulation. TVA would expand this section to reflect the TVA policy that in addition to decision-making responsibilities of the TVA Chief Executive Officer and Board of Directors, other TVA managers and officials make decisions for some TVA actions.

Section 1318.101 NEPA determination. In addition to minor edits to improve clarity, the procedures would be expanded to clarify roles and responsibilities and to clarify when NEPA applies.

Subpart C—Categorical Exclusions

Substantial revisions to TVA's procedures relating to categorical exclusions are proposed. Subpart C would replace the current procedures in section 5.2 of TVA Instruction IX.

Section 1318.200 Purpose and scope. In addition to minor revisions to improve clarity, this section incorporates direction to avoid segmenting a larger project into small parts when considering applying categorical exclusions.

Section 1318.201 Extraordinary circumstances. Proposed revisions to this section would expand the list of extraordinary circumstances in which a normally excluded action may have a significant environmental effect.

Appendix A—Categorical exclusions. The list of categorical exclusions would be appended to Subpart C. TVA is proposing to retain 4 of the current categorical exclusions unchanged, revise 15, and remove 9. TVA also proposes to expand its list of CEs to include 31 new categories of activities. TVA's proposed revisions are consistent with guidance issued by CEQ on establishing, applying, and revising categorical exclusions under NEPA (CEQ, ''Final Guidance for Federal Departments and Agencies on Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act,'' 75 FR 75628, December 6, 2010).

In response to CEQ's issuance of the guidance, TVA conducted an extensive review of its current 28 categorical exclusions and identified the need to make numerous revisions and additions to ensure TVA's compliance with the purposes and provisions of NEPA. Based on this review, TVA identified four categorical exclusions that do not require revision and would be retained. These four categorical exclusions are clearly defined and continue to address actions that would not typically result in significant environmental impacts.

Of the nine categorical exclusions that TVA proposes to remove, three are proposed for removal because activities covered by those exclusions are no longer performed regularly by TVA (*i.e.,* exploration for uranium, visitor center construction, backslope agreements). Two categorical exclusions are considered to be too broadly defined and would be replaced by new categorical exclusions that are more specific. Two other categorical exclusions would be removed because they include human resources actions that are addressed by another categorical exclusion. Finally, TVA determined that two additional categorical exclusions should be removed because they are inconsistent with the definition of categorical exclusions in CEQ's regulations.

During the review of its categorical exclusions, TVA identified the need to revise 15 existing categorical exclusions to reflect current agency programs, clarify the definitions of the categories, apply new spatial limits, and/or change the scope of categorically excluded activities. Some revisions are proposed to expand or limit the applicability of the categorical exclusions and/or make the scope and quantitative aspects of the categorical exclusions more consistent with those adopted by other Federal agencies engaged in similar or identical actions.

TVA is proposing to add 31 new categorical exclusions to include activities that are commonly performed by TVA and have been shown not to have significant environmental impacts under normal circumstances. Most of the new categorical exclusions address routine natural resources stewardship, land and facilities management, economic development, and certain transmission system management activities. Consistent with CEQ's guidance, TVA has prepared supporting documentation for the proposed revisions. The document, entitled ''Proposed Categorical Exclusions Supporting Documentation,'' is intended to assist the public in reviewing the proposed changes to TVA's list of categorical exclusions and is available for review at TVA's Web site (*http://www.tva.gov/nepa*). The document provides substantiating information that activities encompassed by the new and revised categorical exclusions would not normally cause significant environmental effects and explains in greater detail TVA's reasons for retaining, modifying or eliminating existing categorical exclusions. The document includes: A discussion of the actions in the category; references to previous TVA projects documented with environmental reviews and relevant findings; a summary of relevant environmental issues for each category of actions; references and comparisons to other Federal agencies with similar provisions for categorical exclusions; information on how TVA would document the application of the categorical exclusion; a discussion of each new spatial limit that is proposed for the categorical exclusion; and other supporting information.

Subpart D—Environmental Assessments

This subpart incorporates and expands the current procedures in section 5.3 of TVA Instruction IX. Requirements relating to generic EAs were moved to the subpart for miscellaneous procedures.

Section 1318.300 Purpose and scope. A statement was added to this section to reflect that environmental assessments should be concise and focus on important issues and reasonable alternatives.

Section 1318.301 Public and stakeholder participation in the EA process. This section would be revised to describe factors considered by TVA in determining how to involve the public in the preparation of EAs. In addition, TVA would require that staff identify and involve interested stakeholders, including local and State agencies, other Federal agencies, and Indian tribes, during the EA review process, as appropriate. TVA would also require public reviews of EAs prepared for actions that would normally require an EIS.

Section 1318.302 EA preparation. Minor changes to the organization and grammar in this section would clarify EA requirements and the responsibilities of TVA staff early in the EA process. Responsibilities for determining the need for public involvement in the completion of the EA would also be set out in this section.

Section 1318.303 Finding of No Significant Impact. This section clarifies that the finding should be concise, identify environmental mitigation measures to which TVA commits, and incorporate the EA.

Section 1318.304 Supplements and adoptions. This section would be expanded to address adoption of EAs prepared by other agencies; TVA Instruction IX only addresses adoption of EISs prepared by other agencies.

Subpart E—Environmental Impacts Statements

Section 1318.400 Purpose and scope. TVA would make revisions to the list of actions normally requiring an EIS. Examples of water resource development and water control projects would be added for clarity. TVA would specify that ''major power generating facilities'' would normally require an EIS if such actions involve construction of new major power generating facilities occurring at sites not previously used for industrial purposes.

Two actions would be removed from the list of actions normally requiring an EIS. Uranium mining and milling complexes would be removed from the list of actions requiring an EIS because TVA no longer conducts these actions. Any major action which will have a significant effect on the quality of the human environment was removed from the list because it is well established by CEQ regulation that such actions require completion of an EIS.

Section 1318.401 Lead and cooperating agency determinations. Minor revisions would clarify roles and responsibilities.

Section 1318.402 Scoping process. Minor revisions to this section would clarify the types of agencies with whom TVA may coordinate and the roles and responsibilities of TVA entities and NEPA compliance staff. This section incorporates a requirement that if a scoping report for an EIS is prepared, it would be made available to the public.

Section 1318.403 DEIS preparation, transmittal, and review. This section combines TVA Instruction IX sections 5.4.4 and 5.4.5 and includes substantive changes. It incorporates information relating to cooperating agency reviews of a Draft EIS and includes the requirement that Draft EISs will be available on TVA's public Web site. A minor revision was made to specify that 45 days is the minimum length of the public review period for a Draft EIS. Roles and responsibilities are clarified as well in this section. TVA proposes to remove information related to providing additional public involvement and to determining the appropriate type and format for involvement.

Section 1318.404 FEIS preparation and transmittal. This section combines sections 5.4.6 and 5.4.7 of TVA

Instruction IX. Minor revisions to this section would clarify roles and responsibilities. This section also incorporates guidance for addressing substantive comments received on a Draft EIS and how such input would be incorporated in the Final EIS. The section also incorporates requirements to post a Final EIS to the TVA public Web site and by other means upon request.

Section 1318.405 Agency decision. This section combines sections 5.4.8 and 5.4.9 of TVA Instruction IX and clarifies when actions may commence after a Final EIS is published. Minor revisions regarding the contents of the Record of Decision were made for clarity. This section also incorporates the limitations on actions that apply during the NEPA process pursuant to CEQ's regulations at 40 CFR 1506.1(a).

Section 1318.406 Supplements. This section clarifies the circumstances in which TVA would supplement an EIS. Minor revisions to this section would clarify roles and responsibilities. Also, the term ''revisions'' relating to changes made to an EIS is removed.

Section 1318.407 EIS adoption. To improve clarity, this section revises and incorporates additional requirements pertaining to the adoption of an EIS (or portion) prepared by another agency. The section incorporates procedures to ensure that the scientific accuracy of the analysis and conclusions are verified by TVA prior to adoption. The section also incorporates procedures relating to supplementing EISs that TVA determines do not adequately address TVA's action; relating to issuing decisions based on EISs (a) for which TVA served as a cooperating agency and (b) which TVA determines adequately address its decision; and to public notification requirements for EISs deemed adequate but prepared without TVA's participation as a cooperating agency. The section also incorporates procedures relating to notification of the public and other interested stakeholders.

Subpart F—Miscellaneous Procedures

Miscellaneous procedures in TVA's Instruction IX would be reorganized under Subpart F and precede procedures relating to floodplains and wetlands.

Section 1318.500 Public participation. Minor revisions to this section would clarify TVA's policy regarding public participation during the NEPA process. Reference to TVA's former Citizen Action Office is removed. This section also incorporates information regarding TVA's Web site as a resource for the public to learn about TVA actions and NEPA reviews, as well as information regarding public availability of names and addresses provided by those commenting on any NEPA document.

Section 1318.501 Mitigation commitment identification, auditing, and reporting. Minor revisions to this section clarify roles and responsibilities, and address disclosure of mitigation commitments in NEPA documents. In addition, this section clarifies considerations made when determining whether to modify or delete previously-made mitigation commitments.

Section 1318.502 Tiering. No substantive changes are proposed for this section.

Section 1318.503 Programmatic and generic NEPA documents. TVA would remove procedures in TVA's Instruction IX that address using generic EAs to establish whether a category of actions may be treated as a categorical exclusion; categorical exclusions would no longer be established in this manner. This section incorporates guidance regarding programmatic and generic NEPA analyses of programs, policies or plans, or of actions that may have a wide geographic scope. This section also incorporates information regarding actions that may continue during programmatic NEPA review period, and when tiering from programmatic reviews is appropriate.

Section 1318.504 Private applicants. Major revisions to this section pertain to clarification of roles and responsibilities of TVA's NEPA compliance staff and other TVA staff when applicants and non-TVA entities propose to undertake an action requiring TVA approval or involvement. This section also incorporates requirements for consideration of an applicant's purpose and need in decision-making and clarifies that while non-TVA entities may prepare NEPA documents, it remains TVA's responsibility to ensure NEPA adequacy. This section also specifies that a private entity's participation in TVA's NEPA process does not commit TVA to a favorable action on the request.

Section 1318.505 Non-TVA EISs. No substantive changes are proposed to this section.

Section 1318.506 Documents. A minor revision to this section is proposed to clarify that electronic archiving of NEPA documents is acceptable and will be done in compliance with TVA's record retention policy.

Section 1318.507 Reducing paperwork and delay. No substantive changes to this section are proposed.

Section 1318.508 Supplemental guidance. No substantive changes to this section are proposed.

Section 1318.509 Substantial compliance. Minor revisions to this section incorporate TVA's general policy that the substance of its NEPA reviews and processes are of utmost importance, rather than the form of its reviews and processes.

Section 1318.510 Emergency actions. This section incorporates and revises procedures in Section 5.6 of TVA's Instruction IX relating to emergency actions. The section would be revised to clarify the roles and responsibilities of TVA staff and the responsible official in determining and documenting that an emergency exists.

Section 1318.511 Modification of assignments. No substantive changes to this section are proposed.

Section 1318.512 Status reports. This section would be revised to clarify that TVA's Web site serves as the primary means by which information or status reports of TVA's NEPA documents or compliance activities is available to the public.

Section 1318.513 Official responsible for NEPA compliance efforts. This section would be revised to clarify that the person responsible for the management of TVA NEPA compliance staff is the official responsible for overall NEPA compliance.

Subpart G—Floodplains and Wetlands

In addition to minor clarifications, this subpart incorporates information from E.O. 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input. Additional information regarding how TVA proposes to determine project-specific Federal Flood Risk Management Standard elevations and their applicability can be reviewed at the TVA Web site listed above.

Section 1318.600 Purpose and scope. In this section, TVA incorporates information from E.O. 13690. Further, the text of this section was revised to clarify when wetland evaluations are not required under E.O. 11990, Protection of Wetlands.

Section 1318.601 Area of impact. Minor revisions to this section are proposed to clarify roles and responsibilities.

Section 1318.602 Actions that will affect floodplains or wetlands. Minor revisions are proposed to clarify roles and responsibilities.

Section 1318.603 Public notice. Minor revisions are proposed to improve clarity and to incorporate

procedures relating to the Federal Flood Risk Management Standard. Outdated procedures pertaining to the use of State or regional A–95 clearinghouses and TVA's Citizen Action Office (which no longer exists) were updated for clarification.

Section 1318.604 Disposition of real property. No substantive changes to this section are proposed.

Section 1318.605 General and class reviews. This section incorporates guidance that general or class reviews of similar or repetitive actions occurring in floodplains may be conducted in lieu of site-specific reviews.

List of Subjects in 18 CFR Part 1318

Administrative practice and procedure, Environmental impact statements, Environmental protection, Floodplains, Floods, Wetlands.

■ For the reasons stated in the preamble, TVA proposes to add a new part 1318 to chapter XIII of title 18 of the Code of Federal Regulations to read as follows:

PART 1318—IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Subpart A—General Information

Subpart B—Initiating the NEPA Process

Subpart C—Categorical Exclusions

Subpart D—Environmental Assessments

Subpart E—Environmental Impact Statements

Subpart F—Miscellaneous Procedures

Subpart G—Floodplains and Wetlands

Authority: 42 U.S.C. 4321 *et seq.*

Subpart A—General Information

§ 1318.10 Purpose.

This part establishes procedures for Tennessee Valley Authority (TVA) to use for compliance with:

(a) The National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*);

(b) Other applicable guidelines, regulations and Executive orders implementing NEPA; and

(c) The Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508).

§ 1318.20 Policy.

It is the policy of TVA that:

(a) TVA incorporates environmental considerations into its decision-making processes to the fullest extent possible. These procedures ensure that actions are viewed in a manner to encourage productive and enjoyable harmony between man and the environment.

(b) Commencing at the earliest possible point and continuing through implementation, appropriate and careful consideration of the environmental aspects of proposed actions is built into the decision-making process in order that adverse environmental effects may be avoided or minimized, consistent with the requirements of NEPA.

(c) Environmental reviews under NEPA will assist decision makers in making better, more knowledgeable decisions that concentrate on truly significant environmental issues, consider reasonable alternatives to the proposed action, are consistent with the environmental importance of the action, substantially fulfill the identified need and purpose for a proposed action, and are practicable.

§ 1318.30 Abbreviations.

(a) CE—Categorical Exclusion
(b) CEQ—Council on Environmental Quality
(c) DEIS—Draft Environmental Impact Statement
(d) EA—Environmental Assessment
(e) EIS—Environmental Impact Statement
(f) EPA—Environmental Protection Agency
(g) FEIS—Final Environmental Impact Statement
(h) FONSI—Finding of No Significant Impact
(i) NEPA—National Environmental Policy Act
(j) ROD—Record of Decision
(k) TVA—Tennessee Valley Authority

§ 1318.40 Definitions.

The following definitions apply throughout these procedures. All other applicable terms should be given the same meaning as set forth in CEQ's currently effective regulations (40 CFR part 1508) unless such a reading would make the terms inconsistent with the context in which they appear.

Controversial refers to scientifically supported commentary that casts substantial doubt on the agency's methodology or data, but does not mean commentary expressing mere opposition.

Federally funded projects for purposes of the Federal Flood Risk Management Standard are actions where Federal funds are used for new construction, substantial improvement of existing structures, or to address substantial damage to existing structures and facilities.

Floodplain refers to the lowland and relatively flat areas adjoining flowing inland waters and reservoirs. Floodplain generally refers to the base floodplain, *i.e.,* that area subject to a 1 percent or greater chance of flooding in any given year. For federally funded projects, the definition of floodplains for the Federal Flood Risk Management Standard applies.

Important farmland includes prime farmland, unique farmland, and farmland of statewide importance as defined in 7 CFR part 657.

Natural and beneficial floodplain and wetland values refer to such attributes as the capability of floodplains and wetlands to provide natural moderation of floodwaters, water quality maintenance, fish and wildlife habitat, plant habitat, open space, natural beauty, scientific and educational study areas, and recreation.

Practicable, as used in Subpart G of this part, refers to the capability of an action being performed within existing

constraints. The test of what is practicable depends on the situation involved and should include an evaluation of all pertinent factors, such as environmental impact, economic costs, statutory authority, legality, technological achievability, and engineering constraints.

Wetlands are those areas inundated by surface or ground water with a frequency sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands do not include temporary human-made ponds associated with active construction projects.

Subpart B—Initiating the NEPA Process

§ 1318.100 Action formulation.

(a) Each office, group, or department (''entity'') within TVA is responsible for integrating environmental considerations into its planning and decision-making processes at the earliest possible time to ensure that potential environmental effects are appropriately considered, to reduce the risk of delays, and to minimize potential conflicts.

(b) Environmental analyses should be included in or circulated with and reviewed at the same time as other planning documents. This responsibility is to be carried out in accordance with the environmental review procedures contained herein.

(c) TVA's Chief Executive Officer and Board of Directors are the agency's primary decision makers for programs and actions that are likely to be the most consequential from an environmental, financial, and policy standpoint. Other TVA officials and managers are responsible for and make decisions about other TVA actions.

§ 1318.101 NEPA determination.

(a) NEPA applies to proposed actions with potential impacts on the physical environment that would result in a non-trivial change to the environmental status quo.

(b) At the earliest possible time, the TVA entity proposing to initiate an action must consult with the staff responsible for NEPA compliance (''NEPA compliance staff'') and TVA legal counsel, as appropriate, in determining whether the action requires an environmental review under NEPA and, if so, the level of environmental review.

(c) The level of review will be in one of the following categories: Categorical Exclusions, Environmental Assessments, and Environmental Impact Statements.

(d) The NEPA compliance staff will determine whether the action is already covered under an existing NEPA review. These determinations should be appropriately documented before an action proceeds.

(e) NEPA and its implementing regulations (both CEQ's and TVA's) provide an established, well-recognized process for appropriately analyzing environmental issues and involving the public.

(f) TVA may choose to conduct an environmental review when NEPA does not apply.

Subpart C—Categorical Exclusions

§ 1318.200 Purpose and scope.

(a) Categories of actions addressed in this section are those that do not normally have, either individually or cumulatively, a significant impact on the quality of the human environment and require neither the preparation of an EA nor an EIS.

(b) The TVA entity proposing to initiate an action must determine, in consultation with the NEPA compliance staff, whether or not the proposed action is categorically excluded.

(c) In order to find that a proposal can be categorically excluded, TVA will ensure that a larger project is not impermissibly broken down into small parts such that the use of a categorical exclusion for any such small part would irreversibly and irretrievably commit TVA to a particular plan of action for the larger project.

(d) The actions listed in Appendix A of this part are classes of actions that TVA has determined do not individually or cumulatively have a significant effect on the human environment (categorical exclusions), subject to review for extraordinary circumstances.

§ 1318.201 Extraordinary circumstances.

(a) An action that would normally qualify as a categorical exclusion must not be so classified if an extraordinary circumstance is present and cannot be mitigated, including through the application of other environmental regulatory processes. In order to determine whether extraordinary circumstances exist, TVA may consider whether:

(1) The action has the potential to significantly impact environmental resources, including the following resources:

(i) Threatened or endangered species,

(ii) Wetlands or floodplains,

(iii) Cultural or historical resources,

(iv) Areas having special designation or recognition such as wild and scenic rivers, parklands, or wilderness areas, and

(v) Important farmland; and

(2) The significance of the environmental impacts associated with the proposed action is or may be highly controversial.

(b) The mere presence of one or more of the resources under paragraph (a)(1) of this section does not preclude use of a categorical exclusion. Rather, the determination of whether extraordinary circumstances exist depends upon the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions, and, if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions.

Subpart D—Environmental Assessments

§ 1318.300 Purpose and scope.

(a) An EA will be prepared for any proposed action not qualifying as a categorical exclusion to determine whether an EIS is necessary or a FONSI can be prepared. An EA is not necessary if it has been determined that an EIS will be prepared.

(b) EAs should concisely communicate information and analyses about important environmental issues and reasonable alternatives.

§ 1318.301 Public and stakeholder participation in the EA process.

(a) In deciding how to involve the public in the preparation of EAs, TVA will consider the extent to which the public already has been involved through other processes or has commented on a proposed action or has otherwise expressed interest.

(b) TVA will also identify and involve, as appropriate, other interested stakeholders including local and State agencies, other Federal agencies, and Indian tribes.

(c) EAs prepared for actions listed in § 1318.400(a) will be circulated for public review and comment.

§ 1318.302 EA preparation.

(a) As soon as practical after the decision to prepare an EA is made, the initiating TVA entity, in consultation with NEPA compliance staff, should determine the need for an internal coordination meeting to discuss:

(1) Reasonable alternatives,

(2) Permit requirements,

(3) Coordination with other agencies,

(4) Environmental issues,

(5) Public involvement, and

(6) A schedule for EA preparation.

(b) The EA will describe the proposed action and include brief discussions of the need for action, reasonable alternatives, the no-action alternative, the environmental impacts of the proposed action and alternatives, measures (if any) to minimize or mitigate such impacts, a listing of the agencies and persons consulted, and a list of permits that may be required for the proposed action.

(c) As appropriate, EAs will identify alternatives that were considered, but not addressed in further detail in the EA.

(d) The EA will address comments made during any public comment period.

(e) The EA will briefly provide sufficient data and analysis for determining whether to prepare an EIS or a FONSI.

(f) The EA will be reviewed by the NEPA compliance staff and other interested TVA entities, including TVA legal counsel.

(g) After the EA is completed and with the concurrence of TVA legal counsel, the NEPA compliance staff will make one of the following determinations:

(1) The action does not require the preparation of an EIS,

(2) The action will require the preparation of an EIS, or

(3) Additional information or analyses are required before the significance of potential impacts can be determined.

§ 1318.303 Finding of No Significant Impact.

(a) If it is concluded, based on an EA, that a proposed action does not require the preparation of an EIS, the NEPA compliance staff, in consultation with TVA legal counsel and the initiating TVA entity, will prepare a FONSI.

(b) A FONSI must concisely summarize the proposed action and the EA, which should be incorporated by reference, and identify any environmental mitigation measures to which TVA commits.

(c) A FONSI must be made available to the public.

(d) In the following circumstances and if TVA did not provide an opportunity for public comment on a draft EA, the NEPA compliance staff, in consultation with TVA legal counsel and the initiating TVA entity, will make a draft FONSI available for public review and comment for a period of time (normally 30 days) before a final determination is made whether or not to prepare an EIS and before the proposed action may begin:

(1) The proposed action is, or is closely similar to, an action listed in § 1318.400(a),

(2) TVA has previously announced that the proposed action would be the subject of an EIS, or

(3) The nature of the proposed action is one without precedent.

§ 1318.304 Supplements and adoptions.

(a) If new information concerning action modifications, alternatives, or probable environmental effects becomes available and there are important decisions remaining to be made, the initiating TVA entity, in consultation with the NEPA compliance staff and TVA legal counsel, will consider whether an EA should be supplemented based on the significance of the new information. The NEPA compliance staff will be responsible for preparing supplements to EAs.

(b) TVA may adopt an EA prepared by another agency if it determines that the action it proposes is adequately addressed in the EA. Public involvement must be provided consistent with § 1318.301. Notice of the adopted EA and the FONSI issued by TVA must be provided on TVA's public Web site.

Subpart E—Environmental Impact Statements

§ 1318.400 Purpose and scope.

(a) The following actions normally will require an EIS:

(1) New large water resource development and water control projects such as construction of new dams or navigation locks.

(2) The construction of new major power generating facilities proposed at sites not previously used for industrial purposes.

(3) Any major action, the environmental impact of which is expected to be highly controversial.

(b) If TVA determines that an EIS will not be prepared for an action falling within one of these categories, the basis for this must be discussed in the environmental review that is conducted or in a document that is made available to the public upon request.

(c) An EIS should include a description and an analysis of the proposed action; reasonable alternatives to the proposed action, including the no-action alternative; probable environmental impacts associated with the proposed action and alternatives and measures (if any) to minimize impacts; and a list of the major preparers of the EIS.

(d) The scope and detail of the EIS should be reasonably related to the scope and the probable environmental impacts of the proposed action and alternative actions (see 40 CFR 1502.10–1502.18).

(e) The no-action alternative in an EIS (or an EA) should represent the environmental status quo and should be formulated to provide the environmental baseline from which the proposed action and other alternatives can be assessed even when TVA is legally required to take action. For proposed changes to existing programs or plans, continuation of the existing program or plan and associated environmental impacts should be considered the no-action alternative.

§ 1318.401 Lead and cooperating agency determinations.

(a) As soon as practical after the decision is made to prepare an EIS (or EA), the NEPA compliance staff, in consultation with the initiating TVA entity and TVA legal counsel, should consider whether requesting other Federal, State, or local agencies to participate in the preparation of the EIS as lead, joint lead (see 40 CFR 1501.5), or cooperating agencies (see 40 CFR 1501.6) is desirable and/or necessary.

(b) If TVA is requested to participate in the preparation of an EIS (or EA) of another Federal agency, the NEPA compliance staff, in consultation with other interested TVA entities, will determine if TVA should become a cooperating agency.

§ 1318.402 Scoping process.

(a) As soon as practical after the decision to prepare an EIS is made, the NEPA compliance staff in consultation with other TVA entities will tentatively identify action alternatives, probable environmental issues and necessary environmental permits, and a schedule for EIS preparation.

(b) The scoping process may include interagency scoping sessions to coordinate an action with and obtain inputs from other interested agencies (including local, State, and other Federal agencies, as well as Indian tribes), and public scoping meetings to obtain input from interested members of the general public.

(c) The NEPA compliance staff, in consultation with other TVA entities, will determine whether public scoping meetings should be held in addition to seeking comments by other means. Meeting types and formats should be selected to facilitate timely and meaningful public input into the EIS process.

(d) As soon as practical in the scoping process, the NEPA compliance staff, in consultation with the initiating TVA

entity and TVA legal counsel, will prepare and publish a notice of intent to prepare an EIS in the **Federal Register**. This notice will briefly describe the proposed action, possible alternatives, and potentially affected environmental resources. In addition, those issues which tentatively have been determined to be insignificant and which will not be discussed in detail in the EIS may be identified. The scoping process will be described and, if a scoping meeting will be held, the notice should state where and when the meeting is to occur if that has been determined. The notice will identify the person in TVA who can supply additional information about the action and how to submit comments.

(e) There will normally be a public comment period of 30 days from the date of publication of the notice of intent in the **Federal Register** to allow other interested agencies and the public an opportunity to review and comment on the proposed scope of the EIS.

(f) On the basis of input received, the NEPA compliance staff, in consultation with other TVA entities, will determine what, if any, additions or modifications in the scoping process or schedule are required and establish the scope of the EIS.

(g) At the close of the scoping process, the NEPA compliance staff, in consultation with the other TVA entities, should identify the following EIS components:

(1) Key action alternatives.

(2) Important environmental issues to be addressed in detail.

(3) Probable non-significant environmental issues that should be mentioned but not addressed in detail.

(4) Lead and cooperating agency assignments, if any.

(5) Related environmental documents.

(6) Other environmental review and consultation requirements.

(7) Delegation of DEIS work assignments to TVA entities and, when appropriate, other agencies.

(h) If a scoping report summarizing the preceding EIS components is prepared, it must be made available to the public.

§ 1318.403 DEIS preparation, transmittal and review.

(a) Based on information obtained and decisions made during the scoping process, the NEPA compliance staff, in cooperation with the initiating TVA entity and other interested TVA entities, will prepare the preliminary DEIS using an appropriate format (see 40 CFR 1502.10).

(b) After internal review of the DEIS is completed, the NEPA compliance staff will provide it to any cooperating agencies to obtain their comments. If a cooperating agency's analysis of an environmental issue or impact differs from TVA's, those differences should be resolved before the DEIS is released for public comment or the cooperating agency's position should be set forth and addressed in the DEIS.

(c) After approval of the DEIS by the senior manager of the initiating TVA entity and TVA legal counsel, the NEPA compliance staff will release the DEIS to the public and transmit the DEIS to the EPA for publication of the notice of availability. NEPA compliance staff will also provide notice to other interested Federal, State, and local agencies and other entities and individuals who have previously expressed an interest in the type of action and/or commented on the scope of the EIS.

(d) The DEIS will be available on TVA's public Web site and by other means upon request to TVA.

(e) A minimum of 45 days from the date of publication of the notice of availability in the **Federal Register** must be provided for public comment. TVA may increase or extend the public comment period in its discretion.

(f) Materials to be made available to the public should be provided to the public without charge to the extent practical, or at a fee which is not more than the actual costs of reproducing copies.

§ 1318.404 FEIS preparation and transmittal.

(a) At the close of the DEIS public comment period, the NEPA compliance staff will determine, in consultation with the initiating TVA entity and other interested TVA entities, what is needed for the preparation of an FEIS.

(b) If the modifications to the DEIS in response to comments are minor and confined to factual corrections or explanations of why the comments do not warrant additional TVA response, TVA may issue errata sheets attached to the DEIS instead of rewriting the DEIS. If other more extensive modifications are required, the NEPA compliance staff, in cooperation with other interested TVA entities, will prepare an FEIS utilizing an appropriate format (see 40 CFR 1502.10).

(c) The FEIS should address all substantive comments on the DEIS that TVA received before the close of the public comment period by responding specifically to the comments and/or by revising the text of the DEIS. Comments that are substantively similar should be summarized and addressed together.

(d) With the approval of the senior manager of the initiating TVA entity and TVA legal counsel, the NEPA compliance staff will release the FEIS to the public and transmit the FEIS to the EPA for publication of the notice of availability in the **Federal Register**. NEPA compliance staff will also provide notice to other interested Federal, State, and local agencies and to entities and individuals who commented on the DEIS.

(e) The FEIS will be available on TVA's public Web site and by other means upon request to TVA.

§ 1318.405 Agency decision.

(a) Except in emergency circumstances, a decision about a proposed action for which an EIS has been issued will not be made until 30 days after a notice of availability of the FEIS has been published in the **Federal Register** or 90 days after a notice of availability of the DEIS has been published in the **Federal Register**, whichever is later.

(b) After release of the FEIS and after TVA makes a decision about the proposed action, a ROD must be prepared by the NEPA compliance staff, in consultation with TVA legal counsel and the initiating TVA entity (see 40 CFR 1505.2). The ROD will normally include the following:

(1) The decision;

(2) The basis for the decision and preferences among alternatives;

(3) The alternative(s) considered to be environmentally preferable;

(4) A summary of important environmental impacts;

(5) The monitoring, reporting, and administrative arrangements that have been made; and

(6) The measures that would mitigate or minimize adverse environmental impacts to which TVA commits to implement (see 40 CFR 1505.2(c)).

(c) A ROD will be made available to the public.

(d) Until a ROD is made available to the public, normally no action should be taken to implement an alternative that would have adverse environmental impacts or limit the choice of reasonable alternatives.

§ 1318.406 Supplements.

If TVA makes substantial changes in the proposed action that are relevant to environmental concerns or there is significant new information relevant to environmental concerns, and important decisions related to the proposed action remain to be made, the initiating TVA entity, in consultation with the NEPA compliance staff and TVA legal counsel, will determine whether the FEIS should be supplemented. The NEPA compliance staff will be responsible for preparing supplements to EISs.

§ 1318.407 EIS adoption.

(a) TVA may adopt as its final EIS another agency's EIS or any portion thereof whether or not TVA participated in its preparation.

(b) The NEPA compliance staff, in consultation with other interested TVA entities, will determine if the scope and analyses in the other agency's EIS adequately address the TVA action. TVA will also review to ensure the scientific accuracy of the analysis and conclusions drawn. If TVA determines that the EIS or a portion thereof adequately addresses TVA's proposed action, it must make this determination and the adopted EIS available on its public Web site. If the other agency's EIS does not adequately assess its proposed action, TVA may choose to supplement the EIS in accordance with the process used to supplement other EISs (see 40 CFR 1506.3).

(c) If TVA cooperated in the preparation of an EIS that TVA determines adequately addresses its proposed action, TVA may make a decision about its proposed action 30 days or later after notice of availability of the FEIS was published in the **Federal Register**. A record of that decision should be prepared consistent with § 1318.405.

(d) If TVA did not cooperate in the preparation of an EIS that TVA determines adequately addresses its proposed action and that it proposes to adopt, NEPA compliance staff will transmit notice of its adoption to EPA for publication of a notice of availability and circulate the FEIS for public comment.

(e) TVA will provide notice of its adoption to other interested Federal, State, and local agencies, other entities, and individuals.

Subpart F—Miscellaneous Procedures

§ 1318.500 Public participation.

(a) TVA's policy is to encourage meaningful public participation in and awareness of its proposed actions and decisions. This policy is implemented through various mechanisms.

(b) The type of and format for public participation will be selected as appropriate to best facilitate timely and meaningful public input.

(c) TVA provides additional public participation opportunities during its open meetings of the Board of Directors, which are widely publicized and normally include a listening session during which members of the public may comment to the Board of Directors on TVA activities.

(d) TVA also maintains a public Web site at which it posts information about TVA activities and programs, including ongoing and recently completed EAs and EISs.

(e) The names and addresses of those commenting on any NEPA document may be made publicly available.

§ 1318.501 Mitigation commitment identification, auditing and reporting.

(a) All appropriate measures to minimize or mitigate expected significant adverse environmental impacts (''mitigation measures'') must be identified in the EA or EIS and those mitigation measures to which TVA commits must be identified in the associated FONSI or ROD (or the documentation prepared for a categorical exclusion, if any).

(b) Each mitigation commitment that is not regulatory-based will be tentatively assigned by the NEPA compliance staff to the appropriate TVA entity responsible for implementing the commitment. The NEPA compliance staff should consult with the responsible entities to resolve assignment conflicts, identify supporting offices, and determine implementation schedules.

(c) The responsible entity must report to the NEPA compliance staff the status of mitigation commitments periodically or whenever a specific request is made.

(d) The NEPA compliance staff must ensure that commitments are met and will, as it deems appropriate, audit commitment progress.

(e) Circumstances may arise that warrant modifying or deleting previously made commitments. The decision to modify or delete the commitment will be made by the NEPA compliance staff in consultation with TVA legal counsel, after considering the environmental significance of such a change.

§ 1318.502 Tiering.

TVA may rely on tiering for the environmental review of proposed actions. Tiering involves coverage of general matters in broader EISs or EAs on programs, plans, and policies, and subsequent narrower analyses of implementing actions that incorporate by reference the broader analyses (see 40 CFR 1508.28).

§ 1318.503 Programmatic and generic NEPA documents.

(a) Programmatic or Generic EAs or EISs may be prepared to address proposed programs, policies, or plans or when a proposed action has a wide geographic scope.

(b) Programmatic-level reviews can support proposed high-level or broad decisions as well as provide the foundation for the review of specific implementing actions that tier from the programmatic review. This promotes efficiency and can reduce analytical redundancy.

(c) Ongoing, existing, or previously planned and approved actions that may be within the scope of a programmatic review may continue during the programmatic review period.

(d) The identification of significant impacts in a programmatic EIS does not preclude the review of specific implementing actions in an EA that tiers from the programmatic EIS if the implementation of the implementing actions would not result in new or different significant impacts.

§ 1318.504 Private applicants.

(a) In those cases when private applicants, persons or other non-Federal entities (collectively ''private entity'') propose to undertake an action that will require TVA's approval or involvement, the contacted TVA entity will notify the NEPA compliance staff. That staff must determine, in consultation with TVA legal counsel, whether NEPA is triggered and the scope of the review of TVA's proposed action.

(b) TVA will provide private entities information on their responsibilities for assisting TVA in conducting the necessary NEPA review. At TVA's discretion, this can include providing TVA detailed information about the scope and nature of the proposed action, environmental analyses and studies, and copies of associated environmental permit applications submitted to other Federal, State, or local agencies.

(c) In identifying reasonable alternatives, TVA should consider the applicant's purpose and need, in addition to TVA's purpose and need.

(d) Private entities may be allowed to prepare draft and final EAs or EISs for TVA's review and approval, but TVA remains responsible for the adequacy of the documents and the conduct of associated EA and EIS processes.

(e) Private entities normally will be required to reimburse TVA for its costs in reviewing their proposed actions.

(f) Participation of private entities in a TVA NEPA review, including reimbursement of TVA's costs, does not commit TVA to favorable action on a request.

§ 1318.505 Non-TVA EISs.

(a) The NEPA compliance staff, in consultation with other interested TVA entities, will coordinate the review of EISs provided to TVA for comment by other Federal agencies.

(b) The NEPA compliance staff, in consultation with TVA legal counsel as

appropriate, will prepare comments on such EISs and transmit them to the initiating agency (see 40 CFR 1503.2 and 1503.3).

§ 1318.506 Documents.

The NEPA compliance staff must keep on file all final and approved environmental documents either in paper form or electronically, in accordance with TVA's records retention policy.

§ 1318.507 Reducing paperwork and delay.

(a) These procedures are to be interpreted and applied with the aim of reducing paperwork and the delay of both the assessment and implementation of a proposed action.

(b) Data and analyses should be commensurate with the importance of associated impacts. Less important material should be summarized, consolidated, or referenced.

(c) Any environmental document may be combined with any other document to reduce duplication and paperwork.

(d) Review of proposed actions under these procedures may be consolidated with other reviews where such consolidation would reduce duplication or increase efficiency.

§ 1318.508 Supplemental guidance.

The NEPA compliance staff, in consultation with interested TVA entities and with concurrence of TVA legal counsel, may issue supplemental or explanatory guidance to these procedures.

§ 1318.509 Substantial compliance.

(a) Flexibility is the key to implementing these procedures and reviewing proposed actions. The substance of reviews and processes rather than the form of reviews and processes is what is most important.

(b) Substantial compliance with these procedures must be achieved, though minor deviations will be permitted.

§ 1318.510 Emergency actions.

(a) Because of emergencies or unforeseen situations, some of the steps outlined in these procedures may be consolidated, modified, or omitted.

(b) The NEPA compliance staff should consult with CEQ about alternative arrangements, which shall be limited to the immediate impacts of the emergency.

(c) The NEPA compliance staff, with the concurrence of TVA legal counsel, must determine whether such changes would substantially comply with the intent of these procedures.

(d) The official responsible for NEPA compliance shall document in writing the determination that an emergency exists and describe the responsive action(s) taken at the time the emergency exists. The form of that documentation is within the discretion of that official.

§ 1318.511 Modification of assignments.

The assignments and responsibilities identified for TVA entities in these procedures can be modified by agreement of the entities involved or by the direction of TVA's Chief Executive Officer.

§ 1318.512 Status reports.

Information or status reports on EISs and other related NEPA compliance activities and documents may be found on TVA's public Web site.

§ 1318.513 Official responsible for NEPA compliance efforts.

The TVA official who is responsible for the management of the NEPA compliance staff is the person who is responsible for overall NEPA compliance.

Subpart G—Floodplains and Wetlands

§ 1318.600 Purpose and scope.

(a) Consistent with Executive Order No. 11988 (Floodplain Management), as amended by Executive Order No. 13690 (Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input), and Executive Order No. 11990 (Protection of Wetlands), and other such presidential orders or memoranda currently in effect, the review of a proposed action undertaken in accordance with §§ 1318.200, 1318.300, and 1318.400 that potentially affects floodplains or wetlands must include a floodplain or wetlands evaluation as required by this section.

(b) As appropriate, floodplain evaluations must apply the Federal Flood Risk Management Standard to federally-funded projects.

(c) A wetland evaluation under Executive Order 11990 is not required for the issuance of permits or licenses for activities involving wetlands on non-Federal lands.

§ 1318.601 Area of impact.

(a) If a proposed action will potentially occur in or affect wetlands or floodplains, the initiating TVA entity, as soon as practicable in the planning process, will request the appropriate TVA staff with expertise in floodplain or wetland impact evaluations (''TVA staff'') to determine whether the proposed action will occur in or affect a wetland or floodplain and the level of impact, if any, on the wetland or floodplain.

(b) Further floodplain or wetland evaluation is unnecessary if the TVA staff determines that the proposed action:

(1) Is outside the floodplain or wetland,

(2) Has no identifiable impacts on a floodplain or wetland, and

(3) Does not directly or indirectly support floodplain development or wetland alteration.

§ 1318.602 Actions that will affect floodplains or wetlands.

(a) When a proposed action can otherwise be categorically excluded under § 1318.200 no additional floodplain or wetland evaluation is required if:

(1) The initiating TVA entity determines that there is no practicable alternative that will avoid affecting floodplains or wetlands and that all practicable measures to minimize impacts of the proposed action to floodplains or wetlands are incorporated and

(2) The TVA staff determines that impacts on the floodplain or wetland would be minor.

(b) If the action requires an EA or an EIS, the evaluation must consider:

(1) The effect of the proposed action on natural and beneficial floodplain and wetland values and

(2) Alternatives to the proposed action that would eliminate or minimize such effects.

(c) The initiating TVA entity must determine if there is no practicable alternative to siting in a floodplain or constructing in a wetland. Upon concurrence by the NEPA compliance staff in consultation with TVA legal counsel and TVA staff with expertise in floodplain or wetland impact evaluations, this determination shall be final. If a determination of no practicable alternative is made, all practicable measures to minimize impacts of the proposed action on the floodplain or wetland must be implemented. If at any time prior to commencement of the action it is determined that there is a practicable alternative that will avoid affecting floodplains or wetlands, the proposed action must not proceed.

§ 1318.603 Public notice.

(a) Public notice of actions affecting floodplains or wetlands is not required if the action is categorically excluded under § 1318.200. If an EA or EIS is prepared and a determination of no practicable alternative is made in accordance with § 1318.602, the initiating office must notify the public of a proposed action's potential impact

on the floodplain or wetland. Public notice of actions affecting floodplains or wetlands may be combined with any notice published by TVA or another Federal agency if such a notice generally meets the minimum requirements set forth in this section. Issuance of a draft or final EA or EIS for public review and comment will satisfy this notice requirement.

(b) Public notices must at a minimum:

(1) Briefly describe the proposed action and the potential impact on the floodplain or wetland;

(2) Briefly identify alternative actions considered and explain why a determination of no practicable alternative has been proposed;

(3) Briefly discuss measures that would be taken to minimize or mitigate floodplain or wetland impacts;

(4) State when appropriate whether the action conforms to applicable State or local floodplain protection standards and the Federal Flood Risk Management Standard;

(5) Specify a reasonable period of time within which the public can comment on the proposal; and

(6) Identify the TVA official who can provide additional information on the proposed action and to whom comments should be sent.

(c) Such notices must be issued in a manner designed to bring the proposed action to the attention of those members of the public likely to be interested in or affected by the action's potential impact on the floodplain or wetland.

(d) TVA must consider all relevant and timely comments received in response to a notice and reevaluate the action as appropriate to take such comments into consideration before the proposed action is implemented.

§ 1318.604 Disposition of real property.

When TVA property in a floodplain or wetland is proposed for lease, easement, right-of-way, or disposal to non-federal public or private parties and the action will not result in disturbance of the floodplain or wetland, a floodplain or wetland evaluation is not required. The conveyance document, however, must:

(a) Require the other party to comply with all applicable Federal, State or local floodplain and wetland regulations, and

(b) Identify other appropriate restrictions to minimize destruction, loss, or degradation of floodplains and wetlands and to preserve and enhance their natural and beneficial values, except when prohibited by law or unenforceable by TVA, or otherwise, the property must be withheld from conveyance or use.

§ 1318.605 General and class reviews.

In lieu of site-specific reviews, TVA may conduct general or class reviews of similar or repetitive activities that occur in floodplains.

Appendix A to Subpart C of Part 1318—Categorical Exclusions

The following actions are designated as categorical exclusions pursuant to § 1318.200. Individual actions must be reviewed to determine if any of the extraordinary circumstances listed in § 1318.201 is present. If any of the extraordinary circumstances applies and cannot be mitigated, an EA or an EIS must be prepared.

1. Educational or informational activities undertaken by TVA alone or in conjunction with other agencies, public and private entities, or the general public.

2. Technical and planning assistance provided to State, local and private organizations and entities.

3. Personnel actions.

4. Procurement actions.

5. Accounting, auditing, financial reports and disbursement of funds.

6. Transactions (contracts, agreements or other instruments) for the sale, purchase, or interchange of electricity not resulting in the construction and operation of new generating facilities or in major modifications to existing generating facilities or associated electrical transmission infrastructure.

7. Administrative actions consisting solely of paperwork.

8. Communication, transportation, computer service and office services.

9. Property protection activities that do not physically alter facilities or grounds, law enforcement and other legal activities.

10. Emergency preparedness actions not involving the modification of existing facilities or grounds.

11. Minor actions to address threats to public health and safety, including, but not limited to, temporary prohibition of existing uses of TVA land or property, short-term closures of sites, and selective removal of trees that pose a hazard.

12. Site characterization, data collection, inventory preparation, planning, monitoring, and other similar activities that have little to no physical impact.

13. Engineering and environmental studies that involve minor physical impacts, including but not limited to, soil borings, dye-testing, installation of monitoring stations and groundwater test wells, and minor actions to facilitate access to a site.

14. Conducting or funding minor research, development and demonstration projects and programs.

15. Transmission and utility line right-of-way maintenance actions occurring within an existing maintained right-of-way, including routine vegetation management, removal of danger trees outside the right-of-way, and access road improvements or construction (generally no more than 1 mile of road construction outside the right-of-way).

16. Construction of new transmission line infrastructure, including electric transmission lines generally no more than 10 miles in length and that require no more than 125 acres of new developed rights-of-way and no more than 1 mile of new access road construction outside the right-of-way; and/or construction of electric power substations or interconnection facilities, including switching stations, phase or voltage conversions, and support facilities that generally require the physical disturbance of no more than 10 acres.

17. Modification, repair, maintenance, or upgrade of, and minor addition to existing transmission infrastructure, including work on power equipment and structures within existing substations and switching stations as well as work on existing transmission lines; the addition, retirement, and/or replacement of breakers, transformers, bushings, and relays; transmission line uprate, modification, reconductoring, and clearance resolution for transmission lines; limited pole replacement; and access road improvements and construction (generally no more than 1 mile of road construction outside the right-of-way).

18. Construction, modification and operation of communication facilities and/or equipment, including power line carriers, insulated overhead ground wires/fiber optic cables, devices for electricity transmission control and monitoring, VHF radios, and microwaves and support towers.

19. Removal of conductors and structures, and/or the cessation of right-of-way vegetation management, when existing transmissions lines are retired; or the rebuilding of transmission lines within or contiguous to existing rights-of-way involving generally no more than 25 miles in length and no more than 125 acres of expansion of the existing right-of-way.

20. Purchase, conveyance, exchange, lease, license, and/or disposal of existing substations, substation equipment, switchyards, and/or transmission lines and rights-of-way and associated equipment between TVA and other utilities and/or customers.

21. Purchase or lease and subsequent operation of existing combustion turbine or combined-cycle plants for which there is existing adequate transmission and interconnection to the TVA transmission system and whose planned operation by TVA is within existing environmental permits for the purchased or leased facility.

22. Development of dispersed recreation sites (generally not to exceed 10 acres in size) to support activities such as hunting, fishing, primitive camping, wildlife observation, hiking, and mountain biking. Actions include, but are not limited to, installation of guardrails, gates and signage, stabilization of sites, trail construction, and access improvements/controls.

23. Development of public use areas that generally result in the physical disturbance of no more than 10 acres, including, but not limited to, construction of parking areas, campgrounds, stream access points, and day use areas.

24. Minor actions conducted by non-TVA entities on TVA property to be authorized under contract, license, permit, or covenant agreements, including those for utility crossings, agricultural uses, recreational uses,

rental of structures, and sales of miscellaneous structures and materials from TVA land.

25. Transfer, lease, or disposal (sale, abandonment or exchange) of tracts of land, mineral rights, landrights, and rights in ownership of permanent structures that are minor in nature.

26. Approvals under Section 26a of the TVA Act of minor structures, boat docks and ramps, and shoreline facilities.

27. Installation of minor shoreline structures or facilities, boat docks and ramps, and bank stabilization (generally up to ½ mile in length) by TVA.

28. Modifications to land use plans to rectify minor administrative errors or to incorporate new information that is consistent with a previously approved decision included in the plan; amendments to land use allocations to a more restrictive or protective allocation (*e.g.,* from industrial use to natural resource conservation) provided that any such allocation is consistent with other TVA plans and policies; or minor amendments to land use allocations to implement TVA's shoreline or land management policies.

29. Actions to restore and enhance wetlands, riparian, and aquatic ecosystems that generally involve physical disturbance of no more than 125 acres, including, but not limited to, construction of small water control structures; revegetation actions using native materials; construction of small berms, dikes, and fish attractors; removal of debris and sediment following natural or human-caused disturbance events; installation of silt fences; construction of limited access routes for purposes of routine maintenance and management; and reintroduction or supplementation of native, formerly native, or established species into suitable habitat within their historic or established range.

30. Actions to maintain, restore, or enhance terrestrial ecosystems that generally involve physical disturbance of no more than 125 acres, including, but not limited to, establishment and maintenance of non-invasive vegetation; bush hogging; prescribed fires; installation of nesting and roosting structures, fencing, and cave gates; and reintroduction or supplementation of native, formerly native, or established species into suitable habitat within their historic or established range.

31. The following forest management activities:

a. Actions to manipulate species composition and age class, including, but not limited to, harvesting or thinning of live trees and other timber stand improvement actions (*e.g.,* prescribed burns, non-commercial removal, chemical control), generally covering up to 125 acres and requiring no more than 1 mile of temporary or seasonal permanent road construction;

b. Actions to salvage dead and/or dying trees including, but not limited to, harvesting of trees to control insects or disease or address storm damage (including removal of affected trees and adjacent live, unaffected trees as determined necessary to control the spread of insects or disease), generally covering up to 250 acres and requiring no more than 1 mile of temporary or seasonal permanent road construction; and

c. Actions to regenerate forest stands, including, but not limited to, planting of native tree species upon site preparation, generally covering up to 125 acres and requiring no more than 1 mile of temporary or seasonal permanent road construction.

32. Actions to manage invasive plants including, but not limited to, chemical applications, mechanical removal, and manual treatments that generally do not physically disturb more than 125 acres of land.

33. Actions to protect cultural resources including, but not limited to, fencing, gating, signing, and bank stabilization (generally up to ½ mile in length when along stream banks or reservoir shoreline).

34. Reburial of human remains or objects (including repatriations) on TVA land.

35. Installation or modification (but not expansion) of groundwater withdrawal wells, or plugging and abandonment of groundwater or other wells. Site characterization must verify a low potential for seismicity, subsidence, and contamination of freshwater aquifers.

36. Routine operation, repair or in-kind replacement, and maintenance actions for existing buildings, infrastructure systems, facility grounds, public use areas, recreation sites, and operating equipment at or within the immediate vicinity of TVA's generation and other facilities. Covered actions are those which are required to maintain and preserve assets in their current location and in a condition suitable for use for its designated purpose. Such actions will not result in a substantial change in the design capacity, function, or operation. (Routine actions that include replacement or changes to major components of buildings, facilities, infrastructure systems, or facility grounds, and actions requiring new permits or changes to an existing permit(s) are addressed in CE 37). Such actions may include, but are not limited to, the following:

a. Regular servicing of in-plant and on-site equipment (including during routine outages) such as gear boxes, generators, turbines and bearings, duct work, conveyers, and air preheaters; fuel supply systems; unloading and handling equipment for fuel; handling equipment for ash, gypsum or other by-products or waste; hydropower, navigation and flood control equipment; water quality and air emissions control or reduction equipment; and other operating system or ancillary components that do not substantially increase emissions or discharges beyond current permitted levels;

b. Routine testing and calibration of facility components, subsystems, or portable equipment (such as control valves, in-core monitoring devices, transformers, capacitors, monitoring wells, weather stations, and flumes);

c. Routine cleaning and decontamination, including to surfaces of equipment, rooms, and building systems (including HVAC and septic systems);

d. Repair or replacement of plumbing, electrical utilities, sewerage, pipelines, and telephone and other communication service;

e. Repair or replacement of doors, windows, walls, ceilings, roofs, floors and lighting fixtures in structures less than 50 years old;

f. Painting and paint removal at structures less than 50 years old, including actions taken to contain, remove, or dispose of lead-based paint when in accordance with applicable requirements;

g. Recycling and/or removal of materials, debris, and solid waste from facilities, in accordance with applicable requirements;

h. Routine removal of minor amounts of asbestos-containing materials, in accordance with applicable requirements;

i. Routine removal of minor amounts of contaminated intact equipment and other contaminated material, in accordance with applicable requirements;

j. Grounds keeping actions, including mowing and landscaping, snow and ice removal, application of fertilizer, erosion control and soil stabilization measures (such as reseeding and revegetation), removal of dead or undesirable vegetation with a diameter of less than 3 inches (at breast height), and leaf and litter collection and removal;

k. Repair or replacement of gates and fences;

l. Maintenance of hazard buoys;

m. Maintenance of groundwater wells, discharge structures, pipes and diffusers;

n. Maintenance and repair of process, wastewater, and stormwater ponds and associated piping, pumping, and treatment systems;

o. Maintenance and repair of subimpoundments and associated piping and water control structures;

p. Debris removal and maintenance of intake structures and constructed intake channels including sediment removal to return them to the originally-constructed configuration; and

q. Clean up of minor spills as part of routine operations.

37. Modifications, upgrades, uprates, and other actions that alter existing buildings, infrastructure systems, facility grounds, and plant equipment, or their function, performance, and operation. Such actions, which generally will not physically disturb more than 10 acres, include but are not limited to, the following:

a. Replacement or changes to major components of existing buildings, facilities, infrastructure systems, facility grounds, and equipment that are like-kind in nature;

b. Modifications, improvements, or operational changes to in-plant and on-site equipment that do not substantially alter emissions or discharges beyond current permitted limits. Examples of equipment include, but are not limited to: Gear boxes, generators, turbines and bearings, duct work, conveyers, superheaters, economizers, air preheaters, unloading and handling equipment for fuel; handling equipment for ash, gypsum or other by-products or waste; hydropower, navigation and flood control equipment; air and water quality control equipment; control, storage, and treatment systems (*e.g.* automation, alarms, fire suppression, ash ponds, gypsum storage, and ammonia storage and handling systems); and other operating system or ancillary components;

c. Installation of new sidewalks, fencing, and parking areas at an existing facility;

d. Installation or upgrades of HVAC systems;

e. Modifications to water intake and outflow structures provided that intake velocities and volumes and water effluent quality and volumes are consistent with existing permit limits;

f. Repair or replacement of doors, windows, walls, ceilings, roofs, floors and lighting fixtures in structures greater than 50 years old; and

g. Painting and paint removal at structures greater than 50 years old, including actions taken to contain, remove and dispose of lead-based paint when in accordance with applicable requirements.

38. Siting, construction, and use of buildings and associated infrastructure physically disturbing generally no more than 10 acres of undisturbed land or 25 acres of previously-disturbed land.

39. Siting and temporary placement and operation of trailers, prefabricated and modular buildings, or tanks on previously disturbed sites at an existing TVA facility.

40. Demolition and disposal of structures, buildings, equipment and associated infrastructure and subsequent site reclamation, subject to applicable review for historical value, on sites generally less than 10 acres in size.

41. Actions to maintain roads, trails, and parking areas (including resurfacing, cleaning, asphalt repairs, and placing gravel) that do not involve new ground disturbance (*i.e.,* no grading).

42. Improvements to existing roads, trails, and parking areas, including, but not limited to, scraping and regrading; regrading of embankments, installation or replacement of culverts; and minor expansions.

43. Actions to enhance and control access to TVA property including, but not limited to, construction of and improvements to access road and parking area (generally no greater than 1 mile in length and physically disturbing no more than 10 acres of undisturbed land or 25 acres of previously-disturbed land) and installation of control measures such as gates, fences, or post and cable.

44. Small-scale, non-emergency cleanup of solid waste or hazardous waste (other than high-level radioactive waste and spent nuclear fuel) to reduce risk to human health or the environment. Actions include collection and treatment (such as incineration, encapsulation, physical or chemical separation, and compaction), recovery, storage, or disposal of wastes at existing facilities currently handling the type of waste involved in the action.

45. Installation, modification, and operation of the following types of renewable or waste-heat recovery energy projects which increase generating capacity at an existing TVA facility, generally comprising of physical disturbance to no more than 10 acres of undisturbed land or 25 acres of previously-disturbed land:

a. Combined heat and power or cogeneration systems at existing buildings or sites;

b. Solar photovoltaic systems mounted on the ground, an existing building or other structure (such as a rooftop, parking lot or facility and mounted to signage lighting, gates or fences);

c. A small number of wind turbines with a height generally less than 200 feet (measured from the ground to the maximum height of blade rotation) that are located more than 10 nautical miles from an airport or aviation navigational aid and more than 1.5 nautical miles from a National Weather Service or Federal Aviation Administration radar;

d. Small-scale biomass power plants (generally less than 10 megawatts) using commercially available technology intended to primarily support operations in single facilities or contiguous facilities (such as an office complex) and that is located within a previously disturbed or developed area and uses agricultural residue products or wood waste as its fuel supply; and

e. Methane gas electric generating systems using commercially available technology installed within a previously disturbed or developed area on or contiguous to an existing landfill or wastewater treatment plant.

46. Installation, modification, operation, and removal of commercially available small-scale, drop-in, run-of-the-river hydroelectric systems that do not require construction of new water storage structures or new water diversion from a stream or river channel. Covered systems would be located up-gradient of natural fish barriers and outside of any navigation channels and involve no major construction or modification of stream or river channels.

47. Modifications to the TVA rate structure (*i.e.,* rate change) and any associated modifications to contracts for pricing energy or demand for wholesale end-users or direct serve customers of TVA power or development of new or modified pricing products that result in no or only minor increases in peak or base load energy generation or that result in system-wide demand reduction.

48. Financial and technical assistance for programs conducted by non-TVA entities to promote energy efficiency or water conservation, including, but not limited to, assistance for installation or replacement of energy efficient appliances, insulation, HVAC systems, plumbing fixtures, and water heating systems.

49. Financial assistance including, but not limited to, approving and administering grants, loans and rebates for the renovation or minor upgrading of existing facilities, established or developing industrial parks, or existing infrastructure; the extension of infrastructure; geotechnical boring; and construction of commercial and light industrial buildings. Generally, such assistance supports actions that physically disturb no more than 10 acres of undisturbed land or no more than 25 acres of previously-disturbed land.

50. Financial assistance for the following actions: Approving and administering grants, loans and rebates for continued operations or purchase of existing facilities and infrastructure for uses substantially the same as the current use; purchasing, installing, and replacing equipment or machinery at existing facilities; and completing engineering designs, architectural drawings, surveys, and site assessments (except when tree clearing, geotechnical boring, or other land disturbance would occur).

Jacinda B. Woodward,

Senior Vice President, Resources and River Management.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Chapter I

46 CFR Chapters I and III

49 CFR Chapter IV

[Docket No. USCG–2017–0480]

Evaluation of Existing Coast Guard Regulations, Guidance Documents, Interpretative Documents, and Collections of Information

AGENCY: Coast Guard, DHS.

ACTION: Request for comments.

SUMMARY: We are seeking comments on Coast Guard regulations, guidance documents, and interpretative documents that you believe should be repealed, replaced, or modified. Also, we welcome your comments on our approved collections of information, regardless of whether the collection is associated with a regulation. We are taking this action in response to Executive Orders 13771, Reducing Regulation and Controlling Regulatory Costs; 13777, Enforcing the Regulatory Reform Agenda; and 13783, Promoting Energy Independence and Economic Growth. We plan to use your comments to assist us in our work with the Department of Homeland Security's Regulatory Reform Task Force.

DATES: Comments and related material must be received by the Coast Guard on or before July 10, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0480 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: For information about this document call or email Mr. Adam Sydnor, Coast Guard; telephone 202–372–1490, email *Adam.B.Sydnor@uscg.mil.*

SUPPLEMENTARY INFORMATION: On January 30, 2017, President Trump issued Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs. Under that Executive Order, for every one new regulation issued, at least two prior regulations must be identified for elimination, and the cost of planned regulations must be prudently managed and controlled through a budgeting process. On February 24, 2017, the President issued Executive Order 13777, Enforcing the Regulatory Reform Agenda. That Executive Order directs agencies to take specific steps to identify and alleviate unnecessary regulatory burdens placed on the American people. On March 28, 2017, the President issued Executive Order 13783, Promoting Energy Independence and Economic Growth. Executive Order 13783 promotes the clean and safe development of our Nation's vast energy resources, while at the same time avoiding agency actions that unnecessarily encumber energy production.

We are seeking comments on Coast Guard regulations, guidance documents, interpretative documents, and collections of information that you believe should be removed or modified to alleviate unnecessary burdens because we believe your comments will assist the Coast Guard in its role within the Department of Homeland Security (DHS) in responding to these Executive Orders. The Coast Guard is looking for new information and new economic data to support any proposed changes.

Regulatory Reform Task Force

Executive Order 13777 directs agencies to designate a Regulatory Reform Officer and to establish a Regulatory Reform Task Force (Task Force). The Deputy Secretary of DHS is the agency Regulatory Reform Officer, and the Coast Guard's Senior Accountable Regulatory Official, who is our Director of Commercial Regulations and Standards, is a member of the DHS Task Force.

One of the duties of the Task Force is to evaluate existing regulations and make recommendations to the agency head regarding their repeal, replacement, or modification. Executive Order 13777 further directs that each Task Force attempt to identify regulations that:

- Eliminate jobs, or inhibit job creation;
- Are outdated, unnecessary, or ineffective;
- Impose costs that exceed benefits;
- Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;
- Are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that provision, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard of reproducibility; or
- Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

Section 3(e) of the Executive Order calls on the Task Force to ''seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations'' on regulations that meet some or all of the criteria above.

Also, when implementing the regulatory offsets required by Executive Order 13771, which may include guidance documents, interpretative documents, and collections of information, in addition to regulations in the Code of Federal Regulations, Executive Order 13777 states that each agency head should prioritize, to the extent permitted by law, those regulations that the agency's Regulatory Reform Task Force has identified as being outdated, unnecessary, or ineffective.

Executive Order 13783 calls for agencies to submit reports to the Vice President, the Office of Management and Budget, and others in the Executive Office of the President, with ''specific recommendations that, to the extent permitted by law, could alleviate or eliminate aspects of agency actions that burden domestic energy production.'' These agency actions include all existing regulations, orders, guidance documents, policies, and any other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

We ask that you keep these specific elements we have identified from these three Executive Orders in mind as you consider Coast Guard regulations or collections of information for removal or modification to alleviate unnecessary burdens.

Location of Coast Guard Regulations

Coast Guard regulations fall within three general categories in the Code of Federal Regulations—navigation and navigable waters, shipping, and transportation. Here are the three corresponding titles in the CFR (and the parts in those titles) where you will find our regulations:

- 33 CFR Chapter I (parts 1 through 199),
- 46 CFR Chapters I (parts 1 through 199) and III (parts 400 through 499), and
- 49 CFR Chapter IV (parts 400 through 499).

You may view these regulations on *www.fdsys.gov* or *www.ecfr.gov.*

In the CFR you will find bracketed references to rules published in the **Federal Register** (for example, xx FR xxxx, date) that provide our reasoning for establishing the regulations in that CFR part or section, and our estimates of the costs and benefits of those regulations. Rules published since 1990 will be available in the **Federal Register** library on *www.fdsys.gov.*

Our rulemaking documents include a number that denotes our online docket. On *www.regulations.gov,* using that docket number, you should be able to find supporting and related material we provided for that rule, including a cost-benefit analysis. In our dockets, you will also find notices of proposed rulemaking and submissions from interested persons who commented on our initial proposal for the regulations that appear in the final rule. The preamble of the final rule contains our responses to those comments.

Location of Coast Guard Guidance Documents and Interpretative Documents

Coast Guard guidance documents and interpretative rules may be found in a number of online locations. You may find many of these documents on the Coast Guard's homeport Web page, *http://homeport.uscg.mil.* In addition, we sometimes publish a notice in the **Federal Register** announcing the release of a guidance document or interpretative rule and the document may be found in the docket for that notice in addition to a Coast Guard Web page. You can find these notices using the search function on *www.fdsys.gov* or the **Federal Register** browse function if you know the date the notice was published. Some of these documents take the form of a Navigation and Vessel Inspection Circular, frequently abbreviated as ''NVIC,'' and the **Federal Register** notices will often have an action line of ''Notice of policy'' or ''Notice of availability.''

Location of Approved Collections of Information

If a regulation has a collection of information associated with it, you

should find a reference to that collection of information in the rulemaking documents (normally a notice of proposed rulemaking and a final rule) we published to establish the regulation. But whether a collection is associated with a regulation or not, you will be able to find our approved collections of information in *www.reginfo.gov.* Our collections have approval numbers in the 1625-series and are listed with other Department of Homeland Security collections.

Public Participation and Comments

If you submit a comment, please include the docket number for this notice requesting comments (USCG–2017–0480), indicate the specific regulation, guidance document, interpretative document, or collection of information you are commenting on, and provide a reason for each suggestion or recommendation. Please make your comments as specific as possible, and include any supporting data or other information, such as cost information, you may have. Also, if you are commenting on a regulation, please provide a **Federal Register** (FR) or Code of Federal Regulations (CFR) citation when referencing a specific regulation, and provide specific suggestions regarding repeal, replacement or modification.

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. Copies of Executive Orders 13771, 13777, and 13783, and all public comments are available in our online docket at *http://www.regulations.gov.*

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

Although the Coast Guard will not respond to individual comments, we value your comments and will give careful consideration to them.

Dated: June 1, 2017.

J.G. Lantz,

Senior Accountable Regulatory Official, Director of Commercial Regulations and Standards.

[FR Doc. 2017–11930 Filed 6–7–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2016–0464; FRL–9962–22–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Revisions to the General Definitions for Texas Air Quality Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA), the Environmental Protection Agency (EPA) is proposing to approve revisions of the Texas State Implementation Plan (SIP) pertaining to EPA's latest definition of volatile organic compounds (VOC), aligning the lead reporting threshold with the EPA's Annual Emissions Reporting Rule (AERR), shortening the distance from the shoreline for applicable offshore sources to report an emission inventory, and revising terminology and definitions for clarity or consistency with the EPA's AERR. EPA is proposing these actions under section 110 of the CAA through a direct final rulemaking.

DATES: Written comments should be received on or before July 10, 2017.

ADDRESSES: Submit your comments, identified by EPA–R06–OAR–2016–0464, at *http://www.regulations.gov* or via email to Ms. Nevine Salem. For additional information on how to submit comments see the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Nevine Salem, (214) 665–7222, *salem.nevine@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, the EPA is approving the State's SIP submittal as a direct rule without prior proposal because the Agency views this as noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action no further activity is contemplated. If the EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: May 24, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2017–11902 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2017–0192; FRL–9962–32–Region 6]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

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

DATES: Written comments must be received on or before July 10, 2017.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2017–0192, at *http://www.regulations.gov* or via email to *wiley.adina@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please

contact Adina Wiley, 214–665–2115, *wiley.adina@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Adina Wiley, 214–665–2115, *wiley.adina@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Ms. Adina Wiley or Mr. Bill Deese at 214–665–7253.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

A. CAA and SIPs

Section 110 of the CAA requires states to develop and submit to the EPA a SIP to ensure that state air quality meets the National Ambient Air Quality Standards (NAAQS). These ambient standards currently address six criteria pollutants: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. Each federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin through air pollution regulations and control strategies. The EPA-approved SIP regulations and control strategies are federally enforceable.

The Texas SIP includes several discretionary emissions trading programs developed consistent with the EPA's Economic Incentive Program (EIP) Guidance, that are designed to promote flexibility and innovation in complying with State and Federal air emission requirements established in the SIP and the SIP-approved air permitting programs.[1] This proposed action will address revisions to two of the Texas emissions trading programs—the Texas Emission Credit (EC) and Discrete Emission Credit (DEC) Programs that were submitted to the EPA on March 10, 2017, with a request for parallel processing. The EPA is proposing approval at the same time that the Texas Commission on Environmental Quality (TCEQ) is completing the corresponding public comment and rulemaking process at the state level. The March 10, 2017, SIP revision request will not be complete and will not meet all the SIP approvability criteria until the state completes the public process and submits the final, adopted SIP revision with a letter from the Governor or Governor's designee to EPA. The EPA is proposing to approve the SIP revision request after completion of the state public process and final submittal. Please see the Technical Support Document (TSD) accompanying this rulemaking for an identification of the specific sections impacted by this proposed rulemaking.

B. Overview of the Texas Emissions Banking and Trading Programs

1. The EC Program

The EC Program enacted at 30 Texas Administrative Code (TAC) Chapter 101, Subchapter H, Division 1 allows owners or operators of a facility or mobile source to generate emission credits by reducing emissions of criteria pollutants or their precursors, with the exception of lead, below any applicable regulations or requirements. Emission credits are generated and banked in terms of rate (tons per year). The ECs encompass reductions generated and banked from stationary sources as emission reduction credits (ERCs) or generated and banked from mobile sources as mobile emission reduction credits (MERCs). The ECs from the bank have traditionally been used as offsets for the permitting of major new or modified facilities in nonattainment areas. ECs have also been banked and traded for alternative compliance with Reasonably Available Control Technology (RACT) requirements. The EPA initially approved the EC program on September 6, 2006 (71 FR 52698) with updates approved on May 18, 2010 (75 FR 27647). The EPA has taken a separate action via a direct final rulemaking to address the revisions to the EC Program adopted on June 5, 2015 and submitted to the EPA as a SIP revision on August 14, 2015. *See* 82 FR 21919, May 11, 2017.

On March 8, 2017, the TCEQ Commissioners voted to propose for adoption revisions to the EC Program that clarify and augment the existing regulations pertaining to the generation and use of ECs from area and mobile sources. The TCEQ submitted this proposal package on March 10, 2017 with a request for parallel processing.

2. The DEC Program

The DEC Program enacted at 30 TAC Chapter 101, Subchapter H, Division 4 allows an owner or operator of a facility or mobile source to generate discrete emission credits by reducing emissions of criteria pollutants or their precursors, with the exception of lead, below any applicable regulation or requirement. Discrete emission credits (DECs) are quantified, banked and traded in terms of mass (tons), not a rate as is the case with ECs. DECs may be generated from stationary sources and banked as discrete emission reduction credits (DERCs) or may be generated from mobile sources and banked as mobile discrete emission reduction credits (MDERCs). Traditionally DECs have been used for RACT compliance for Volatile Organic Compounds (VOCs) and nitrogen oxides (NO_X); DECs can also be used to offset new major sources or major modifications to existing sources in nonattainment areas. The EPA initially approved the DEC Program on September 6, 2006, with updates approved on May 18, 2010 (75 FR 27644). The EPA is addressing, in a separate direct final action, revisions to the DEC program that were submitted on December 22, 2008; May 14, 2013; and August 14, 2015. *See* 82 FR 21919, May 11, 2017.

On March 8, 2017, the TCEQ Commissioners voted to propose for adoption revisions to the DEC Program that clarify and augment the existing regulations pertaining to the generation and use of DECs from area and mobile sources. The TCEQ submitted this proposal package on March 10, 2017 with a request for parallel processing.

II. The EPA's Evaluation

Both the Texas EC and DEC SIP programs contain existing language to provide for the generation of emission reductions from area and mobile sources. The TCEQ is proposing revisions to the existing regulations to clarify the processes for area and mobile source credit generation and quantification in an effort to incentivize increased utilization of the program. The accompanying TSD for this action includes a detailed analysis of the

[1] ''Improving Air Quality with Economic Incentive Programs'' (EIP Guidance) (EPA–452/R–01–001, January 2001) is the EPA guidance document for reviewing and approving discretionary EIP submittals. The EIP Guidance applies to the establishment of a discretionary EIP for attaining or maintaining the NAAQS for criteria pollutants. The EIP Guidance supersedes and takes precedence over the discretionary EIP guidance provided in prior documents such as the 1994 EIP (April 7, 1994, 59 FR 16690, 40 CFR part 51, subpart U) and the guidance in the emission trading policy statement (ETPS) (December 4, 1986, 51 FR 43813).

proposed revisions submitted for EPA's consideration for parallel processing.[2] In many instances the revisions are minor or non-substantive in nature and do not change the intent of the original SIP-approved EC or DEC programs. Following is a summary of our analysis for those revisions that we view as substantive revisions to the existing SIP-approved programs.

A. Addressing Uncertainty in Area and Mobile Source Emission Estimates

The area and mobile source inventories used by TCEQ for attainment planning are based on emission estimates and models rather than actual reported emissions data. To reduce the uncertainty in the emission estimates in the overall area and mobile source inventories, the TCEQ is proposing revisions to the definition of ''State Implementation Plan (SIP) emissions'' at 30 TAC Sections 101.300(30) and 101.370(31) to discount the overall area and mobile source pool available for generating reductions; 75% of the respective area source and non-road mobile source emissions inventory is eligible to generate emission reductions, and 85% of the on-road mobile source emissions inventory is eligible to generate emission reductions. The TCEQ is also proposing at 30 TAC Sections 101.303(b), 101.304(b), 101.373(b), and 101.374(b) that the emission and activity rates used to determine the historical adjusted emissions for area and mobile source generation strategies will be determined from two consecutive years from the past five years. The lookback window may be extended up to 10 years if the source has detailed operational records to demonstrate the actual emissions.

The EPA proposes that the overall reduction factor in the area and mobile source inventories available for credit generation is appropriate and approvable. We also propose that limiting the lookback window to five years, with the ability to extend up to 10 years if detailed operational records are available, is appropriate and approvable. In both instances, the TCEQ has identified an area of uncertainty and presented a reasonable method for mitigating the uncertainty and ensuring the credits generated under the EC and DEC programs represent real reductions that will benefit the airshed. Restricting the lookback window to five years addresses the differences in emission estimations used for area and mobile sources and the reported actual emissions in the point source universe. The option to extend the lookback window up to 10 years for detailed operational records will also encourage and incentivize more detailed emissions monitoring and recordkeeping for area and mobile sources.

B. Limiting the Sources and Strategies Eligible for Generating ECs or DECs

The TCEQ has submitted proposed revisions to the General Provisions of the EC and DEC programs at 30 TAC Sections 101.302(c) and 101.372(c) to identify the source categories ineligible for generating ECs or DECs. Examples of ineligible source categories include residential area sources and on-road mobile sources that are not part of an industrial, commercial, nonprofit, institutional, or municipal/government fleet. Additionally, the TCEQ has proposed at 30 TAC Section 101.303(a)(2)(D) that ERCs may not be generated from shutdowns of specific types of inelastic area sources that are driven by population demands.[3] A list of inelastic area sources will be maintained by the TCEQ on the agency Web site; the TCEQ has proposed a methodology where any person can petition the TCEQ Executive Director to add or remove source categories from the list.

The EPA proposes to find that the TCEQ has appropriately revised the EC and DEC programs to identify the sources and types of emission reduction strategies eligible for participation within the programs. The TCEQ has proposed to limit the eligible source categories to those where the sources have required established emissions monitoring and recordkeeping provisions and the TCEQ has the authority to ensure the reductions will be federally enforceable and permanent, as applicable, through construction permits or other certifications. These limits will ensure that the emission reductions generated are real, quantifiable, surplus, and permanent as required by the Texas SIP.

The exclusion of shutdowns from inelastic area sources is an appropriate method to prevent demand shifting—an outcome where one inelastic source (for example, a dry cleaner or gas station) will shut down and the same type of source will open down the street based on population needs and economic considerations. There is no net reduction in emissions in this scenario; by prohibiting inelastic area source shutdowns from generating reductions the TCEQ is protecting the airshed by ensuring generated and banked ERCs will be real, permanent and surplus. The proposed methodology for developing and maintaining the inelastic area source category list is also approvable; the proposed methodology provides a replicable mechanism for public input.

C. Addressing Uncertainty in the Area and Mobile Source Generation Strategy

The TCEQ is proposing additional adjustment factors to address uncertainty in credit generation and quantification at 30 TAC Sections 101.303(c), 101.304(c), 101.372(c) and 101.374(c). For emission reductions from the shutdown of area or mobile sources, the TCEQ is proposing that the amount of ECs or MDERCs will be reduced by 15%. For emission reductions of area or mobile sources using alternative methods for emissions quantifications, the TCEQ is proposing that the amount of ECs or DECs will be reduced by 15%. If the source is subject to both adjustment factors, the TCEQ proposes the total combined reduction will be 20%.

The EPA proposes to find that the proposed adjustment factors applied to credit generation and certification are approvable. The adjustment factor applied for the shutdown of area or mobile sources will mitigate the possibility of unanticipated demand shifting. The adjustment factor applied for alternative methods of emissions quantification will address the uncertainty associated with emission estimation techniques and could serve to incentivize the use of more robust emissions monitoring and reporting consistent with point source requirements. These adjustment factors will help ensure that the TCEQ certifies emission reductions that are real, surplus, quantifiable, and permanent as required by the CAA and the Texas SIP.

D. Exceptions to Application Deadlines and Emission Credit Lifetimes

The Texas SIP currently provides that ECs will have a lifetime of 60 months (5 years) from the date of the emission reduction, see 30 TAC Section 101.309(b). The TCEQ has proposed limited exceptions to the EC application deadline and credit lifetimes at 30 TAC Sections 101.303(d) and 101.304(e). The TCEQ has demonstrated that the extended application deadlines and credit lifetimes would apply to a small subset of the potential EC population for

[2] The accompanying Technical Support Document is available in the rulemaking docket, EPA–R06–OAR–2017–0192.

[3] Inelastic is an economic term used to describe when the supply and demand for a good or service is independent of the price. In the context of the proposed Texas rules, an inelastic area source is a source that will exist regardless of economic factors. Gas stations and dry cleaners are examples of inelastic area sources because the population will demand these services regardless of price.

a specified time period. These extensions in lifetime are proposed to assist in program implementation, incentivize expeditious plugging of oil and gas wells, and to equitably process the EC applications submitted during the stakeholder and rule development process. Each of the applications with the extended lifetime will be processed by the TCEQ in accordance with the proposed regulations; the TCEQ will apply the overall discount to the area or mobile source inventories and apply the adjustment factors to address uncertainty in the emission estimations and unanticipated activity shifting. The TCEQ also has existing SIP-authority at 30 TAC Section 101.302(g), proposed to be renumbered as 101.302(i), to require recordkeeping beyond the nominal 5 year lifetime of the EC. In its preamble to the proposed state rule, the TCEQ interprets this existing SIP-authority to require recordkeeping for the entirety of the extended EC lifetime and states this requirement would be annotated in the federally enforceable certification paperwork required by the TCEQ executive director; thereby ensuring that the recordkeeping for the ECs with the extended lifetime continues to satisfy the CAA and the Texas SIP.[4] The proposed limited exceptions to the EC application deadline and credit lifetimes at 30 TAC Sections 101.303(d) and 101.304(e) are approvable. We are making a preliminary finding that the TCEQ has appropriately defined the scope of the EC program and has the authority to require recordkeeping for the life of the generated ECs to ensure compliance with the CAA and the Texas SIP.

E. Clarification of the DEC Program To Provide for the Generation of MDERCs From Shutdowns

The TCEQ is proposing to clarify the existing SIP-approved language for MDERC generation at 30 TAC Section 101.374(c)(1) to explicitly provide for the generation of MDERCs from shutdowns, including permanent shutdowns and temporary curtailments of activity from a mobile source. The TCEQ must still review each MDERC generated from a shutdown to determine whether the reduction is real, quantifiable, surplus and enforceable before certifying the reduction, consistent with the Texas SIP and the CAA.

The EPA is proposing to approve the clarification of the MDERC generation language to provide for generation of credits from mobile source shutdowns. Sources have traditionally not availed themselves of the current SIP provisions for generating MDERCs, therefore any generation of emission reductions (including those from the shutdown of mobile sources) would likely be considered innovative and novel. The DEC program is an open market trading program designed to promote creative and innovative emission strategies. We believe that emission reduction strategies for the shutdown of mobile sources is consistent with the intent of the EIP because these strategies could result in a benefit to the specific airshed and promote and incentivize mobile source reductions. The emission adjustment factor of 15% proposed by the TCEQ will address any uncertainties associated with the generation of MDERCs from shutdowns or concerns about activity shifting, further ensuring that the reduction strategies generate real, enforceable and surplus reductions.

F. Analysis Under Section 110(l) of the CAA

Our analysis indicates that the March 8, 2017 regulations proposed for adoption by TCEQ have been developed in accordance with the CAA and submitted on March 10, 2017 with a request for parallel processing. The Texas EC and DEC programs are SIP-approved programs that provide for compliance flexibility and generation and use of emission credits in the SIP-approved nonattainment New Source Review permitting program. The proposed revisions to the EC and DEC programs further clarify and update the existing programs specific to the generation and use of emission reductions from area and mobile sources. These submitted proposed revisions do not change the fundamental premise or structure of the approved programs. Therefore, we find that the proposed revisions to the EC and DEC programs will not interfere with attainment, reasonable further progress or any other applicable requirements of the Act.

III. Proposed Action

The EPA has made the preliminary determination that the March 10, 2017, proposed revisions to the Texas SIP and request for parallel processing are in accordance with the CAA and consistent with the CAA and the EPA's policy and guidance on emissions trading. Therefore, under section 110 of the Act, the EPA proposes to approve the following revisions to the Texas SIP that were proposed for adoption on March 8, 2017 and submitted for parallel processing on March 10, 2017:

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

The EPA is proposing this action in parallel with the state's rulemaking process. We cannot take a final action until the state completes its rulemaking process, adopts its final regulations, and submits these final adopted regulations as a revision to the Texas SIP. If during the response to comments process, the state rule is changed significantly from the proposed rule and the rule upon which the EPA proposed, the EPA may have to withdraw our initial proposed rule and repropose based on the final SIP submittal.

IV. Incorporation by Reference

In this action, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are proposing to incorporate by reference revisions to the Texas regulations as described in the Proposed Action section above. We have made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the EPA Region 6 office.

V. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under

[4] See 42 *TexReg* 1340, March 24, 2017.

Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: May 24, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2017–11906 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2017–0193; FRL–9963–61–Region 10]

Attainment Date Extensions for the Logan, Utah-Idaho 24-Hour Fine Particulate Matter Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to grant two, one-year extensions to the Moderate attainment date for the 2006 24-hour fine particulate matter ($PM_{2.5}$) Logan, Utah (UT)-Idaho (ID) nonattainment area. This action is based on the EPA's evaluation of air quality monitoring data and extension requests submitted by the State of Utah on May 2, 2017, and the State of Idaho on December 15, 2015, February 26, 2016, and April 25, 2017. The EPA is proposing to grant a one-year extension of the Moderate attainment date from December 31, 2015 to December 31, 2016, and is proposing to grant a second one-year extension of the Moderate attainment date from December 31, 2016 to December 31, 2017, in accordance with section 188(d) of the Clean Air Act (CAA).

DATES: Written comments must be received on or before July 10, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2017–0193 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to the public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information, the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, Air Planning Unit, Office of Air and Waste (OAW–150), Environmental Protection Agency, Region 10, 1200 Sixth Ave., Suite 900, Seattle, WA 98101; telephone number: (206) 553–0256; email address: *hunt.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

We have provided a full explanation of this proposed action in a companion proposal for the Utah portion of the Logan, UT-ID nonattainment area under docket number EPA–R08–OAR–2017–0216. Specifically, in section II. Background and III. Basis for EPA's Proposed Action, we provide an explanation of the CAA requirements, a detailed analysis of the air quality monitoring data, and the EPA's reasons for proposing to grant two, one-year extensions to the Moderate attainment date for the Logan, UT-ID nonattainment area as a whole. That background and analysis applies equally to both the Utah and Idaho portions of the Logan, UT-ID nonattainment area, so the information in the companion proposal is incorporated by reference into this proposal and will not be restated here.

II. Proposed Action

In response to requests from the Governor of Utah on May 2, 2017, and from the Idaho Department of Environmental Quality (IDEQ) on December 15, 2015, February 26, 2016, and April 25, 2017, the EPA is proposing to grant two, one-year attainment date extensions to the Moderate attainment date for the 2006 24-hour $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) for the Logan, UT-ID nonattainment area. If finalized, this action would extend the Moderate area attainment date for the Logan, UT-ID nonattainment area from December 31, 2015 to December 31, 2016, and from December 31, 2016 to December 31, 2017. The proposed action to extend the Moderate attainment date for this nonattainment area is based on both states' compliance with the requirements for the applicable State Implementation Plan (SIP) for the area and on the 2015 and 2016 $PM_{2.5}$ 98th percentile data from the Logan (Utah), Smithfield (Utah), and Franklin (Idaho) monitoring sites in the Logan, UT-ID nonattainment area. If we finalize this proposal, consistent with CAA section 188(d) and 40 CFR 51.1005(a)(1), the nonattainment area will remain a Moderate $PM_{2.5}$ nonattainment area, with a Moderate area attainment date of December 31, 2017. Additionally, the states will not have to submit the additional planning requirements that

apply to Serious $PM_{2.5}$ nonattainment areas unless the area fails to attain the standard by the extended Moderate area attainment date and the area is reclassified to a Serious $PM_{2.5}$ nonattainment area. Consistent with CAA section 188(b)(2), the EPA will determine whether the area attained the standard within six months following the applicable attainment date.

This action is not a redesignation to attainment under CAA section 107(d)(3)(E). Utah and Idaho are not currently attaining the NAAQS and have not submitted maintenance plans as required under section 175(A) of the CAA or met the other statutory requirements for redesignation to attainment. The designation status in 40 CFR part 81 will remain a Moderate nonattainment area until such time as Utah and Idaho meet the CAA requirements for redesignation to attainment or the area is reclassified to Serious.

III. Statutory and Executive Order Reviews

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

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

This action is not a significant regulatory action and therefore is not subject to review by the Office of Management and Budget (OMB). This proposed action merely approves a state request as meeting federal requirements and imposes no new requirements.

B. Paperwork Reduction Act (PRA)

This action does not impose any additional information collection burden under the provisions of the PRA, 44 U.S.C. 3501 *et seq.* This action merely approves a state request for an attainment date extension, and this action does not impose additional requirements beyond those imposed by state law.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law. Approval of a state's request for an attainment date extension does not create any new requirements and does not directly regulate any entities.

D. Unfunded Mandates Reform Act (UMRA)

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

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Pursuant to the CAA, this action merely approves a state request for an attainment date extension.

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. No tribal areas are located in the nonattainment area that will be receiving an attainment date extension. The CAA and the Tribal Authority Rule establish the relationship of the federal government and tribes in developing plans to attain the NAAQS, and this rule does nothing to modify that relationship. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe any environmental health or safety risks addressed by this action present a disproportionate risk to children. This action merely approves a state request for an attainment date extension and it does not impose additional requirements beyond those imposed by state law.

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. This action merely approves a state request for an attainment date extension.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action approves a state request for an attainment date extension based on the state's compliance with requirements and commitments in its plan and recent air quality monitoring data that meets requirements for an extension.

List of Subjects in 40 CFR Part 52

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

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

Dated: June 1, 2017.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2017–11943 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 174

[EPA–HQ–OPP–2015–0032; FRL–9961–90]

Receipt of Two Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces EPA's receipt of two initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before July 10, 2017.

ADDRESSES: Submit your comments, identified by the Docket Identification

(ID) Number and the Pesticide Petition Number (PP) of interest as shown in the body of this document, by one of the following methods:

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

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, EPA seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is EPA taking?

EPA is announcing its receipt of two pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 174 for residues of pesticide chemicals in or on various food commodities. EPA is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

New Tolerance Exemptions

PP 6F8541. (EPA–HQ–OPP–2017–0113). Bayer CropScience LP 2 T.W. Alexander Dr. Research Triangle Park, NC 27709, requests to establish a temporary exemption from the requirement of a tolerance in 40 CFR part 174 for residues of the plant-incorporated protectant (PIP) *Bacillus thuringiensis* Cry14Ab-1 in or on soybean. The petitioner believes no analytical method is needed because this petition is a temporary exemption from the requirement of a tolerance without numerical limitation, thus an analytical detection method should not be required.

PP IN–11022. (EPA–HQ–OPP–2017–0115). Bayer CropScience LP 2 T.W. Alexander Dr. Research Triangle Park, NC 27709, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 174 for residues of the PIP inert ingredient 4-hydroxyphenyl pyruvate deoxygenase (HPPD–4) in all food commodities. The petitioner believes no analytical method is needed because this petition is a temporary exemption from the requirement of a tolerance without numerical limitation, thus an analytical detection method should not be required.

Authority: 21 U.S.C. 346a.

Dated: May 10, 2017.

Robert McNally,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2017–11932 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA–HQ–OPP–2017–0006; FRL–9961–14]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before July 10, 2017.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (RD) (7505P), main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT** for the division listed at the end of the pesticide petition summary of interest.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities.

The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

Amended Tolerance Exemptions for Inerts (Except PIPS)

1. PP IN–11012. (EPA–HQ–OPP–2017–0046). Dow AgroSciences, 9330 Zionsville Road, Indianapolis, IN 46268, requests to amend an exemption from the requirement of a tolerance for residues of nicotinamide (CAS Reg. No. 98–92–0) when used as a pesticide inert ingredient in pesticide formulations under 40 CFR 180.920 to increase the limitation of concentration of nicotinamide in pesticide formulations from 0.5% to 5.0%. The petitioner believes no analytical method is needed because it is not required for an

exemption from the requirement of a tolerance. Contact: RD.

2. PP IN–10990. (EPA–HQ–OPP–2016–0755). Spring Trading Company, 203 Dogwood Trail, Magnolia, TX 77354 on behalf of Sasol Chemicals (USA), 12120 Wickchester Lane, Houston, TX 77079, requests to amend an exemption from the requirement of a tolerance under 40 CFR 180.960 for residues of α-alkyl-ω- hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons and a minimum number-average molecular weight of 1,000 when used as an inert ingredient in pesticide formulations to include poly(oxy-1,2-ethanediyl), α-isooctyl-ω-hydroxy (CAS Reg. No. 61723–78–2). The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

Amended Tolerances for Non-Inerts

1. PP 6E8528. EPA–HQ–OPP–2017–0035. IR–4 Project Headquarters, 500 College Road East, Suite 201W, Princeton, New Jersey 08540, requests to amend tolerances in 40 CFR part 180.431 for residues of the herbicide clopyralid by removing the established tolerances for residues of the herbicide clopyralid (3,6-dichloro-2-pyridinecarboxylic acid), including its metabolites and degradates, from its application in the acid form or in the form of its salts, to be determined by measuring only clopyralid in or on raw agricultural commodities: Apple at 0.05 ppm, Asparagus at 1.0 ppm, Beet, garden tops at 3.0 ppm, Beet, sugar, tops at 3.0 ppm, Brassica, head and stem, subgroup 5A at 2.0 ppm, Brassica, leafy greens, subgroup 5B at 5.0 ppm, Cranberry at 4.0 ppm, Fruit, stone, group 12 at 0.5 ppm, Strawberry at 4.0 ppm, Turnip, greens at 4.0 ppm and Canola, seed at 3.0 ppm, upon establishment of ''New Tolerances'' petition-for under PP 6E8528 mentioned above. Gas chromatography/electron-capture detection (GC/ECD) method is available in The Pesticide Analytical Manual Vol. II to enforce the tolerance expression for clopyralid in plant commodities. Contact RD.

2. PP 6E8532. (EPA–HQ–OPP–2017–0072). Interregional Research Project No. 4, IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201–W, Princeton, NJ 08540, requests to amend the tolerances in 40 CFR 180.498 for residues of sulfentrazone (N-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H–1,2,4-triazol-1-yl]phenyl]methanesulfonamide) and its metabolites HMS (N-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-dihydro-3-hydroxymethyl-5-oxo-1H–1,2,4-triazol-1-yl)phenyl)methanesulfonamide) and DMS (N-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-dihydro-5-oxo-1H–1,2,4-triazol-1-yl)phenyl)methanesulfonamide, calculated as the stoichiometric equivalent of sulfentrazone by removing the tolerances for Asparagus at 0.15 ppm; Brassica, head and stem, subgroup 5A at 0.20 ppm; Brassica, leafy greens, subgroup 5B at 0.40 ppm; Nut, tree, group 14 at 0.15 ppm; Pistachio at 0.15 ppm; and Turnip, tops at 0.60 ppm. The analytical enforcement method for sulfentrazone was used with minor modification that eliminated several clean-up and derivatization steps that was required for GC/MSD but not for LC/MS/MS. The analytical method for sulfentrazone involves separate analyses for parent and its metabolites. The parent is analyzed by evaporation and reconstitution of the sample prior to analysis by LC/MS/MS GC/ECD. The metabolites samples were refluxed in the presence of acid and cleaned up with solid phase extraction prior to analysis by LC/MS/MS. Contact: RD.

3. PP 7F8543. EPA–HQ–OPP–2017–0156. Nichino America, Inc., 4550 New Linden Hill Road, Suite 501, Wilmington, DE 19808–2951, requests to amend the existing citrus fruits (crop group 10–10) tolerances in 40 CFR part 180.675 for residues of the insecticide tolfenpyrad as follows: (1) Reduce the established tolerance for the citrus fruit RAC from 1.5 to 0.9 parts per million (ppm); (2) reduce the established tolerance for dried citrus pulp from 8.0 to 3.0 ppm; (3) reduce the established tolerance for citrus oil from 70 to 27 ppm; and (4) reduce the PHI of 14 days to a PHI of 3 days. An acceptable high performance liquid chromatography method with tandem mass spectrometry detection (LC/MS/MS) for enforcement of tolfenpyrad residue tolerances in/on plant commodities exists. The method limit of quantification is 0.01 ppm. The method for plant commodities has been adequately validated and has undergone acceptable independent laboratory validation (ILV). An acceptable LC/MS/MS method also exists for determining residues of tolfenpyrad and its metabolites, PT–CA, OH–PT–CA, and PCA in milk, bovine meat, kidney, liver and fat. The method for livestock commodities has been adequately validated and has undergone acceptable ILV. Acceptable multiresidue methods test data have been submitted for tolfenpyrad per se. The data indicate that the PAM multiresidue methods are not suitable for determination of tolfenpyrad. Metabolite PT–CA is the major residue in livestock matrices and has been identified as a residue of concern for tolerance enforcement in livestock commodities. This metabolite was not tested through the appropriate FDA multiresidue PAM I method; however, based on the structural similarity between tolfenpyrad and PT–CA, it is anticipated that the multiresidue method protocols would not be suitable for analysis of PT–CA. Contact: RD.

New Tolerance Exemptions for Inerts (Except PIPS)

1. PP IN–11003. (EPA–HQ–OPP–2017–0108) Seppic, Inc., 302 Bridges Rd #210, Fairfield, NJ 07004, requests to establish an exemption from the requirement of a tolerance for residues of fatty acids, rape-oil, triesters with polyethylene glycol either with glycerol (3:1) (CAS Reg. No. 688045–21–8) as an inert ingredient in pesticide formulations under 40 CFR 180.960. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

2. PP IN–11014. (EPA–HQ–OPP–2017–0084). SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192 on behalf of Solvay USA Inc, 504 Carnegie Center, Princeton, NJ 08540, requests to establish an exemption from the requirement of a tolerance in 40 CFR 180.920 for residues of acetic acid, 2-ethylhexyl ester (CAS Reg. No. 103–09–3) when used as an inert ingredient (solvent/cosolvent) at a concentration of not more than 50% by weight in pesticide formulations applied to growing crops only under 40 CFR 180.920. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

3. PP IN–11024. (EPA–HQ–OPP–2017–0103). SciReg. Inc., 12733 Director's Loop, Woodbridge, VA 22192, on behalf of Solvay USA Inc., 504 Carnegie Center, Princeton, NJ 08540, requests to establish an exemption from the requirement of a tolerance for residues of 2,2-dimethyl-1,3-dioxolane-4-methanol (CAS Reg. No. 100–79–8) when used as an inert ingredient (solvent/cosolvent) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest, and for use in antimicrobial food contact surface sanitizing solutions under 40 CFR 180.910 and 40 CFR 180.940, respectively. The petitioner believes no analytical method is needed because it is not required for an

exemption from the requirement of a tolerance. Contact: RD

New Tolerances for Non-Inerts

1. PP 6E8524. (EPA–HQ–OPP–2016–0681). Gowan Company, P.O. Box 5569, Yuma, AZ 85366–5569, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, zoxamide, in or on banana at 0.3 parts per million (ppm). The gas chromatography with mass selective detection is used to measure and evaluate the chemical Zoxamide, 3,5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-4-methylbenzamide. Contact: RD.

2. PP 6E8528. EPA–HQ–OPP–2017–0035. Interregional Research Project Number 4 (IR–4), IR–4 Project Headquarters, 500 College Road East, Suite 201W, Princeton, New Jersey 08540, requests to establish tolerances in 40 CFR part 180 for residues of the herbicide clopyralid (3,6-dichloro-2-pyridinecarboxylic acid), including its metabolites and degradates, from its application in the acid form or in the form of its salts, to be determined by measuring only clopyralid in or on the raw agricultural commodities: Berry, low growing, subgroup 13–07G at 4.0 parts per million (ppm), Berry, low growing, except strawberry, subgroup 13–07H at 4.0 ppm, Brassica, leafy greens, subgroup 4–16B at 5.0 ppm, Fruit, pome, group 11–10 at 0.05 ppm, Fruit, stone, group 12–12 at 0.5 ppm, Radish, roots at 0.3 ppm, Stalk and stem vegetable subgroup 22A at 1.0 ppm, Vegetable, brassica, head and stem, group 5–16 at 2.0 ppm, and Vegetable, leaves of root and tuber, group 2 at 5.0 ppm. Gas chromatography/electron-capture detection (GC/ECD) method is available in The Pesticide Analytical Manual Vol. II to enforce the tolerance expression for clopyralid in plant commodities. Contact RD.

3. PP 6E8532. (EPA–HQ–OPP–2017–0072). Interregional Research Project No. 4, IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201–W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of sulfentrazone (N-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H–1,2,4-triazol-1-yl]phenyl]methanesulfonamide) and its metabolites HMS (N-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-dihydro-3-hydroxymethyl-5-oxo-1H–1,2,4-triazol-1-yl)phenyl)methanesulfonamide) and DMS (N-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-dihydro-5-oxo-1H–1,2,4-triazol-1-yl)phenyl)methanesulfonamide, calculated as the stoichiometric equivalent of sulfentrazone in or on the raw agricultural commodities Chia, dry seed at 0.15 parts per million (ppm); Teff, forage at 0.50 ppm; Teff, grain at 0.15 ppm; Teff, hay at 0.30 ppm; Teff, straw at 1.5 ppm; Stalk and stem vegetable subgroup 22A at 0.15 ppm; Vegetable, brassica, head and stem, group 5–16 at 0.20 ppm; Brassica, leafy greens, subgroup 4–16B at 0.60 ppm; and Nut, tree, group 14–12 at 0.15 ppm). The analytical enforcement method for sulfentrazone was used with minor modification that eliminated several clean-up and derivatization steps that was required for GC/MSD but not for LC/MS/MS. The analytical method for sulfentrazone involves separate analyses for parent and its metabolites. The parent is analyzed by evaporation and reconstitution of the sample prior to analysis by LC/MS/MS GC/ECD. The metabolites samples were refluxed in the presence of acid and cleaned up with solid phase extraction prior to analysis by LC/MS/MS. Contact: RD.

4. PP 6E8539. (EPA–HQ–OPP–2017–0089). Interregional Research Project Number 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180. 337 for residues of the fungicide/bactericide Oxytetracycline (4S,4aR,5S,5aR,6S,12aS)-4-(dimethylamino)-1,4,4a,5,5a,6,11,12a-octahydro-3,5,6,10,12,12a-hexahydroxy-6-methyl-1,11-dioxo-2-naphthacenecarboxamide in or on Cherry, sweet at 0.1 parts per million (ppm) and Cherry, tart at 0.1 ppm. The Liquid Chromatography/Mass Spectrometry (LC/MS/MS) is used to measure and evaluate the chemical residues. Contact: RD.

5. PP 7E8545. (EPA–HQ–OPP–2017–0109). Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300, requests on behalf of Winfield Solutions, LLC, to establish an import tolerance in 40 CFR part 180 for residues of the insecticide, pirimiphos-methyl in or on wheat gluten at 0.1 parts per million (ppm). Gas chromatography method with flame photometric detection (GC–FPD) is used to measure and evaluate the chemical pirimiphos-methyl. Contact: RD.

6. PP 6F8489. EPA–HQ–OPP–2017–0155. Gowan Company, P.O. Box 5569, Yuma, AZ 85366–5569, requests to establish tolerances in 40 CFR part 180.448 for residues of the insecticide hexythiazox, in or on hops at 20 parts per million (ppm). The basic analytical method was previously reviewed by the Agency in association with the establishment of the current tolerances with registrations of multiple commodities. The methods used in a new hops raw agricultural commodities study are described fully in the study report, which is submitted concurrently with this petition. Contact: RD.

7. PP 6F8536. (EPA–HQ–OPP–2017–0095). E.I. du Pont de Nemours and Company, 974 Centre Road, Wilmington, Delaware 19805, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide indoxacarb in or on corn, field, forage at 10 parts per million (ppm); corn, field, grain at 0.02 ppm; corn, field, stover at 15 ppm; corn, field, aspirated grain fractions at 45 ppm; corn, field, flour at 0.07 ppm; corn, field, meal at 0.03 ppm; corn, field, oil at 0.05 ppm. The LC–MS/MS analytical method is used to measure and evaluate the chemical on the various corn commodities. Contact: RD.

8. PP 7F8544. EPA–HQ–OPP–2017–0156. Nichino America, Inc., 4550 New Linden Hill Road, Suite 501, Wilmington, DE 19808–2951, requests to establish tolerances in 40 CFR part 180.675 for residues of the insecticide tolfenpyrad, in or on Brassica, head and stem vegetables, crop group 5–16 at 5 parts per million (ppm); Brassica, leafy greens, subgroup 4–16B at 40 ppm; Vegetables, cucurbit, crop group 9 at 0.7 ppm; Vegetables, fruiting, crop group 8–10 at 0.7 ppm; Fruit, pome, crop group 11–10 at 0.7 ppm; Apple, wet pomace, at 2.5 ppm; Fruit, citrus, crop group 10–10 at 0.9 ppm; Citrus, dried pulp at 3.0 ppm; and Citrus, oil at 28 ppm. An acceptable high performance liquid chromatography method with tandem mass spectrometry detection (LC/MS/MS) for enforcement of tolfenpyrad residue tolerances in/on plant commodities exists. The method limit of quantification is 0.01 ppm. The method for plant commodities has been adequately validated and has undergone acceptable independent laboratory validation (ILV). An acceptable LC/MS/MS method also exists for determining residues of tolfenpyrad and its metabolites, PT–CA, OH–PT–CA, and PCA in milk, bovine meat, kidney, liver and fat. The method for livestock commodities has been adequately validated and has undergone acceptable ILV. Acceptable multiresidue methods test data have been submitted for tolfenpyrad per se. The data indicate that the PAM multiresidue methods are not suitable for determination of tolfenpyrad. Metabolite PT–CA is the major residue in livestock matrices and has been identified as a residue of concern for tolerance enforcement in livestock commodities. This metabolite was not tested through the appropriate FDA multiresidue PAM I method;

however, based on the structural similarity between tolfenpyrad and PT–CA, it is anticipated that the multiresidue method protocols would not be suitable for analysis of PT–CA. Contact: RD.

9. PP 6E8450. (EPA–HQ–OPP–2016–0519). Interregional Research Project No. 4 (IR–4) Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180.614 for residues of the bactericide, Kasugamycin, (3–O-[2-amino-4-[(carboxyimino-methyl)amino]-2,3,4,6-tetradeoxy-α-D-arabino-hexopyranosyl]-D-chiro-inositol) in or on Fruit, stone, subgroup 12–12A at 0.6 parts per million (ppm) and Walnut at 0.04 ppm. The Analytical Method, Meth-146, Revision #4 is used to measure and evaluate the chemical kasugamycin. Contact: RD.

New Tolerance Exemptions for Non-Inerts (Except PIPS)

PP 6F8520. (EPA–HQ–OPP–2017–0080). Monsanto Company, 1300 I (Eye) St. NW., Suite 450 East, Washington, DC 20005, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the plant growth regulator LCO SP104: D-Glucose,O–2-deoxy-2-[[(11Z)-1-oxo-11-octadecen-1-yl]amino]-β-D-glucopyranosyl-(1→4)-O–2-(acetylamino)-2-deoxy-β-D-glucopyranosyl-(1→4)-O–2-(acetylamino)-2-deoxy-β-D-glucopyranosyl-(1→4)-O–2-(acetylamino)- 2-deoxy-β-D-glucopyranosyl-(1→4)-2-(acetylamino)-2-deoxy- in or on raw agricultural commodities and processed foods. The petitioner believes no analytical method is needed because analytical methods normally utilized for detection of compounds in crop plants are incapable of quantifying the negligible levels of LCO SP104 that are predicted to be presented in raw or processed agricultural commodities. Even in the unlikely event that dietary exposure does occur associated with the requested uses, the demonstrated favorable toxicological profile for LCO SP104 does not present a potential hazard for humans or the environment. Contact: BPPD.

New Tolerance Exemptions for PIPS

1. PP 6F8541. (EPA–HQ–OPP–2017–0113). Bayer CropScience LP, 2 T.W. Alexander Dr., Research Triangle Park, NC 27709, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 174 for residues of the plant-incorporated protectant (PIP) Bacillus thuringiensis Cry14Ab-1 protein in or on soybean. The petitioner believes no analytical method is needed because this petition is for a temporary exemption from the requirement of a tolerance without numerical limitation; thus, an analytical method should not be required. Contact: BPPD.

2. PP IN–11022 (EPA–HQ–OPP–2017–0115). Bayer CropScience LP, 2 T.W. Alexander Dr., Research Triangle Park, NC 27709, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 174 for residues of the plant-incorporated protectant (PIP) inert ingredient 4-hydroxyphenyl pyruvate deoxygenase (HPPD–4) in or on all food commodities. The petitioner believes no analytical method is needed because this petition is for a temporary exemption from the requirement of a tolerance without numerical limitation; thus, an analytical method should not be required. Contact: BPPD.

Authority: 21 U.S.C. 346a.

Dated: April 27, 2017.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2017–11927 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2016–0207; FRL–9959–37]

RIN 2070–AB27

Significant New Use Rule on Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a significant new use rule (SNUR) under the Toxic Substances Control Act (TSCA) for one chemical substance that was the subject of a premanufacture notice (PMN). The applicable review period for the PMN submitted for this chemical substance ended prior to June 22, 2016, the date on which President Obama signed into law the Frank R. Lautenberg Chemical Safety for the 21st Century Act (which amends TSCA). This action would require persons who intend to manufacture (defined by statute to include import) or process the chemical substance for an activity that is designated as a significant new use by this proposed rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the intended use within the applicable review period. Manufacture and processing for the significant new use is unable to commence until EPA has conducted a review of the notice, made an appropriate determination on the notice, and take such actions as are required with that determination.

DATES: Comments must be received on or before July 10, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0207, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substance contained in this proposed rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers

determine whether this document applies to them. Potentially affected entities may include:

Manufacturers (including importers) or processors of the subject chemical substance (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemicals subject to these SNURs must certify their compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance to a proposed or final rule are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see § 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

A. What action is the Agency taking?

EPA is proposing this SNUR under TSCA section 5(a)(2) for the chemical substance that was the subject of PMN P–11–482. This SNUR would require persons who intend to manufacture or process this chemical substance for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity. In accordance with the procedures at § 721.160(c)(3)(i), in the **Federal Register** publication of November 17, 2016 (81 FR 81250) (FRL–9953–41) EPA issued a direct final SNUR on this chemical substance, which is the subject of a PMN. EPA received a notice of intent to submit adverse comments on this SNUR. Therefore, as required by § 721.160(c)(3)(ii), EPA withdrew the direct final SNURs in the **Federal Register** of January 19, 2017 (82 FR 6277) (FRL–9958–20), and is now issuing this proposed rule on the chemical substance. The records for the direct final SNUR on the chemical substance were established as docket EPA–HQ–OPPT–2016–0207. Those records include information considered by the Agency in developing the direct final rule. While notices of intent to submit adverse comments were received during the direct final rule phase, only one substantive comment was submitted. The commenter noted a discrepancy between requirements in the consent order and SNUR. While the consent order allows limited surface water releases from the manufacturing process, the direct final SNUR designated as a significant new use any purposeful or predictable releases to surface waters. To make the SNUR consistent with consent order requirements, in this proposed SNUR EPA has designated as a significant new use any predictable or purposeful releases to water from manufacturing, processing, or use other than the water releases described in the PMN for the manufacturing process of P–11–482. EPA awaits further comment during the open comment period for this proposed rule.

B. What is the Agency's authority for taking this action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four bulleted TSCA section 5(a)(2) factors listed in Unit III. Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture or process the chemical substance for that use (15 U.S.C. 2604(a)(1)(B)(i)). TSCA furthermore prohibits such manufacturing or processing from commencing until EPA has conducted a review of the notice, made an appropriate determination on the notice, and taken such actions as are required in association with that determination (15 U.S.C. 2604(a)(1)(B)(ii)). As described in Unit V., the general SNUR provisions are found at 40 CFR part 721, subpart A.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the final rule. Provisions relating to user fees appear at 40 CFR part 700. According to § 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the significant new use is not likely to present an unreasonable risk of injury or take such regulatory action as is associated with an alternative determination before the manufacture or processing for the significant new use can commence. If EPA determines that the significant new use is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's findings.

III. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing,

processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorized EPA to consider any other relevant factors.

To determine what would constitute a significant new use for the chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, likely human exposures and environmental releases associated with possible uses, and the four bulleted TSCA section 5(a)(2) factors listed in this unit.

IV. Substances Subject to This Proposed Rule

EPA is proposing significant new use and recordkeeping requirements for one chemical substance in 40 CFR part 721, subpart E. In this unit, EPA provides the following information for the chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) Registry number (assigned for non-confidential chemical identities).
- Public comments and EPA's response to comments on the direct final SNURs.
- Basis for the TSCA non-section 5(e) SNURs (*i.e.,* SNURs without TSCA section 5(e) consent orders).
- Tests recommended by EPA to provide sufficient information to evaluate the chemical substance (see Unit VII. for more information).
- CFR citation assigned in the regulatory text section of this proposed rule.

The regulatory text section of this proposed rule specifies the activities designated as significant new uses. Certain new uses, including production volume limits (*i.e.,* limits on manufacture volume) and other uses designated in this proposed rule, may be claimed as CBI.

PMN Number P–11–482

Chemical name: Bimodal mixture consisting of multi-walled carbon nanotubes and other classes of carbon nanotubes (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the generic use of the PMN substance will be as a specialty additive. Based on test data on analogous respirable, poorly soluble particulates and nanocarbon materials, EPA identified concerns for pulmonary toxicity and oncogenicity. Based on test data for other nanocarbon materials EPA identified concerns for environmental toxicity. The Order was issued under TSCA sections 5(e)(1)(A)(i) and 5(e)(1)(A)(ii)(I), based on a finding that the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the consent order requires:

1. Use of personal protective equipment involving impervious gloves and protective clothing (where there is a potential for dermal exposures) and a National Institute for Occupational Safety and Health (NIOSH)-certified air purifying, tight-fitting full-face respirator equipped with N–100, P–100, or R–100 cartridges, or power air purifying particulate respirator with an Assigned Protection Factor (APF) of at least 50 (where there is a potential for inhalation exposures).
2. Submission of a dustiness test within six months of notice of commencement of manufacture (NOC).
3. Submission of certain physical chemical properties data within the time limits specified in the consent order.
4. Processing and use of the PMN substance only for the use specified in the consent order, including no application method that generates a vapor, mist or aerosol unless the application method occurs in an enclosed process.
5. No predictable or purposeful releases to water from manufacturing, processing, or use other than the water releases described in the PMN for the manufacturing process of P–11–482 and disposal of the PMN substance only by landfill or incineration.

The SNUR would designate as a ''significant new use'' the absence of these protective measures.

Recommended testing: EPA has determined that the development of data on certain physical-chemical properties, as well as certain human health and environmental toxicity testing would help characterize possible effects of the substance. The submitter has agreed to provide a dustiness test (European Standard EU 15051) by six months from commencement of manufacture. In addition, the submitter has agreed to provide certain physical chemical property testing as required in the consent order after the commencement of manufacture.

Although the order does not require a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465 or Organisation for Economic Co-operation and Development (OECD) Test Guideline 413) in rats with a post-exposure observation period of up to 9 months (including BALF analysis, a determination of cardiovascular toxicity (clinically-based blood/plasma protein analyses), and histopathology of the heart), a two-year inhalation bioassay (OPPTS Test Guideline 870.4200), a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300), a fish early life stage toxicity test (OPPTS Test Guideline 850.1400), or an algal toxicity test (OCSPP Test Guideline 850.4500), the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.10927.

V. Rationale and Objectives of the Proposed Rule

A. Rationale

During review of the PMN submitted for the chemical substance that is subject to this SNUR, EPA determined that one or more of the criteria of concern established at § 721.170 were met. For additional discussion on this chemical substance, see Units II. and IV. of this proposed rule.

B. Objectives

EPA is proposing this SNUR for specific chemical substance which have undergone premanufacture review because the Agency wants to achieve the following objectives with regard to the significant new uses designated in this proposed rule:

- EPA would receive notice of any person's intent to manufacture or process the listed chemical substance for the described significant new use before that activity begins.
- EPA would have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing the listed chemical substance for the described significant new use.
- EPA would be able to either determine that the prospective manufacture or processing is not likely to present an unreasonable risk, or to take necessary regulatory action associated with any other determination, before the described significant new use of the chemical substance occurs.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the Internet at *https://www.epa.gov/tsca-inventory.*

VI. Applicability of the Proposed Rule to Uses Occurring Before the Effective Date of the Final Rule

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substance subject to this proposed rule have undergone premanufacture review. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no person may commence such activities without first submitting a PMN. Therefore, for chemical substances for which an NOC has not been submitted EPA concludes that the designated significant new uses are not ongoing.

When the chemical substance identified in this proposed rule is added to the TSCA Inventory, EPA recognizes that, before the rule is effective, other persons might engage in a use that has been identified as a significant new use. The identity of the chemical substance subject to this proposed rule has been claimed as confidential and EPA has received no post-PMN *bona fide* submissions (per §§ 720.25 and 721.11). Based on this, the Agency believes that it is highly unlikely that any of the significant new uses described in the regulatory text of this proposed rule are ongoing.

Therefore, EPA designates February 28, 2017 (*the date of public release/web posting of this proposed rule*), as the cutoff date for determining whether the new use is ongoing. This designation varies slightly from EPA's past practice of designating the date of **Federal Register** publication as the date for making this determination. The objective of EPA's approach has been to ensure that a person could not defeat a SNUR by initiating a significant new use before the effective date of the proposed rule. In developing this proposed rule, EPA has recognized that, given EPA's practice of now posting rules on its Web site a week or more in advance of **Federal Register** publication, this objective could be thwarted even before that publication. Thus, EPA has slightly modified its approach in this rulemaking and plans to follow this modified approach in future significant new use rulemakings.

Persons who begin commercial manufacture or processing of the chemical substances for a significant new use identified as of that date would have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and wait until the notice review period, including any extensions, expires. If such a person met the conditions of advance compliance under § 721.45(h), the person would be considered exempt from the requirements of the SNUR. Consult the **Federal Register** document of April 24, 1990 (55 FR 17376) for a more detailed discussion of the cutoff date for ongoing uses.

VII. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require developing any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: Development of test data is required where the chemical substance subject to the SNUR is also subject to a rule, order or consent agreement under TSCA section 4 (see TSCA section 5(b)(1)).

In the absence of a TSCA section 4 test rule covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. Descriptions of tests are provided for informational purposes. EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection. To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Guidelines for Pesticides and Toxic Substances.''

The recommended tests specified in Unit IV. may not be the only means of addressing the potential risks of the chemical substance. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA section 5(e), particularly if satisfactory test results have not been obtained from a prior PMN or SNUN submitter. EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs and define the terms of any potentially necessary controls if the submitter provides detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.

VIII. SNUN Submissions

According to § 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 721.25. E–PMN software is available electronically at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/how-submit-e-pmn.*

IX. Scientific Standards, Evidence, and Available Information

EPA has used scientific information, technical procedures, measures, methods, protocols, methodologies, and models consistent with the risk assessment documents included in the public docket. These information sources supply information relevant to whether a particular use would be a significant new use, based on relevant factors including those listed under TSCA section 5(a)(2).

The clarity and completeness of the data, assumptions, methods, quality assurance, and analyses employed in EPA's decision are documented, as applicable and to the extent necessary for purposes of this proposed significant new use rule, in Unit II and in the documents noted above. EPA recognizes, based on the available information, that there is variability and uncertainty in whether any particular significant new use would actually present an unreasonable risk. For precisely this reason, it is appropriate to secure a future notice and review process for these uses, at such time as they are known more definitely. The extent to which the various information, procedures, measures, methods, protocols, methodologies or models used in EPA's decision have been subject to independent verification or peer review is adequate to justify their use, collectively, in the record for a significant new use rule.

X. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this proposed rule, during the development of the direct final rule. EPA's complete economic analysis is available in the docket under docket ID number EPA–HQ–OPPT–2016–0207.

XI. Statutory and Executive Order Reviews

A. Executive Order 12866

This proposed rule would establish SNUR for the chemical substance that was the subject of PMN. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''*Regulatory Planning and Review*'' (58 FR 51735, October 4, 1993).

B. Paperwork Reduction Act (PRA)

According to 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 that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection requirements related to this proposed rule have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This proposed rule would not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Collection Strategies Division, Office of Environmental Information (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act (RFA)

On February 18, 2012, EPA certified pursuant to RFA section 605(b) (5 U.S.C. 601 *et seq.*), that promulgation of a SNUR does not have a significant economic impact on a substantial number of small entities where the following are true:

1. A significant number of SNUNs would not be submitted by small entities in response to the SNUR.

2. The SNUR submitted by any small entity would not cost significantly more than $8,300.

A copy of that certification is available in the docket for this proposed rule.

This proposed rule is within the scope of the February 18, 2012 certification. Based on the Economic Analysis discussed in Unit IX. And EPA's experience promulgating SNURs (discussed in the certification), EPA believes that the following are true:

- A significant number of SNUNs would not be submitted by small entities in response to the SNUR.
- Submission of the SNUN would not cost any small entity significantly more than $8,300.

Therefore, the promulgation of the SNUR would not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government would be impacted by this proposed rule. As such, EPA has determined that this proposed rule would not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

E. Executive Order 13132

This proposed rule would not have a substantial direct effect on 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, as specified in Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999).

F. Executive Order 13175

This proposed rule would not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This proposed rule would not significantly nor uniquely affect the communities of Indian Tribal governments, nor would it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), do not apply to this proposed rule.

G. Executive Order 13045

This proposed rule is not subject to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this proposed rule does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211

This proposed rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because this proposed rule is not expected to affect energy supply, distribution, or use and because this proposed rule is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this proposed rule would not involve any technical standards, NTTAA section 12(d) (15 U.S.C. 272 note), would not apply to this proposed rule.

J. Executive Order 12898

This proposed rule does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: February 21, 2017.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

PART 721—[AMENDED]

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. Add § 721.10927 to subpart E to read as follows:

§ 721.10927 Bimodal mixture consisting of multi-walled carbon nanotubes and other classes of carbon nanotubes (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as a bimodal mixture consisting of multi-walled carbon nanotubes and other classes of carbon nanotubes (PMN P–11–482) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63 (a)(1), (a)(2)(i), (a)(2)(ii), (a)(3), (a)(4), (a)(6) (particulate), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63 (a)(1) and (a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. A National Institute for Occupational Safety and Health (NIOSH)-certified air purifying, tight-fitting full-face respirator equipped with N–100, P–100, or R–100 cartridges, or power air purifying particulate respirator with an Assigned Protection Factor (APF) of at least 50 meets the requirements of § 721.63 (a)(4).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (k) and (q). A significant new use is any use involving an application method that generates a vapor, mist or aerosol.

(iii) *Disposal.* Requirements as specified in § 721.85 (a)(1), (a)(2), (b)(1), (b)(2), (c)(1), and (c)(2).

(iv) *Release to water.* Requirements as specified in § 721.90 (b)(1) and (c)(1). Any predictable or purposeful release of a manufacturing stream associated with any use of the substance from any site is a significant new use other than the water releases described in the manufacturing process of PMN P–11–482.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a) through (e), (i), (j), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725 (b)(1) apply to paragraph (a)(2)(ii) of this section.

[FR Doc. 2017–11695 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 483

[CMS–3342–P]

RIN 0938–AT18

Medicare and Medicaid Programs; Revision of Requirements for Long-Term Care Facilities: Arbitration Agreements

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the requirements that Long-Term Care (LTC) facilities must meet to participate in the Medicare and Medicaid programs. Specifically, it would remove provisions prohibiting binding pre-dispute arbitration and strengthen requirements regarding the transparency of arbitration agreements in LTC facilities. This proposal would support the resident's right to make informed choices about important aspects of his or her health care. In addition, this proposal is consistent with our approach to eliminating unnecessary burden on providers.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on August 7, 2017.

ADDRESSES: In commenting, please refer to file code CMS–3342–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3342–P, P.O. Box 8010, Baltimore, MD 21244–1850.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3342–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments ONLY to the following addresses prior to the close of the comment period:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: LTC Regulations Team: Diane Corning, Sheila Blackstock or Lisa Parker at (410) 786–6633.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search

instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

On October 4, 2016, we published in the **Federal Register** a final rule entitled ''Reform of Requirements for Long-Term Care Facilities'' (81 FR 68688) (2016 final rule). The 2016 final rule amended 42 CFR 483.70(n) to prohibit long-term care (LTC) facilities from entering into pre-dispute arbitration agreements with any resident or his or her representative or requiring that a resident sign an arbitration agreement as a condition of admission to the LTC facility. Prior to the 2016 final rule, the Requirements for Long-Term Care Facilities were silent on any arbitration requirements. However, the Centers for Medicare & Medicaid Services (CMS) did issue sub-regulatory guidance that supported arbitration between residents and their facilities. *See Fairness in Nursing Home Arbitration Act of 2008: Hearing on H.R. 6126 Before the Committee on the Judiciary,* 110th Cong. (2008) (letter from Department of Health and Human Services dated July 29, 2008 opposing the H.R. 6126 that would have made pre-dispute mandatory arbitration agreements between long-term care providers and residents unenforceable); and *Binding Arbitration in Nursing Homes,* Survey and Certification Letter dated January 9, 2003 (S&C–03–10).

The 2016 final rule also requires that an agreement for post-dispute binding arbitration must be entered into by the resident voluntarily, that the parties must agree on the selection of a neutral arbitrator, and that the arbitral venue must be convenient to both parties. Under the 2016 final rule, an arbitration agreement could be signed by another individual only if allowed by the relevant state's law, all of the other requirements in this section are met, and that individual had no interest in the facility. In addition, the rule stated that a resident's right to remain at the facility could not be contingent upon the resident or his or her representative signing an arbitration agreement. The arbitration agreement also could not contain any language that prohibited or discouraged the resident or anyone else from communicating with federal, state, or local officials, including but not limited to, federal and state surveyors, other federal and state health department employees, and representatives of the Office of the State Long-Term Care Ombudsman, in accordance with § 483.10(k). In addition, when a LTC facility and a resident resolved a dispute through arbitration, a copy of the signed agreement for binding arbitration and the arbitrator's final decision was required to be retained by the facility for 5 years and be available for inspection upon request by the CMS or its designee.

We adopted the 2016 final rule after considering a wide range of comments from diverse array of individuals and organizations. For example, we noted that:

> Many commenters argued that arbitration was beneficial for residents and their families as well as facilities. Disputes could be resolved more quickly and with less animosity and expense than litigation. Some commenters also argued that prohibiting these agreements would only benefit lawyers, result in protracted litigation, increased costs to the facilities, and increase the burden on an already overwhelmed court system. This would also result in resources for resident care being diverted for litigation. Other commenters argued that prohibiting arbitration could be detrimental to residents.

In response to these comments, we recognized unequivocally that ''[t]here are both advantages and disadvantages associated with both pre-dispute arbitration agreements and arbitration itself.'' We weighed those advantages and disadvantages when we reversed existing policy through the adoption of the 2016 final rule.

On October 17, 2016, the American Health Care Association and a group of affiliated nursing homes filed a complaint in the United States District Court for the Northern District of Mississippi seeking a preliminary and permanent order enjoining agency enforcement of the prohibition on pre-dispute arbitration agreements regulation (§ 483.70(n)(1)). On November 7, 2016, thirty-four days after the issuance of the regulation prohibiting pre-dispute arbitration agreements, the district court preliminarily enjoined enforcement of that regulation. On December 9, 2016, we issued a nation-wide instruction to State Survey Agency Directors, directing them not to enforce the 2016 final rule's prohibition of pre-dispute arbitration provisions during the period that the court-ordered injunction remained in effect (S&C: 17–12–NH) *https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/Survey-and-Cert-Letter-17-12.pdf*).

The district court held that the plaintiffs were likely to prevail in their challenge to the 2016 final rule. It concluded that it would likely hold that the rule's prohibition against LTC facilities entering into pre-dispute arbitration agreements was in conflict with the Federal Arbitration Act (FAA), 9 U.S.C. 1 *et seq.* The court also reasoned that it was unlikely that CMS could justify the rule, or could overcome the FAA's presumption in favor of arbitration, by relying on the agency's general statutory authority under the Medicare and Medicaid statutes to establish rights for residents (sections 1891(c)(1)(A)(xi) and 1919(c)(1)(A)(xi) of the Act) or to promulgate rules to protect the health, safety and well-being of residents in LTC facilities (sections 1819(d)(4)(B) and 1919(d)(4)(B) of the Act).

We have determined that further analysis is warranted before any rule takes effect. We believe that a policy change regarding pre-dispute arbitration will achieve a better balance between the advantages and disadvantages of pre-dispute arbitration for residents and their providers. Additionally, we have reviewed the ''Requirements for Long-Term Care Facilities,'' consistent with the January 30, 2017 Executive Order ''Reducing Regulation and Controlling Regulatory Costs (E.O. 13771). We believe that a ban on pre-dispute arbitration agreements would likely impose unnecessary or excessive costs on providers. We invite comments on our revised approach.

II. Provisions of the Proposed Regulations

We are proposing to revise the provisions related to pre-dispute arbitration at § 483.70(n). Specifically, we propose to remove the requirement at § 483.70(n)(1) precluding facilities from entering into pre-dispute agreements for binding arbitration with any resident or resident's representative, which we do not believe strikes the best balance between the advantages and disadvantages of pre-dispute arbitration. For the same reason, we also propose removing the prohibition at § 483.70(n)(2)(iii) banning facilities from requiring that residents sign arbitration agreements as a condition of admission to a facility. And, we propose removing the provisions at § 483.70(n)(2)(ii) regarding the terms of arbitration agreements.

We would retain provisions that protect the interests of LTC residents in situations where a facility chooses to

ask a resident or his or her representative to enter into an agreement for binding arbitration (whether pre-dispute or post-dispute). We propose to retain the requirements that the agreement be explained to the resident and his or her representative in a form and manner that he or she understands, including in a language that the resident and his or her representative understands; and the resident acknowledges that he or she understands the agreement. We also propose to retain the requirements that the agreement must not contain any language that prohibits or discourages the resident or anyone else from communicating with federal, state, or local officials, including but not limited to, federal and state surveyors, other federal or state health department employees, and representatives of the Office of the State Long-Term Care Ombudsman, in accordance with § 483.10(k).

Finally, we would retain the requirement that when the facility and a resident resolve a dispute through arbitration, a copy of the signed agreement for binding arbitration and the arbitrator's final decision must be retained by the facility for 5 years and be available for inspection upon request by CMS or its designee.

We propose to add a requirement that the facility must ensure that the agreement for binding arbitration is in plain language. If an agreement for binding arbitration is a condition of admission, it must be in plain writing in the admission contract. We also propose to require facilities to post a notice in plain language that describes its policy on the use of agreements for binding arbitration in an area that is visible to residents and visitors. We believe this revised approach is consistent with the elimination of unnecessary and excessive costs to providers while enabling residents to make informed choices about important aspects of his or her healthcare.

The provisions contained in this document are authorized by the Secretary of the Department of Health and Human Services (Secretary) general rulemaking authority under sections 1102 and 1871 of the Act. In those provisions, the Congress granted the Secretary broad authority to promulgate regulations as may be necessary to administer Medicare and Medicaid programs.

The agency has statutory authority to issue these rules under the authority granted by the Congress in the Nursing Home Reform Act, part of the Omnibus Budget Reconciliation Act of 1987 (OBRA 87), Public Law 100–203, 101 Stat. 1330 (1987). That statute amended sections 1819 and 1919 of the Act, authorizing the agency to promulgate regulations that are ''adequate to protect the health, safety, welfare, and rights of residents and to promote the effective and efficient use of public moneys.'' (Sections 1819(f)(1) and 1919(f)(1) of the Act). In addition, the Social Security Act authorizes the Secretary to impose ''such other requirements relating to the health and safety [and well-being] of residents as [he] may find necessary.'' (Sections 1819(d)(4)(B) and 1919(d)(4)(B) of the Act). Under sections 1819(c)(1)(A)(xi) and 1919 (c)(1)(A)(xi) of the Act, the Secretary may also establish ''other right[s]'' for residents, in addition to those expressly set forth in the statutes and regulations, to ''protect and promote the rights of each resident.'' This proposed rule does not purport to regulate the enforceability of any arbitration agreement, and does not pose any conflict with the language of the FAA.

As noted, we have reconsidered whether a complete ban on pre-dispute arbitration agreements does, in fact, promote efficiency and fairness. Upon reconsideration, we believe that arbitration agreements are, in fact, advantageous to both providers and beneficiaries because they allow for the expeditious resolution of claims without the costs and expense of litigation. This conclusion is reinforced by comments we received in response to the July 16, 2015 proposed rule (80 FR 42168). In those comments, a number of commenters pointed out the advantages of arbitration for residents and facilities. Specifically, commenters noted that the amount of time and expense associated with arbitration is less than that for litigation in most cases. To view public comments received on the Reform of Requirements for Long-Term Care Facilities proposed rule (80 FR 42167), visit *http://www.regulations.gov.* Enter the Docket ID: ''CMS–2015–0083'' in the search bar and follow the links provided. For additional assistance with viewing public comments, follow the search instructions on that Web site.

A number of commenters also noted that disputes resolved through arbitration could be resolved more quickly than those that go through the litigation process. Between the trial and appeals, it could take years for a case to go through the court system. For an elderly resident, this could mean no resolution in their lifetime. In addition, although there are costs associated with arbitration, litigation can also be costly for a resident.

We are also concerned about the effect that judicial litigation could have on residents who continue to reside in the same facility. Judicial actions are necessarily adversarial. Arbitrations may be less adversarial. Since arbitration is something that the parties have already agreed to, and since it has the potential to resolve a dispute faster and more efficiently than litigation, we believe it is likely to place less strain on the relationship between the facility and the residents (and their families).

Upon reconsideration and subsequent review of the comments we received from facilities responding to the July 2015 proposed rule, we also believe that the 2016 final rule may have underestimated the financial burdens placed on providers who are forced to litigate claims in court. These commenters pointed out that arbitration is often less financially burdensome than a court case, and that facilities who must litigate claims in court must devote scarce resources to defending cases.

We acknowledge comments received in response to our earlier rulemaking expressing concern about the use of arbitration agreements in LTC facilities. The commenters stated that, given their age and/or physical or mental condition, many residents may be signing these agreements without fully understanding their terms. Commenters also expressed concern that confidentiality clauses may prohibit the resident and others from discussing any incidents with individuals outside the facility, such as surveyors and representatives of the Office of the State Long-Term Care Ombudsman because these restrictions could create barriers for surveyors and other responsible parties to obtain information related to serious quality of care issues.

We believe that this proposed rule would sufficiently address these concerns because it would strengthen the requirements necessary to ensure the transparency of arbitration agreements in LTC facilities, and would ensure that arbitration agreements did not contain language discouraging interested parties from communicating with federal, state, or local officials.

Furthermore, in light of the protections for residents that we are proposing to include in this rulemaking, our reconsideration of the conclusions of the rule discussed above, and subsequent review of the public comments that we received on the July 16, 2015 proposed rule (80 FR 42168) expressing support of arbitration in LTC settings, we now believe that an outright ban on pre-dispute arbitration agreements and the further restrictions on post-dispute arbitration agreements do not strike the best policy balance. An

outright prohibition of arbitration agreements would significantly increase the cost of care, and would require facilities to divert scarce resources from the care of their residents to the defense of expensive litigation.

In short, upon reconsideration, we believe that a ban on pre-dispute arbitration agreements is not the appropriate policy for all residents. Residents or their representatives should be able to make the decision to sign a pre-dispute arbitration agreement as long as there is transparency in the arbitration process. Furthermore, we believe this proposed rule is consistent with the FAA. Therefore, we are proposing to modify the 2016 final rule.

III. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995, we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

Omnibus Budget Reconciliation Act of 1987 Waiver

Ordinarily, we are required to estimate the public reporting burden for information collection requirements for this regulation in accordance with chapter 35 of title 44, United States Code. However, sections 4204(b) and 4214(d) of the Omnibus Budget Reconciliation Act of 1987, Public Law 100–204 (OBRA '87) provide for a waiver of Paperwork Reduction Act (PRA) requirements for this regulation. Thus, we have not provided an estimate for any paperwork burden related to these proposed revisions and additions.

If you comment on this information collection, that is, reporting, recordkeeping or third-party disclosure requirements, please submit your comments electronically as specified in the **ADDRESSES** section of this proposed rule.

Comments must be received on/by August 7, 2017.

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

V. Regulatory Impact Statement

A. Statement of Need

The district court's decision in granting the preliminary injunction against enforcement of the prohibition on pre-dispute arbitration agreements indicated that CMS would at a minimum face some substantial legal hurdles from pursuing the arbitration policy set forth in the 2016 final rule. We have reviewed the provisions and determined that the arbitration requirements should be revised. We believe that the protections for residents that we are proposing in this rulemaking strike a better balance of competing policy concerns. The revisions to these requirements in this proposed rule will increase transparency in LTC facilities that chose to use arbitration.

B. Overall Impact

Posting a Notice Regarding the Facility's Use of Arbitration Agreements

We are proposing that LTC facilities post a notice regarding the use of arbitration agreements in an area that is visible to residents and visitors. This would require the facility to develop a notice and post it in a conspicuous area. We believe that notices concerning facility practices are periodically developed, reviewed, and updated as a standard business practice. We also believe that facilities that are already using arbitration agreements post some type of notice. Thus, there is no burden associated with the posting of this notice.

C. Summary of Impacts

As discussed above, we believe that developing and posting a notice regarding a facility's practices is standard business practice. Thus, we have not estimated a cost for those activities.

D. Cost to the Federal Government

In the 2016 final rule (81 FR 68688 and 68844), we anticipated that the initial federal start-up costs for the entire rule would be between $10 and $15 million. Once the rule was implemented, improved surveys to review the new requirements would require an estimated $15 to $20 million annually in federal costs. Any costs to federal government regarding arbitration requirements were accounted for in the estimates set forth in the 2016 final rule. We do not believe that these revisions would impose any additional costs.

E. Regulatory Review Costs

If regulations impose administrative costs on private entities, such as the time needed to read and interpret this proposed rule, we should estimate the cost associated with regulatory review. Due to the uncertainty involved with accurately quantifying the number of entities that will review the rule, we assume that seventy-five percent (75%) of the affected entities will proactively review this proposed rule. We acknowledge that this assumption may understate or overstate the costs of reviewing this rule. It is possible that not all of those affected entities will read this proposed rule, or that there may be more than one individual reviewing the rule for some of the affected entities. For these reasons we thought that 75 percent of affected entities would be a fair estimate of the number of reviewers of this rule. We welcome any comments on the approach in estimating the number of entities which will review this proposed rule. We also recognize that different types of entities are in many cases affected by mutually exclusive sections of some proposed rules, or that some entities may not find it necessary to fully read each rule, and therefore for the purposes of our estimate we assume that each reviewer reads approximately 50 percent of the rule. We seek comments on this assumption.

Using the wage information from the Bureau of Labor Statistics (BLS) for medical and health service managers (Code 11–9111), we estimate that the cost of reviewing this rule is $90.16 per hour, including overhead and fringe benefits *https://www.bls.gov/oes/2015/may/naics4_621100.htm.* Assuming an average reading speed, we estimate that it would take 0.14 hours for the staff to review half of this proposed rule. We previously estimated that there were 15,653 LTC facilities (81 FR 68832). For each facility that reviews the rule, the estimated cost is $12.62 (0.14 hours × $90.16). Therefore, we estimate that the total cost of reviewing this regulation is $148,155 ($12.62 × 15,653*0.75).

F. Benefits of the Rule

The proposed revisions in this rule will maintain the requirements in the 2016 final rule that provide for transparency in the arbitration process for LTC residents. Specifically, we are proposing to maintain that the agreement must be explained to the resident or his or her representative in a form and manner they understand and that the resident acknowledges that he or she understands the agreement. We are also proposing to retain the requirement that the agreement must not contain any language that prohibits or discourages the resident or anyone else from communicating with federal, state, or local officials. This proposed rule will also increase transparency by adding a requirement that a facility must post a notice regarding its use of agreements for binding arbitration in an area that is visible to residents and visitors. With this increased transparency, we believe that many stakeholder concerns regarding the fairness of arbitration in LTC facilities will be addressed. We believe this proposal is consistent with our approach to eliminating unnecessary burden on providers, and supports the resident's right to make informed choices about important aspects of his or her healthcare.

G. Alternatives Considered

As discussed above, the district court granted a preliminary injunction against enforcement of the prohibition against pre-dispute agreement for arbitration. The district court's opinion clearly indicated that the court questioned CMS' authority to regulate arbitration. We considered proposing to remove all of the arbitration requirements and return to the position in the previous requirements, that is, the requirements would be silent on arbitration. However, we believe that transparency between LTC facilities and their residents in the arbitration process is essential, and that CMS may properly exercise its statutory authority to promote the health and safety of LTC residents by requiring appropriate measures to ensure that LTC residents receive adequate disclosures of their facility's arbitration policies. Removing all of the provisions related to arbitration would reduce transparency. Therefore, we have proposed retaining those requirements that provide for transparency and adding that the facility must post a notice regarding its use of arbitration in an area that is visible to residents and visitors. We believe the requirements we are proposing to retain, as well as the proposed revisions, will provide sufficient transparency to protect residents and alleviate many of the residents and advocates concerns about the arbitration process.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget. This proposed rule is not expected to lead to an action subject to Executive Order 13771 (82 FR 9339, February 3, 2017) because our estimates indicate that its finalization would impose no more than de minimis costs.

List of Subject in 42 CFR Part 483

Grant programs-health, Health facilities, Health professions, Health records, Medicaid, Medicare, Nursing homes, Nutrition, Reporting and recordkeeping requirements, Safety.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV as set forth below:

PART 483—REQUIREMENTS FOR STATES AND LONG TERM CARE FACILITIES

■ 1. The authority citation for part 483 continues to read as follows:

Authority: Secs. 1102, 1128I, 1819, 1871 and 1919 of the Social Security Act (42 U.S.C. 1302, 1320a–7, 1395i, 1395hh and 1396r).

■ 2. Section 483.70 is amended by revising paragraph (n) to read as follows:

§ 483.70 Administration.

* * * * *

(n) *Binding arbitration agreements.* If a facility chooses to ask a resident or his or her representative to enter into an agreement for binding arbitration, the facility must comply with all of the requirements in this section.

(1) The facility must ensure that:

(i) The agreement for binding arbitration is in plain language. If an agreement for binding arbitration is a condition of admission, it must be included in plain language in the admission contract;

(ii) The agreement is explained to the resident and his or her representative in a form and manner that he or she understands, including in a language the resident and his or her representative understands; and

(iii) The resident acknowledges that he or she understands the agreement.

(2) The agreement must not contain any language that prohibits or discourages the resident or anyone else from communicating with federal, state, or local officials, including but not limited to, federal and state surveyors, other federal or state health department employees, and representatives of the Office of the State Long-Term Care Ombudsman, in accordance with § 483.10(k).

(3) When the facility and a resident resolve a dispute through arbitration, a copy of the signed agreement for binding arbitration and the arbitrator's final decision must be retained by the facility for 5 years and be available for inspection upon request by CMS or its designee.

(4) A notice regarding the use of agreements for binding arbitration must be posted in an area that is visible to residents and visitors.

* * * * *

Dated: May 2, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: May 4, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

[FR Doc. 2017–11883 Filed 6–5–17; 4:15 pm]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 10–90; FCC 17–61]

Connect America Fund

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks comment on whether the Commission should change the current rate floor methodology or eliminate the rate floor and its accompanying reporting obligation.

DATES: Comments are due on or before July 10, 2017 and reply comments are due on or before July 24, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this document, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit comments, identified by WC Docket No. 10–90, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web site: http://fjallfoss.fcc.gov/ecfs2/.* Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*

■ *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

• Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

○ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

■ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

■ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th St. SW., Washington, DC 20554.

• *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.

FOR FURTHER INFORMATION CONTACT: Alexander Minard, Wireline Competition Bureau, (202) 418–7400 or TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking (NPRM) in WC Docket No. 10–90; FCC 17–61, adopted on May 18, 2017 and released on May 19, 2017. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th St. SW., Washington, DC 20554 or at the following Internet address: *https://www.fcc.gov/document/voice-rate-floor-nprm-and-order.*

I. Introduction

1. In 2011, the Commission adopted a rule intended to ensure that consumers across the country are not subsidizing the cost of voice service to rural customers whose rates are below a set minimum rate. This requirement is known as the ''rate floor.'' If a carrier chooses to charge its customers less than the rate floor amount for voice service, the difference between the amount charged and the rate floor is deducted from the amount of support that carrier receives through the Universal Service Fund (USF). Since July 1, 2016, this minimum amount has been $18, and the Commission previously scheduled increases to $20 on July 1, 2017 and $22 on July 1, 2018. After several years of experience with it, the Commission now revisits it to ensure the Commission's policies continue to further its statutory obligation to ensure ''[q]uality services . . . available at just, reasonable, and affordable rates.'' The Commission accordingly seeks comment on whether it should make any changes to the current methodology or eliminate the rate floor and its accompanying reporting obligation.

II. Discussion

2. The Commission seeks comment on whether it should change the current methodology or eliminate the rate floor and its accompanying reporting obligation.

3. In adopting the rate floor, the Commission determined that it is ''inappropriate to provide federal high-cost support to subsidize local rates beyond what is necessary to ensure reasonable comparability.'' The Commission further stated that ''[d]oing so places an undue burden on the Fund and consumers that pay into it'' and expressed the view that it would not be equitable ''for consumers across the country to subsidize the cost of service for some consumers that pay local service rates that are significantly lower than the national urban average.''

4. On the other hand, stakeholders ranging from the AARP to the National Tribal Telecommunications Association, from the National Consumer Law Center to small, medium, and large rural telephone companies, have raised concerns that the rate floor is inconsistent with the direction of section 254(b) of the Communications Act to advance universal service in rural, insular, and high cost areas of the country while ensuring that rates are just, reasonable, and affordable. These parties have argued that the rule makes basic voice service in rural areas less affordable, does not make voice service available at reasonably comparable rates to urban areas, and does not further the Commission's objective to ''minimize the universal service contribution burden on consumers and businesses.'' In that same vein, no one disputes that the rate floor has increased rates for voice service in rural areas, despite the Commission's goal to ''preserve and advance universal availability of voice service.'' Some parties have also asserted that price increases negatively affect rural consumers and ''could lead to some customers losing affordable access to basic service entirely.'' Others have noted that the increases caused by the rate floor rule could have a particularly deleterious effect on older Americans on fixed incomes and customers in Tribal areas.

5. In addition, some parties have raised concerns about the use of a single, national rate floor. Some have argued that incomes are often lower in rural areas and the rate floor incorrectly ''assumes that what's affordable in our country's largest cities must be affordable in our small towns.'' Others have suggested that the Commission should consider ''whether more localized survey data would better serve the goal of ensuring reasonably comparable service at reasonably comparable rates, and what flexibility the states need to serve users under the particular circumstances of each state.'' The Commission observes that nothing in the statute requires adoption of a single, national rate floor.

6. Accordingly, the Commission seeks comment on whether changes to the current methodology are needed to address these concerns. If so, what changes should be made? Should the Commission allow carriers to charge a rate that is one standard deviation below the average urban rate? Should the Commission replace the single, national rate floor with state or regional rate floors? Are there other ideas the Commission should consider? Alternatively, should the Commission eliminate the rate floor altogether?

7. As part of the Commission's consideration of possible changes to the methodology or elimination of the rate floor, it seeks comment on the intersection of the rate floor with state ratemaking and state universal service funds. The Commission also notes that states have historically regulated rates for local telephone service. Indeed, the Communications Act makes clear that ''nothing in this [Act] shall be construed to apply, or to give the Commission jurisdiction,'' over rates for ''telephone exchange service,'' *i.e.,* local service. States have historically relied on a variety of regulating methods (including the use of state universal service funds) to ensure just and reasonable rates for that service—and those methods already by law must not ''rely on or burden Federal universal service support mechanisms.'' The Commission seeks comment on these arguments. The Commission also seeks comment on the Tenth Circuit's suggestion that ''the FCC 'remains obligated to create some inducement . . . for the states to assist in implementing the goals of universal

service,' *i.e.,* in this case to ensure that rural rates are not artificially low.''

8. More generally, the Commission seeks comment on whether the rate floor is meeting the intended purposes. One party has argued that ''an increase in the local rate floor does not impact payment into the Universal Service Fund or the budget of the fund, but it does affect consumer choice, penalizes incumbent wireline providers and ultimately broadband deployment.'' On the other hand, the Commission notes that the Commission last year adopted a budget control mechanism for carriers within the legacy rate-of-return system, including those receiving high-cost loop support. As such, any funding reductions from the rate floor are generally redistributed to other carriers to mitigate the impact of the budget control mechanism, not returned to ratepayers as contributions relief. The Commission notes that the rate floor both reduces total high-cost loop support (HCLS) support and reduces the budget impact on all rate-of-return carriers for HCLS and Connect America Fund—Broadband Loop Support (CAF–BLS). Specifically, based on the data used to calculate the recently published rate-of-return budget control mechanism, the Commission estimates that the rate floor effectively reduced total HCLS by 1.3 percent and effectively increased CAF–BLS by 0.9 percent. The Commission seeks comment on the impact of this redistribution on broadband deployment, both with respect to carriers receiving higher total USF support and those impacted directly by the rate floor and thus receiving lower total USF support. The Commission also seeks comment on these arguments generally.

9. Finally, the Commission seeks comment on ways to reduce ongoing administrative and compliance costs on rural telephone companies, state commissions, the Commission, the National Exchange Carrier Association, and the Universal Service Administrative Company. Each year, federal staff must calculate a new rate floor, which rural telephone companies must then seek permission from their state commissions to implement, with oversight by several entities to ensure that rural rates are sufficiently high and universal service payments are appropriately withheld. Incumbent local exchange carriers (ILECs) subject to the rate floor must complete yet another form specifying each of the carrier's rates that fall below the rate floor and the number of lines for each rate specified. Stakeholders have previously detailed impediments to implementation in a number of states and have explained that carriers require time after a rate floor increase to pursue and implement rate increases. The Commission seeks comment on these arguments and whether modifying or eliminating the rate floor and the accompanying reporting obligations would reduce the complexity of the high-cost program and minimize the associated administrative and compliance costs that have stemmed from implementation of the rate floor. Alternatively, the Commission seeks comment on whether updating the rate floor on a biennial or triennial basis would accomplish similar goals while decreasing administrative burdens. More generally, the Commission seeks comment on the costs and benefits of the rate floor, and specifically on a cost-benefit analysis of the rule.

III. Procedural Matters

10. This document proposes modified information collection requirements subject to the PRA. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. As part of the Commission's continuing effort to reduce paperwork burdens, the Commission invites the general public and OMB to comment on the proposed information collection requirements contained in this document, as required by the PRA. In addition, pursuant to the Small Business Paperwork Relief Act, the Commission seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees. The Commission describes impacts that might affect small businesses, which includes most businesses with fewer than 25 employees, in the Initial Regulatory Flexibility Analysis (IRFA) below.

11. In the NPRM, the Commission seeks comment on whether to modify or eliminate two rules: sections 54.313(h) and 54.318 of the Commission's rules. The Commission is seeking comment on whether it should modify or eliminate section 54.318, the rate floor rule, to better advance section 254 of the Commission's Act and the goals of the Commission's universal service reforms. Section 54.313(h) requires carriers to report on the number lines it serves with rates that fall below the rate floor. If the Commission modifies or eliminates the rate floor rule, there may be no need to for carriers report on rates that fall below the rate floor.

12. The legal basis for any action that may be taken pursuant to this NPRM is contained in sections 201, 219, 220 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 201, 219, 220 and 254.

13. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act (SBA). A small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

14. This NPRM seeks comment on changes to the Commission's rules, which, if adopted, will result in reduced information collection and reporting requirements for ILECs.

15. In this NPRM, the Commission seeks public comment on modifying or eliminating sections 54.313(h) and 54.318 of the Commission's rules. Because the Commission actions here will likely result in reduced regulatory burdens, the Commission concludes that the changes on which it seeks comment will not result in any additional recordkeeping requirements for small entities.

16. *Permit-But-Disclose.* The proceeding this NPRM initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing

them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

17. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

IV. Ordering Clauses

18. Accordingly, *it is ordered,* pursuant to the authority contained in sections 201, 219, 220 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 201, 219, 220, 254, this Notice of Proposed Rulemaking and Order *is adopted.*

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–11848 Filed 6–7–17; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 82, No. 109
Thursday, June 8, 2017

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2016–0044]

Notice of Determination of the Classical Swine Fever, Foot-and-Mouth Disease, Rinderpest, and Swine Vesicular Disease Status of Cyprus

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination to recognize Cyprus as being free of foot-and-mouth disease (FMD), rinderpest, and swine vesicular disease (SVD), and as low risk for classical swine fever (CSF). Based on the findings of a risk assessment, which we made available to the public for review and comment through a previous notice, we have determined that the surveillance, prevention, and control measures implemented by the European Union (EU) and Cyprus, an EU Member State, are sufficient to minimize the likelihood of introducing CSF, FMD, SVD, and rinderpest into the United States via imports of species susceptible to these diseases or products of those species.

DATES: Effective June 8, 2017.

FOR FURTHER INFORMATION CONTACT: Dr. Ingrid Kotowski, Regionalization Evaluation Services, National Import Export Services, Veterinary Services, APHIS, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606; (919) 855–7732; *Ingrid.Kotowski@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States to prevent the introduction of various animal diseases, including classical swine fever (CSF), foot-and-mouth disease (FMD), swine vesicular disease (SVD), and rinderpest.[1] The regulations prohibit or restrict the importation of live ruminants and swine, and products from these animals, from regions where these diseases are considered to exist.

Within part 94, § 94.1 contains requirements governing the importation of ruminants and swine from regions where rinderpest or FMD exists and the importation of the meat of any ruminants or swine from regions where rinderpest or FMD exists to prevent the introduction of either disease into the United States. We consider rinderpest and FMD to exist in all regions except those listed in accordance with paragraph (a) of that section as free of rinderpest and FMD.

Section 94.9 contains requirements governing the importation of pork and pork products from regions where CSF exists. Section 94.10 contains importation requirements for swine from regions where CSF is considered to exist and designates the Animal and Plant Health Inspection Service (APHIS)-defined European CSF region as a single region of low risk for CSF. Section 94.31 contains requirements governing the importation of pork, pork products, and swine from the APHIS-defined European CSF region. We consider CSF to exist in all regions of the world except those listed in accordance with paragraph (a) of § 94.9 as free of the disease.

Section 94.11 of the regulations contains requirements governing the importation of meat of any ruminants or swine from regions that have been determined to be free of rinderpest and FMD, but that are subject to certain restrictions because of their proximity to or trading relationships with rinderpest- or FMD-affected regions. Such regions are listed in accordance with paragraph (a) of that section.

Section 94.12 of the regulations contains requirements governing the importation of pork or pork products from regions where SVD exists. We consider SVD to exist in all regions of the world except those listed in accordance with paragraph (a) of that section as free of SVD.

Section 94.13 contains importation requirements governing the importation of pork or pork products from regions that have been declared free of SVD as provided in § 94.12(a) but supplement their national pork supply by the importation of fresh (chilled or frozen) meat of animals from regions where SVD is considered to exist, or have a common border with such regions, or have trade practices that are less restrictive than are acceptable to the United States. Such regions are listed in accordance with paragraph (a) of § 94.13.

Section 94.14 states that no swine which are moved from or transit any region in which SVD is known to exist may be imported into the United States except wild swine imported in accordance with § 94.14(b).

The regulations in 9 CFR part 92, § 92.2, contain requirements for requesting the recognition of the animal health status of a region (as well as for the approval of the export of a particular type of animal or animal product to the United States from a foreign region). If, after review and evaluation of the information submitted in support of the request, APHIS believes the request can be safely granted, APHIS will make its evaluation available for public comment through a document published in the **Federal Register.** Following the close of the comment period, APHIS will review all comments received and will make a final determination regarding the request that will be detailed in another document published in the **Federal Register.**

Accordingly, we published a notice [2] in the **Federal Register** on January 23, 2017 (82 FR 7790–7791, Docket No. APHIS–2016–0044), in which we announced the availability, for review and comment, of a risk assessment that evaluated the risk of introduction of CSF, FMD, SVD, and rinderpest into the United States through the importation of animals and animal products from Cyprus.[3] The notice also made available

[1] The World Organization for Animal Health (OIE) recognizes rinderpest as having been globally eradicated, and recommends that countries not impose any rinderpest-related conditions on import or transit of livestock and livestock products. In addition, the OIE recently delisted SVD as a disease of concern for international trade. However, APHIS continues to regulate for rinderpest and SVD through its import regulations for animals and animal products.

[2] To view the notice and supporting documents, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0044.*

[3] The geographic scope of the action is limited to the Republic of Cyprus, excluding those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

a finding of no significant impact statement, which incorporates by reference four environmental assessments (EAs) prepared for Slovakia, Slovenia, Estonia, and Hungary, that addresses the potential environmental impacts of CSF, FMD, SVD, and rinderpest for EU Member States. The EAs were also made available for the public to review.

We solicited comments on the notice for 60 days ending March 24, 2017. We did not receive any comments. Therefore, in accordance with the regulations, we are announcing our decision to recognize Cyprus as free of FMD, rinderpest, and SVD, and as low risk for CSF. As such, Cyprus will be added to the Web-based list of regions comprising the APHIS-defined European CSF region, which APHIS considers to be low risk for CSF, and to the respective Web-based lists of regions APHIS considers free of FMD, SVD, and rinderpest. The lists of regions recognized as free of or at low risk for these diseases can be found by visiting the APHIS Web site at *http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/importexport* and following the link to ''Animal or Animal Product.'' Copies of the lists are also available via postal mail, fax, or email upon request to Regionalization Evaluation Services, National Import Export Services, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road Unit 39, Riverdale, Maryland 20737.

Authority: 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 2nd day of June 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–11889 Filed 6–7–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Solicitation of Applications (NOSA) Inviting Applications for the Rural Business Development Grant Program To Provide Technical Assistance for Rural Transportation Systems

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice; reissue.

SUMMARY: This Notice is a reissuance of the notice published on November 18, 2016, at 81 FR 81726, announcing the acceptance of applications for Rural Transportation (RT) systems under the Rural Business Development Grant (RBDG) program for fiscal year (FY) 2017, subject to the availability of funding to provide Technical Assistance for RT systems and for RT systems to Federally Recognized Native American Tribes' (FRNAT) (collectively ''Programs'') and the terms provided in such funding.

The Agency is reissuing the November 18, 2016, notice primarily to reopen the application period and to expand the types of entities eligible to apply for the grants. The remainder of the November 18, 2016, notice remains in effect and entities are encouraged to consult that notice if they wish to apply.

Successful applications will be selected by the Agency for funding and subsequently awarded to the extent that funding may ultimately be made available to the Agency through appropriations. Awards under both grant Programs will be competitively awarded to eligible applicant(s). It is expected that one grant will be for the provision of Technical Assistance to RT Projects and that the other grant will be for the provision of Technical Assistance to RT Projects operated by FRNATs only.

All applicants are responsible for any expenses incurred in developing their applications.

All initially capitalized terms in this Notice, other than proper names, are defined in 7 CFR 4280.403.

DATES: Completed applications must be received in the USDA Rural Development State Office no later than 4:30 p.m. (local time) on September 6, 2017. Applications received at a USDA Rural Development State Office after this date will not be considered for FY 2017 funding.

ADDRESSES: Submit applications in paper format to the USDA Rural Development State Office for the State where the Project is located. A list of the USDA Rural Development State Office contacts can be found at: *http://www.rd.usda.gov/contact-us/state-offices.*

FOR FURTHER INFORMATION CONTACT: Specialty Programs Division, Business Programs, Rural Business-Cooperative Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., MS 3226, Room 4204–South, Washington, DC 20250–3226, or call 202–720–1400. For further information on this Notice, please contact the USDA Rural Development State Office in the State in which the applicant's headquarters is located.

SUPPLEMENTARY INFORMATION:

Background

As noted earlier, the Agency is reissuing the November 18, 2016, notice primarily to expand the types of entities eligible to apply for the grants and to reopen the application period to allow such entities sufficient time to submit their applications. As published, the November 18, 2016, notice limited eligible entities to ''qualified national Nonprofit organizations.'' It is the Agency's intent that otherwise qualified national organizations that are not nonprofits also be eligible. Therefore, in the reissuance of the Notice, the Agency is removing ''nonprofit'' as a condition for eligibility to apply and removing any additional references to ''nonprofit'' found in the November 18, 2016, notice.

Because removing reference to ''nonprofits'' as a condition of eligibility increases the number of potential applicants, the Agency is reopening the application period for a period of 90 days from the date the reissued notice is published in the **Federal Register** to allow entities sufficient time to apply for the grants.

The Agency is uncertain, however, whether extending the application period will provide sufficient time for the Agency to evaluate applications and to make awards. Therefore, the Agency is removing in the reissued notice reference to the award date of September 30, 2017, which was found in the November 18, 2016, notice.

The Agency is also removing the reissued notice reference to the historic awards previously made under the programs in the first paragraph of the **SUMMARY** section of the November 18, 2106, notice because such reference is unnecessary especially in light of now opening applications to entities that are not nonprofit organizations.

No other substantive changes have been made to the November 18, 2016, notice via this reissuance.

Overview

Solicitation Opportunity Title: Rural Business Development Grants.

Announcement Type: Initial Solicitation Announcement.

Catalog of Federal Domestic Assistance Number: 10.351.

Dates: Completed applications must be received in the USDA Rural Development State Office no later than 4:30 p.m. (local time) on September 6, 2017, to be eligible for FY 2017 grant funding. Applications received after this date will not be eligible for FY 2017 grant funding.

A. Program Description

1. *Purpose of the Program.* The purpose of this program is to improve the economic conditions of Rural Areas.

2. *Statutory Authority.* This program is authorized under section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)). Regulations are contained in 7 CFR part 4280, subpart E. The program is administered on behalf of Rural Business-Cooperative Service (RBS) at the State level by the USDA Rural Development State Offices. Assistance provided to Rural Areas under the program has historically included the provision of on-site Technical Assistance to local and regional governments, public transit agencies, and related Nonprofit and for-profit organizations in Rural Areas; the development of training materials; and the provision of necessary training assistance to local officials and agencies in Rural Areas.

Awards under the RBDG passenger transportation program will be made on a competitive basis using specific selection criteria contained in 7 CFR part 4280, subpart E, and in accordance with section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)). Information required to be in the application package includes Standard Form (SF) 424, ''Application for Federal Assistance;'' environmental documentation in accordance with 7 CFR part 1970, ''Environmental Policies and Procedures;'' Scope of Work Narrative; Income Statement; Balance Sheet or Audit for previous 3 years; AD–1047, ''Debarment/Suspension Certification;'' AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion;'' AD–1049, ''Certification Regarding Drug-Free Workplace Requirements;'' SF LLL, ''Disclosure of Lobbying Activities;'' RD 400–1, ''Equal Opportunity Agreement;'' RD 400–4, ''Assurance Agreement;'' and a letter providing Board authorization to obtain assistance. For the FRNAT grant, which must benefit FRNATs, at least 75 percent of the benefits of the Project must be received by members of FRNATs. The Project that scores the greatest number of points based on the RBDG selection criteria and the discretionary points will be selected for each grant.

For the funding for Technical assistance for RT systems, applicants must be qualified national organizations with experience in providing Technical Assistance and training to Rural communities nationwide for the purpose of improving passenger transportation service or facilities. To be considered ''national,'' RBS requires a qualified organization to provide evidence that it can operate RT assistance programming nation-wide. An entity can qualify if they can work in partnership with other entities to fulfill the national requirement as long as the applicant will have ultimate control of the grant administration. For the funding for RT systems to FRNATs, an entity can qualify if they can work in partnership with other entities to support all states that have nationally recognized tribes as long as the applicant will have ultimate control of the grant administration. There is not a requirement to use the grant funds in a multi-State area. Grants will be made to qualified national organizations for the provision of Technical Assistance and training to Rural communities for the purpose of improving passenger transportation services or facilities.

3. *Definition of Terms.* The definitions applicable to this Notice are published at 7 CFR 4280.403.

4. *Application Awards.* The Agency will review, evaluate, and score applications received in response to this Notice based on the provisions in 7 CFR 4280, subpart E and as indicated in this Notice. However, the Agency advises all interested parties that the applicant bears the burden in preparing and submitting an application in response to this Notice.

B. Federal Award Information

Type of Award: Grants.

Fiscal Year Funds: FY 2017.

Available Funds: Anyone interested in submitting an application for funding under this program is encouraged to consult the Rural Development Web Newsroom Web site at *http://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas* for funding information.

Approximate Number of Awards: To be determined based on the number of qualified applications received. Historically two awards have been made.

Maximum Awards: Will be determined by the specific funding provided for the Programs in the FY 2017 Appropriations Act.

Renewal or Supplemental Awards: None.

C. Eligibility Information

1. *Eligible Applicants.*

To be considered eligible, an entity must be a qualified national organization serving Rural Areas as evidenced in its organizational documents and demonstrated experience, per 7 CFR part 4280, subpart E. Grants will be competitively awarded to qualified national organizations.

The Agency requires the following information to make an eligibility determination that an applicant is a national organization. These applications must include, but are not limited to, the following:

(a) An original and one copy of SF 424, ''Application for Federal Assistance (For Non-construction);''

(b) Copies of applicant's organizational documents showing the applicant's legal existence and authority to perform the activities under the grant;

(c) A proposed scope of work, including a description of the proposed Project, details of the proposed activities to be accomplished and timeframes for completion of each task, the number of months duration of the Project, and the estimated time it will take from grant approval to beginning of Project implementation;

(d) A written narrative that includes, at a minimum, the following items:

(i) An explanation of why the Project is needed, the benefits of the proposed Project, and how the Project meets the grant eligible purposes;

(ii) Area to be served, identifying each governmental unit, *i.e.,* town, county, etc., to be affected by the Project;

(iii) Description of how the Project will coordinate Economic Development activities with other Economic Development activities within the Project area;

(iv) Businesses to be assisted, if appropriate, and Economic Development to be accomplished;

(v) An explanation of how the proposed Project will result in newly created, increased, or supported jobs in the area and the number of projected new and supported jobs within the next 3 years;

(vi) A description of the applicant's demonstrated capability and experience in providing the proposed Project assistance, including experience of key staff members and persons who will be providing the proposed Project activities and managing the Project;

(vii) The method and rationale used to select the areas and businesses that will receive the service;

(viii) A brief description of how the work will be performed, including whether organizational staff or consultants or contractors will be used; and

(ix) Other information the Agency may request to assist it in making a grant award determination.

(e) The latest 3 years of financial information to show the applicant's financial capacity to carry out the

proposed work. If the applicant is less than 3 years old, at a minimum, the information should include all balance sheet(s), income statement(s) and cash flow statement(s). A current audited report is required if available;

(f) Documentation regarding the availability and amount of other funds to be used in conjunction with the funds from RBDG;

(g) A budget which includes salaries, fringe benefits, consultant costs, indirect costs, and other appropriate direct costs for the Project.

2. *Cost Sharing or Matching.* Matching funds are not required.

3. *Other.* Applications will only be accepted from qualified national organizations to provide Technical Assistance for RT. There are no ''responsiveness,'' or ''threshold'' eligibility criteria for these grants. There is no limit on the number of applications an applicant may submit under this announcement. In addition to the forms listed under program description, Form AD–3030 ''Representations Regulation Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' must be completed in the affirmative.

None of the funds made available may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

None of the funds made available may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

4. *Completeness Eligibility.*

Applications will not be considered for funding if they do not provide sufficient information to determine eligibility or are missing required elements.

D. Application and Submission Information

1. *Address To Request Application Package.*

For further information, entities wishing to apply for assistance should contact the USDA Rural Development State Office provided in the **ADDRESSES** section of this Notice to obtain copies of the application package.

Applications must be submitted in paper format. Applications submitted to a USDA Rural Development State Office must be received by the closing date and local time.

2. *Content and Form of Application Submission.*

An application must contain all of the required elements. Each application received in a USDA Rural Development State Office will be reviewed to determine if it is consistent with the eligible purposes contained in section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)). Each selection priority criterion outlined in 7 CFR 4280.435 must be addressed in the application. Failure to address any of the criterion will result in a zero-point score for that criterion and will impact the overall evaluation of the application. Copies of 7 CFR part 4280, subpart E, will be provided to any interested applicant making a request to a USDA Rural Development State Office.

All Projects to receive Technical Assistance through these passenger transportation grant funds are to be identified when the applications are submitted to the USDA Rural Development State Office. Multiple Project applications must identify each individual Project, indicate the amount of funding requested for each individual Project, and address the criteria as stated above for each individual Project.

For multiple-Project applications, the average of the individual Project scores will be the score for that application.

The applicant documentation and forms needed for a complete application are located in the PROGRAM DESCRIPTION section of this notice, and 7 CFR part 4280, subpart E.

(a) There are no specific formats, specific limitations on number of pages, font size and type face, margins, paper size, number of copies, and the sequence or assembly requirements.

(b) The component pieces of this application should contain original signatures on the original application.

(c) Since these grants are for Technical Assistance for transportation purposes, no additional information requirements other than those described in this Notice and 7 CFR part 4280, subpart E are required.

3. *Unique Entity Identifier and System for Award Management.*

All applicants must have a Dun and Bradstreet Data Universal Numbering System (DUNS) number which can be obtained at no cost via a toll-free request line at (866) 705–5711 or at *http://fedgov.dnb.com/webform.* Each applicant (unless the applicant is an individual or Federal awarding agency that is excepted from the requirements under 2 CFR 25.110(b)) or (c) or has an exception approved by the Federal awarding agency under 2 CFR 25.110(d) is required to: (i) Be registered in the System for Award Management (SAM) before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The Federal awarding agency may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

4. *Submission Dates and Times.*

(a) Application Deadline Date: No later than 4:30 p.m. (local time) on September 6, 2017.

Explanation of Deadlines: Applications must be in the USDA Rural Development State Office by the local deadline date and time as indicated above. If the due date falls on a Saturday, Sunday, or Federal holiday, the application is due the next business day.

(b) The deadline date means that the completed application package must be received in the USDA Rural Development State Office by the deadline date established above. All application documents identified in this Notice are required.

(c) If complete applications are not received by the deadline established above, the application will neither be reviewed nor considered under any circumstances.

(d) The Agency will determine the application receipt date based on the actual date postmarked.

(e) This Notice is for RT Technical Assistance grants only and therefore, intergovernmental reviews are not required.

(f) These grants are for RT Technical Assistance grants only, no construction or equipment purchases are permitted. If the grantee has a previously approved indirect cost rate, it is permissible, otherwise, the applicant may elect to charge the 10 percent indirect cost permitted under 2 CFR 200.414(f) or request a determination of its Indirect Cost Rate. Due to the time required to evaluate Indirect Cost Rates, it is likely that all funds will be awarded by the time the Indirect Cost Rate is determined. No foreign travel is permitted. Pre-Federal award costs will only be permitted with prior written approval by the Agency.

(g) Applicants must submit applications in hard copy format as previously indicated in the APPLICATION AND SUBMISSION INFORMATION section of this notice. If the applicant wishes to hand deliver its application, the addresses for these deliveries can be located in the **ADDRESSES** section of this Notice.

(h) If you require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

E. Application Review Information

1. *Criteria.*

All eligible and complete applications will be evaluated and scored based on the selection criteria and weights contained in 7 CFR 4280.435 and will select grantees subject to the grantees' satisfactory submission of the additional items required by 7 CFR part 4280, subpart E and the USDA Rural Development Letter of Conditions. Failure to address any one of the criteria in 7 CFR 4280.435 by the application deadline will result in the application being determined ineligible, and the application will not be considered for funding. The amount of an RT grant may be adjusted, at the Agency's discretion, to enable the Agency to award RT grants to the applications with the highest priority scores in each category.

2. *Review and Selection Process.*

The State Offices will review applications to determine if they are eligible for assistance based on requirements contained in 7 CFR 4280.416 and 4280.417. If determined eligible, your application will be submitted to the National Office. Funding of Projects is subject to the applicant's satisfactory submission of the additional items required by that subpart and the USDA Rural Development Letter of Conditions. The Agency reserves the right to award additional discretionary points under 7 CFR 4280.435(k).

In awarding discretionary points, the Agency scoring criteria regularly assigns points to applications that direct loans or grants to Projects based in or serving census tracts with poverty rates greater than or equal to 20 percent. This emphasis will support Rural Development's mission of improving the quality of life for Rural Americans and commitment to directing resources to those who most need them.

F. Federal Award Administration Information

1. *Federal Award Notices.*

Successful applicants will receive notification for funding from their USDA Rural Development State Office. Applicants must comply with all applicable statutes and regulations before the grant award will be approved. Unsuccessful applications will receive notification by mail.

2. *Administrative and National Policy Requirements.*

Additional requirements that apply to grantees selected for this program can be found in 7 CFR 4280.408, 4280.410, and 4280.439. Awards are subject to USDA Departmental Grant Regulations at 2 CFR Chapter IV which incorporates the new Office of Management and Budget (OMB) regulations at 2 CFR part 200.

All successful applicants will be notified by letter, which will include a Letter of Conditions, and a Letter of Intent to Meet Conditions. This letter is not an authorization to begin performance. If the applicant wishes to consider beginning performance prior to the grant being officially closed, all pre-award costs must be approved in writing and in advance by the Agency. The grant will be considered officially awarded when all conditions in the Letter of Conditions have been met and the Agency obligates the funding for the Project.

Additional requirements that apply to grantees selected for this program can be found in 7 CFR part 4280, subpart E; the Grants and Agreements regulations of the U.S. Department of Agriculture codified in 2 CFR Chapter IV, and successor regulations.

In addition, all recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub.L. 109–282) reporting requirements (see 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)). More information on these requirements can be found at *http://www.rd.usda.gov/programs-services/value-added-producer-grants.*

The following additional requirements apply to grantees selected for this program:

(a) Form RD 4280–2 ''Rural Business-Cooperative Service Financial Assistance Agreement.''

(b) Letter of Conditions.

(c) Form RD 1940–1, ''Request for Obligation of Funds.''

(d) Form RD 1942–46, ''Letter of Intent to Meet Conditions.''

(e) Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions.''

(f) Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions.''

(g) Form AD–1049, ''Certification Regarding a Drug-Free Workplace Requirement (Grants).''

(h) Form AD–3030, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.'' Must be signed by corporate applicants who receive an award under this Notice.

(i) Form RD 400–4, ''Assurance Agreement.'' Each prospective recipient must sign Form RD 400–4, Assurance Agreement, which assures USDA that the recipient is in compliance with Title VI of the Civil Rights Act of 1964, 7 CFR part 15 and other Agency regulations. That no person will be discriminated against based on race, color or national origin, in regard to any program or activity for which the re-lender receives Federal financial assistance. That nondiscrimination statements are in advertisements and brochures.

Collect and maintain data provided by ultimate recipients on race, sex, and national origin and ensure Ultimate Recipients collect and maintain this data. Race and ethnicity data will be collected in accordance with OMB **Federal Register** notice, ''Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity,'' (62 FR 58782), October 30, 1997. Sex data will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by the Agency.

The applicant and the ultimate recipient must comply with Title VI of

the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, Executive Order 12250, Executive Order 13166 Limited English Proficiency (LEP), and 7 CFR part 1901, subpart E.

(j) SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.

(k) Form SF 270, ''Request for Advance or Reimbursement.''

3. *Reporting.*

(a) A Financial Status Report and a Project performance activity report will be required of all grantees on a quarterly basis until initial funds are expended and yearly thereafter, if applicable, based on the Federal fiscal year. The grantee will complete the Project within the total time available to it in accordance with the Scope of Work and any necessary modifications thereof prepared by the grantee and approved by the Agency. A final Project performance report will be required with the final Financial Status Report. The final report may serve as the last quarterly report. The final report must provide complete information regarding the jobs created and supported as a result of the grant if applicable. Grantees must continuously monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. Grantees must submit an original of each report to the Agency no later than 30 days after the end of the quarter. The Project performance reports must include, but not be limited to, the following:

(1) A comparison of actual accomplishments to the objectives established for that period;

(2) Problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall Project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular Project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation;

(3) Objectives and timetable established for the next reporting period;

(4) Any special reporting requirements, such as jobs supported and created, businesses assisted, or Economic Development which results in improvements in median household incomes, and any other specific requirements, should be placed in the reporting section in the Letter of Conditions; and

(5) Within 90 days after the conclusion of the Project, the grantee will provide a final Project evaluation report. The last quarterly payment will be withheld until the final report is received and approved by the Agency. Even though the grantee may request reimbursement on a monthly basis, the last 3 months of reimbursements will be withheld until a final Project, Project performance, and financial status report are received and approved by the Agency.

G. Federal Awarding Agency Contact(s)

For general questions about this announcement, please contact your USDA Rural Development State Office provided in the **ADDRESSES** section of this Notice.

H. Civil Rights Requirements

All grants made under this Notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973, Title VIII of the Civil Rights Act of 1968, Title IX, Executive Order 13166 (Limited English Proficiency), Executive Order 11246, and the Equal Credit Opportunity Act of 1974.

I. Other Information

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the information collection requirement contained in this Notice is approved by OMB under OMB Control Number 0570–0070.

Federal Funding Accountability and Transparency Act

All applicants, in accordance with 2 CFR part 25, must have a DUNS number, which can be obtained at no cost via a toll-free request line at (866) 705–5711 or online at *http://fedgov.dnb.com/webform.* Similarly, all applicants must be registered in SAM prior to submitting an application. Applicants may register for the SAM at *http://www.sam.gov.* All recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive total compensation in accordance with 2 CFR part 170.

I. Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD 3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410;

(2) *Fax:* (202) 690–7442; or

(3) *Email: program.intake@usda.gov*

USDA is an equal opportunity provider, employer, and lender.

Dated: May 30, 2017.

Chad Parker,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2017–11939 Filed 6–7–17; 8:45 am]

BILLING CODE 3410–XY–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Arizona Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Arizona Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Pacific Time) Friday, July 7, 2017. The

purpose of the meeting is for the Committee to receive orientation from Commission staff.

DATES: The meeting will be held on Friday, July 7, 2017, at 12:00 p.m. PDT.

Public Call Information

Dial: 877–874–1586.

Conference ID: 4475579.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: (877) 874–1586, conference ID number: 4475579. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1 (800) 977–8339 and providing the Service with the conference call number and conference ID number.

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

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=235.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Introductions
II. Committee Orientation
III. Discussion Regarding Status of Alaska Committee Project
IV. Public Comment
V. Next Steps
VI. Adjournment

Dated: June 2, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–11882 Filed 6–7–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–32–2017]

Foreign-Trade Zone (FTZ) 86—Tacoma, Washington, Notification of Proposed Production Activity; McFarland Cascade Holdings, Inc./Stella-Jones Corporation (Treated Canadian Softwood Lumber, Plywood, Agriculture Posts, and Landscape Timbers), Tacoma, Washington

McFarland Cascade Holdings, Inc./Stella-Jones Corporation (McFarland Cascade) submitted a notification of proposed production activity to the FTZ Board for its facility in Tacoma, Washington, within Subzone 86H. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on May 15, 2017.

McFarland Cascade's facility is requesting export-only FTZ authority for its wood product treatment operations. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and 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 McFarland Cascade from customs duty payments on the foreign-status components used in export production. The company has requested authority to produce the following products for export under FTZ procedures: Treated agriculture posts and treated landscape timbers (spruce-pine-fir, Hemlock fir, Douglas fir, larch, aspen); treated plywood (Douglas fir, Larch); treated Hem Fir Lumber; and, treated spruce pine fir lumber. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Untreated agriculture posts and untreated landscape timbers (spruce-pine-fir, Hemlock fir, Douglas fir, larch, aspen), untreated plywood (Douglas fir, Larch), untreated Hem Fir Lumber, and untreated spruce pine fir lumber (all at zero percent duty rate). The request indicates that the proposed foreign-status components are subject to ongoing antidumping/countervailing duty (AD/CVD) investigations. The FTZ Board's regulations (15 CFR 400.14(e)) require that merchandise subject to AD/CVD orders be admitted to the zone in privileged foreign status (19 CFR 146.41).

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 July 18, 2017.

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 Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov* or (202) 482–1378.

Dated: June 2, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–11911 Filed 6–7–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–39–2017]

Foreign-Trade Zone (FTZ) 214—Lenoir County, North Carolina, Notification of Proposed Production Activity; Nutkao USA, Inc., (Hazelnut Cocoa Spread), Battleboro, North Carolina

Nutkao USA, Inc. (Nutkao) submitted a notification of proposed production activity to the FTZ Board for its facility in Battleboro, North Carolina within FTZ 214. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on May 24, 2017.

The company has indicated that a separate application for FTZ designation at the Nutkao facility will be submitted for processing under Section 400.38 of the Board's regulations. Nutkao is requesting export-only FTZ authority to produce hazelnut cocoa spread using foreign-status refined cane sugar.

Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and 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 Nutkao from customs duty payments on the refined cane sugar (duty rate—$0.036606/kg) used in the company's export production of hazelnut cocoa spread. Customs duties also could possibly be deferred or reduced on foreign-status production equipment. If the proposal were approved, the foreign-status sugar used in the FTZ operation would not be subject to quota(s).

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 July 18, 2017.

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 Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: June 2, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–11838 Filed 6–7–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–844]

Narrow Woven Ribbons With Woven Selvedge From Taiwan; Preliminary Determination of No Shipments and Rescission, in Part, of Antidumping Duty Administrative Review; 2015–2016

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on narrow woven ribbons with woven selvedge (NWR) from Taiwan. The review covers four producers/exporters of the subject merchandise. The period of review (POR) is September 1, 2015, through August 31, 2016. The Department preliminarily finds that Fujian Rongshu Industry Co., Ltd. (Fujian Rongshu), Roung Shu Industry Corporation (Roung Shu), and Xiamen Yi He Textile Co., Ltd. (Xiamen Yi He) made no shipments of subject merchandise during the POR. Further, we are rescinding the review with respect to Maple Ribbon Co., Ltd. (Maple Ribbon). We invite all interested parties to comment on these preliminary results.

DATES: Effective June 8, 2017.

FOR FURTHER INFORMATION CONTACT: David Crespo, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3693.

SUPPLEMENTARY INFORMATION:

Background

On September 30, 2016, the Department received a timely request, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), from Berwick Offray LLC and its wholly-owned subsidiary Lion Ribbon Company, LLC (the petitioner) to conduct an administrative review of the sales of Fujian Roungshu, Maple Ribbon, Roung Shu, and Xiamen Yi He.[1] On November 9, 2016, the Department published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on NWR from Taiwan with respect to these four companies.[2]

On November 23, 2016, the Department received timely notices from Fujian Roungshu, Roung Shu, and Xiamen Yi He notifying the Department that they that they did not export or sell subject merchandise to the United States during the POR.[3]

On February 2, 2017, the petitioner timely withdrew its request for an administrative review with respect to Maple Ribbon.[4] In this same month, we confirmed Fujian Roung Shu's and Xiamen Yi He's no shipment claims with the U.S. Customs and Border Protection (CBP). We also attempted to confirm Roung Shu's claim with CBP; however, after review of the CBP data on the record of this case, we requested additional information from CBP related to certain POR entries of merchandise produced by Roung Shu.[5]

In April 2017, the Department placed these entry documents on the record. In this same month, Roung Shu submitted factual information to clarify that the products covered by these entry documents were not subject to the review.[6]

During April and May 2017, we requested that Roung Shu provide additional information related to its sales of non-subject ribbon to the United States during the POR.[7] Roung Shu responded to these requests [8] in May 2017. No other interested party commented on these submissions.

Scope of the Order

The scope of this order covers narrow woven ribbons with woven selvedge, in any length, but with a width (measured at the narrowest span of the ribbon) less than or equal to 12 centimeters, composed of, in whole or in part, man-made fibers (whether artificial or synthetic, including but not limited to nylon, polyester, rayon, polypropylene, and polyethylene teraphthalate), metal threads and/or metalized yarns, or any combination thereof. Narrow woven ribbons subject to the order may:

- Also include natural or other non-man-made fibers;
- be of any color, style, pattern, or weave construction, including but not limited to single faced satin, double-faced satin, grosgrain, sheer, taffeta, twill, jacquard, or a combination of two or more colors, styles, patterns, and/or weave constructions;

[1] *See* the Petitioner's Letter, ''Petitioner's Request for Administrative Review,'' dated September 30, 2016.

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 78778 (November 9, 2016).

[3] *See* Fujian Roungshu's Letter, ''No Shipment Letter,'' dated November 23, 2016; Roung Shu's Letter, ''Notice of No Sales,'' dated November 23, 2016 (Roung Shu No Sales Letter); and Xiamen Yi He's Letter, ''No Shipment Letter,'' dated November 23, 2016.

[4] *See* the Petitioner's Letter, ''Petitioner's Withdrawal of Request for Administrative Review of Maple Ribbon,'' dated February 2, 2017. We note that the petitioner's withdrawal of this request was submitted within the 90-day period and, thus, is timely.

[5] *See* Memorandum, ''U.S. Entry Documents Placed on the Record,'' dated April 11, 2017, and Kay Kay's submission dated April 16, 2012.

[6] *See* Roung Shu's Letter, ''Submission of Factual Information to Rebut, Clarify or Correct Factual Information Placed on the Record of the Proceeding by the Department of Commerce,'' dated April 18, 2017, at 3.

[7] *See* the Department's Letter, ''2015–2016 Administrative Review of the Antidumping Duty Order on Narrow Woven Ribbons with Woven Selvedge from Taiwan,'' dated April 18, 2017; and the Department's Letter, ''2015–2016 Administrative Review of the Antidumping Duty Order on Narrow Woven Ribbons with Woven Selvedge from Taiwan,'' dated May 10, 2017.

[8] *See* Roung Shu's Response, ''Submission in Response to the Department's Information Request,'' dated May 4, 2017 (Roung Shu Response to First Information Request); and Roung Shu's Response, ''Submission in Response to the Department's May 10, 2017 Request,'' dated May 17, 2017 (Roung Shu Response to Second Information Request).

• have been subjected to, or composed of materials that have been subjected to, various treatments, including but not limited to dyeing, printing, foil stamping, embossing, flocking, coating, and/or sizing;
• have embellishments, including but not limited to appliqué, fringes, embroidery, buttons, glitter, sequins, laminates, and/or adhesive backing;
• have wire and/or monofilament in, on, or along the longitudinal edges of the ribbon;
• have ends of any shape or dimension, including but not limited to straight ends that are perpendicular to the longitudinal edges of the ribbon, tapered ends, flared ends or shaped ends, and the ends of such woven ribbons may or may not be hemmed;
• have longitudinal edges that are straight or of any shape, and the longitudinal edges of such woven ribbon may or may not be parallel to each other;
• consist of such ribbons affixed to like ribbon and/or cut-edge woven ribbon, a configuration also known as an ''ornamental trimming;''
• be wound on spools; attached to a card; hanked (*i.e.,* coiled or bundled); packaged in boxes, trays or bags; or configured as skeins, balls, bateaus or folds; and/or
• be included within a kit or set such as when packaged with other products, including but not limited to gift bags, gift boxes and/or other types of ribbon.

Narrow woven ribbons subject to the order include all narrow woven fabrics, tapes, and labels that fall within this written description of the scope of this antidumping duty order.

Excluded from the scope of the order are the following:

(1) Formed bows composed of narrow woven ribbons with woven selvedge;

(2) ''pull-bows'' (*i.e.,* an assemblage of ribbons connected to one another, folded flat and equipped with a means to form such ribbons into the shape of a bow by pulling on a length of material affixed to such assemblage) composed of narrow woven ribbons;

(3) narrow woven ribbons comprised at least 20 percent by weight of elastomeric yarn (*i.e.,* filament yarn, including monofilament, of synthetic textile material, other than textured yarn, which does not break on being extended to three times its original length and which returns, after being extended to twice its original length, within a period of five minutes, to a length not greater than one and a half times its original length as defined in the Harmonized Tariff Schedule of the United States (HTSUS), Section XI, Note 13) or rubber thread;

(4) narrow woven ribbons of a kind used for the manufacture of typewriter or printer ribbons;

(5) narrow woven labels and apparel tapes, cut-to-length or cut-to-shape, having a length (when measured across the longest edge-to-edge span) not exceeding eight centimeters;

(6) narrow woven ribbons with woven selvedge attached to and forming the handle of a gift bag;

(7) cut-edge narrow woven ribbons formed by cutting broad woven fabric into strips of ribbon, with or without treatments to prevent the longitudinal edges of the ribbon from fraying (such as by merrowing, lamination, sono-bonding, fusing, gumming or waxing), and with or without wire running lengthwise along the longitudinal edges of the ribbon;

(8) narrow woven ribbons comprised at least 85 percent by weight of threads having a denier of 225 or higher;

(9) narrow woven ribbons constructed from pile fabrics (*i.e.,* fabrics with a surface effect formed by tufts or loops of yarn that stand up from the body of the fabric);

(10) narrow woven ribbon affixed (including by tying) as a decorative detail to non-subject merchandise, such as a gift bag, gift box, gift tin, greeting card or plush toy, or affixed (including by tying) as a decorative detail to packaging containing non-subject merchandise;

(11) narrow woven ribbon that is (a) affixed to non-subject merchandise as a working component of such non-subject merchandise, such as where narrow woven ribbon comprises an apparel trimming, book marker, bag cinch, or part of an identity card holder, or (b) affixed (including by tying) to non-subject merchandise as a working component that holds or packages such non-subject merchandise or attaches packaging or labeling to such non-subject merchandise, such as a ''belly band'' around a pair of pajamas, a pair of socks or a blanket;

(12) narrow woven ribbon(s) comprising a belt attached to and imported with an item of wearing apparel, whether or not such belt is removable from such item of wearing apparel; and

(13) narrow woven ribbon(s) included with non-subject merchandise in kits, such as a holiday ornament craft kit or a scrapbook kit, in which the individual lengths of narrow woven ribbon(s) included in the kit are each no greater than eight inches, the aggregate amount of narrow woven ribbon(s) included in the kit does not exceed 48 linear inches, none of the narrow woven ribbon(s) included in the kit is on a spool, and the narrow woven ribbon(s) is only one of multiple items included in the kit.

The merchandise subject to this order is classifiable under the HTSUS statistical categories 5806.32.1020; 5806.32.1030; 5806.32.1050; and 5806.32.1060. Subject merchandise also may enter under subheadings 5806.31.00; 5806.32.20; 5806.39.20; 5806.39.30; 5808.90.00; 5810.91.00; 5810.99.90; 5903.90.10; 5903.90.25; 5907.00.60; and 5907.00.80 and under statistical categories 5806.32.1080; 5810.92.9080; 5903.90.3090; and 6307.90.9889. The HTSUS statistical categories and subheadings are provided for convenience and customs purposes; however, the written description of the merchandise covered by this order is dispositive.

Preliminary Determination of No Shipments

On November 23, 2016, Fujian Roungshu, Roung Shu, and Xiamen Yi He timely filed statements reporting that they did not export or sell subject merchandise to the United States during the POR.[9] Additionally, our inquiry to CBP did not identify any reviewable POR entries of subject merchandise from Fujian Rongshu or Xiamen Yi He. Based on the foregoing, the Department preliminarily determines that Fujian Roungshu and Xiamen Yi He did not have any reviewable transactions during the POR. Consistent with our practice, we are not preliminarily rescinding the review with respect to Fujian Roungshu and Xiamen Yi He, but, rather, we will complete the review with respect to these companies and issue appropriate instructions to CBP based on the final results of this review.[10]

With respect to Roung Shu, as noted in the ''Background'' section above, we also examined U.S. entry data provided by CBP for POR entries of merchandise produced by Roung Shu. Based on a review of these data, as well as of Roung Shu's responses to two information

[9] In its statement of no shipments, Roung Shu informed the Department that certain shipments made in the previous review (*i.e.,* the POR covering September 1, 2014, through August 31, 2015) may have entered the United States during the current POR. However, Roung Shu stated that it reported those shipments in the prior review. *See* Roung Shu No Sales Letter, at 1–2.

[10] *See e.g., Certain Frozen Warmwater Shrimp From Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013,* 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp From Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013,* 79 FR at 51306 (August 28, 2014).

requests related to them,[11] we also preliminarily determine that Roung Shu had no reviewable transactions during the POR. Therefore, consistent with our practice, we will complete the review with respect to Roung Shu as well, and issue appropriate instructions to CBP based on the final results of this review.

Rescission of Review, in Part

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. The petitioner's withdrawal of its request with respect to Maple Ribbon was submitted within the 90-day period and, thus, is timely. Because the petitioner's withdrawal of its request with respect to Maple Ribbon for an antidumping duty administrative review is timely, and because no other party requested a review of this company, in accordance with 19 CFR 351.213(d)(1), we are rescinding this administrative review, in part, with respect to Maple Ribbon.

Verification

As provided in section 782(i) of the Act, we intend to verify information relied upon in making our final results.[12]

Disclosure and Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this review. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[13] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this review are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h), unless this deadline is extended.

Assessment Rates

With respect to Maple Ribbon, the Department will direct CBP to assess antidumping duties at the cash deposit rate in effect on the date of entry for entries during the period September 1, 2015, through August 31, 2016. We intend to issue liquidation instructions to CBP 15 days after publication of this final rescission notice.

With respect to the remaining companies covered by the review, upon issuance of the final results, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[14] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review.[15]

Consistent with the Department's refinement of its assessment practice, if we continue to find in the final results that Fujian Rongshu, Roung Shu, and Xiamen Yi He had no shipments of subject merchandise during the POR, we will instruct CBP to liquidate any suspended entries at the all-others rate if there is no rate for the intermediate companies involved in the transaction.[16]

We intend to issue liquidation instructions for Fujian Roungshu, Roung Shu, and Xiamen Yi He to CBP 15 days after publication of the final results of this review.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 1, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–11915 Filed 6–7–17; 8:45 a.m.]

BILLING CODE 3510–DS–P

[11] *See* Roung Shu's Response to First Information Request; and Roung Shu's Response to Second Information Request. In these submissions, Roung Shu provided documentation to demonstrate that it only exported either non-subject ribbon, or subject ribbon, which was already included in the prior administrative review.

[12] We note that the petitioner requested verification of Roung Shu. *See* the Petitioner's Letter, ''Narrow Woven Ribbons with Woven Selvedge from Taiwan/Request For Verification,'' dated February 16, 2017.

[13] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[14] *See* 19 CFR 351.212(b)(1).

[15] *See* section 751(a)(2)(C) of the Act.

[16] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–821]

Polyethylene Retail Carrier Bags From Thailand: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2015–2016

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

SUMMARY: The Department of Commerce (Department) is conducting an administrative review of the antidumping duty (AD) order on polyethylene retail carrier bags (PRCBs) from Thailand covering the period of review (POR) from August 1, 2015, through July 31, 2016. We preliminary determine that Super Grip Co., Ltd. (Super Grip) had no shipments during the POR. Further, we are rescinding this administrative review with respect to the mandatory respondent Sahachit Watana Plastic Ind. Co., Ltd. (Sahachit). Finally, we preliminarily find that the mandatory respondent, Landblue (Thailand) Co., Ltd. (Landblue), failed to respond to the Department's questionnaire in this review and, as a result, Landblue received a preliminary

margin based on adverse facts available. Interested parties are invited to comment on these preliminary results.

DATES: Effective June 8, 2017.

FOR FURTHER INFORMATION CONTACT: Shanah Lee, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6386.

SUPPLEMENTARY INFORMATION:

Background

These preliminary results are made in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). On August 31, 2016, in response to a timely request from Polyethylene Retail Carrier Bag Committee and its individual members, Hilex Poly Co., LLC and Superbag Corporation (collectively, the petitioners),[1] and in accordance with section 751(a) of the Act and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on PRCBs from Thailand.[2] On November 15, 2016, the Department selected Landblue and Sahachit as mandatory respondents for individual examination in this review.[3] Also on November 15, 2016, we issued the AD questionnaire to Landblue and Sahachit.[4] In December 2016 and January 2017, Sahachit responded to the Department's initial questionnaire.[5] On January 12, 2017, the petitioners withdrew their request for an administrative review of Sahachit.[6] On May 2, 2017, in accordance with section 751(a)(3)(A) of the Act, the Department extended the deadline for this review by 30 days.[7] For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.[8] A list of topics included in the Preliminary Decision Memorandum is provided as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order[9]

The merchandise subject to this order is PRCBs, which may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 3923.21.0085. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Partial Rescission of Administrative Review

On August 31, 2016, the Department received a timely request for an administrative review of the AD order on PRCBs from Thailand for 29 companies.[10] In response to a timely-filed withdrawal request by the petitioners,[11] we are rescinding this administrative review with respect to Sahachit, pursuant to 19 CFR 351.213(d)(1).[12] Accordingly, the companies subject to the instant review are the 28 companies listed in the ''Preliminary Results of Review'' section, below, of which Landblue is the remaining mandatory respondent.[13]

Preliminary Determination of No Shipments

We received a timely-filed submission from Super Grip Co., Ltd. (Super Grip) reporting to the Department that it made no exports, sales, or entries of subject merchandise to the United States during the POR.[14] Based on record evidence, we preliminarily determine that Super Grip had no reviewable entries during the POR. For additional information on our preliminary determination of no reviewable entries, *see* the Preliminary Decision Memorandum.

Methodology

The Department is conducting this review in accordance with section 751(a)(2) of the Act.

Facts Available

The Department determined that Landblue withheld necessary information that was requested by the Department, thereby significantly impeding the conduct of the review, and failed to act to the best of its ability. Accordingly, in accordance with sections 776(a) and (b) of the Act, the Department applied facts available with an adverse inference to Landblue. For a full description of the methodology underlying our preliminary results, *see* the Preliminary Decision Memorandum.

Rate for Non-Selected Companies Under Review

In accordance with the U.S. Court of Appeals for the Federal Circuit's decision in *Albermarle Corp.* v. *United States,*[15] we are applying to the non-selected companies the rate preliminarily applied to Landblue. For a detailed discussion, *see* Preliminary Decision Memorandum.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins for the POR:

Exporter/producer	Weighted-average dumping margins (percent)
Landblue (Thailand) Co., Ltd	122.88
Apple Film Company, Ltd	122.88
Dpac Inter Corporation Co., Ltd	122.88

[1] *See* letter from Petitioners, ''Polyethylene Retail Carrier Bags from Thailand: Request for Administrative Review,'' dated August 31, 2016 (Review Request).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 71061, dated October 14, 2016 (*Initiation Notice*).

[3] *See* memorandum to the file, ''2015–2016 Administrative Review of the Antidumping Duty Order on Polyethylene Retail Carrier Bags from Thailand: Respondent Selection,'' dated November 15, 2016 (Respondent Selection Memorandum).

[4] *See* letter from the Department to Landblue and Sahachit, dated November 15, 2016.

[5] *See* letter from Sahachit to the Department, ''Re: Responde {*sic*} to questionaire {*sic*},'' dated December 14, 2016; *see also* letters from Sahachit, ''Re: Section B Questionaire {*sic*} Response,''; ''Re: Section C Questionaire {*sic*} Response,''; ''Re: Section D Questionaire {*sic*} Response,'' dated January 15, 2017.

[6] *See* letter from the petitioners, ''Polyethylene Retail Carrier Bags from Thailand: Partial Withdrawal of Request for Administrative Review,'' dated January 12, 2017.

[7] *See* Memorandum, ''Extension of Deadline for Preliminary Results of the 2015–2016 Antidumping Duty Administrative Review,'' dated May 2, 2017.

[8] *See* Memorandum, ''Decision Memorandum for Preliminary Results of the 2015–2016 Antidumping Duty Administrative Review: Polyethylene Retail Carrier Bags from Thailand'' (Preliminary Decision Memorandum).

[9] *See* Preliminary Decision Memorandum for a complete description of the scope of the *Order,* which is hereby adopted by this notice and incorporated herein by reference.

[10] *See* Review Request.

[11] *See* letter from Petitioners, ''Polyethylene Retail Carrier Bags from Thailand: Partial Withdrawal of Request for Administrative Review,'' dated January 12, 2017 (''Petitioners' Withdrawal Request'').

[12] *See* Preliminary Decision Memorandum, at ''Partial Rescission of Administrative Review'' section.

[13] *See* Respondent Selection Memorandum.

[14] *See* letter from Super Grip, ''Polyethylene Retail Carrier Bags from Thailand: Notice of No Shipments (08/01/15–07/31/16),'' dated October 28, 2016.

[15] *See Albermarle Corp. & Subsidiaries* v. *United States,* 821 F.3d 1345 (Fed. Cir. 2016) (''*Albermarle Corp.*'').

Exporter/producer	Weighted-average dumping margins (percent)
Elite Poly and Packaging Co., Ltd	122.88
Film Master Co., Ltd	122.88
Inno Cargo Co., Ltd	122.88
Innopack Industry Co., Ltd	122.88
K. International Packaging Co., Ltd	122.88
King Bag Co., Ltd	122.88
King Pac Industrial Co., Ltd	122.88
M & P World Polymer Co., Ltd	122.88
Minigrip (Thailand) Co., Ltd	122.88
Multibax Public Co., Ltd	122.88
Naraipak Co., Ltd	122.88
PMC Innopack Co., Ltd	122.88
Poly Plast (Thailand) Co., Ltd	122.88
Poly World Co., Ltd	122.88
Prepack Thailand Co., Ltd	122.88
Print Master Co., Ltd	122.88
Siam Best Products Trading Limited Partnership	122.88
Sun Pack Inter Co., Ltd	122.88
Superpac Corporation Co., Ltd	122.88
Thai Origin Co., Ltd	122.88
Thantawan Industry Public Co., Ltd	122.88
Triple B Pack Co., Ltd	122.88
Two Path Plaspack Co. Ltd	122.88
Wing Fung Adhesive Manufacturing (Thailand) Co., Ltd	122.88

Disclosure and Public Comment

Normally, the Department discloses to interested parties the calculations performed in connection with a preliminary results of review within five days of the date of publication of the notice of the preliminary results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because the Department preliminarily applied a dumping margin based on AFA, as described in the Preliminary Decision Memorandum, there is nothing further to disclose. Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.[16] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[17] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[18]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[19] The request should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those in the respective case briefs. If a request for a hearing is made, parties will be notified of the date and time of the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), the Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in all written case briefs, within 120 days after the issuance of these preliminary results.

Assessment Rates

Upon the completion of the administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. If the preliminary results are unchanged for the final results, we will instruct CBP to apply an *ad valorem* assessment rate of 122.88 percent to all entries of subject merchandise during the POR which were produced and/or exported by Landblue, and an *ad valorem* assessment rate of 122.88 percent to all entries of subject merchandise during the POR which were produced and/or exported by the aforementioned companies which were not selected for individual examination.[20] With respect to Super Grip, if we continue to find that Super Grip had no shipments of subject merchandise in the final results, we will instruct CBP to liquidate any existing entries of merchandise produced by Super Grip, but exported by other parties, at the rate for the intermediate reseller, if available, or at the all-others rate.[21]

We intend to issue instructions to CBP 15 days after publication of this notice.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of PRCBs from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication provided by section 751(a)(2) of the Act: (1) The cash deposit rate for the respondents listed above will be equal to the dumping margins established in the final results of this review except if the ultimate rates are *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 4.69 percent *ad valorem*.[22] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d) and (h)(1).

Dated: June 2, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary

[16] *See* 19 CFR 351.309(c)(ii).

[17] *See* 19 CFR 351.309(d).

[18] *See* 19 CFR 351.309(c)(2) and (d)(2).

[19] *See* 19 CFR 351.310(c).

[20] *See* Preliminary Decision Memorandum at ''Rate for Non-Selected Companies'' (for an explanation of how we preliminarily determined the rate for non-selected companies).

[21] *See, e.g., Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review,* 75 FR 56989 (September 17, 2010).

[22] *See Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Polyethylene Retail Carrier Bags From Thailand,* 75 FR 48940 (August 12, 2010).

[FR Doc. 2017–11914 Filed 6–7–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF442

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice and request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. The Exempted Fishing Permit would allow commercial fishing vessels to fish outside of scallop regulations in support of research conducted by the Coonamessett Farm Foundation. These exemptions would support research conducted on trips to test gear modifications for bycatch reduction in the scallop dredge fishery.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before June 23, 2017.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email: nmfs.gar.efp@noaa.gov.* Include in the subject line ''CFF Compensation Fishing Gear Research EFP.''
- *Mail:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on CFF Compensation Fishing Gear Research EFP.''

FOR FURTHER INFORMATION CONTACT: Alyson Pitts, Fisheries Management Specialist, (978) 281–9352.

SUPPLEMENTARY INFORMATION: Coonamessett Farm Foundation (CFF) submitted a complete application for an Exempted Fishing Permit (EFP) on May 4, 2017, that would allow gear research to be conducted by vessels on compensation fishing trips associated with projects funded by the 2017 Scallop Research Set-Aside (RSA) program. The exemptions would allow 19 commercial fishing vessels to exceed the crew size regulations at 50 CFR 648.51(c) in order to place a researcher on the vessel, and temporarily exempt the participating vessels from possession limits and minimum size requirements specified in 50 CFR part 648, subparts B and D through O, for sampling purposes only. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited, including landing fish in excess of a possession limit or below the minimum size.

Experimental fishing activity would test gear modifications in an attempt to reduce finfish bycatch in the scallop dredge fishery. The gear modifications that would be tested adhere to current scallop gear regulations and include:

- A ''daylight skirt'': 1 to 2 rows of 12-in by 12-in windows are cut into the twine top/skirt of the top of the scallop dredge bag;
- An extended link apron: Two links are used to connect the rings of the dredge apron to increase the inner ring spacing from ~3.5″ to ~4.5″;
- A ''fish sweep'': A cookie sweep affixed to the front of the headbale;
- A low profile dredge: The frame is 4″ shorter in height than a traditional scallop dredge.

All trips would take place in scallop fishing areas open to the entire Atlantic sea scallop fishery. Exemption from crew size limits is needed because a research technician would accompany vessels on the compensation fishing trips to collect catch data associated with different dredge modifications. The crew size exemption would be for approximately 120 days-at-sea and would be used in conjunction with a valid compensation fishing letter of authorization. The technician would only engage in data collection activities, and would not process catch to be landed for sale. Exemption from possession limit and minimum sizes would support catch sampling activities, and ensure the vessel is not in conflict with possession regulations while collecting catch data. All catch above a possession limit or below a minimum size would be discarded as soon as possible following data collection. All bycatch would be returned to the sea as soon as practicable following data collection; estimated catch totals are listed below on Table 1. All research trips would otherwise be consistent with normal commercial fishing activity and catch would be retained for sale.

TABLE 1—ESTIMATED BYCATCH FOR CFF EFP COMPENSATION TRIPS

Species	Scientific name	Number	Weight (lb)	Weight (kg)
NE Skate Complex	*Rajidae Species*	96,500	120,000	54,431
Barndoor Skate	*Dipturus laevis*	400	750	340
Summer Flounder	*Paralichthys dentatus*	120	200	90
Winter Flounder	*Pseudopleuronectes americanus*	250	550	249
Yellowtail Flounder	*Limanda ferruginea*	1,750	1,500	680
Windowpane Flounder	*Scopthalmus aquosus*	1,750	1,500	680
Monkfish	*Lophius americanus*	2000	4,500	2,041

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the

initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: June 2, 2017.

Margo B. Schulze-Haugen,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–11884 Filed 6–7–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF417

Schedules for Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops

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

ACTION: Notice of public workshops.

SUMMARY: Free Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops will be held in July, August, and September of 2017. Certain fishermen and shark dealers are required to attend a workshop to meet regulatory requirements and to maintain valid permits. Specifically, the Atlantic Shark Identification Workshop is mandatory for all federally permitted Atlantic shark dealers. The Protected Species Safe Handling, Release, and Identification Workshop is mandatory for vessel owners and operators who use bottom longline, pelagic longline, or gillnet gear, and who have also been issued shark or swordfish limited access permits. Additional free workshops will be conducted during 2017 and will be announced in a future notice.

DATES: The Atlantic Shark Identification Workshops will be held on July 13, August 17, and September 7, 2017.

The Protected Species Safe Handling, Release, and Identification Workshops will be held on July 14, July 18, August 1, August 16, September 1, and September 13, 2017.

See **SUPPLEMENTARY INFORMATION** for further details.

ADDRESSES: The Atlantic Shark Identification Workshops will be held in Fort Lauderdale, FL; Bohemia, NY; and Panama City, FL.

The Protected Species Safe Handling, Release, and Identification Workshops will be held in Kenner, LA; Ronkonkoma, NY; Key Largo, FL; Charleston, SC; Warwick, RI; and Panama City, FL.

See **SUPPLEMENTARY INFORMATION** for further details on workshop locations.

FOR FURTHER INFORMATION CONTACT: Rick Pearson by phone: (727) 824–5399, or by fax: (727) 824–5398.

SUPPLEMENTARY INFORMATION: The workshop schedules, registration information, and a list of frequently asked questions regarding these workshops are posted on the Internet at: *http://www.nmfs.noaa.gov/sfa/hms/compliance/workshops/index.html.*

Atlantic Shark Identification Workshops

Since January 1, 2008, Atlantic shark dealers have been prohibited from receiving, purchasing, trading, or bartering for Atlantic sharks unless a valid Atlantic Shark Identification Workshop certificate is on the premises of each business listed under the shark dealer permit that first receives Atlantic sharks (71 FR 58057; October 2, 2006). Dealers who attend and successfully complete a workshop are issued a certificate for each place of business that is permitted to receive sharks. These certificate(s) are valid for 3 years. Approximately 133 free Atlantic Shark Identification Workshops have been conducted since January 2007.

Currently, permitted dealers may send a proxy to an Atlantic Shark Identification Workshop. However, if a dealer opts to send a proxy, the dealer must designate a proxy for each place of business covered by the dealer's permit which first receives Atlantic sharks. Only one certificate will be issued to each proxy. A proxy must be a person who is currently employed by a place of business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and who fills out dealer reports. Atlantic shark dealers are prohibited from renewing a Federal shark dealer permit unless a valid Atlantic Shark Identification Workshop certificate for each business location that first receives Atlantic sharks has been submitted with the permit renewal application. Additionally, trucks or other conveyances that are extensions of a dealer's place of business must possess a copy of a valid dealer or proxy Atlantic Shark Identification Workshop certificate.

Workshop Dates, Times, and Locations

1. July 13, 2017, 12 p.m.–4 p.m., LaQuinta Inn & Suites, 999 West Cypress Creek Road, Fort Lauderdale, FL 33309.

2. August 17, 2017, 12 p.m.–4 p.m., LaQuinta Inn & Suites, 10 Aero Road, Bohemia, NY 11716.

3. September 7, 2017, 12 p.m.–4 p.m., LaQuinta Inn & Suites, 7115 Coastal Palms Boulevard, Panama City, FL 32408.

Registration

To register for a scheduled Atlantic Shark Identification Workshop, please contact Eric Sander at *ericssharkguide@yahoo.com* or at (386) 852–8588.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items to the workshop:

- Atlantic shark dealer permit holders must bring proof that the attendee is an owner or agent of the business (such as articles of incorporation), a copy of the applicable permit, and proof of identification.
- Atlantic shark dealer proxies must bring documentation from the permitted dealer acknowledging that the proxy is attending the workshop on behalf of the permitted Atlantic shark dealer for a specific business location, a copy of the appropriate valid permit, and proof of identification.

Workshop Objectives

The Atlantic Shark Identification Workshops are designed to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species-specific dealer-reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops will train shark dealer permit holders or their proxies to properly identify Atlantic shark carcasses.

Protected Species Safe Handling, Release, and Identification Workshops

Since January 1, 2007, shark limited-access and swordfish limited-access permit holders who fish with longline or gillnet gear have been required to submit a copy of their Protected Species Safe Handling, Release, and Identification Workshop certificate in order to renew either permit (71 FR 58057; October 2, 2006). These certificate(s) are valid for 3 years. As such, vessel owners who have not already attended a workshop and received a NMFS certificate, or vessel owners whose certificate(s) will expire prior to the next permit renewal, must attend a workshop to fish with, or

renew, their swordfish and shark limited-access permits. Additionally, new shark and swordfish limited-access permit applicants who intend to fish with longline or gillnet gear must attend a Protected Species Safe Handling, Release, and Identification Workshop and submit a copy of their workshop certificate before either of the permits will be issued. Approximately 256 free Protected Species Safe Handling, Release, and Identification Workshops have been conducted since 2006.

In addition to certifying vessel owners, at least one operator on board vessels issued a limited-access swordfish or shark permit that uses longline or gillnet gear is required to attend a Protected Species Safe Handling, Release, and Identification Workshop and receive a certificate. Vessels that have been issued a limited-access swordfish or shark permit and that use longline or gillnet gear may not fish unless both the vessel owner and operator have valid workshop certificates onboard at all times. Vessel operators who have not already attended a workshop and received a NMFS certificate, or vessel operators whose certificate(s) will expire prior to their next fishing trip, must attend a workshop to operate a vessel with swordfish and shark limited-access permits that uses longline or gillnet gear.

Workshop Dates, Times, and Locations

1. July 14, 2017, 9 a.m.–5 p.m., Hilton Hotel, 901 Airline Drive, Kenner, LA 70062.

2. July 18, 2017, 9 a.m.–5 p.m., Hilton Garden Inn, 3485 Veterans Memorial Highway, Ronkonkoma, NY 11779.

3. August 1, 2017, 9 a.m.–5 p.m., Holiday Inn, 99701 Overseas Highway, Key Largo, FL 33037.

4. August 16, 2017, 9 a.m.–5 p.m., Hampton Inn, 678 Citadel Haven Drive, Charleston, SC 29414.

5. September 1, 2017, 9 a.m.–5 p.m., Hilton Garden Inn, 1 Thurber Street, Warwick, RI 02886.

6. September 13, 2017, 9 a.m.–5 p.m., Hilton Garden Inn, 1101 North Highway 231, Panama City, FL 32405.

Registration

To register for a scheduled Protected Species Safe Handling, Release, and Identification Workshop, please contact Angler Conservation Education at (386) 682–0158.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items with them to the workshop:

- Individual vessel owners must bring a copy of the appropriate swordfish and/or shark permit(s), a copy of the vessel registration or documentation, and proof of identification.
- Representatives of a business-owned or co-owned vessel must bring proof that the individual is an agent of the business (such as articles of incorporation), a copy of the applicable swordfish and/or shark permit(s), and proof of identification.
- Vessel operators must bring proof of identification.

Workshop Objectives

The Protected Species Safe Handling, Release, and Identification Workshops are designed to teach longline and gillnet fishermen the required techniques for the safe handling and release of entangled and/or hooked protected species, such as sea turtles, marine mammals, and smalltooth sawfish, and prohibited sharks. In an effort to improve reporting, the proper identification of protected species and prohibited sharks will also be taught at these workshops. Additionally, individuals attending these workshops will gain a better understanding of the requirements for participating in these fisheries. The overall goal of these workshops is to provide participants with the skills needed to reduce the mortality of protected species and prohibited sharks, which may prevent additional regulations on these fisheries in the future.

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

Dated: June 5, 2017.

Margo B. Schulze-Haugen,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–11923 Filed 6–7–17; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

TIME AND PLACE: Tuesday, June 13, 2017, 10:00 a.m.–12:00 p.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Commission Meeting—Open to the Public.

MATTER TO BE CONSIDERED:

DECISIONAL MATTER: Fiscal Year 2017 Midyear Review and Proposed Operating Plan Adjustments.

A live webcast of the Meeting can be viewed at *www.cpsc.gov/live.*

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: June 5, 2017.

Todd A. Stevenson,

Secretary.

[FR Doc. 2017–11982 Filed 6–6–17; 11:15 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Information Collection Request Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled National Service Trust Enrollment Form and National Service Trust Exit Form for review and approval in accordance with the Paperwork Reduction Act of 1995. Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Amy Borgstrom, at (202) 606–6930 or email to *aborgstrom@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to:* (202) 395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to: smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether

the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Propose ways to enhance the quality, utility, and clarity of the information to be collected; and

• Propose 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

A 60-day Notice requesting public comment was published in the **Federal Register** on March 24, 2017. This comment period ended May 23, 2017. No public comments were received in response to this Notice.

Description: CNCS is seeking approval of the National Service Trust Enrollment Form and the National Service Trust Exit Form, which is used by AmeriCorps members and program staff to enroll in the National Service Trust and to document the completion of a member's term of service, a requirement to receiving a Segal Education Award, and to meet other legal and program requirements.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: National Service Trust Enrollment Form and National Service Trust Exit Form.

OMB Number: 3045–0006.

Agency Number: None.

Affected Public: AmeriCorps members, grantee and other program staff.

Total Respondents: 160,000.

Frequency: One per form.

Average Time per Response: Averages 10 minutes per form.

Estimated Total Burden Hours: 266,667.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: June 1, 2017.

Erin Dahlin,

Deputy Chief of Program Operations.

[FR Doc. 2017–11891 Filed 6–7–17; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2013–OS–0161]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service (DFAS), DOD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Finance and Accounting Service (DFAS) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 7, 2017.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, Regulatory and Advisory Committee Division, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Services—Cleveland, 1240 East 9th Street, NP 7th Floor, Cleveland, OH 44199, ATTN: Ms. Laurie Eldridge, *laurie.eldridge@dfas.mil,* (216) 204–3631.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Claim Certification and Voucher for Death Gratuity Payment; DD Form 397; OMB Control Number 0730–0017.

Needs and Uses: The information collection requirement allows the government to collect the signatures and information needed to pay a death gratuity. Pursuant to 10 U.S.C. 1475–1480, a designated beneficiary(ies) or next-of-kin can receive a death gratuity payment for a deceased service member. This form serves as a record of the disbursement. The DoD Financial Management Regulation (FMR), Volume 7A, Chapter 36, defines the eligible beneficiaries and procedures for payment. To provide internal controls for this benefit, and to comply with the above-cited statutes, the information requested is needed to substantiate the receipt of the benefit.

Affected Public: Individuals or Households.

Annual Burden Hours: 250 hours.

Number of Respondents: 500.

Responses per Respondent: 1.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

The service Casualty Office completes the upper portion of the DD Form 397 and provides the form to the beneficiaries. The beneficiaries complete their portion of the form and then sign and have it witnessed. Once the documents are completed, they are forwarded to DFAS for payment.

Dated: June 2, 2017.

Aaron Siegel,

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

[FR Doc. 2017–11847 Filed 6–7–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Record of Decision and Floodplain Statement of Findings for the Delfin LNG LLC Application To Export Liquefied Natural Gas to Non-Free Trade Agreement Countries

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Record of decision.

SUMMARY: The U.S. Department of Energy (DOE), Office of Fossil Energy (FE) announces its decision in Delfin LNG LLC (Delfin), FE Docket No. 13–147–LNG, to issue DOE/FE Order No. 4028 (Order No. 4028), granting long-term, multi-contract authorization for Delfin to export domestically produced liquefied natural gas (LNG). Delfin seeks authorization to export the LNG in a volume equivalent to approximately 657.5 billion cubic feet per year (Bcf/yr) of natural gas (1.8 billion cubic feet per day (Bcf/d)) by vessel from its proposed floating liquefaction facility to be located in West Cameron Block 167 in the Gulf of Mexico, offshore of Cameron Parish, Louisiana (Liquefaction Facility).[1] Delfin seeks to export this LNG for a 20-year term to any country with which the United States does not have a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries). Order No. 4028 is issued under section 3(a) of the Natural Gas Act (NGA) and DOE's regulations. Because the floating Liquefaction Facility will be a ''deepwater port'' within the meaning of the Deepwater Port Act of 1974, as amended,[2] the Liquefaction Facility requires a deepwater port license from the U.S. Department of Transportation's Maritime Administration (MARAD). DOE participated as a cooperating agency with MARAD, in conjunction with the U.S. Coast Guard (USCG), in preparing an Environmental Impact Statement (EIS) analyzing the potential environmental impacts that would result from the proposed Liquefaction Facility and related onshore facilities (Delfin Onshore Facility) [3] (collectively, the Delfin Liquefaction Project).

ADDRESSES: The EIS and this Record of Decision (ROD) are available on DOE's National Environmental Policy Act (NEPA) Web site at: *https://www.energy.gov/nepa/eis-0531-port-delfin-lng-project-deepwater-port-application-louisiana.* Order No. 4028 is available on DOE/FE's Web site at: *https://fossil.energy.gov/ng_regulation/applications-2013-delfinlngllc13-147-lng.* For additional information about the docket in these proceedings, contact Larine Moore, U.S. Department of Energy, Office of Regulation and International Engagement, Office of Oil and Natural Gas, Office of Fossil Energy, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: To obtain additional information about the EIS or the ROD, contact Kyle W. Moorman, U.S. Department of Energy, Office of Regulation and International Engagement, Office of Oil and Natural Gas, Office of Fossil Energy, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–5600, or Edward Le Duc, U.S. Department of Energy, Office of the Assistant General Counsel for Environment, 1000 Independence Avenue SW., Washington, DC 20585, 202–586–4007.

SUPPLEMENTARY INFORMATION: DOE prepared this ROD and Floodplain Statement of Findings pursuant to the National Environmental Policy Act of 1969 (42 United States Code [U.S.C.] 4321, *et seq.*), and in compliance with the Council on Environmental Quality (CEQ) implementing regulations for NEPA (40 Code of Federal Regulations [CFR] parts 1500 through 1508), DOE's implementing procedures for NEPA (10 CFR part 1021), and DOE's ''Compliance with Floodplain and Wetland Environmental Review Requirements'' (10 CFR part 1022).

Background

Delfin, a Louisiana limited liability company with its principal place of business in Dallas, Texas, proposes to construct, own, and operate a deepwater port with floating liquefaction and export facilities, and related onshore facilities, in West Cameron Block 167 in the Gulf of Mexico, approximately 30 miles offshore of Cameron Parish, Louisiana. The proposed Liquefaction Project will connect to the U.S. natural gas pipeline and transmission system through the reuse and repurpose of two existing offshore pipelines and proposed offshore pipeline laterals connecting to the Delfin Onshore Facility.

On November 12, 2013, Delfin filed an application (Application) with DOE/FE seeking authorization to export domestically produced LNG in a volume equivalent to 657.5 Bcf/yr of natural gas to non-FTA countries. In Order No. 4028, DOE/FE is authorizing Delfin to export LNG from the proposed Delfin Liquefaction Facility in the full volume requested.

In 2014, DOE/FE granted Delfin's separate authorization to export LNG from the proposed Liquefaction Facility to FTA countries in a volume equivalent to 657.5 Bcf/yr of natural gas (1.8 Bcf/d) for a 20-year term.[4] The authorized FTA export volume is not additive to the export volume authorized in this proceeding.

Additionally, on May 8, 2015, Delfin filed its application with MARAD under the Deepwater Port Act of 1974 to site, construct, and operate the Delfin Liquefaction Project. On March 13, 2017, MARAD found that the Delfin Liquefaction Project will be ''in the national interest'' under section 4(c)(3) of the Deepwater Port Act [5] and issued a record of decision (MARAD ROD) authorizing the issuance of a deepwater port license.[6] Delfin's deepwater port license is subject to various conditions discussed in the MARAD ROD, which will be set forth in the deepwater port license upon its issuance.[7]

On May 8, 2015, Delfin submitted its application for the Delfin Onshore Facility to FERC. To date, Delfin is still awaiting its NGA section 7 authorizations from FERC. The Delfin Liquefaction Project will be subject to any conditions outlined within FERC's order.

Project Description

Delfin's proposed Liquefaction Facility will be located off the coast of Cameron Parish, Louisiana, in Federal waters within the Outer Continental Shelf West Cameron Area. Water depths of the actual site ranges from 64 to 72 feet. The Liquefaction Facility primarily will consist of four semi-permanent floating liquefied natural gas vessels (FLNGVs) with a total liquefaction capability of 13.3 million metric tons per annum (mtpa) of LNG, or approximately 657.5 Bcf/yr of natural gas. Each FLNGV will have LNG storage capacity of 211,460 cubic meters; four disconnectable tower yoke mooring

[1] Delfin states that the Liquefaction Facility (or ''deepwater port'') will be located offshore in West Cameron Block 167. Delfin's floating liquefied natural gas vessels (discussed herein) will be moored in additional offshore blocks, including West Cameron Blocks 319, 327, 328, 334, and 335.

[2] *See* 33 U.S.C. 1501 *et seq.*; 33 CFR part 148.

[3] Although the Delfin EIS covers the entire Delfin Liquefaction Project, the Delfin Onshore Facility falls under the jurisdiction of the Federal Energy Regulatory Commission (FERC), and is subject to separate regulatory approval by FERC pursuant to sections 7(b) and 7(c) of the NGA in FERC Docket No. CP15–490.

[4] *Delfin LNG LLC,* DOE/FE Order No. 3393, FE Docket No 13–129–LNG, Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from a Proposed Floating Liquefaction Project and Deepwater Port 30 Miles Offshore of Louisiana to Free Trade Agreement Nations (Feb. 20, 2014).

[5] 33 U.S.C. 1503(c)(3) (allowing the Secretary of MARAD to issue a license for a deepwater port if, in relevant part, ''he determines that the construction and operation of the deepwater port will be in the national interest and consistent with national security and other national policy goals and objectives, including energy sufficiency and environmental quality'').

[6] U.S. Dep't of Transportation Maritime Administration, Secretary's Record of Decision on the Deepwater Port License Application of Delfin LNG, LLC, at 65 (Para. 3), 68 (Mar. 13, 2017).

[7] *See, e.g.,* MARAD ROD at 16.

systems (TYMS); four pipeline riser components, four service vessel mooring points; and four 30-inch diameter pipeline laterals, each approximately 6,400 inches in length. The Liquefaction Facility will reuse and repurpose two existing offshore pipeline systems (formerly the U–T Offshore Systems, LLC (UTOS) and High Island Offshore Systems, LLC (HIOS) pipeline systems); and include one 700-foot, 42-inch diameter pipeline bypass around an existing offshore platform manifold infrastructure at West Cameron Block 167 to connect to the former UTOS and HIOS pipeline systems.

The Delfin Onshore Facility will require new pipeline and associated pipeline facilities in Calcasieu Parish, Louisiana, to supply natural gas to the liquefaction facility from existing onshore natural gas transmission pipelines. Components of the Delfin Onshore Facility will primarily consist of the reactivation of 1.1 miles if existing 42-inch pipeline (former UTOS pipeline) which runs to an existing compressor station; installation of a new compressor; construction of 0.25 miles of 42-inch pipeline to connect the former UTOS line to a new meter station; and construction of 0.6 miles of twin 30-inch pipelines between an existing compressor station and the new compressor station.

EIS Process

MARAD and the USCG were the co-lead federal agencies for the environmental review of the Delfin Liquefaction Project and initiated the NEPA process by publishing a Notice of Intent (NOI) to prepare an EIS for the Delfin Liquefaction Project on July 29, 2015. MARAD and USCG conducted a single environmental review process that assessed both the onshore and offshore components of the Delfin Liquefaction Project.[8]

DOE participated as a cooperating agency in the preparation of the EIS. MARAD and USCG issued the draft EIS and published in the **Federal Register** a notice of availability (NOA) for the draft EIS on July 15, 2016 (81 FR 46157). MARAD and USCG issued the final EIS [9] and published a NOA for the final EIS on November 28, 2016 (81 FR 85678). The final EIS addresses comments received on the draft EIS. The final EIS also addresses water resources; biological resources; essential fish habitat; geological resources; cultural resources; ocean use, land use, recreation, and visual resources; transportation; air quality; noise; socioeconomics; safety; cumulative impacts; and alternatives.

Based on the final EIS, MARAD and USCG concluded that the issuance of deepwater port license will subject the Delfin Liquefaction Project to the implementation of Best Management Practices and mitigation measures recommended by federal and state agencies to reduce the environmental impacts that would otherwise result from the Project's construction and operation.[10] Subsequently, the MARAD ROD determined that Delfin's requested deepwater port license met the nine criteria required for approval under section 4(c) of the Deepwater Port Act, 33 U.S.C. 1503(c), subject to certain conditions. MARAD describes many of these conditions in the ROD, but indicated that the precise conditions will be set forth in the License upon its issuance at a later date.[11]

In accordance with 40 CFR 1506.3, after an independent review of MARAD and USCG's final EIS, DOE/FE adopted MARAD and USCG's final EIS (DOE/EIS–0531) on April 18, 2017. The U.S. Environmental Protection Agency published a notice of the adoption on April 28, 2017 (82 FR 19715).

Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States (Addendum)

On June 4, 2014, DOE/FE published the *Draft Addendum to Environmental Review Documents Concerning Exports of Natural Gas from the United States* (Draft Addendum) for public comment (79 FR 32,258). The purpose of this review was to provide additional information to the public concerning the potential environmental impacts of unconventional natural gas exploration and production activities, including hydraulic fracturing. Although not required by NEPA, DOE/FE prepared the Draft Addendum in an effort to be responsive to the public and to provide the best information available on a subject that had been raised by commenters in this and other LNG export proceedings.

The 45-day comment period on the Draft Addendum closed on July 21, 2014. DOE/FE received 40,745 comments in 18 separate submissions, and considered those comments in issuing the final Addendum on August 15, 2014. DOE provided a summary of the comments received and responses to substantive comments in Appendix B of the Addendum.[12]

Alternatives

The EIS analyzed alternatives that could achieve the Delfin Liquefaction Project's objectives. The range of alternatives analyzed included alternative deepwater port designs, alternative LNG liquefaction technologies, alternative cooling media, alternative pipeline routes, alternative port locations, alternative use of existing West Cameron 167 offshore manifold platform, alternative mooring systems, alternative anchoring methods, alternative Delfin Onshore Facility locations, a no action alternative, and energy alternatives. Alternatives were evaluated and compared to the Delfin Liquefaction Project to determine if the alternatives were reasonable and environmentally preferable.

In analyzing alternative deepwater port designs, the EIS reviewed and evaluated four different designs: (1) Gravity-based structure; (2) Fixed platform-based unit; (3) Floating HiLoad port; and (4) FLNGV. The EIS then evaluated those four different designs based on four environmental and technical considerations: (1) Air emissions; (2) general environmental effects; (3) visual impacts; and (4) water depth and seafloor topography. Both the Gravity-based structure and Floating HiLoad port were eliminated due to the large seafloor impacts and lack of design purpose for producing LNG for export. The fixed platform-based unit would also likely result in additional seafloor impacts due to foundational requirements.

In analyzing alternative LNG liquefaction technologies for use on the FLNGV, the EIS reviewed three different technologies: (1) Expander-based process; (2) dual mixed refrigerant process; and (3) single mixed refrigerant (SMR) process. When evaluating the three technologies, the EIS relied on efficiency and simplicity of each technology when used aboard a FLNGV. The SMR technology offered a balance of medium to high efficiency along with simplicity of operation when aboard a FLNGV in comparison to the other two alternatives.

For analyzing alternative cooling media, the EIS evaluated two types for use aboard the FLNGV: (1) Open-loop, water-cooled heat exchangers or (2) air-cooled heat exchangers. Although the open-loop, water-cooled heat exchanger

[8] *See* MARAD ROD at 23–24, 45.

[9] Final Environmental Impact Statement for the Port Delfin LNG Project Deepwater Port Application, Docket No. USCG–2015–0472 (Nov. 2016) (EIS).

[10] *See id*. at 4–14 to 4–23.

[11] *See* MARAD ROD at 16.

[12] We take administrative notice of the Addendum in this proceeding. *See also* EIS at ES–14, 1–10, 4–169, 6–2, and 6.3 for MARAD's and USCG's discussion of the Addendum.

is more efficient, smaller in size, and less expensive, its high use of seawater and discharge method could have additional impacts on marine life in comparison to the air-cooled heater exchanger. As a result, the EIS concluded the use of the air-cooled heat exchanger was the preferred alternative.

In analyzing alternative pipeline routes, the EIS utilized several different criteria to identify existing pipeline systems. Those criteria include, but are not limited to, the following: (1) A location within 150 miles of Henry Hub (2) pipelines with a 36-inch or larger diameter; (3) a water-depth location suitable for construction and operation of a deepwater port; (4) proximity of 2 to 8 miles of a designated shipping safety fairway; and (5) pipeline capacity for the requested volume. From this criteria, the EIS then identified the following six existing pipeline systems: (1) HIOS/UTOS; (2) Natural Gas Pipeline Company, LLC/Stingray Pipeline Company, LLC; (3) Columbia Gulf Transmission Company; (4) Kinetica Partners, LLC (western section); (5) Sea Robin Pipeline Company, LLC; and (6) Kinetica Partners, LLC (central section). Of the six pipeline systems, only two met the siting requirements for the proposed Project: HIOS/UTOS and Natural Gas Pipeline Company, LLC/Stingray Pipeline Company, LLC. Upon evaluating the two remaining pipeline systems, the EIS concluded that due to a larger available volume capacity, ultimately the HIOS and UTOS systems were the preferred systems.

For analyzing alternative port locations, the EIS initially relied upon the USCG guidelines on siting for LNG deepwater port terminals in 33 CFR 148.720. Based on those guidelines, the EIS then selected three locations: (1) Along the HIOS/UTOS pipeline systems within West Cameron Block area; (2) along the HIOS/UTOS pipeline systems within deeper water of the West Cameron Block area, approximately 10 nautical miles south-southwest of alternative 1; and (3) along the Natural Gas Pipeline Company, LLC/Stingray Pipeline Company, systems, approximately 27 nautical miles from alternative 2.[13] From these three locations, the EIS then compared the following factors: (1) Avoidance of cultural resources; (2) engineering; (3) avoidance of geological hazards; (4) air emissions and noise; (5) water and sediment quality; (6) commercial and recreational fishing; (7) wildlife and protected species; (8) socioeconomics; and (9) marine uses and aesthetics. The EIS concluded that due to the distance from shore, alternatives 2 and 3 would require additional service trips as well as additional compression requirements. Furthermore, these alternatives would require longer piles for structure purposes that would result in greater noise impacts on marine species. Overall, these factors would result in greater noise and air emissions compared to the proposed site (alternative 1) and thus were not selected.

In analyzing alternative use of existing West Cameron 167 offshore manifold platform, the EIS did not provide any alternatives to the proposed bypass pipeline. Although Delfin proposes to construct 700 feet of bypass pipeline on the seafloor, the reuse of the existing offshore platform would result in greater potential impacts on the area. Reuse of the existing offshore manifold platform would require removal of the infrastructure and interactions with six other pipeline systems utilizing the platform. The EIS made no further analysis of this Project area.

For analyzing alternative mooring systems, the EIS evaluated two different mooring systems: (1) Permanent mooring system and (2) disconnectable mooring system. The main design criteria for the mooring system is to provide a stable environment for the FLNGV operations. For the permanent mooring system, the FLNGV would stay moored to the location regardless of weather and ocean conditions, thus eliminating the flexibility and project design for the self-propelled FLNGV. Conversely, the disconnectable mooring system allows the needed flexibility for the FLNGV to depart for maintenance purposes as well as allow for a much smaller anchoring system. As a result, the EIS selected the proposed disconnectable mooring system.

In analyzing alternative anchoring methods for installing the TYMS mooring structure, the EIS considered five different anchor designs. The design alternatives included: (1) Suction anchors; (2) driven piles; (3) fluke anchors; (4) gravity-based anchors; and (5) grouted pile anchors. For evaluating the anchor design alternatives, the EIS considered the following six issues: (1) Air emissions; (2) water use and discharge; (3) turbidity, sedimentation, and seafloor impacts; (4) fisheries impacts; (5) noise impacts; and (6) decommissioning impacts. Based on these six issues, the EIS concluded that the driven piles had a smaller footprint, fewer installation impacts, and structural design advantages pursuant to the geotechnical evaluation of the affected area.

For evaluating alternative Delfin Onshore Facility locations, the EIS analyzed and determined the feasibility of the locations based on proximity to a gas supply pipeline for the Port, to various gas supply header pipelines, and to existing natural gas pipeline infrastructure. From these factors, the EIS evaluated the following four locations: (1) PSI Cameron Meadows Gas Plant; (2) Transco Station 44; (3) a greenfield location adjacent to the PSI Cameron Meadows Gas Plant; and (4) a greenfield location adjacent to Tennessee Gas Pipeline Company facilities on the north side of Highway 82 approximately 1.3 miles east of the three other alternative locations.[14] The EIS then evaluated the four locations based on the following criteria: (1) Proximity to the feasible pipeline systems; (2) availability of land for siting a compressor station; (3) current land use; (4) proximity to sensitive resources (*i.e.* streams, wetlands, and wildlife; (5) proximity to noise sensitive areas; and (6) feasibility of air permitting. Due to the potential impacts to the greenfield sites, alternatives 3 and 4 were eliminated as those impacts would be greater than the impacts resulting from the use of existing infrastructure. Finally, the EIS concluded that due to existing pipeline infrastructure, alternative 1 would be the preferred location for the compressor station while alternative 2 would be the preferred locations for the meter station and interconnection with gas supply header pipelines.

In analyzing the no action alternative, the EIS reviewed the effects of not constructing the Delfin Liquefaction Project.

Environmentally Preferred Alternative

When compared against the other action alternatives assessed in the EIS, as discussed above, the proposed Delfin Liquefaction Project is the environmentally preferable alternative. Although the no action alternative would avoid the environmental impacts identified in the EIS, adoption of this alternative would not meet the Delfin Liquefaction Project objectives.

Decision

DOE has decided to issue Order No. 4028 authorizing Delfin to export domestically produced LNG by vessel from the proposed Delfin Liquefaction Facility located off the coast of Cameron Parish, Louisiana, to non-FTA countries,

[13] See EIS pages 2–38 through 2–41 for further details and maps of exact site locations.

[14] See Figures 2.3–4 and 2.3–6 within the EIS for more details.

in a volume equivalent to approximately 657.5 Bcf/yr of natural gas for a term of 20 years to commence on the earlier of the date of first commercial export or seven years from the date that the Order is issued.

Concurrently with this Record of Decision, DOE/FE is issuing Order No. 4028, in which it finds that the requested authorization has not been shown to be inconsistent with the public interest, and that the Application should be granted subject to compliance with the terms and conditions set forth in the Order, including all terms and conditions described by MARAD in its ROD and/or imposed in MARAD's forthcoming deepwater port license for Delfin. Additionally, DOE/FE's authorization is conditioned on Delfin's receipt of all connected local, state, and federal permits (including FERC's authorization under Section 7 of the Natural Gas Act for the Delfin Onshore Facility), and on Delfin's on-going compliance with any other preventative and mitigative measures imposed by other federal or state agencies.

Basis of Decision

DOE's decision is based upon the analysis of potential environmental impacts presented in the EIS, and DOE's determination in Order No. 4028 that it has not been shown that Delfin's proposed exports will be inconsistent with the public interest, as is required to deny Delfin's Application under NGA section 3(a). Although not required by NEPA, DOE/FE also considered the Addendum, which summarizes available information on potential upstream impacts associated with unconventional natural gas activities, such as hydraulic fracturing.

Mitigation

As a condition of its decision to issue Order No. 4028, DOE is imposing requirements that will avoid or minimize the environmental impacts of the proposed Liquefaction Facility. These conditions include the Best Management Practices, mitigation measures, and conditions in the MARAD ROD and forthcoming deepwater port license. Mitigation measures beyond those included in Order No. 4028 that are enforceable by other Federal and state agencies are additional conditions of Order No. 4028. With these conditions, DOE/FE has determined that all practicable means to avoid or minimize environmental harm from the Delfin Liquefaction Project have been adopted.

Floodplain Statement of Findings

DOE prepared this Floodplain Statement of Findings in accordance with DOE's regulations, entitled ''Compliance with Floodplain and Wetland Environmental Review Requirements'' (10 CFR part 1022). The required floodplain assessment was conducted during development and preparation of the EIS (see Sections 4.11.1 of the EIS). The EIS determined that the proposed Delfin Onshore Facility site is classified as having a 1-percent-annual-chance of flooding. While the placement of these facilities within floodplains would be unavoidable, DOE has determined that the current design for the Delfin Liquefaction Project minimizes potential harm to or in the floodplain to the extent practicable.

Issued in Washington, DC, on June 1, 2017.

Jarad Daniels,

Acting Assistant Secretary, Office of Fossil Energy.

[FR Doc. 2017–11907 Filed 6–7–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM15–11–001]

Reliability Standard for Transmission System Planned Performance for Geomagnetic Disturbance Events; Notice of Filing

Take notice that on May 30, 2017, the North American Electric Reliability Corporation submitted a preliminary work plan to conduct research on topics related to geomagnetic disturbances and their impacts on the reliability of the Bulk-Power System, pursuant to Order No. 830.[1]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 23, 2017.

Dated: June 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–11922 Filed 6–7–17; 8:45 am]

BILLING CODE 6717–01–P

[1] Order No. 830, *Reliability Standard for Transmission System Planned Performance for Geomagnetic Disturbance Events,* 156 FERC ¶ 61,215 (2016), *reh'g denied,* Order No. 830–A, 158 FERC ¶ 61,041 (2017) (''Order No. 830'').

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2615–044]

Madison Paper Industries, Brookfield White Pine Hydro LLC, Merimil Limited Partnership, Brassua Hydroelectric Limited Partnership, Eagle Creek Kennebec Hydro, LLC; Notice of Application for Partial Transfer of License, Substitution of Relicense Applicant, and Soliciting Comments, Motions To Intervene, and Protests

On May 8, 2017, Madison Paper Industries (MPI), Brookfield White Pine Hydro LLC (Brookfield), Merimil Limited Partnership (Merimil), Brassua Hydroelectric Limited Partnership (Brassua Partnership) (transferors/co-licensees) and Eagle Creek Kennebec Hydro, LLC (transferee/Eagle Creek) filed a joint application for: (1) Partial transfer of license for the Brassua Storage Project, FERC No. 2615, located on the Moose River in Somerset County, Maine and (2) substitution of Eagle Creek for MPI as the applicant in the pending application for a new license

filed by the transferors for Project No. 2615–037.

Applicant Contact: For Transferors: For MPI: Mr. Matthew D. Manahan, Esq., Pierce Atwood LLP, Merrill's Wharf, 254 Commercial Street, Portland, ME 04101, Phone: 207–791–1189, Email: *mmanahan@PierceAtwood.com;* For Brookfield, Merimil and Brassua Partnership: Mr. John A. Whittaker IV, Winston & Strawn LLP, 1700 K Street NW., Washington, DC 20006–5100, Phone 202–282–5766, Email: *jwhittak@winaton.com;* and Mr. Alexander M. Wilson, Brookfield Renewable, 41 Victoria Street, Gatineau, QC J8X2A1, Phone: 819–561–8679, Email: *alexander.wilson@brookfieldrenewable.com.*

For Transferee: For Eagle Creek: Mr. Donald H. Clark and Mr. Joshua E. Adrian, Duncan, Weinberg, Genzer & Pembroke, P.C., 1615 M Street NW., Washington, DC 20036, Emails: *dhc@dwgp.com* and *jea@dwgp.com.*

FERC Contact: Patricia W. Gillis, Phone: (202) 502–8735, Email: *patricia.gillis@ferc.gov.*

Deadline for filing comments, motions to intervene, and protests: 30 days from the issuance date of this notice, by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, comments, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2615–044.

Dated: June 2, 2017.

Kimberly D. Bose

Secretary.

[FR Doc. 2017–11921 Filed 6–7–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–126–000.
Applicants: South Central MCN LLC.
Description: Application of South Central MCN LLC for Authorization to Acquire Transmission Facilities Pursuant to Section 203 of the Federal Power Act, *et al.*
Filed Date: 6/1/17.
Accession Number: 20170601–5324.
Comments Due: 5 p.m. ET 6/22/17.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17–113–000.
Applicants: Algonquin Power Sanger LLC.
Description: Algonquin Power Sanger LLC Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 5/31/17.
Accession Number: 20170531–5377.
Comments Due: 5 p.m. ET 6/21/17.

Docket Numbers: EG17–114–000.
Applicants: Hattiesburg Farm, LLC.
Description: Self-Certification of Exempt Wholesale Generator Status of Hattiesburg Farm, LLC.
Filed Date: 5/31/17.
Accession Number: 20170531–5378.
Comments Due: 5 p.m. ET 6/21/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1736–003.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing: 2017–06–01_Compliance filing to implement Cost Recovery Mechanism Settlement to be effective 1/29/2014.
Filed Date: 6/1/17.
Accession Number: 20170601–5249.
Comments Due: 5 p.m. ET 6/22/17.

Docket Numbers: ER17–1347–001.
Applicants: PacifiCorp.
Description: Compliance filing: OATT Revised Attachment H–1 (Rev Depreciation Rates 2017) Compliance to be effective 6/1/2017.
Filed Date: 5/31/17.
Accession Number: 20170531–5319.
Comments Due: 5 p.m. ET 6/21/17.

Docket Numbers: ER17–1433–001.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Amendment to Compliance Filing in Docket No. ER17–1433–000 to be effective 1/19/2017.
Filed Date: 6/2/17.
Accession Number: 20170602–5042.
Comments Due: 5 p.m. ET 6/23/17.

Docket Numbers: ER17–1739–000.
Applicants: Pennsylvania Windfarms, LLC.
Description: Tariff Cancellation: Pennsylvania Windfarms, LLC Notice of Cancellation of Market-Based Rate Tariff to be effective 6/2/2017.
Filed Date: 6/1/17.
Accession Number: 20170601–5250.
Comments Due: 5 p.m. ET 6/22/17.

Docket Numbers: ER17–1740–000.
Applicants: Pennsylvania Windfarms, LLC.
Description: Tariff Cancellation: Pennsylvania Windfarms, LLC Notice of Cancellation of CFA to be effective 6/2/2017.
Filed Date: 6/1/17.
Accession Number: 20170601–5251.
Comments Due: 5 p.m. ET 6/22/17.

Docket Numbers: ER17–1741–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Central Nebraska Public Power and Irrigation District Stated Rate Revisions to be effective 12/31/9998.
Filed Date: 6/1/17.
Accession Number: 20170601–5252.
Comments Due: 5 p.m. ET 6/22/17.

Docket Numbers: ER17–1742–000.
Applicants: Hattiesburg Farm, LLC.
Description: Baseline eTariff Filing: Market-Based Rate Tariff to be effective 6/6/2017.
Filed Date: 6/1/17.
Accession Number: 20170601–5273.
Comments Due: 5 p.m. ET 6/22/17.

Docket Numbers: ER17–1743–000.
Applicants: Doswell Limited Partnership.
Description: § 205(d) Rate Filing: Reactive Power Tariff Filing to be effective 7/1/2017.
Filed Date: 6/1/17.
Accession Number: 20170601–5281.
Comments Due: 5 p.m. ET 6/22/17.

Docket Numbers: ER17–1744–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: June 2017 Membership Filing to be effective 5/1/2017.
Filed Date: 6/1/17.
Accession Number: 20170601–5288.
Comments Due: 5 p.m. ET 6/22/17.

Docket Numbers: ER17–1745–000.
Applicants: Public Service Company of New Mexico.
Description: Initial rate filing: Executed Transmission Agreement between PNM and Avangrid Renewables, LLC to be effective 6/1/2017.

Filed Date: 6/2/17.
Accession Number: 20170602–5048.
Comments Due: 5 p.m. ET 6/23/17.

Docket Numbers: ER17–1746–000.
Applicants: Cork Oak Solar LLC, Sunflower Solar LLC.
Description: Baseline eTariff Filing: Market Based Rate Tariff for Sunflower and Cork Oak to be effective 6/2/2017.
Filed Date: 6/2/17.
Accession Number: 20170602–5061.
Comments Due: 5 p.m. ET 6/23/17.

Docket Numbers: ER17–1747–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: First Revised Service Agreement No. 4661; Queue AA2–115/AB2–112 (ISA) to be effective 5/3/2017.
Filed Date: 6/2/17.
Accession Number: 20170602–5076.
Comments Due: 5 p.m. ET 6/23/17.

Docket Numbers: ER17–1748–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Rate Schedule Nos. 244, 252, and 288—Morgan Integration to be effective 8/1/2017.
Filed Date: 6/2/17.
Accession Number: 20170602–5078.
Comments Due: 5 p.m. ET 6/23/17.

Docket Numbers: ER17–1749–000.
Applicants: Nevada Power Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 95 Amended & Restated Navajo Project Co-Tenancy Agr. to be effective 8/2/2017.
Filed Date: 6/2/17.
Accession Number: 20170602–5111.
Comments Due: 5 p.m. ET 6/23/17.

Docket Numbers: ER17–1750–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: Silicon Valley Power Replacement IA and TFAs (SA 343) to be effective 8/1/2017.
Filed Date: 6/1/17.
Accession Number: 20170601–5330.
Comments Due: 5 p.m. ET 6/22/17.

Docket Numbers: ER17–1751–000.
Applicants: Veritas Energy Group, LLC.
Description: Baseline eTariff Filing: Market-Based Rate Tariff Application to be effective 8/2/2017.
Filed Date: 6/2/17.
Accession Number: 20170602–5115.
Comments Due: 5 p.m. ET 6/23/17.

Docket Numbers: ER17–1752–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: Silicon Valley Power Redesignation of Grizzly Agreement (RS 248) to be effective 8/1/2017.
Filed Date: 6/1/17.
Accession Number: 20170601–5331.
Comments Due: 5 p.m. ET 6/22/17.

Docket Numbers: ER17–1753–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–06–02_Tariff Amendments to Revise TSR Redispatch Provisions to be effective 8/2/2017.
Filed Date: 6/2/17.
Accession Number: 20170602–5121.
Comments Due: 5 p.m. ET 6/23/17.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH17–16–000.
Applicants: New Jersey Resources Corporation.
Description: New Jersey Resources Corporation submits FERC 65–A Material Change in Facts of Exemption Notification.
Filed Date: 6/2/17.
Accession Number: 20170602–5052.
Comments Due: 5 p.m. ET 6/23/17.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF17–1054–000.
Applicants: Farmingdale Fuel Cell, LLC.
Description: Form 556 of Farmingdale Fuel Cell, LLC.
Filed Date: 6/1/17.
Accession Number: 20170601–5214.
Comments Due: None Applicable.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–11918 Filed 6–7–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER17–718–000; ER17–721–000; ER17–729–000]

PJM Interconnection, L.L.C.; Midcontinent Independent System Operator, Inc.; PJM Interconnection, L.L.C.; Notice of Staff Workshop

Take notice that Federal Energy Regulatory Commission staff (Commission Staff) will hold a workshop on June 13, 2017, in room 3M–4 A and B at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, from 9:00 a.m. to approximately 12:00 p.m. (Eastern Time). The workshop will discuss the Targeted Market Efficiency Project filings and will be limited to issues timely raised in the above-captioned dockets. Commission Staff will lead the workshop. Commissioners may participate in the workshop. Any party that wishes to make a statement at the workshop should indicate its interest by sending an email to that effect to *matthew.christiansen@ferc.gov.*

All interested persons may attend the workshop, and registration is not required. However, in-person attendees are encouraged to register on-line at *https://www.ferc.gov/whats-new/registration/06-13-17-form.asp.* Parties that would like to listen in by phone should register and indicate that preference. Dial-in information will be forwarded to those individuals prior to the event.

The workshop will be transcribed. Transcripts will be available for a fee from Ace Reporting Company ((202) 347–3700).

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

For more information about the workshop, please contact:

Technical Information: Robert Sacknoff, Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6758, *robert.sacknoff@ferc.gov.*

Technical Information: Jorge Moncayo, Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6510, *jorge.moncayo@ferc.gov.*

Legal Information: Matthew Christiansen, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6599, *matthew.christiansen@ferc.gov.*
Logistical Information: Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov.*

Dated: June 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–11919 Filed 6–7–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–1742–000]

Hattiesburg Farm, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Hattiesburg Farm, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 22, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–11920 Filed 6–7–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0008; FRL–9961–15]

Pesticide Product Registration; Receipt of Applications for New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses of pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before July 10, 2017.

ADDRESSES: Submit your comments, identified by the Docket Identification (ID) Number and the EPA Registration Number of interest as show in the body of this document by one of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.,* Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that

is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Registration Applications

EPA has received applications to register new uses of pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

EPA has received the following applications to register new uses:

EPA Registration Number: 100–1471, 100–1475, 100–1476, 100–1478, 100–1480. *Docket ID number:* EPA–HQ–OPP–2016–0448. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Benzovindiflupyr. *Product type:* Fungicide. *Proposed use:* Onion, Bulb, Subgroup 3–07A; Onion, Green, Subgroup 3–07B. *Contact:* RD.

EPA Registration Number: 100–1471, 100–1475, 100–1478, 100–1480. *Docket ID number:* EPA–HQ–OPP–2016–0752. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Benzovindiflupyr. *Product type:* Fungicide. *Proposed use:* Sugarcane, cane. *Contact:* RD.

EPA Registration Number: 352–694, 352–638, 352–639, 352–640. *Docket ID number:* EPA–HQ–OPP–2017–0095. *Applicant:* E.I. du Pont de Nemours and Company, 974 Centre Road, Wilmington, Delaware 19805. *Active ingredient:* Indoxacarb. *Product type:* Insecticide. *Proposed use:* Field corn, popcorn, corn grown for seed. *Contact:* RD.

EPA Registration Number: 10163–277. *Docket ID number:* EPA–HQ–OPP–2017–0155. *Applicant:* Gowan Company, P.O. Box 5569, Yuma, AZ, 85366–5569. *Active ingredient:* Hexythiazox. *Product type:* Insecticide. *Proposed use:* Hops. *Contact:* RD.

EPA Registration Number: 10163–337. *Docket ID number:* EPA–HQ–OPP–2017–0155. *Applicant:* Gowan Company, P.O. Box 5569, Yuma, AZ, 85366–5569. *Active ingredient:* Hexythiazox. *Product type:* Insecticide. *Proposed use:* Hops. *Contact:* RD.

EPA Registration Number: 71711–30. *Docket ID number:* EPA–HQ–OPP–2017–0156. *Applicant:* Nichino America, Inc., 4550 New Linden Hill Road, Suite 501, Wilmington, DE, 19808–2951. *Active ingredient:* Tolfenpyrad. *Product type:* Insecticide. *Proposed uses:* Brassica, head and stem vegetables, crop group 5–16; Brassica, leafy greens, subgroup 4–16B; Vegetables, cucurbit, crop group 9; Vegetables, fruiting, crop group 8–10; Fruit, pome, crop group 11–10; Apple, wet pomace; Fruit, citrus, crop group 10–10; Citrus, dried pulp; Citrus, oil; and Non-food use on ornamentals. *Contact:* RD.

EPA Registration Number: 71711–31. *Docket ID number:* EPA–HQ–OPP–2017–0156. *Applicant:* Nichino America, Inc., 4550 New Linden Hill Road, Suite 501, Wilmington, DE, 19808–2951. *Active ingredient:* Tolfenpyrad. *Product type:* Insecticide. *Proposed uses:* Brassica, head and stem vegetables, crop group 5–16; Brassica, leafy greens, subgroup 4–16B; Vegetables, cucurbit, crop group 9; Vegetables, fruiting, crop group 8–10; Fruit, pome, crop group 11–10; Apple, wet pomace; Fruit, citrus, crop group 10–10; Citrus, dried pulp; Citrus, oil; and Non-food use on ornamentals. *Contact:* RD.

EPA Registration Number: 71711–36. *Docket ID number:* EPA–HQ–OPP–2017–0156. *Applicant:* Nichino America, Inc., 4550 New Linden Hill Road, Suite 501, Wilmington, DE, 19808–2951. *Active ingredient:* Tolfenpyrad. *Product type:* Insecticide. *Proposed uses:* Brassica, head and stem vegetables, crop group 5–16; Brassica, leafy greens, subgroup 4–16B; Vegetables, cucurbit, crop group 9; Vegetables, fruiting, crop group 8–10; Fruit, pome, crop group 11–10; Apple, wet pomace; Fruit, citrus, crop group 10–10; Citrus, dried pulp; Citrus, oil; and Non-food use on ornamentals. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: April 17, 2017.

Delores Barber,

Director, Information Technology & Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2017–11929 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9956–78–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Vermont

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Vermont's request to revise/modify certain of its EPA-authorized programs to allow electronic reporting.

DATES: EPA's approval is effective July 10, 2017 for the State of Vermont's National Primary Drinking Water Regulations Implementation program, if no timely request for a public hearing is received and accepted by the Agency, and on June 8, 2017 for the State of Vermont's other authorized programs.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient

legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On March 24, 2017, the Vermont Department of Environmental Conservation (VT DEC) submitted an application titled ''Agency of Natural Resources Online System'' for revisions/modifications to its EPA-approved programs under title 40 CFR to allow new electronic reporting. EPA reviewed VT DEC's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Vermont's request to revise/modify its following EPA-authorized programs to allow electronic reporting under 40 CFR parts 50–52, 60–63, 65, 70, 122, 125, 141, 144, 146, 240–270, 272–280, and 403–471, is being published in the **Federal Register**:

Part 52—Approval and Promulgation of Implementation Plans;

Part 60—Standards of Performance for New Stationary Sources;

Part 62—Approval and Promulgation of State Plans for Designated Facilities and Pollutants;

Part 63—National Emission Standards For Hazardous Air Pollutants For Source Categories;

Part 70—State Operating Permit Programs;

Part 123—EPA Administered Permit Programs: The National Pollutant Discharge Elimination System;

Part 142—National Primary Drinking Water Regulations Implementation;

Part 145—State Underground Injection Control Programs;

Part 239—Requirements for State Permit Program Determination of Adequacy;

Part 271—Requirements for Authorization of State Hazardous: Waste Program;

Part 281—Approved Underground Storage Tank Programs; and

Part 403—General Pretreatment Regulations For Existing And New Sources Of Pollution.

VT DEC was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

Also, in today's notice, EPA is informing interested persons that they may request a public hearing on EPA's action to approve the State of Vermont's request to revise its authorized public water system program under 40 CFR part 142, in accordance with 40 CFR 3.1000(f). Requests for a hearing must be submitted to EPA within 30 days of publication of today's **Federal Register** notice. Such requests should include the following information: (1) The name, address and telephone number of the individual, organization or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in EPA's determination, a brief explanation as to why EPA should hold a hearing, and any other information that the requesting person wants EPA to consider when determining whether to grant the request;

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

In the event a hearing is requested and granted, EPA will provide notice of the hearing in the **Federal Register** not less than 15 days prior to the scheduled hearing date. Frivolous or insubstantial requests for hearing may be denied by EPA. Following such a public hearing, EPA will review the record of the hearing and issue an order either affirming today's determination or rescinding such determination. If no timely request for a hearing is received and granted, EPA's approval of the State of Vermont's request to revise its part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting will become effective 30 days after today's notice is published, pursuant to CROMERR section 3.1000(f)(4).

Matthew Leopard,

Director, Office of Information Management.

[FR Doc. 2017–11905 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2016–0700; FRL–9961–71]

Certain New Chemicals; Receipt and Status Information for March 2017

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA) to publish in the **Federal Register** a notice of receipt of a premanufacture notice (PMN); an application for a test marketing exemption (TME), both pending and/or expired; and a periodic status report on any new chemicals under EPA review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This document covers the period from March 1, 2017 to March 31, 2017.

DATES: Comments identified by the specific case number provided in this document, must be received on or before July 10, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0700, and the specific PMN number or TME number for the chemical related to your comment, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jim Rahai, Information Management Division, Office of Pollution Prevention and Toxics (7407M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the actions addressed in this document.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that

you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the Agency taking?

This document provides receipt and status reports, which cover the period from March 1, 2017 to March 31, 2017, and consists of the PMNs and TMEs both pending and/or expired, and the NOCs to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. What is the Agency's authority for taking this action?

Under TSCA, 15 U.S.C. 2601 *et seq.,* EPA classifies a chemical substance as either an ''existing'' chemical or a ''new'' chemical. Any chemical substance that is not on EPA's TSCA Inventory is classified as a ''new chemical,'' while those that are on the TSCA Inventory are classified as an ''existing chemical.'' For more information about the TSCA Inventory, please go to: *http://www.epa.gov/opptintr/newchems/pubs/inventory.htm.*

Anyone who plans to manufacture or import a new chemical substance for a non-exempt commercial purpose is required by TSCA section 5 to provide EPA with a PMN, before initiating the activity. Section 5(h)(1) of TSCA authorizes EPA to allow persons, upon application, to manufacture (includes import) or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a), for ''test marketing'' purposes, which is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5(d)(2) and 5(d)(3), EPA is required to publish in the **Federal Register** a notice of receipt of a PMN or an application for a TME and to publish in the **Federal Register** periodic reports on the status of new chemicals under review and the receipt of NOCs to manufacture those chemicals.

IV. Receipt and Status Reports

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that the information in the table is generic information because the specific information provided by the submitter was claimed as CBI.

For the 44 PMNs received by EPA during this period, Table 1 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the PMN; The date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer/importer; the potential uses identified by the manufacturer/importer in the PMN; and the chemical identity.

TABLE 1—PMNS RECEIVED FROM MARCH 1, 2017 TO MARCH 31, 2017

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
P–16–0119	3/1/2017	5/30/2017	CBI	(G) Intermediate	(G) Chlorofluorocarbon.
P–16–0122	3/1/2017	5/30/2017	CBI	(G) Intermediate	(G) Chlorofluorocarbon.
P–16–0315	3/29/2017	6/27/2017	CBI	(S) Industrial rubber formulation	(G) Alkyldiene, polymer, hydroxy terminated alkoxysilylalkylcarbamate.
P–16–0338	3/22/2017	6/20/2017	CBI	(G) Dyestuff	(G) Xanthylium, (sulfoaryl)-bis [(substituted aryl) amino]-, sulfo derivs., inner salts, metal salts.
P–16–0339	3/22/2017	6/20/2017	CBI	(G) Dyestuff	(G) Substituted triazinyl metal salt, diazotized, coupled with substituted pyridobenzimidazolesulfonic acids, substituted pyridobenzimidazolesulfonic acids, diazotized substituted alkanesulfonic acid, diazotized substituted aromatic sulfonate, diazotized substituted aromatic sulfonate, metal salts.
P–16–0406	3/9/2017	6/7/2017	CBI	(G) Coatings for solid substrates	(G) Functionalized polyimide.
P–16–0407	3/9/2017	6/7/2017	CBI	(G) Coatings for solid substrates	(G) Functionalized polyamide.
P–16–0438	3/14/2017	6/12/2017	CBI	(S) Intermediate for pesticide inert	(S) 3-butenenitrile, 2-(acetyloxy).
P–16–0439	3/22/2017	6/20/2017	CBI	(G) Coloring agent	(G) Carbon black, (organic acidic carbocyclic)-modified, inorganic salt.
P–16–0440	3/22/2017	6/20/2017	CBI	(G) Coloring agent	(G) Carbon black, (organic acidic carbocyclic)-modified, metal salt.
P–16–0497	3/8/2017	6/6/2017	CBI	(G) Prepolymer	(G) Urethane prepolymer.
P–16–0505	3/15/2017	6/13/2017	CBI	(S) Polymeric resin for Ultra Violet (UV) curable acrylates.	(S) Poly[oxy(methyl- 1, 2- ethanediyl)] , alpha- (1- oxo- 2- propen- 1- yl)-omega- [(1- oxo- 2- propen- 1- yl) oxy] -.
P–16–0540	3/17/2017	6/15/2017	CBI	(G) Polymeric film former for coatings	(G) Diphenolic compound, polymer with 2-(chloromethyl)oxirane and 4,4'-methylenebis[di-alkyl-substituted phenol].
P–16–0587	3/23/2017	6/21/2017	Kemira Chemicals	(S) Depressant for mineral ore flotation	(S) Galactoarabinoxylan.

TABLE 1—PMNS RECEIVED FROM MARCH 1, 2017 TO MARCH 31, 2017—Continued

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
P–16–0598	3/2/2017	5/31/2017	CBI	(G) Binder resin open non-dispersive use	(G) 2-propenoic acid, 2-methyl-, polymer with ethenylbenzene and octadecyl 2-methyl-2-propenoate, reaction products with n-(3-aminophenyl)-2-[2-(2,3-dihydro-2-substituted-1h-benzimidazol-5-yl)hydrazinylidene]-3-oxobutanamide.
P–17–0086	3/8/2017	6/6/2017	CBI	(G) Perfume	(G) Cycloalkyl, bis(ethoxyalkyl)-, trans-cycloalkyl, bis(ethoxyalkyl)-, cis-.
P–17–0152	3/24/2017	6/22/2017	CBI	(G) Additive in home care products.	(G) Poly-(2-methyl-1-oxo-2-propen-1-yl) ester with ethanaminium, n,n,n-trialkyl, chloride and methoxypoly(oxy-1,2-ethanediyl).
P–17–0206	1/13/2017	4/13/2017	CBI	(G) Flame retardant	(G) Imino alkane amine prhosphate, Imino alkane amine phosphate.
P–17–0221	3/17/2017	6/15/2017	CBI	(G) Open, non dispersive	(G) Alkylheterocyclic amine blocked isocyanate, alkoxysilane polymer.
P–17–0232	3/2/2017	5/31/2017	CBI	(G) Engineering thermoplastic	(G) Copolyamide of an aromatic dicarboxylic acid and a mixture of diamines.
P–17–0240	3/1/2017	5/30/2017	CBI	(G) Encapsulanting polymer	(G) Alkenoic acid, polymer with alkanepolyolpolyacrylate, 2,2'-azobis[2-methylbutanenitrile]-initiated.
P–17–0241	3/6/2017	6/4/2017	CBI	(S) The first chemical synthesis step in producing a down converting quantum dot (phosphor) solution for use in a light emitting diodes (LED).	(G) Acid, reaction products with cadmium selenide (cdse), trioctylphosphine and trioctylphosphine oxide.
P–17–0242	3/6/2017	6/4/2017	CBI	(S) The second chemical synthesis step in producing a down converting quantum dot (phosphor) solution for use in a light emitting diodes (LED).	(G) Acid, reaction products with cadmium selenide sulfide, acid, trioctylphosphine and trioctylphosphine oxide.
P–17–0243	3/6/2017	6/4/2017	CBI	(S) The third chemical synthesis step in producing a down converting phosphor solution for use in an optical filter.	(G) Acid, reaction products with cadmium metal selenide sulfide, trioctylphosphine and trioctylphosphine oxide.
P–17–0244	3/6/2017	6/4/2017	CBI	(S) A down converting phosphor particle for use in an optical filter.	(G) Metal oxide reaction products with cadmium metal selenide sulfide, and amine.
P–17–0245	3/2/2017	5/31/2017	CBI	(G) Adhesive for open, non-dispersive use	(G) Polyfluoropolyether derivative.
P–17–0247	3/7/2017	6/5/2017	CBI	(G) Chemical raw material	(G) Branched alkyl (c=17) carboxylic acid.
P–17–0248	3/7/2017	6/5/2017	CBI	(G) Chemical raw material	(G) Branched alkyl (c=18) alcohol.
P–17–0249	3/3/2017	6/1/2017	CBI	(G) Open, dispersive use	(G) Amine-functional acrylic polymer.
P–17–0250	3/3/2017	6/1/2017	CBI	(S) Injection molding of special applications.	(G) Pa6i.6t polymer of aromatic dicarboxylic acid and alkane diamine.
P–17–0251	3/9/2017	6/7/2017	CBI	(S) Tracer dye	(G) 1-h-benz[de] isoquinoline-1,3(2h)-dione-2-(-alkyl-)-(-alkyl-amino-),.
P–17–0253	3/14/2017	6/12/2017	CBI	(G) The polymer will be produced and sold to the customer in liquid form. Customers will then blend the polymer to achieve their desired formulation properties.	(G) Oxirane, 2-methyl-, polymer with oxirane, methyl 2-(substituted carbomonocycle isoquinolin-2(3h)-yl) propyl ether.
P–17–0255	3/14/2017	6/12/2017	KAO Specialties Americas LLC.	(G) Additive in toner	(G) Carbomonocyclic dicarboxylic acid, polymer with carbomonocyclic dicarboxylic acid, alkanedioic acid, alkenedioic acid, substituted dioxo-heteropolycyclic, substituted dioxo-heteropolycyclic, alkanedioic acid, alkoxylated alkylidene dicarbomonocycle and alkoxylated alkylidene dicarbomonocycle, ester.
P–17–0256	3/14/2017	6/12/2017	KAO Specialties Americas LLC.	(G) Support resin	(G) Carbopolycyclic dicarboxylic acid, dialkyl ester, polymer with dialkyl carbomonocyclic diester, dialkyl substituted carbomonocyclic diester alkali metal salt and alkanediol.
P–17–0257	3/15/2017	6/13/2017	CBI	(G) Precursor to yarns and fibers (G) Specialty additive (G) Specialty coating	(S) Single walled carbon nanotubes.
P–17–0258	3/15/2017	6/13/2017	CBI	(G) Gypsum foamer	(G) Alcohols, C_{9-11}, ethoxylated, sulfates, ammonium salts.
P–17–0259	3/16/2017	6/14/2017	CBI	(G) Curative for thermosetting resins	(G) Halogenated aromatic amine.
P–17–0261	3/21/2017	6/19/2017	IGM Resins Charlotte, Inc.	(S) Difunctional type II photoinitiator for use in inks and coatings.	(S) Poly(oxy-1,2-ethanediyl),alpha-(2-benzoylbenzoyl)-omega-[(2-benzoylbenzoyl)oxy]-.
P–17–0262	3/21/2017	6/19/2017	CBI	(G) Paint raw materials	(G) Acryl-modified epoxy polymer with vegetable oil, fatty acid, acrylates and methacrylates with organic amine.

TABLE 1—PMNS RECEIVED FROM MARCH 1, 2017 TO MARCH 31, 2017—Continued

Case No.	Received date	Projected notice end date	Manufacturer importer	Use	Chemical
P–17–0263	3/22/2017	6/20/2017	CBI	(G) Most formulators will add less than 5% of *product name* to make their formulated product volume. (i.e. 10 gallon batch would contain 0.5 gallon of our product. Our product will be metered in by hand (via smaller containers) or by pumping into an open and/or closed vessel at desired levels and then mixed mechanically. manufactures/formulators typically use modern manufacturing techniques including ppr, engineering controls, and best management practices.	(G) Zirconium carboxylates sodium complexes.
P–17–0264	3/22/2017	6/20/2017	Allnex USA Inc	(S) Binder for glass coatings (S) Coating resin intermediate	(G) Alkanoic acid, 2-alkyl-, substituted alkyl ester, polymer with alkyl alkenoate, substituted carbomonocycle, substituted alkyl alkenoate and alkyl substituted alkenoate, substituted alkanenitrile-initiated.
P–17–0265	3/22/2017	6/20/2017	Allnex USA Inc	(S) Binder for glass coatings (S) Coating resin intermediate	(G) Alkanoic acid, alkyl-, substituted alkyl ester, polymer with alkyl alkenoate, substituted carbomonocycle, substituted alkyl alkenoate and alkyl substituted alkenoate and alkenoic acid substituted alkanenitrile-initiated, compds. with alkylamino alkanol.
P–17–0266	3/22/2017	6/20/2017	Sasol Chemicals (USA) LLC.	(S) Additive in metalworking fluids (S) Additive in minimum quantity lubricant for metalworking. (S) Chemical intermediate for alcohol derivatives.	(S) Alcohols, C_{12-13}-branched and linear, dimerized.
P–17–0270	3/30/2017	6/28/2017	CBI	(G) Low refractive index coating	(G) Alkyl perfluorinated acryloyl ester. Bottom of Form.

For the 12 NOCs received by EPA during this period, Table 2 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the NOC; the date the NOC was received by EPA; the projected date of commencement provided by the submitter in the NOC; and the chemical identity.

TABLE 2—NOCS RECEIVED FROM MARCH 1, 2017 TO MARCH 31, 2017

Case No.	Received date	Commencement date	Chemical
J–16–0003	3/23/2017	3/21/2017	(S) Genetically engineered yeast yd71578.
P–12–0258	3/3/2017	1/1/2013	(S) 1-butanol, 2-bromo-.
P–12–0258	3/3/2017	1/1/2013	(S) 2-butanol, 1-bromo-.
P–13–0149	3/3/2017	2/24/2017	(G) Substituted hydroxyalkyl methacrylate.
P–15–0450	3/30/2017	3/20/2017	(S) Aluminum cobalt lithium nickel oxide.
P–15–0714	3/2/2017	2/8/2017	(S) Ethanaminium, n,n,n-trimethyl-2-[(1-oxo-2-propen-1-y)oxy]-, chloride (1:1), polymer with ethanedial and 2-propenamide.
P–15–0749	3/16/2017	3/14/2017	(G) Naturally-occurring minerals, reaction products with hetero substituted alkyl acrylate polymer, kaolin and sodium silicate.
P–16–0183	3/15/2017	2/15/2017	(S) 9-octadecenoic acid, 12-hydroxy-, (9z,12r)-, homopolymer, potassium salt (1:1).
P–16–0387	3/3/2017	2/23/2017	(G) Alphatic polycarboxylic acid, polymer with alicylic polyhydric alcohol and polyoxyalkylene.
P–16–0579	3/14/2017	3/11/2017	(G) Waste plastics, poly(ethylene terephthalate), depolymd. with polypropylene glycol ether with glycerol (3:1), polymers with alkenoic and alkanoic acids.
P–17–0019	3/8/2017	2/8/2017	(G) Hydroxyl alkyl acrylate ester, polymer with acrylates, aromatic vinyl monomer, cycloaliphatic lactone, and alkyl carboxylic acid, peroxide initiated.
P–17–0158	3/9/2017	2/16/2017	(G) Perylene bisimide.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: April 26, 2017.

Megan Carroll,

Deputy Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–11933 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0114; FRL–9961–53]

Pesticide Experimental Use Permit; Receipt of Application; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of an application EPA–HQ–OPP–2017–0114 from Bayer CropScience LP requesting an experimental use permit (EUP) for the Bacillus thuringiensis Cry14Ab–1 protein and the genetic material necessary for its production (pSZ8832) in soybean (OECD Unique Identifier: BCS–GM471–2). The Agency has determined that the permit may be of regional and national significance. Therefore, because of the potential significance, EPA is seeking comments on this application.

DATES: Comments must be received on or before July 10, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2017–0114 by one of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide discussed in this document, compared to the general population.

II. What action is the Agency taking?

Under section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water.

Pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and therefore is seeking public comment on the EUP application:

Submitter: Bayer CropScience LP, 264–EUP–RLR.

Pesticide Chemical: Bacillus thuringiensis Cry14Ab-1 protein.

Summary of Request: Bayer CropScience LP is proposing to test the two transformation events GMB471 and GMB151 in soybean, each containing the new plant-incorporated protectant (PIP) active ingredient Cry14Ab–1 protein. This EUP would allow Bayer CropScience LP to generate data in support of a FIFRA section 3 registration application.

Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

Authority: 7 U.S.C. 136 *et seq.*

Dated: April 18, 2017.

Dolores J. Barber,

Director, Information Technology & Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2017–11942 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0007; FRL–9961–13]

Pesticide Product Registration; Receipt of Application for New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any

currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before July 10, 2017.

ADDRESSES: Submit your comments, identified by the Docket Identification (ID) Number and the File Symbol of interest as show in the body of this document by one of the following methods:

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

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.,* Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

EPA received the following applications to register new active ingredients:

File Symbol: 524–AGI. *Docket ID number:* EPA–HQ–OPP–2017–0018. *Applicant:* Monsanto Company, 1300 I (Eye) St. NW., Suite 450 East, Washington, DC 20005. *Product name:* Torque XC Seed Treatment. *Active ingredient:* Plant Growth Regulator—LCO SP104: D-Glucose,O–2-deoxy-2-[[(11Z)-1-oxo-11-octadecen-1-yl]amino]-β-D-glucopyranosyl-(1→4)-O–2-(acetylamino)-2-deoxy-β-D-glucopyranosyl-(1→4)-O–2-(acetylamino)-2-deoxy-β-Dglucopyranosyl-(1→4)-O–2-(acetylamino)- 2-deoxy-β-D-glucopyranosyl-(1→4)-2-(acetylamino)-2-deoxy- at 0.000001%. *Proposed use:* End-use product plant growth regulator for seed treatment of corn. *Contact:* BPPD.

File Symbol: 524–AGO. *Docket ID number:* EPA–HQ–OPP–2017–0018. *Applicant:* Monsanto Company, 1300 I (Eye) St. NW., Suite 450 East, Washington, DC 20005. *Product name:* Torque XL Seed Treatment. *Active ingredient:* Plant Growth Regulator—LCO SP104: D-Glucose,O–2-deoxy-2-[[(11Z)-1-oxo-11-octadecen-1-yl]amino]-β-D-glucopyranosyl-(1→4)-O–2-(acetylamino)-2-deoxy-β-D-glucopyranosyl-(1→4)-O–2-(acetylamino)-2-deoxy-β-Dglucopyranosyl-(1→4)-O–2-(acetylamino)- 2-deoxy-β-D-glucopyranosyl-(1→4)-2-(acetylamino)-2-deoxy- at 0.000001%. *Proposed use:* End-use product plant growth regulator for seed treatment of corn. *Contact:* BPPD.

File Symbol: 524–AGT. *Docket ID number:* EPA–HQ–OPP–2017–0018. *Applicant:* Monsanto Company, 1300 I (Eye) St., NW., Suite 450 East, Washington, DC 20005. *Product name:* Torque CC Seed Treatment. *Active ingredient:* Plant Growth Regulator—LCO SP104: D-Glucose,O–2-deoxy-2-[[(11Z)-1-oxo-11-octadecen-1-yl]amino]-β-D-glucopyranosyl-(1→4)-O–2-(acetylamino)-2-deoxy-β-D-glucopyranosyl-(1→4)-O–2-(acetylamino)-2-deoxy-β-Dglucopyranosyl-(1→4)-O–2-(acetylamino)- 2-deoxy-β-D-glucopyranosyl-(1→4)-2-(acetylamino)-2-deoxy- at 0.000025%. *Proposed use:* End-use product plant growth regulator for seed treatment of canola and corn. *Contact:* BPPD.

File Symbol: 524–AUN. *Docket ID number:* EPA–HQ–OPP–2017–0018. *Applicant:* Monsanto Company, 1300 I (Eye) St. NW., Suite 450 East, Washington, DC 20005. *Product name:* LCO SP104 MP. *Active ingredient:* Plant Growth Regulator—LCO SP104: D-Glucose,O–2-deoxy-2-[[(11Z)-1-oxo-11-octadecen-1-yl]amino]-β-D-glucopyranosyl-(1→4)-O–2-(acetylamino)-2-deoxy-β-D-glucopyranosyl-(1→4)-O–2-(acetylamino)-2-deoxy-β-Dglucopyranosyl-(1→4)-O–2-(acetylamino)- 2-deoxy-β-D-glucopyranosyl-(1→4)-2-(acetylamino)-2-deoxy- at 0.013%. *Proposed use:* Manufacturing-use product for formulating or repacking as a plant growth regulator for use in corn and canola. *Contact:* BPPD.

File Symbol: 80286–EL. *Docket ID Number:* EPA–HQ–OPP–2017–0116. *Applicant:* ISCA Technologies, Inc., 1230 W. Spring St., Riverside, CA 92507. *Product Name:* SPLAT Lobesia. *Active Ingredients:* Straight Chain

Lepidopteran Pheromones—(E,Z)-7,9-Dodecadienyl acetate at 3.6% and (E)-7-Dodecenyl acetate at 0.4%. *Proposed Use:* For use on all food/non-food crops and non-crop areas where the European grapevine moth is detected. *Contact:* BPPD.

File Symbol: 80286–EU. *Docket ID Number:* EPA–HQ–OPP–2017–0116. *Applicant:* ISCA Technologies, Inc., 1230 W. Spring St., Riverside, CA 92507. *Product Name:* ISCA Lobesia MP. *Active Ingredients:* Straight Chain Lepidopteran Pheromones—(E,Z)-7,9-Dodecadienyl acetate at 77.64% and (E)-7-Dodecenyl acetate at 8.63%. *Proposed Use:* For manufacturing use or formulating use only. *Contact:* BPPD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: April 17, 2017.

Delores Barber,

Director, Information Technology & Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2017–11931 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[9957–33–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Louisiana's request to revise its National Primary Drinking Water Regulations Implementation EPA-authorized program to allow electronic reporting.

DATES: EPA's approval is effective July 10, 2017 for the State of Louisiana's National Primary Drinking Water Regulations Implementation program, if no timely request for a public hearing is received and accepted by the Agency.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On December 19, 2016, the Louisiana Department of Health and Hospitals (LDHH) submitted an application titled StarLIMS for revision to its EPA-approved drinking water program under title 40 CFR to allow new electronic reporting. EPA reviewed LDHH's request to revise its EPA-authorized program and, based on this review, EPA determined that the application met the standards for approval of authorized program revision set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Louisiana's request to revise its Part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting under 40 CFR part 141 is being published in the **Federal Register**.

LDHH was notified of EPA's determination to approve its application with respect to the authorized program listed above.

Also, in today's notice, EPA is informing interested persons that they may request a public hearing on EPA's action to approve the State of Louisiana's request to revise its authorized public water system program under 40 CFR part 142, in accordance with 40 CFR 3.1000(f). Requests for a hearing must be submitted to EPA within 30 days of publication of today's **Federal Register** notice. Such requests should include the following information:

(1) The name, address and telephone number of the individual, organization or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in EPA's determination, a brief explanation as to why EPA should hold a hearing, and any other information that the requesting person wants EPA to consider when determining whether to grant the request;

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

In the event a hearing is requested and granted, EPA will provide notice of the hearing in the **Federal Register** not less than 15 days prior to the scheduled hearing date. Frivolous or insubstantial requests for hearing may be denied by EPA. Following such a public hearing, EPA will review the record of the hearing and issue an order either affirming today's determination or rescinding such determination. If no timely request for a hearing is received and granted, EPA's approval of the State of Louisiana's request to revise its part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting will become effective 30 days after today's notice is published, pursuant to CROMERR section 3.1000(f)(4).

Matthew Leopard,

Director, Office of Information Management.

[FR Doc. 2017–11904 Filed 6–7–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1199]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before August 7, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1199.

Title: Section 15.407(j), U–NII Operator Filing Requirement.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents and Responses: 17 respondents; 17 responses.

Estimated Time per Response: 32 hours.

Frequency of Response: On occasion and one-time reporting requirements, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this Information collection is contained in 47 U.S.C. Sections 154(i), 302, 303, 303(r), and 307.

Total Annual Burden: 544 hours.

Total Annual Costs: No cost.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) after this 60 day comment period in order to obtain the full year three year clearance from them.

On March 2, 2016, the Commission adopted a Memorandum Opinion and Order, *Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U–NII) in the 5 GHz Band,* ET Docket No. 13–49, FCC 16–24. Section 15.407(j) of the rules established filing requirements for U–NII operators that deploy a collection of more than one thousand outdoor access points with the 5.15–5.25 GHz band, parties must submit a letter to the Commission acknowledging that, should harmful interference to licensed services in this band occur, they will be required to take corrective action. Corrective actions may include reducing power, turning off devices, changing frequency bands, and/or further reducing power radiated in the vertical direction. This material shall be submitted to Laboratory Division, Office of Engineering and Technology, Federal Communications Commission, 7435 Oakland Mills Road, Columbia, MD, 21046 Attn: U–NII Coordination, or via Web site at *https://www.fcc.gov/labhelp* with the SUBJECT LINE: ''U–NII–1 Filing''.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–11892 Filed 6–7–17; 8:45 am]

BILLING CODE 6712–01–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 July 5, 2017.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President), 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *First American Bankshares, Inc.,* Fort Atkinson, Wisconsin; to acquire voting shares of Commercial Bancshares, Inc., and thereby indirectly acquire voting shares of Commercial Bank, both of Whitewater, Wisconsin.

Board of Governors of the Federal Reserve System, June 5, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–11913 Filed 6–7–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 23, 2017.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President), 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Commercial Bancshares, Inc.,* Houston, Texas; to continue to engage in Lending activities pursuant to 12 CFR 225.28(b)(1) of Regulation Y by extending credit.

Board of Governors of the Federal Reserve System, June 5, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–11912 Filed 6–7–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The FTC intends to ask the Office of Management and Budget (''OMB'') to extend for an additional three years the current Paperwork Reduction Act (''PRA'') clearance for information collection requirements contained in its Fuel Rating Rule (''Rule''). That clearance expires on July 31, 2017.

DATES: Comments must be filed by July 10, 2017.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Fuel Rating Rule PRA Comment, FTC File No. P144200'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/fuelratingpra2,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to Hampton Newsome, Attorney, Division of Enforcement, Federal Trade Commission, Room CC–9528, 600 Pennsylvania Avenue NW., Washington, DC 20580, (202) 326–2889.

SUPPLEMENTARY INFORMATION: On March 14, 2017, the FTC sought public comment on the information collection requirements in the Funeral Rule (''March 14, 2017 Notice''),[1] 16 CFR part 453 (OMB Control Number 3084–0025). No relevant comments were received. Pursuant to the OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing this second opportunity for public comment while seeking OMB approval to renew clearance for the Rule's information collection requirements.

Burden statement: As explained in the March 14, 2017 Notice, FTC staff estimates that Rule compliance entails a total of 32,587 total burden hours (consisting of 13,035 recordkeeping hours and 19,552 disclosure hours), associated labor costs of $364,207, and non-labor/capital costs of $39,899. Staff retains those estimates for comment on the instant **Federal Register** Notice.

Request for Comment: You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before July 10, 2017. Write ''Fuel Rating Rule PRA Comment, FTC File No. P144200'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/fuelratingpra2,* by following the instructions on the web-based form. When this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Fuel Rating Rule PRA Comment, FTC File No. P144200'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610, Washington, DC 20024. If possible, please submit your paper comment to the Commission by courier or overnight service.

Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail are subject to delays due to heightened security precautions. Thus, comments instead can also be sent via email to *wliberante@omb.eop.gov.*

Because your comment will be placed on the publicly accessible FTC Web site at *https://www.ftc.gov/,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other

[1] 82 FR 13602 (March 14, 2017).

state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Web site—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC Web site to read this Notice. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before July 10, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

David C. Shonka,

Acting General Counsel.

[FR Doc. 2017–11938 Filed 6–7–17; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: Request for Specific Consent to Juvenile Court Jurisdiction.

OMB No.: 0970–0385.

Description: Section 235(d) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA of 2008), Public Law 110–457 directs the Secretary of HHS to grant or deny requests for specific consent for unaccompanied alien children (UAC) in HHS custody who seek to invoke the jurisdiction of a state court for a dependency order and who also seek to invoke the jurisdiction of a state court to determine or alter his or her custody status or release from the Office of Refugee Resettlement (ORR). These requests can be extremely time sensitive since a child must ask a state court for dependency before turning 18 years old.

In March 2011, the Office of Management and Budget (OMB) approved ORR's request to use an instrument to collect the necessary information from unaccompanied alien children, their attorneys, or other representatives to allow HHS to approve or deny consent requests. The instrument, Request for Specific Consent to Juvenile Court Jurisdiction (the ORR–C–1), collects the requestor's identifying information, basic identifying information on the unaccompanied alien child, the name of the HHS-funded facility where the child is in HHS custody and care, the name of the court and its location, and the kind of request (*e.g.,* for a change in custody, etc.). The information collection includes the request for the unaccompanied alien child's attorney or authorized representative to attach a Notice of Representation, which is an approved federal government agency form used for immigration procedures that authorizes the attorney to act on behalf of the child (*i.e.,* G–28, EOIR–28, EOIR–29), or any other form of authorization to act on behalf of the unaccompanied alien child.

Respondents: Attorneys, accredited legal representatives, or others authorized to act on behalf of an unaccompanied alien child.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ORR C–1	30	1	0.33	9.9

Estimated Total Annual Burden Hours: 9.9.

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.* 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. 2017–11909 Filed 6–7–17; 8:45 am]

BILLING CODE 4185–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB No.: 0970–0030]

Proposed Information Collection Activity; Comment Request; Refugee Assistance Program Estimates: CMA—ORR–1

Description: The ORR–1, Cash and Medical Assistance (CMA) Program Estimates, is the application for grants under the CMA program. The application is required by the Office of Refugee Resettlement (ORR) program regulations at 45 CFR 400.11(b). The regulation specifies that States must submit, as their application for this program, estimates of the projected costs they anticipate incurring in providing cash and medical assistance for eligible recipients and the costs of administering the program. Under the CMA program, States are reimbursed for the costs of providing these services and benefits for eight months after an eligible recipient arrives in this country. The eligible recipients for these services and benefits are refugees, Amerasians, Cuban and Haitian Entrants, asylees, Afghans and Iraqi with Special Immigrant Visas, and victims of a severe form of trafficking. States that provide services for unaccompanied refugee minors also provide an estimate for the cost of these services for the year for which they are applying for grants.

ORR proposes streamlining language to make the instructions easier to read. ORR proposes adding language for clarification and consistency across programs. Additionally, ORR proposes to require states to submit copies of their contracts with URM providers with the submission.

Respondents: State Agencies, Replacement Designees under 45 CFR 400.301(c), and Wilson-Fish Grantees (State 2 Agencies) administering or supervising the administration of programs under Title IV of the Act.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ORR–1, Cash and Medical Assistance Program Estimates	55	1	0.60	27.60

Estimated Total Annual Burden Hours: 27.60.

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Ch. 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.* 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. 2017–11874 Filed 6–7–17; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0001]

Bacteriophage Therapy: Scientific and Regulatory Issues; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA), Center for Biologics Evaluation and Research, and the National Institutes of Health, National Institute of Allergy and Infectious Diseases are announcing a public workshop entitled ''Bacteriophage Therapy: Scientific and Regulatory Issues.'' The purpose of the public workshop is to exchange information with the medical and scientific community about the regulatory and scientific issues associated with bacteriophage therapy.

DATES: The public workshop will be held on July 10, 2017, from 8:30 a.m. to 5 p.m. and July 11, 2017, from 8:30 a.m. to 3 p.m. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public workshop will be held at 5601 Fishers Lane, Rm. 1D–13, Rockville, MD 20852. Entrance for public workshop participants is through the lobby where routine security check procedures will be performed. For parking and security information, please refer to the registration Web site provided in section III of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: James Ginther or Cynthia Whitmarsh, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 4122, Silver Spring, MD 20993, Ph. 240–402–8010, email: *CBERPublicEvents@fda.hhs.gov* (subject line: Bacteriophage Public Workshop).

SUPPLEMENTARY INFORMATION:

I. Background

Since their discovery approximately one hundred years ago, bacteriophages have been investigated as a way to treat bacterial infections. In much of the world, the discovery, development, and implementation of antibiotic therapies led to a loss of interest in bacteriophages as a means to fight infections. However, in recent years, interest in this form of treatment has resurged, fueled by the increasing prevalence of antibiotic-resistant bacteria.

II. Topics for Discussion at the Public Workshop

The public workshop will bring together government agencies, academia, industry, and other stakeholders involved in research,

development, and regulation of bacteriophages intended for therapeutic use in humans. The aims of the workshop are to discuss the scientific and regulatory considerations for bacteriophage therapies and to provide a forum for the exchange of information and perspectives, with the ultimate goal of facilitating development and rigorous clinical assessment of bacteriophage therapy products.

III. Participating in the Public Workshop

Registration: To register for the public workshop, please visit the following Web site: *https://www.eventbrite.com/e/bacteriophage-therapy-public-workshop-tickets-32333252629.* Persons interested in attending this public workshop must register online by June 29, 2017. Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

Registration is free and based on space availability, with priority given to early registrants. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. There will be no onsite registration.

If you need special accommodations due to disability, please contact James Ginther or Cynthia Whitmarsh no later than 7 days in advance of the workshop (see **FOR FURTHER INFORMATION CONTACT**).

Transcripts: Please be advised that as soon as a transcript of the public workshop is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. A link to the transcript will also be available on the Internet at: *https://www.fda.gov/BiologicsBloodVaccines/NewsEvents/WorkshopsMeetingsConferences/ucm544294.htm.*

Dated: June 2, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–11862 Filed 6–7–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the 2018 Physical Activity Guidelines Advisory Committee

AGENCY: Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act (FACA), the U.S. Department of Health and Human Services (HHS) is hereby giving notice that the fourth meeting of the 2018 Physical Activity Guidelines Advisory Committee (2018 PAGAC or Committee) will be held. This meeting will be open to the public via video cast.

DATES: The meeting will be held on July 19, 2017, from 1:00 p.m. E.D.T. to 5:00 p.m. E.D.T., on July 20, 2017, from 8:00 a.m. to 5:00 p.m. E.D.T., and on July 21, 2017, from 8:00 a.m. E.D.T. to 11:00 a.m. E.D.T.

ADDRESSES: The meeting will be accessible by video cast on the Internet.

FOR FURTHER INFORMATION CONTACT: Designated Federal Officer, 2018 Physical Activity Guidelines Advisory Committee, Richard D. Olson, M.D., M.P.H. and/or Alternate Designated Federal Officer, Katrina L. Piercy, Ph.D., R.D., Office of Disease Prevention and Health Promotion (ODPHP), Office of the Assistant Secretary for Health (OASH), HHS; 1101 Wootton Parkway, Suite LL–100; Rockville, MD 20852; Telephone: (240) 453–8280. Additional information is available at *www.health.gov/paguidelines.*

SUPPLEMENTARY INFORMATION: The inaugural *Physical Activity Guidelines for Americans* (PAG), issued in 2008, represents the first comprehensive guidelines on physical activity issued by the federal government. The PAG serves as the benchmark and primary, authoritative voice of the federal government for providing science-based guidance on physical activity, fitness, and health for Americans. The second edition of the PAG will build upon the first edition and provide a foundation for federal recommendations and education for physical activity programs for Americans, including those at risk for chronic disease.

Description of the Committee's Mission and Composition: The 2018 PAGAC was established to perform a single, time-limited task. The work of the Committee is solely advisory in nature. The Committee is charged to examine the current PAG, take into consideration new scientific evidence and current resource documents, and develop a scientific report to the Secretary of HHS that outlines its science-based advice and recommendations for development of the second edition of the PAG. The Committee consists of 17 members, who were appointed by the Secretary in June 2016. Information on the Committee membership is available at *www.health.gov/paguidelines/second-edition/committee/.*

It is planned for the Committee to hold five meetings to accomplish its mission. The first meeting was held in July 2016, the second meeting was held in October 2016, and the third meeting was held in March 2017. It is planned for the fifth meeting of the Committee to be held during the third week in October 2017. It is stipulated in the charter that the Committee will be terminated after delivery of its report to the Secretary of HHS or two years from the date the charter was filed, whichever comes first.

Purpose of the Meeting: In accordance with FACA and to promote transparency of the process, deliberations of the Committee will occur in a public forum. At this meeting, the Committee will continue its deliberations from the last public meeting.

Meeting Agenda: The meeting will include review of subcommittee work since the last public meeting and deliberation by the full Committee, discussion of overarching issues, and plans for future Committee work.

Meeting Registration: The meeting is open to the public via video cast; pre-registration is required. To register, please visit *www.health.gov/paguidelines.* After registration, individuals will receive video cast access information via email. To request a special accommodation, please email *jennifer.gillissen@kauffmaninc.com.*

Public Comments and Meeting Documents: Written comments from the public are being accepted throughout the Committee's deliberative process and can be submitted and/or viewed at *www.health.gov/paguidelines/pcd/.* Documents pertaining to Committee deliberations, including meeting agendas and summaries are available on *www.health.gov/paguidelines.* Meeting information will continue to be accessible online and upon request at the Office of Disease Prevention and Health Promotion, OASH/HHS; 1101 Wootton Parkway, Suite LL100 Tower Building; Rockville, MD 20852; Telephone: (240) 453–8280; Fax: (240) 453–8281.

Dated: May 17, 2017.

Don Wright,

Deputy Assistant Secretary for Health, (Disease Prevention and Health Promotion).

[FR Doc. 2017–11898 Filed 6–7–17; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Nursing Research Special Emphasis Panel; NINR Clinical Trial Planning Grant–R34 SEP.

Date: June 29, 2017.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of Nursing Research, One Democracy Plaza, 6701 Democracy Boulevard, Room 703, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Tamizchelvi Thyagarajan, Ph.D., Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, Bethesda, MD 20892, (301) 594–0343, *tamizchelvi.thyagarajan@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: June 1, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–11873 Filed 6–7–17; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Collaborative Applications: Child Psychopathology.

Date: June 23, 2017.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Fairmont Hotel San Francisco, 950 Mason Street, San Francisco, CA 94108.

Contact Person: Jane A Doussard-Roosevelt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–4445, *doussarj@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Acute Neural Injury and Epilepsy.

Date: June 28, 2017.

Time: 8:00 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Vascular and Hematology.

Date: June 28, 2017.

Time: 10:00 a.m. to 11:59 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301–435–1206, *komissar@mail.nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Acute Neural Injury and Epilepsy Study Section.

Date: June 28–29, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov*.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative Physiology of Obesity and Diabetes Study Section.

Date: June 29–30, 2017.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront, 71 E Upper Wacker Drive, Chicago, IL 60601.

Contact Person: Raul Rojas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6185, Bethesda, MD 20892, (301) 451–6319, *rojasr@mail.nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group Neurotransporters, Receptors, and Calcium Signaling Study Section.

Date: June 29, 2017.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Peter B. Guthrie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov*.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group, Therapeutic Approaches to Genetic Diseases Study Section.

Date: June 29, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Methode Bacanamwo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2200, Bethesda, MD 20892, 301–827–7088, *methode.bacanamwo@nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Drug Discovery for the Nervous System Study Section.

Date: June 29, 2017.

Time: 8:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Mary Custer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery for Aging, Neuropsychiatric and Neurologic Disorders.

Date: June 29–30, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington DC, 2401 M Street NW., Washington, DC 20037.

Contact Person: Joseph G. Rudolph, Ph.D., Chief and Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892, 301–408–9098, *josephru@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Clinical Neurophysiology, Devices, Neuroprosthetics, and Biosensors.

Date: June 29–30, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington, DC Dupont Circle Hotel, 1143 New Hampshire Ave. NW., Washington, DC 20037.

Contact Person: Cristina Backman, Ph.D., Scientific Review Officer, ETTN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7846, Bethesda, MD 20892, 301–480–9069, *cbackman@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Non-HIV Anti-Infective Therapeutics.

Date: June 29–30, 2017.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435–2306, *kaushikbasun@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Non-HIV Diagnostics, Food Safety, Sterilization/Disinfection and Bioremediation.

Date: June 29–30, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marines' Memorial Club & Hotel, 609 Sutter Street, San Francisco, CA 94102.

Contact Person: Gagan Pandya, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, RM 3200, MSC 7808, Bethesda, MD 20892, 301–435–1167, *pandyaga@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Sensory and Motor Neuroscience, Cognition and Perception.

Date: June 29–30, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The St. Regis Washington DC, 923 16th Street NW., Washington, DC 20006.

Contact Person: Sharon S Low, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 7846, Bethesda, MD 20892, 301–237–1487, *lowss@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Immunology.

Date: June 29–30, 2017.

Time: 8:00 a.m. to 10:00 a.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Liying Guo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4016F, Bethesda, MD 20892, 301–435–0908, *lguo@mail.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group, Community Influences on Health Behavior Study Section.

Date: June 29–30, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Dupont Hotel, 1500 New Hampshire Avenue NW., Washington, DC 20036.

Contact Person: Tasmeen Weik, DRPH, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, Bethesda, MD 20892, 301–827–6480, *weikts@mail.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Cardiac Contractility, Hypertrophy, and Failure Study Section.

Date: June 29–30, 2017.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Abdelouahab Aitouche, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4222, MSC 7814, Bethesda, MD 20892, 301–435–2365, *aitouchea@csr.nih.gov.*

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Cancer Molecular Pathobiology Study Section.

Date: June 29–30, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Manzoor Zarger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435–2477, *zargerma@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Hepatobiliary Pathophysiology Study Section.

Date: June 29–30, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156, Bethesda, MD 20892, 301–827–4417, *jianxinh@csr.nih.gov.*

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Tumor Progression and Metastasis Study Section.

Date: June 29–30, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Rolf Jakobi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7806, Bethesda, MD 20892, 301–495–1718, *jakobir@mail.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetics of Health and Disease Study Section.

Date: June 29–30, 2017.

Time: 8:30 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Georgetown, 2350 M Street NW., Washington, DC 20037.

Contact Person: Cheryl M. Corsaro, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, (301) 435–1045, *corsaroc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR15–162: Pilot and Feasibility Clinical Research Grants in Urologic Disorders.

Date: June 29, 2017.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ganesan Ramesh, Ph.D., Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr. Room 2182 MSC 7818, Bethesda, MD 20892, 301–827–5467, *ganesan.ramesh@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Bioengineering Sciences and Technologies: AREA Review.

Date: June 29, 2017.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: David Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, *filpuladr@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 16–234: Accelerating the Pace of Drug Abuse Research Using Existing Data.

Date: June 29, 2017.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kate Fothergill, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3142, Bethesda, MD 20892, 301–435–2309, *fothergillke@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: The Biostatistical Methods and Research Design.

Date: June 29, 2017.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Rafael Semansky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 2040M, Bethesda, MD 20892, 301–496–5749, *semanskyrm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Interventions and Mechanisms for Addiction.

Date: June 29, 2017.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Marc Boulay, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892, (301) 300–6541, *boulaymg@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: June 2, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–11875 Filed 6–7–17; 8:45 am]

BILLING CODE 4140–01–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 (5 U.S.C. App.), 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; NIH Support for Conferences and Scientific Meetings (Parent R13).

Date: July 5–7, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Kelly Y. Poe, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3F40B, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5036, *poeky@mail.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: June 2, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–11878 Filed 6–7–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Clinical Trials Review Committee; AMSC Review Meeting.

Date: June 27–28, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Kathy Salaita, Sc.D., Chief, Scientific Review Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, DHHS/National Institutes of Health, 6701 Democracy Blvd. Rm. 818, Bethesda, MD 20892, 301–594–5033 (office), 301–402–2406 (fax), *Kathy.Salaita@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 2, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–11879 Filed 6–7–17; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR: Selected Topics in Transfusion Medicine.

Date: June 29–30, 2017.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ai-Ping Zou, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9497, *zouai@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Molecular Probes.

Date: June 30, 2017.

Time: 8:00 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Mary Custer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cancer Biotherapeutics Development.

Date: June 30, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Nicholas J Donato, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040, Bethesda, MD 20817, 301–827–4810, *nick.donato@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Bioanalytical Chemistry, Biophysics, and Assay Development.

Date: June 30, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar, 2121 P Street NW., Washington, DC 20037.

Contact Person: Vonda K Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6188, MSC 7892, Bethesda, MD 20892, 301–435–1789, *smithvo@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Dermatology, Rheumatology and Inflammation.

Date: June 30, 2017.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Rajiv Kumar, Ph.D., Chief, MOSS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7802, Bethesda, MD 20892, 301–435–1212, *kumarra@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Health Disparities in and Caregiving for Alzheimer's Disease.

Date: June 30, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington DC, Dupont Circle, 1143 New Hampshire Avenue NW., Washington, DC 20037.

Contact Person: Gabriel B. Fosu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, MSC 7808, Bethesda, MD 20892, (301) 435–3562, *fosug@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Non-HIV Microbial Diagnostic and Detection Research.

Date: June 30, 2017.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marines' Memorial Club & Hotel, 609 Sutter Street, San Francisco, CA 94102.

Contact Person: Gagan Pandya, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, RM 3200, MSC 7808, Bethesda, MD 20892, 301–435–1167, *pandyaga@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict Special Emphasis Panel.

Date: June 30, 2017.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: David R. Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7806, Bethesda, MD 20892, (301)–435–1722, *jollieda@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Metabolic Reprogramming to Improve Immunotherapy.

Date: June 30, 2017.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Denise R. Shaw, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6158, MSC 7804, Bethesda, MD 20892, 301–435–0198, *shawdeni@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; AREA: Immunology.

Date: June 30, 2017.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Liying Guo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4016F, Bethesda, MD 20892, 301–435–0908, *lguo@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: BTSS and SAT.

Date: June 30, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Guo Feng Xu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, 301–237–9870, *xuguofen@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Dermatology and Autoimmune Diseases.

Date: June 30, 2017.

Time: 1:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Rajiv Kumar, Ph.D., Chief, MOSS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7802, Bethesda, MD 20892, 301–435–1212, *kumarra@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR16–228: Metabolic Reprogramming to Improve Immunotherapy (R01).

Date: June 30, 2017.

Time: 12:00 p.m. to 12:30 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: Syed M. Quadri, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, 301–435–1211, *quadris@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Screenable Disorders: Therapeutics, Tools and Natural History.

Date: June 30, 2017.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Methode Bacanamwo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2200, Bethesda, MD 20892, 301–827–7088, *methode.bacanamwo@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: June 2, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–11876 Filed 6–7–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Human Genome Research Institute Special Emphasis Panel; R25 DAP (Diversity Action Plan).

Date: June 19, 2017.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, 3rd Floor Conf. Room #3146, 5635 Fishers Lane, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Keith McKenney, PhD., Scientific Review Officer, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20814, 301–594–4280, *mckenneyk@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: June 1, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–11877 Filed 6–7–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Draft National Toxicology Program Technical Reports; Availability of Documents; Request for Comments; Notice of Meeting

SUMMARY: The National Toxicology Program (NTP) announces the availability of three draft NTP Technical Reports (TRs) scheduled for peer review: *p*-chloro-α,α,α-trifluorotoluene, dietary zinc, and 2,3-butanedione. The peer review meeting is open to the public. Registration is requested for both public attendance and oral comment and required to access the webcast. Information about the meeting and registration are available at *http://ntp.niehs.nih.gov/go/36051.*

DATES:

Meeting: July 13, 2017, 8:00 a.m. to adjournment at approximately 4:00 p.m. Eastern Daylight Time (EDT).

Document Availability: Draft TRs are available on the NTP Web site at *http://ntp.niehs.nih.gov/go/36051.*

Written Public Comment Submissions: Deadline is July 6, 2017.

Registration for Oral Comments: Deadline is July 6, 2017.

Registration for Meeting and/or to View Webcast: Deadline is July 13, 2017. Registration to view the meeting via webcast is required.

ADDRESSES:

Meeting Location: Rodbell Auditorium, Rall Building, NIEHS, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Meeting Web page: The draft TRs, preliminary agenda, registration, and other meeting materials will be available at *http://ntp.niehs.nih.gov/go/36051.*

Webcast: The URL for viewing webcast will be provided to those who register.

FOR FURTHER INFORMATION CONTACT: Canden Byrd, ICF, 2635 Meridian Parkway, Suite 200, Durham, NC, USA 27713. Phone: (919) 293–1660, Fax: (919) 293–1645, Email: *canden.byrd@icf.com.*

SUPPLEMENTARY INFORMATION:

Meeting and Registration: The meeting is open to the public with time set aside for oral public comment; attendance at the NIEHS is limited only by the space available. Registration to attend the meeting in-person and/or view webcast is by July 13, 2017, at *http://ntp.niehs.nih.gov/go/36051.* Registration is required to view the webcast; the URL for the webcast will be provided in the email confirming registration. Visitor and security information for those attending in-person is available at *http://www.niehs.nih.gov/about/visiting/index.cfm.* Individuals with disabilities who need accommodation to participate in this event should contact Canden Byrd by phone: (919) 293–1660 or email: *canden.byrd@icf.com.* TTY users should contact the Federal TTY Relay Service at (800) 877–8339. Requests should be made at least five business days in advance of the event.

The draft TRs are available on the NTP Web site at *http://ntp.niehs.nih.gov/go/36051.* The preliminary agenda will be posted by June 1, 2017. Additional information will be posted when available or may be requested in hardcopy, see **FOR FURTHER INFORMATION CONTACT**. Following the meeting, a report of the peer review will be prepared and made available on the NTP Web site. Individuals are encouraged to access the meeting Web page to stay abreast of the most current information.

Request for Comments: The NTP invites written and oral public comments on the draft TRs. The deadline for submission of written comments is July 6, 2017, to enable review by the peer review panel and NTP staff prior to the meeting. Registration to provide oral comments is by July 6, 2017, at *http://ntp.niehs.nih.gov/go/36051.* Public comments and any other correspondence on the draft TRs should be sent to the **FOR FURTHER INFORMATION CONTACT**. Persons submitting written comments should include their name, affiliation, mailing address, phone, email, and sponsoring organization (if any). Written comments received in response to this notice will be posted on the NTP Web site, and the submitter will be identified by name, affiliation, and/or sponsoring organization (if any). Guidelines for public comments are at *https://ntp.niehs.nih.gov/ntp/about_ntp/guidelines_public_comments_508.pdf.*

Public comment at this meeting is welcome, with time set aside for the presentation of oral comments on the draft TRs. In addition to in-person oral comments at the NIEHS, public comments can be presented by teleconference line. There will be 50 lines for this call; availability is on a first-come, first-served basis. The lines will be open from 8:00 a.m. until adjournment at approximately 4:00 p.m. EDT on July 13, 2017, although oral comments will be received only during the formal public comment periods indicated on the preliminary agenda. The access number for the teleconference line will be provided to registrants by email prior to the meeting. Each organization is allowed one time slot for each draft TR. At least 7 will be allotted to each time slot, and if time permits, may be extended to 10 minutes at the discretion of the chair.

Persons wishing to make an oral presentation are asked to register online at *http://ntp.niehs.nih.gov/go/36051* by July 6, 2017, and indicate whether they will present comments in-person or via the teleconference line. If possible, oral public commenters should send a copy of their slides and/or statement or talking points at that time. Written statements can supplement and may expand the oral presentation.

Registration for in-person oral comments will also be available at the meeting, although time allowed for presentation by on-site registrants may be less than that for registered speakers and will be determined by the number of speakers who register on-site.

Background Information on NTP Peer Review Panels: NTP panels are technical, scientific advisory bodies established on an ''as needed'' basis to provide independent scientific peer review and advise the NTP on agents of public health concern, new/revised toxicological test methods, or other issues. These panels help ensure transparent, unbiased, and scientifically rigorous input to the program for its use in making credible decisions about human hazard, setting research and testing priorities, and providing information to regulatory agencies about alternative methods for toxicity screening. The NTP welcomes nominations of scientific experts for upcoming panels. Scientists interested in serving on an NTP panel should provide current curriculum vitae to the **FOR FURTHER INFORMATION CONTACT**. The authority for NTP panels is provided by 42 U.S.C. 217a; section 222 of the Public Health Service (PHS) Act, as amended. The panel is governed by the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: May 23, 2017

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2017–11885 Filed 6–7–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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 Environmental Health Sciences Special Emphasis Panel; NIH Support for Conferences and Scientific Meetings Parent R13

Date: June 27, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27713.

Contact Person: Laura A. Thomas, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, Research Triangle Park, NC 27709, 919–541–2824, *laura.thomas@nih.gov*.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Review Meeting of Outstanding New Environmental Scientist Program.

Date: June 28, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Place Durham/Southpoint, 7840 NC–751, Durham, NC 27713.

Contact Person: Janice B. Allen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Science, P.O. Box 12233, MD EC–30/Room 3170 B, Research Triangle Park, NC 27709, 919–541–7556, *allen9@niehs.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: June 2, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–11872 Filed 6–7–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) National Advisory Council will meet on June 19, 2017, 1:30 p.m.–2:00 p.m., in Rockville, MD.

The meeting will include the review, discussion, and evaluation of grant applications reviewed by the Initial Review Group, and involve an examination of confidential financial and business information as well as personal information concerning the applicants. Therefore, these meetings will be closed to the public as determined by the SAMHSA Assistant Secretary for Mental Health and Substance Use, in accordance with Title 5 U.S.C. 552b(c)(4) and (c)(6); and 5 U.S.C. App. 2, Section 10(d).

Committee Name: Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention National Advisory Council.

Date/Time/Type: June 19, 2017, 1:30 p.m.–2:00 p.m. (CLOSED).

Place: SAMHSA Building, 5600 Fishers Lane, Rockville, MD 20857.

Contact: Matthew J. Aumen, Designated Federal Officer, SAMHSA/CSAP National Advisory Council, 5600 Fishers Lane, Rockville, MD 20857, Email: *Matthew.Aumen@samhsa.hhs.gov.*

Carlos R. Castillo,

Committee Management Officer, SAMHSA.

[FR Doc. 2017–11881 Filed 6–7–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Effective Date for the Automated Commercial Environment (ACE) Becoming the Sole CBP-Authorized Electronic Data Interchange (EDI) System for Processing Electronic Drawback and Duty Deferral Entry and Entry Summary Filings

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: On August 30, 2016, U.S. Customs and Border Protection (CBP) published a notice in the **Federal Register** announcing plans to make the Automated Commercial Environment (ACE) the sole electronic data interchange (EDI) system authorized by the Commissioner of CBP for processing electronic drawback and duty deferral entry and entry summary filings. The effective date for the changes announced in that notice had been delayed indefinitely. This notice announces that the effective date for the transition will be July 8, 2017.

DATES: *Effective July 8, 2017:* ACE will be the sole CBP-authorized EDI system for processing electronic drawback and duty deferral entry and entry summary filings, and the Automated Commercial System (ACS) will no longer be a CBP-authorized EDI system for processing these filings.

FOR FURTHER INFORMATION CONTACT: Questions related to this notice may be emailed to *ASKACE@cbp.dhs.gov* with the subject line identifier reading ''ACS to ACE Drawback and Duty Deferral Entry and Entry Summary Filings transition''.

SUPPLEMENTARY INFORMATION: On August 30, 2016, U.S. Customs and Border Protection (CBP) published a notice in the **Federal Register** (81 FR 59644) announcing plans to make the Automated Commercial Environment (ACE) the sole electronic data interchange (EDI) system authorized by the Commissioner of CBP for processing electronic drawback and duty deferral entry and entry summary filings, with an effective date of October 1, 2016. The document also announced that, on October 1, 2016, the Automated Commercial System (ACS) would no longer be a CBP-authorized EDI system for purposes of processing these electronic filings. Finally, the notice announced a name change for the ACE filing code for duty deferral and the creation of a new ACE filing code for all electronic drawback filings, replacing the six distinct drawback codes previously filed in ACS. On October 3, 2016, CBP published a notice in the **Federal Register** (81 FR 68023) announcing that the effective date for these changes would be delayed until further notice. Thereafter, on December 12, 2016, CBP published a notice in the **Federal Register** (81 FR 89486) announcing that the new effective date for the transition would be January 14, 2017. On January 17, 2017, CBP published an additional notice in the **Federal Register** (82 FR 4900) delaying the effective date for the transition until further notice.

This notice announces that the new effective date for the transition will be July 8, 2017. At that time, ACE will become the sole CBP-authorized EDI system for electronic drawback and duty deferral entry and entry summary filings, and ACS will no longer be a CBP-authorized EDI system for purposes of processing these electronic filings.

Dated: June 2, 2017.

Kevin K. McAleenan,

Acting Commissioner, U.S. Customs and Border Protection.

[FR Doc. 2017–11897 Filed 6–7–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Effective Date for Modifications of the National Customs Automation Program Tests Regarding Reconciliation, Post-Summary Corrections, and Periodic Monthly Statements

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This notice announces that the effective date for the modifications to the National Customs Automation Program (NCAP) tests regarding Reconciliation, Post-Summary Corrections, and Periodic Monthly Statements will be July 8, 2017. U.S. Customs and Border Protection (CBP) announced these modifications in notices previously published in the **Federal Register**. The effective dates for the modifications had been delayed.

DATES: *Effective July 8, 2017.* The effective date for the modifications to the Reconciliation, Post-Summary Correction, and Periodic Monthly Statement NCAP tests will be July 8, 2017.

ADDRESSES: Comments concerning the reconciliation test program may be submitted any time during the test via email, with a subject line identifier reading, ''Comment on Reconciliation test'', to *OFO-RECONFOLDER@cbp.dhs.gov.*

Comments concerning the Post-Summary Correction and Periodic Monthly Statement test programs may be submitted via email to Monica Crockett at *ESARinfoinbox@dhs.gov* with a subject line identifier reading, ''Post-Summary Corrections and Periodic Monthly Statements.''

FOR FURTHER INFORMATION CONTACT: *Reconciliation:* Acenitha Kennedy, Entry Summary and Revenue Branch, Trade Policy and Programs, Office of Trade, at (202) 863–6064 or *ACENITHA.KENNEDY@CBP.DHS.GOV. PSC and PMS:* For policy-related questions, contact Randy Mitchell, Director, Commercial Operations, Trade Policy and Programs, Office of Trade, at *Randy.Mitchell@cbp.dhs.gov.* For technical questions related to ABI transmissions, contact your assigned client representative. Interested parties without an assigned client representative should contact the Client Representative Branch at (703) 650–3500.

SUPPLEMENTARY INFORMATION:

Background

I. Reconciliation Test

On December 12, 2016, U.S. Customs and Border Protection (CBP) published a notice entitled ''Modification of the National Customs Automation Program Test Regarding Reconciliation and Transition of the Test from the Automated Commercial System to the Automated Commercial Environment'' in the **Federal Register** (81 FR 89486), with an effective date of January 14, 2017. This notice announced modifications to the National Customs Automation Program (NCAP) test regarding reconciliation, and the transition of the test from the Automated Commercial System (ACS) to the Automated Commercial Environment (ACE). On January 17, 2017, CBP published a notice in the **Federal Register** (82 FR 4901) announcing that the effective date for the test modifications would be delayed indefinitely.

CBP has assessed stakeholder readiness for the mandatory transition of post-release capabilities in ACE, including the modifications to the reconciliation test and the transition of reconciliation filings from ACS to ACE. This notice announces that the new effective date for the modifications to the reconciliation test, as announced in the December 12, 2016 notice published in the **Federal Register**, and for mandatory filing of reconciliation entries in ACE will be July 8, 2017.

II. Post-Summary Correction and Periodic Monthly Statement Tests

On December 12, 2016, U.S. Customs and Border Protection (CBP) published a notice in the **Federal Register** (81 FR 89482) announcing plans to modify and clarify, effective January 14, 2017, the NCAP test regarding Post-Summary Correction (PSC) claims, and the NCAP test regarding Periodic Monthly Statements (PMS). Subsequently, on January 9, 2017, CBP published a second notice in the **Federal Register** (82 FR 2385), superseding the original notice. This notice announced CBP's plans to modify the PMS test and to modify and clarify the NCAP test regarding PSC claims to entry summaries that are filed in ACE. On January 17, 2017, CBP published a

notice in the **Federal Register**, (82 FR 4901) announcing that the effective date for the modifications to the PSC and PMS tests would be delayed until further notice.

CBP has assessed stakeholder readiness for the mandatory transition of post-release capabilities in ACE, including the modifications to the PSC and PMS tests. This notice announces July 8, 2017 as the new effective date for the modifications to these tests. Therefore, the modifications to the PSC and PMS tests, as announced in the January 9, 2017 notice published in the **Federal Register**, will become effective on that date.

Dated: June 2, 2017.

Brenda B. Smith,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2017–11896 Filed 6–7–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4309–DR; Docket ID FEMA–2017–0001]

Washington; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This document amends the notice of a major disaster declaration for the State of Washington (FEMA–4309–DR), dated April 21, 2017, and related determinations.

DATES: Effective May 24, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Washington is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of April 21, 2017.

Ferry and King Counties for Public Assistance. The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–11851 Filed 6–7–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4314–DR; Docket ID FEMA–2017–0001]

Mississippi; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA–4314–DR), dated May 22, 2017, and related determinations.

DATES: Effective May 22, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated May 22, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Mississippi resulting from severe storms, tornadoes, straight-line winds, and flooding on April 30, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Joe M. Girot, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Mississippi have been designated as adversely affected by this major disaster:

Adams, Calhoun, Carroll, Claiborne, Holmes, Jefferson, Montgomery, Webster, and Yazoo Counties for Public Assistance.

All areas within the State of Mississippi are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–11849 Filed 6–7–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4313–DR; Docket ID FEMA–2017–0001]

Idaho; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Idaho (FEMA–4313–DR), dated May 18, 2017, and related determinations.

DATES: Effective Date: May 18, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated May 18, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Idaho resulting from severe storms, flooding, landslides, and mudslides during the period of March 6–28, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Idaho.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Timothy B. Manner, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Idaho have been designated as adversely affected by this major disaster:

Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Shoshone, and Valley Counties for Public Assistance.

All areas within the State of Idaho are eligible for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–11850 Filed 6–7–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0117]

Agency Information Collection Activities: MyE-Verify, Form G–1499; Extension, Without Change, of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 10, 2017. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. (This is not a toll-free number.) All submissions received must include the agency name and the OMB Control Number 1615–0117.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on February 16, 2017 (82 FR 10914, February 16, 2017), allowing for a 60-day public comment period. USCIS did receive 2 comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2010–0014 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* MyE-Verify.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G–1499; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This form is used by employees in the United States to enter data into the Verification Information System (VIS) to ensure that the information relating to their eligibility to work is correct and accurate before beginning new employment.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form G–1499 is 250,000 and the estimated hour burden per response is .0833 hours (5 minutes). Of this 250,000, an estimated 75,000 respondents will need to correct information that may have been entered incorrectly to continue using myE-Verify; this estimated burden per response is 0833 hours (5 minutes). Of this 250,000, an estimated 10,000 respondents may be required to pursue further action to correct their records at the appropriate agency; this estimated burden per response is 1.183 hours. Of this 250,000, an estimated 25,000 respondents will be required to provide additional information for a second Authentication Check; this estimated burden per response is .25 hours (15 minutes).

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 45,153 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The total estimated annual public burden associated with this collection is 0 dollars.

Dated: June 2, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–11859 Filed 6–7–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6009–N–02]

Privacy Act of 1974: Enterprise Data Management (EDM) System of Records

AGENCY: Office of Administration, HUD.

ACTION: Notice of a new system of records.

SUMMARY: HUD proposes to add a new system of records to its inventory of systems of records, subject to the Privacy Act of 1974, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by HUD. This system of records notice authorizes HUD's Enterprise Data Management (EDM) to collect and maintain information. HUD's goal is to upgrade HUD's data management, data warehousing, data mining and data security capabilities from current outdated legacy database to a more advanced warehouse model.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment. Therefore, submit comments on or before July 10, 2017.

ADDRESSES: You may submit comments, identified by docket number and title, by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions provided on that Site to submit comments electronically.
- *Fax:* 202–619–8365.
- *Email: privacy@hud.gov.*
- *Mail:* Attention: Housing and Urban Development, Privacy Office, Marcus Smallwood, The Executive Secretariat, 451 Seventh Street SW., Room 10139, Washington, DC 20410.

Instructions: All submission received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submission from members of the public is make three submissions available for public viewing on the Internet at *http://www.regulations.gov,* as they are received without change, including any personal identifiers or contact information.

Docket: For access to the docket to read background documents or comments received, please visit *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Marcus Smallwood, Chief Privacy Officer, 451 Seventh Street SW., Room 10139, Washington, DC 20410, telephone number 202–708–3054. Individuals who are hearing- and speech-impaired may access this number via TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Housing and Urban Development (HUD) Office of Chief Information Officer (OCIO) proposes to establish a new HUD system of records titled, ''Enterprise Data Management (EDM) System of Records.'' This system of records is operated by HUD's OCIO, and it will be developed in several phases. The initial phase includes personally identifiable information (PII) about borrowers of Federal Housing Administration (FHA)-insured single-family mortgages, employees of FHA-approved lending institutions, third-parties associated with FHA/HUD transactions such as appraisers and HUD personnel associated with single family transactions.

OCIO is establishing an EDM environment. The EDM environment includes a modern ''Data Lake''; which is a centralized data environment to onboard HUD data for use in analytical reporting. The EDM also serves as the centralized environment for systems to consume data from HUD systems (eliminating point to point interfaces). In accordance with Section 203, National Housing Act, Public Law 73–479; and 42 U.S.C. 3543, titled ''Preventing fraud and abuse in Department of Housing and Urban Development programs'' enacted as part of the Housing and Community Development Act of 1987, the EDM and data lake enables HUD data consumers to gain new insights that will allow HUD to better identify trends and previously unknown risk drivers, thus

strengthening its risk management and fraud prevention framework.

EDM extracts data from multiple source systems for analysis and reporting. The EDM will provide query and reporting tools that aid in supporting HUD's oversight activities, market and economic assessment, public and stakeholder communication, planning and performance evaluation, policies and guidelines promulgation, monitoring and enforcement. Making data available from the HUD source systems will involve Data Extraction, Transformation, and Load (ETL) into the EDM environment. The type of HUD source system (*e.g.,* mainframe, relational database management system (RDBMS), hierarchical) will determine the approach and the tools that will be used to extract the data. EDM extracts data from multiple source systems for analysis and reporting. The EDM will provide query and reporting tools that aid in supporting HUD's oversight activities, market and economic assessment, public and stakeholder communication, planning and performance evaluation, policies and guidelines promulgation, monitoring and enforcement. The following lists the type of information collected from Source Systems for the initial phase of EDM:

• Mortgagors: Name, addresses, date of birth, social security number, and racial/ethnic background (if disclosed) which are supplied by lenders through Automated Underwriting Systems during the mortgage application and underwriting process.

• Parties Involved with Transaction: Name, addresses, and identifying numbers which are supplied by the lender or the individual.

• Mortgage Details: Data regarding current and former FHA insured mortgages which includes underwriting data, such as: Loan-to-value ratios and expense ratios; original terms, such as: Mortgage amount, interest rate, term in months; status of the mortgage insurance; and history of payment defaults, if any. This information is provided by the lender at the time of closing, and also maintained by the loan servicer.

• HUD Employees: Names and identification of all HUD employees who have access to the system records. Also, identification information is stored for employees who work with mortgage applications through FHA Connection.

• Aggregated measures of the data stated above to enable statistical reporting and analysis of trends.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing how the Federal Government collects, maintains, uses, and disseminates individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. As a matter of policy, HUD extends administrative Privacy Act protections to all individuals, excluding persons who are not United States citizens or lawful permanent residents from the protections of the Privacy Act regarding personally identifiable information, when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors.

This new public notice allows HUD to organize and re-publish up-to-date and accurate information about this system of records. The notice correction incorporates Federal privacy requirements, and HUD policy requirements. The Privacy Act provides certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies to protect records contained in an agency system of records from unauthorized disclosure, ensure that information is current for its intended use, and that adequate safeguards are provided to prevent misuse of such information. Additionally, the updates reflect the Department's focus on industry best practices in protecting the personal privacy of the individuals covered by each system notification.

In accordance with 5 U.S.C. 552a(r), HUD has provided a report of this system of records to the Office of Management and Budget (OMB) and to Congress, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Government Reform and Oversight as instructed by Paragraph 7b of OMB Circular No. A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' December 23, 2016.

SYSTEM NAME AND NUMBER:

HUD/OCIO—01 Enterprise Data Management (EDM)

SECURITY CLASSIFICATION:

Unclassified, but sensitive.

SYSTEM LOCATION:

EDM is hosted at the Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, or at the locations of the service providers under contract with HUD.

SYSTEM MANAGER(S):

Mark Hayes, Chief Technology Officer, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4166, Washington, DC 20410, 202–402–5526.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is maintained in accordance with Section 203, National Housing Act, Public Law 73–479, and 42 U.S.C. 3543 titled ''Preventing fraud and abuse in Department of Housing and Urban Development programs,'' enacted as part of the Housing and Community Development Act of 1987 which permits the collection of Social Security Numbers.

PURPOSE(S) OF THE SYSTEM:

EDM replaces HUD's current data storage, retrieval and warehousing capabilities. EDM will be implemented in phases across HUD, and the first phase is to directly support the new Loan Review System (LRS). It will collect data from certain specified source systems and return it to LRS. Subsequent phases will collect data from other source systems, and ultimately will replace all existing data warehouses across HUD.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The initial phase of EDM will cover individuals who have obtained a mortgage insured under FHA's single family mortgage insurance programs, individuals who have assumed such a mortgage, and individuals involved in appraising, underwriting, or servicing the mortgage (commonly referred to as ''mortgagee/lender'').

CATEGORIES OF RECORDS IN THE SYSTEM:

The initial categories of records maintained by the system include:

• Appraiser: First Name, Last Name, Middle Name, Suffix.

• Case Borrower(s): Borrower(s) Full Name, Borrower(s) Social Security number, Non-Borrowing Spouse Social Security number.

• Loan Officer: First Name, Last Name, Middle Name.

• Case Property: Basement Code, Neighborhood Percentage Owned,

Neighborhood Predominate, Price, Subdivision Indicator, Property Acquisition Date, Property Street, Property Conversion Type, Rural Neighborhood Code, Neighborhood Single Family Home Percentage, Subdivision Lot Indicator, Building Type, Date of Sale or Transfer, Sale Amount, Year Built, City, Zip, Geocode Flag, Underserved Indicator, Block, Lot, House Number, Street Number.

- FHA Case Information: Federal Housing Administration (FHA) Case Number, Case Established Date, Case Reinstatement Date, Case Type, Originating Mortgagee ID, Sponsor Mortgagee ID, Loan Officer Nationwide Multistate Licensing System (NMLS) ID, Underwriter Name, Underwriter ID.
- Mortgagee (Lender) Branch: Branch Type, Branch ID, Mortgagee Institution ID, Mortgagee Institution Name, Mortgagee Institution Type, Mortgagee Nationwide Multistate Licensing System (NMLS) ID, Mortgagee Status.
- HUD Employees: Names and identification of all HUD employees who have access to the system records. Also, identification information is stored for employees who work with mortgage applications through FHA Connection.
- Servicing Status: Servicing Status, Claims, and Indemnification Agreement.

RECORD SOURCE CATEGORIES:

Mortgagors, appraisers, mortgagee staff, underwriters, and HUD employees provide data to the originating source systems. The following originating source systems then pass their data to the Enterprise Data Warehouse used in EDM:

- A43—Single Family Insurance System (SFIS)
- A43C—Single Family Claims Subsystem (SFCS)
- F17—Computerized Homes Underwriting Management System (CHUMS)
- F17C—FHA Connection (FHAC)
- F17T—TOTAL Mortgage Scorecard (TOTAL)
- F42D—Single Family Default Monitoring System (SFDMS)
- P271—Home Equity Reverse Mortgage Information System (HERMIT)
- P278—Lender Electronic Assessment Portal (LEAP)
- P303—Loan Review System (LRS)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. Section 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside HUD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To appropriate agencies, entities, and persons to the extent such disclosures are compatible with the purpose for which the records in this system were collected, as set forth by Appendix I—HUD's Routine Use Inventory Notice published in 80 FR 81837.

2. To appropriate agencies, entities, and persons when:

(a) HUD suspects or has confirmed that the security or confidentiality of information in a system of records has been compromised;

(b) HUD has determined that because of the suspected, or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of systems or programs (whether maintained by HUD or another agency or entity) that rely upon the compromised information; and

(c) The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm for purposes of facilitating responses and remediation efforts in the event of a data breach.

3. To appropriate agencies, entities, and persons when (1) HUD suspects or has confirmed that there has been a breach of the system of records, (2) HUD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HUD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

4. To another Federal agency or Federal entity, when HUD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

5. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

6. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

7. To appropriate agencies, entities, and persons when:

(a) HUD suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

(b) HUD has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by HUD or another agency or entity) that rely upon the compromised information; and

(c) The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

8. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for HUD, when necessary to accomplish an agency, function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to HUD officers and employees.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

EDM will be stored in compliance with 36 CFR 1236.10 regulations on recordkeeping management controls in a Federal Risk and Authorization Management Program (FedRAMP) compliant network. There are no paper records associated with EDM.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

In this initial phase of EDM, information is retrieved from EDM by FHA Case Number as the key identifier. User access to query information in the EDM does not exist. EDM supports only system-to-system interfaces.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Electronic information maintained in EDM is retrieved from originating recordkeeping systems and is retained

indefinitely for future access. This information does not meet the federal definition of a record as it is not evidence of the organization, functions, policies, decisions, procedures, operations, or other activities. This information is duplicated copies of record content preserved for convenience to facilitate new record creation 44 U.S.C. 3301. As subsequent phases of EDM are completed, the applicable data retention policies for those records will be evaluated and maintained for associated systems.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

HUD has developed a system security plan of controls for ensuring and protecting Microsoft Azure Government Cloud in accordance with applicable laws. End users cannot directly access the Enterprise Master Data Warehouse used in EDM. Data exchange with other HUD systems is precisely specified and occurs only through secure interfaces. Encryption of data both at rest and in motion is enabled on a selective basis. EDM is subject to compliance with all Federal requirements and adheres to its approved system security plan (SSP).

RECORD ACCESS PROCEDURES:

HUD allows persons (including foreign nationals) to seek administrative access under the Privacy Act to information maintained in EDM. Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the HUD Chief Freedom of Information Act (FOIA) Officer or OCIO FOIA Officer. If an individual believes more than one component maintains Privacy Act records that concern him or her, the individual may submit the request to Helen Goff Foster, Chief Privacy Officer/Senior Agency Official for Privacy, 451 Seventh Street SW., Room 10139, Washington, DC 20410, telephone number (202) 402–6838.

When seeking records about yourself from this system of records or any other HUD system of records, your request must conform with the Privacy Act regulations set forth in 24 CFR part 16. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. In addition, your request should:

(a) Explain why you believe HUD would have information on you.

(b) Identify which Office of HUD you believe has the records about you.

(c) Specify when you believe the records would have been created.

(d) Provide any other information that will help the FOIA staff determine which HUD office may have responsive records.

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying their agreement for you to access their records. Without the above information, the HUD FOIA Office may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents of records and appealing initial denials appear in 24 CFR part 16, Procedures for Inquiries. Additional assistance may be obtained by contacting Helen Goff Foster, Senior Agency Official for Privacy/Chief Privacy Officer, 451 Seventh Street SW., Room 10139, Washington, DC 20410, or the HUD Departmental Privacy Appeals Officers, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

NOTIFICATION PROCEDURES:

See ''Records Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Not Applicable.

Dated: May 4, 2017.

Helen Goff Foster,

Senior Agency Official for Privacy.

[FR Doc. 2017–11937 Filed 6–7–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. 6009–N–01]

Privacy Act of 1974; System of Records: Loan Review System (LRS)

AGENCY: Office of Administration, HUD.

ACTION: Notice of a New System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Housing and Urban Development (HUD), Office of Lender Activities and Program Compliance provides public notice it proposes to establish a new system, Department of Housing and Urban Development system of records titled, ''Loan Review System (LRS)''.

DATES: *Effective Date:* This system will become effective July 10, 2017.

Comments Due Date: July 10, 2017.

ADDRESSES: You may submit comments, identified by docket number and title, by one following method:

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the instructions provided on that site to submit comments electronically.

Fax: 202–619–8365.

Email: privacy@hud.gov.

Mail: Attention: Housing and Urban Development, Privacy Office; Marcus Smallwood, The Executive Secretariat; 451 Seventh Street SW., Room 10139; Washington, DC 20410.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submission from members of the public is provide three submissions for public viewing on the internet at *http://www.regulations.gov,* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: For general questions please contact: Marcus Smallwood, Acting, Chief Privacy Officer, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone number 202–708–1515 for privacy issues please contact:

SUPPLEMENTARY INFORMATION: The LRS will provide a unified loan review process to improve HUD's ability to identify and mitigate loan-level risk and fraud in its Federal Housing Administration (FHA) Title II Single Family Housing program. The LRS will implement the newly developed Loan Quality Assessment Methodology (Defect Taxonomy) and will provide a standard approach for all loan reviews in order to:

- Communicate clear policy messages to involved counterparties;
- Encourage lending to FHA targeted populations;
- Provide feedback on the effectiveness of FHA's underwriting policies; and
- Provide a communication channel for lenders to view and respond to review findings.

The LRS will include policy automation, electronic case management, automated workflows, event-driven communications, enhanced reporting and advanced business intelligence/analytics. The LRS

will support holistic risk management through monitoring performance and policy compliance of lenders, including identification of key performance characteristics, risk drivers and comparative performance across counterparties. Reviews will include both loan and lender reviews. Loan reviews will be focused on both underwriting and servicing activities and will provide reviewers with questions to help drive a standardized review across FHA Single Family Homeownership Centers.

This system of records is operated by Department of Housing and Urban Development (HUD)'s Office of Lender Activities and Program Compliance, and includes personally identifiable information (PII) provided by or about individuals from which information is retrieved by a name or unique identifier. This notice incorporates Federal privacy requirements and HUD policy requirements. The Privacy Act provides certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies to protect records in an agency system of records from unauthorized disclosure, ensure that information is current for its intended use, and that adequate safeguards are provided to prevent misuse of such information. The notice reflects the Department's focus on industry best practices in protecting the personal privacy of the individuals covered by each system notification. This notice states the name and location of the record system, the authority for and manner of its operations, the categories of individuals it covers, the records it contains, the sources of the information for those records, the routine uses made of the records, and the system of records exemption types. In addition, the notice includes the business address of the HUD officials who will inform interested persons of the procedures whereby they may gain access to and/or request amendments to records pertaining to them. The routine uses that apply to this publication are reiterated based on past publication to clearly communicate how HUD continues to conduct some of its business practices.

In accordance with 5 U.S.C. 552(a)(e)(4)(11), HUD has provided a report of this new system to the Office of Management and Budget (OMB), the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Oversight and Government Reform as instructed by OMB Circular No. A–108, ''Federal Agencies Responsibilities for Review, Reporting, and Publication under the Privacy Act.''

SYSTEM NAME AND NUMBER:

Loan Review System (LRS)—HUD.HSNG/SF.001.

SECURITY CLASSIFICATION:

Unclassified, but sensitive.

SYSTEM LOCATION:

Loan Review System is hosted at the Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, or at the locations of the service providers under contract with HUD. Paper records will be stored in the designated secure National Archives and Records Administration Federal Records Centers.

SYSTEM MANAGER(S):

Marcus Smallwood, Acting, Chief Privacy Officer, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone number 202–402–5581.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 203 of the National Housing Act (12 U.S.C. 1701l–1, 1708(a), 1709(r), and 1715(u)); 42 U.S.C. 3543 ''Preventing fraud and abuse in Department of Housing and Urban Development programs'' (enacted as part of the Housing and Community Development Act of 1987); and 31 U.S.C. 7701 (The Debt Collection Improvement Act of 1986).

PURPOSE(S) OF THE SYSTEM:

The purpose of the Loan Review System (LRS) is to build on existing Federal Housing Administration (FHA) Title II Single Family loan review efforts, align the documentation of loan review results across counterparties, and incorporate the newly developed Loan Quality Assessment Methodology (Defect Taxonomy). The Defect Taxonomy provides a standard approach for all FHA Title II loan reviews for Single Family Housing Programs in order to:

- Communicate clear policy messages to involved counterparties;
- Encourage lending to FHA targeted populations;
- Provide feedback on the effectiveness of FHA underwriting policies;
- Support holistic risk management through monitoring performance and policy compliance of lenders; and
- Identify key performance characteristics, risk drivers and comparative performance across counterparties.

The FHA Title II reviews will include both loan and lender reviews that focus on both underwriting and servicing activities to provide HUD reviewers with the questions to help drive standardized reviews across FHA Homeownership Centers. It will additionally provide communication channels for lenders to view and respond to issues found in the reviews.

The LRS will manage FHA's Title II Quality Control Reviews: Title II test case loan reviews, various Title II post-endorsement loan reviews, Title II lender monitoring reviews, and Title II loans reported by lenders due to instances of fraud and misrepresentation or other material findings (commonly known as ''self-reports''). LRS is not designed to manage any aspect of FHA's standard (non-test case) loan origination or endorsement processes. Following a transition, LRS will merge the loan review workload management functions performed by the Underwriting Review System, and the Approval Recertification, Review Tracking System into a single integrated application. In addition, LRS will assume the lender reporting functions managed in the Neighborhood Watch Early Warning System.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals covered by the system include Mortgagors (Borrowers) who have obtained a mortgage insured under the Department of Housing and Urban Development (HUD)/Federal Housing Administration Single Family mortgage insurance program; Mortgagee (Lender) staff Appraisers, Underwriters and Loan Officers involved in appraising, underwriting or servicing the mortgage; and HUD Employees involved in the loan review process.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records maintained by the system include:

- *Mortgagor (Borrower):* Borrower(s) Full Name, Borrower(s) Social Security number, Borrower(s) Date of Birth, Income, Credit Score, Non-Borrowing Spouse Social Security number.
- *Mortgagee (Lender Institution):* Originating, Underwriting and/or Servicing Mortgagee Institution ID, Institution Name, Institution Type, Institution Status, Branch Type, Branch ID, Nationwide Multistate Licensing System ID.
- *Mortgagee Appraiser:* First Name, Last Name, Middle Name, Suffix.
- *Mortgagee Underwriter:* First Name, Last Name, Middle Name, Suffix, Federal Housing Administration FHA Underwriter ID.

• *Mortgagee Loan Officer:* First Name, Last Name, Middle Name, Nationwide Multistate Licensing System ID.

• *HUD Employees:* Names and identification of all HUD employees with access to the system records. Also, identification information is stored for employees who work with mortgage applications through Federal Housing Administration Connection.

• *Case Information:* Federal Housing Administration Case Number, Case Established Date, Case Reinstatement Date, Case Type.

• *Case Property:* Basement Code, Neighborhood Percentage Owned, Neighborhood Predominate, Price, Subdivision Indicator, Property Acquisition Date, Property Street, Property Conversion Type, Rural Neighborhood Code, Neighborhood Single Family Home Percentage, Subdivision Lot Indicator, Building Type, Date of Sale or Transfer, Sale Amount, Year Built, City, Zip, Geocode Flag, Underserved Indicator, Block, Lot, House Number, Street Number.

• *Servicing Status:* Servicing Status, Claims, and Indemnification Agreements.

RECORD SOURCE CATEGORIES:

Mortgagors, appraisers, mortgagee staff, underwriters, and the Department of Housing and Urban Development (HUD) employees provide data to the originating source systems. The originating source systems then pass select data onto the Enterprise Data Management (EDM). LRS includes direct interfaces to these systems:

• P302—Enterprise Data Management (EDM)

• F17—Computerized Homes Underwriting Management System (CHUMS)

• F17C—FHA Connection (FHAC)

• P278—Lender Electronic Assessment Portal (LEAP)

The originating source systems application for HUD/FHA Insured Mortgage—Forms HUD 92900–A, HUD–92900–B, HUD–92900–LT, HUD 92544, HUD–92561, Model Notice Informed Consumer Choice Disclosure, Model Pre-Insurance Review Checklist for Lender Insurance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. Section 552a(b) of the Privacy Act, all or a portion of the records or information in this system may be disclosed to authorized entities, as determined to be relevant and necessary, outside the Department of Housing and Urban Development (HUD) as a routine use pursuant to 5 U.S.C. 552a(b)(3):

1. To appropriate agencies, entities, and persons for disclosures compatible with the purpose for which the records in this system were collected, as set forth by Appendix I—HUD's Routine Use Inventory Notice published in the **Federal Register** (80 FR 81837–81840),:

a. To the National Archives and Records Administration or to the General Services Administration for records having enough historical or other value to warrant continued preservation by the United States Government, or for inspection under Title 44 U.S.C. 2904 and 2906.

b. To a congressional office from the record of an individual, in response to an inquiry from that congressional office made at the request of that individual.

c. To contractors performing or working under a contract with HUD, when necessary to accomplish an agency function related to this system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function. Individuals provided information under these routine use conditions are subject to Privacy Act requirements and disclosure limitations imposed on the Department.

d. To the Department of Justice(DOJ) when seeking legal advice for a HUD initiative or in response to DOJ's request for the information, after either HUD or DOJ determine that such information relates to DOJ's representatives of the United States or any other components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that disclosure of the records to DOJ is a use of the information in the records that is compatible with the purpose for which HUD collected the records. HUD on its own may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which HUD collected the records.

2. To HUD business partners (Mortgagees) to fulfill their business arrangements with HUD for managing quality control review responsibilities associated with FHA-insured single family mortgage loans. Information that is accessible to Mortgagees through LRS is limited only to records where the Mortgagee is the originating, underwriting, servicing or holding institution of record. This information may only be accessed through an FHA Connection user ID and password.

3. To appropriate agencies, entities, and persons as necessary when:

(a) HUD suspects or has confirmed that there has been a breach of the system of records,

(b) HUD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HUD (including its information systems, programs, and operations), the Federal Government, or national security; and

(c) The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy of such harm.

4. To another Federal agency or Federal entity, when HUD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in:

(a) Responding to a suspected or confirmed breach or,

(b) Preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Mitigation documentation will be stored using the enterprise content management platform (Alfresco software) in the Azure cloud environment. Automated records are also stored and maintained in the Azure cloud environment. Paper binders collected for reviews will be stored in the designated secure Federal Records Centers, which are used to store paper binders reviewed for endorsement.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by Federal Housing Administration case number or Loan Review System review identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Electronic records of cases established are retained and disposed of in accordance with the Department of Housing and Urban Development approved Records Retention and Disposition Schedule approved by the National Archives and Records Administration (NARA). Privacy Act/Freedom of Information Act disclosures are retained in accordance with the

NARA General Records Schedule. Schedule 15 Item 1a, permits HUD to delete when no longer for agency use. Longer retention periods exist for original content in source systems.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Automated records are maintained in secured areas within the system. Access is limited to authorized personnel with a need-to-know based on unique FHA Connection User IDs and confidential passwords. Physical entry by unauthorized person is restricted though the use of locks, guards, passwords, and/or other security measures. Paper records are maintained and secured, limited access and monitored areas.

RECORD ACCESS PROCEDURES:

For information, assistance, or inquiry about records, contact Marcus Smallwood, Acting, Chief Privacy Officer 451 Seventh Street SW., Room 10139, Washington, DC 20410, telephone number (202) 708–3054. When seeking records about yourself from this system of records or any other Housing and Urban Development (HUD) system of records, your request must conform with the Privacy Act regulations set forth in 24 CFR part 16. You must first verify your identity, meaning that you must provide your full name, address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. In addition, your request should:

a. Explain why you believe HUD would have information on you.

b. Identify which Office of HUD you believe has the records about you.

c. Specify when you believe the records would have been created.

d. Provide any other information that will help the Freedom of Information Act (FOIA), staff determine which HUD office may have responsive records.

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying their agreement for you to access their records. Without the above information, the HUD FOIA Office may not conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with regulations.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents of records and appealing initial denials appear in 24 CFR part 16, Procedures for Inquiries. Additional assistance may be obtained by contacting Marcus Smallwood, Acting, Chief Privacy Officer, 451 Seventh Street SW., Room 10139, Washington, DC 20410, or the HUD Departmental Privacy Appeals Officers, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington DC 20410.

NOTIFICATION PROCEDURES:

Individuals seeking notification of and access to any record in this system of records, or seeking to contest its content, may submit a request in writing to the component's FOIA Officer, whose contact information can be found at *http://www.hud.gov/foia* under ''contact'' if an individual believes more than one component maintains Privacy Act records about him or her, the individual may submit the request to the Chief Privacy Officer, HUD, 451 Seventh Street SW., Room 10139, Washington, DC 20410.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Dated: May 4, 2017.

Helen Goff Foster,

Senior Agency Official for Privacy.

[FR Doc. 2017–11935 Filed 6–7–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6034–N–02]

Notice of HUD Vacant Loan Sales (HVLS 2017–2)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of sales of reverse mortgage loans.

SUMMARY: This notice announces HUD's intention to competitively offer multiple residential reverse mortgage pools consisting of approximately 885 reverse mortgage notes secured by properties with an aggregate broker price opinion of approximately $120 million. The sale will consist of due and payable Secretary-held reverse mortgage loans. The mortgage loans consist of first liens secured by single family, vacant residential properties, where all borrowers are deceased and no borrower is survived by a non-borrowing spouse. The Department has verified the death of borrowers by obtaining a death certificate or a notice of death for each and verified vacancy through its review of interior Broker Price Opinions (BPOs), where available and, where unavailable, exterior BPOs. This notice also describes the bidding process for the sale and certain persons who are ineligible to bid. This is the second sale offering of its type and the sale will be held on June 21, 2017.

DATES: For this sale action, the Bidder's Information Package (BIP) was made available to qualified bidders on May 23, 2017. Bids for the HVLS 2017–2 sale will be accepted on the Bid Date of June 21, 2017 (Bid Date). HUD anticipates that award(s) will be made on or about June 26, 2017 (the Award Date).

ADDRESSES: To become a qualified bidder and receive the BIP, prospective bidders must complete, execute, and submit a Confidentiality Agreement and a Qualification Statement acceptable to HUD. Both documents are available via the HUD Web site at: *http://www.hud.gov/sfloansales* or via: *http://www.verdiassetsales.com*

Please mail and fax executed documents to Verdi Consulting, Inc.: Verdi Consulting, Inc., 8400 Westpark Drive, 4th Floor, McLean, VA 22102.

Attention: HUD SFLS Loan Sale Coordinator.

Fax: 1–703–584–7790.

FOR FURTHER INFORMATION CONTACT: John Lucey, Director, Asset Sales Office, Room 3136, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410–8000; telephone 202–708–2625, extension 3927. Hearing- or speech-impaired individuals may call 202–708–4594 (TTY). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: HUD announces its intention to sell in HVLS 2017–2 due and payable Secretary-held reverse mortgage loans. The loans consist of first liens secured by single family, vacant residential properties, where all borrowers are deceased and no borrower is survived by a non-borrowing spouse.

A listing of the mortgage loans is included in the due diligence materials made available to qualified bidders. The mortgage loans will be sold without Federal Housing Administration (FHA) insurance and with servicing released. HUD will offer qualified bidders an opportunity to bid competitively on the mortgage loans. The loans are expected to be offered in five regional pools.

The Bidding Process

The BIP describes in detail the procedure for bidding in HVLS 2017–2. The BIP also includes a standardized non-negotiable Conveyance, Assignment

and Assumption Agreement for HVLS 2017–2 (CAA). Qualified bidders will be required to submit a deposit with their bid. Deposits are calculated based upon each qualified bidder's aggregate bid price.

HUD will evaluate the bids submitted and determine the successful bid, in terms of the best value to HUD, in its sole and absolute discretion. If a qualified bidder is successful, the qualified bidder's deposit will be non-refundable and will be applied toward the purchase price. Deposits will be returned to unsuccessful bidders.

This notice provides some of the basic terms of sale. The CAA, which is included in the BIP, provides comprehensive contractual terms and conditions. To ensure a competitive bidding process, the terms of the bidding process and the CAA are not subject to negotiation.

Due Diligence Review

The BIP describes how qualified bidders may access the due diligence materials remotely via a high-speed Internet connection.

Mortgage Loan Sale Policy

HUD reserves the right to remove mortgage loans from HVLS 2017–2 at any time prior to the Award Date. HUD also reserves the right to reject any and all bids, in whole or in part, and include any reverse mortgage loans in a later sale. Deliveries of mortgage loans will occur in conjunction with settlement and servicing transfer, approximately 30 to 45 days after the Award Date.

The HVLS 2017–2 reverse mortgage loans were insured by and were assigned to HUD pursuant to section 255 of the National Housing Act, as amended. The sale of the reverse mortgage loans is pursuant to section 204(g) of the National Housing Act.

Mortgage Loan Sale Procedure

HUD selected an open competitive whole-loan sale as the method to sell the mortgage loans for this specific sale transaction. For HVLS 2017–2, HUD has determined that this method of sale optimizes HUD's return on the sale of these loans; affords the greatest opportunity for all qualified bidders to bid on the mortgage loans; provides the quickest and most efficient vehicle for HUD to dispose of the mortgage loans, which are currently accruing significant holding costs; and serves as the most appropriate vehicle for reducing both the costs borne by the Department and the number of Secretary-held loans.

Bidder Ineligibility

In order to bid in HVLS 2017–2 as a qualified bidder, a prospective bidder must complete, execute and submit both a Confidentiality Agreement and a Qualification Statement acceptable to HUD. In the Qualification Statement, the prospective bidder must provide certain representations and warranties regarding the prospective bidder, including but not limited to (i) the prospective bidder's board of directors, (ii) the prospective bidder's direct parent, (iii) the prospective bidder's subsidiaries, (iv) any related entity with which the prospective bidder shares a common officer, director, subcontractor or sub-contractor who has access to Confidential Information as defined in the Confidentiality Agreement or is involved in the formation of a bid transaction (collectively the ''Related Entities''), and (v) the prospective bidder's repurchase lenders. The prospective bidder is ineligible to bid on any of the reverse mortgage loans included in HVLS 2017–2 if the prospective bidder, its Related Entities or its repurchase lenders, is any of the following, unless other exceptions apply as provided for in the Qualification Statement.

1. An individual or entity that is currently debarred, suspended, or excluded from doing business with HUD pursuant to the Governmentwide Suspension and Debarment regulations at 2 CFR parts 180 and 2424;

2. An individual or entity that is currently suspended, debarred or otherwise restricted by any department or agency of the federal government or of a state government from doing business with such department or agency;

3. An individual or entity that is currently debarred, suspended, or excluded from doing mortgage related business, including having a business license suspended, surrendered or revoked, by any federal, state or local government agency, division or department;

4. An entity that has had its right to act as a Government National Mortgage Association (''Ginnie Mae'') issuer terminated and its interest in mortgages backing Ginnie Mae mortgage-backed securities extinguished by Ginnie Mae;

5. An individual or entity that is in violation of its neighborhood stabilizing outcome obligations or post-sale reporting requirements under a Conveyance, Assignment and Assumption Agreement executed for any previous mortgage loan sale of HUD;

6. An employee of HUD's Office of Housing, a member of such employee's household, or an entity owned or controlled by any such employee or member of such an employee's household with household to be inclusive of the employee's father, mother, stepfather, stepmother, brother, sister, stepbrother, stepsister, son, daughter, stepson, stepdaughter, grandparent, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, first cousin, the spouse of any of the foregoing, and the employee's spouse;

7. A contractor, subcontractor and/or consultant or advisor (including any agent, employee, partner, director, or principal of any of the foregoing) who performed services for or on behalf of HUD in connection with the sale;

8. An individual or entity that knowingly acquired or will acquire prior to the sale date material non-public information, other than that information which is made available to Bidder by HUD pursuant to the terms of this Qualification Statement, about mortgage loans offered in the sale;

9. An individual or entity that knowingly uses the services, directly or indirectly, of any person or entity ineligible under 1 through 10 to assist in preparing any of its bids on the mortgage loans; or

10. An individual or entity which knowingly employs or uses the services of an employee of HUD's Office of Housing (other than in such employee's official capacity).

The Qualification Statement has additional representations and warranties which the prospective bidder must make, including but not limited to the representation and warranty that the prospective bidder or its Related Entities are not and will not knowingly use the services, directly or indirectly, of any person or entity that is, any of the following (and to the extent that any such individual or entity would prevent the prospective bidder from making the following representations, such individual or entity has been removed from participation in all activities related to this sale and has no ability to influence or control individuals involved in formation of a bid for this sale):

(1) An entity or individual is ineligible to bid on any included reverse mortgage loan or on the pool containing such reverse mortgage loan because it is an entity or individual that:

(a) Serviced or held such reverse mortgage loan at any time during the six-month period prior to the bid, or

(b) is any principal of any entity or individual described in the preceding sentence;

(c) any employee or subcontractor of such entity or individual during that six-month period; or

(d) any entity or individual that employs or uses the services of any other entity or individual described in this paragraph in preparing its bid on such reverse mortgage loan.

Freedom of Information Act Requests

HUD reserves the right, in its sole and absolute discretion, to disclose information regarding HVLS 2017–2, including, but not limited to, the identity of any successful qualified bidder and its bid price or bid percentage for any pool of loans or individual loan, upon the closing of the sale of all the Mortgage Loans. Even if HUD elects not to publicly disclose any information relating to SFLS 2017–2, HUD will disclose any information that HUD is obligated to disclose pursuant to the Freedom of Information Act and all regulations promulgated thereunder.

Scope of Notice

This notice applies to HVLS 2017–2 and does not establish HUD's policy for the sale of other mortgage loans.

Dated: June 2, 2017.

Genger Charles,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–11944 Filed 6–7–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6037–N–01]

Section 8 Housing Assistance Payments Program-Fiscal Year (FY) 2017 Inflation Factors for Public Housing Agency (PHA) Renewal Funding

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: This notice establishes Renewal Funding Inflation Factors (RFIF) to adjust Fiscal Year (FY) 2017 renewal funding for the Tenant-based Rental Assistance (TBRA), or Housing Choice Voucher (HCV), Program of each public housing agency (PHA), as required by the Consolidated Appropriations Act, 2017. The notice apportions the expected percent change in national Per Unit Cost (PUC) for the HCV program, 3.97%, to each PHA based on the change in Fair Market Rents (FMR) for their operating area to produce the FY 2017 RFIFs. HUD's FY 2017 methodology differs in part from that used in FY 2016; HUD improved the national PUC forecast by removing the reliance on historical PUC data and independently projecting growth in gross rents and tenant incomes.

DATES: *Effective Date:* June 19, 2017.

FOR FURTHER INFORMATION CONTACT: Miguel A. Fontanez, Director, Housing Voucher Financial Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, telephone number 202–402–4212; or Peter B. Kahn, Director, Economic and Market Analysis Division, Office of Policy Development and Research, telephone number 202–402–2409, for technical information regarding the development of the schedules for specific areas or the methods used for calculating the inflation factors, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410. Hearing- or speech-impaired persons may contact the Federal Relay Service at 800–877–8339 (TTY). (Other than the ''800'' TTY number, the above-listed telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION:

I. Background

Division K, Title II of the Consolidated Appropriations Act, 2017 requires that the HUD Secretary, for the calendar year 2017 funding cycle, provide renewal funding for each public housing agency (PHA) based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the **Federal Register**. This notice provides the FY 2017 inflation factors and describes the methodology for calculating them. Tables in PDF and Microsoft Excel formats showing Renewal Funding Inflation Factors (RFIF) will be available electronically from the HUD data information page at: *https://www.huduser.gov/portal/datasets/rfif/rfif.html.*

II. Methodology

RFIFs are used to adjust the allocation of Housing Choice Voucher (HCV) program funds to PHAs for local changes in rents, utility costs, and tenant incomes. To calculate the RFIFs, HUD first forecasts a national inflation factor, which is the annual change in the national average Per Unit Cost (PUC). HUD then calculates individual area inflation factors, which are based on the annual changes in the two-bedroom Fair Market Rent (FMR) for each area. Finally, HUD adjusts the individual area inflation factors to be consistent with the national inflation factor.

HUD has refined its methods for predicting inflation factors over time. In FY 2012, HUD changed from using a Consumer Price Index (CPI) historical gross rent index-based factor known as Annual Adjustment Factors to using a forecasting model that was based on historical levels of PUC and incorporated forecasted economic indices as explanatory variables to predict future levels of PUC. HUD continued to use the forecasting model adopted in FY 2012 through FY 2016 to calculate a national PUC inflation factor. Consistent with HUD's statement in the FY 2016 Renewal Funding Inflation Factor Notice that it planned to change its inflation factor methodology in FY 2017, HUD has now implemented a revised methodology to calculate a national PUC inflation factor that does not rely on historical values of PUC. See 81 FR 22296.

The objective of the revised methodology is to determine the amount by which baseline funding for HCVs currently under lease needs to increase to maintain the same number and quality of leased vouchers. The prior methodology had the disadvantage of incorporating the lower per-unit costs calculated during economic downturns into future projections, which resulted in a failure to account for higher per-unit costs during economic recoveries. The revised methodology instead calculates a ''notional'' PUC by taking the difference between national gross rent and 30 percent of national average HCV tenant income, as described below. The inflation factor is then calculated as the annual change in notional PUC.

The notional PUC is calculated following the same basic formula that is used to calculate the voucher subsidy. The monthly subsidy is the difference between total monthly gross rent (which is the total of the unit's contract rent plus utilities expenses required to make the unit habitable—principally electricity and/or heating fuel) and the monthly tenant rent contribution (which is calculated as 30% of monthly tenant income). However, the change in the notional PUC is calculated using forecasts incorporating economic indicators, in part using the same methodology used to calculate the national FMR trend factor, so that it reflects forward-looking cost projections rather than backward-looking data. The base level of the notional PUC is the two-bedroom national average FMR less 30 percent of the national average tenant

income measured using HUD administrative data. Future values of the notional PUC are calculated as the difference between the *forecast* of monthly gross rent (using a national average) and the *forecast* of the monthly tenant rent contribution (calculated as 30% of the national average forecast of monthly tenant adjusted gross income).

An accurate PUC forecast depends upon the interaction of the three factors mentioned above that determine the voucher subsidy amounts: Rents and utility expenses—together, gross rents—and tenant incomes. Note that if tenant incomes grow more strongly than gross rents, voucher costs will grow more slowly than gross rents. This typically does not occur, as tenant incomes have historically grown more slowly than gross rents. However, modeling the growth in gross rents and tenant incomes independently is an improvement of the prior methodology, which forecasted PUC changes directly, essentially assuming that gross rents and tenant incomes grow at the same rates. In contrast, the new model expressly captures differences in expected growth rates of the three relevant factors: Rent of primary residence, utilities associated with renting a housing unit, and tenant incomes.

HUD calculates a gross rent index forecast by combining two indices that HUD independently forecasts using data from the CPI–U: A rent of primary residence index and a housing—fuels and utilities index. The Rent of Primary Residence Index (BLS CPI–U component series ''SEHA'') is weighted at 80 percent, or 0.8 times, and is estimated from quarterly data on residential fixed investment from the National Income and Product Accounts, and civilian employment from the Bureau of Labor Statistics. The Housing—Fuels and Utilities Index (BLS CPI–U component series ''SAH2''), a forecast of quarterly utility expense growth, is weighted at 20 percent, or 0.2 times, and is estimated using the quarterly average spot price in dollars per barrel of West Texas Intermediate crude oil, the quarterly national average price in dollars per short ton of bituminous coal, the quarterly average Henry Hub price of natural gas in dollars per million BTUs, and the overall level of the Consumer Price Index (CPI–U) lagged by 2 quarters. The changes predicted by the gross rent index forecast are then applied to a ''base'' gross rent—for this year, the FY 2016 national voucher-weighted average two-bedroom FMR—to ''inflate'' the FY 2016 national average gross rent to its projected FY 2017 amount.

HUD forecasts quarterly average tenant household incomes (sourced from HUD administrative data) using a model that includes a seasonal difference and seasonal moving average factor. The other independent variables are BLS's civilian employment and unemployment rate data.

As stated above, the notional PUC is the difference between the national average monthly gross rent forecast less 30% of the national average monthly voucher tenant household income forecast. The national inflation factor is the annual change in the national average PUC predicted for the current calendar year (in this case 2017) divided by the national average PUC for the prior year (in this case 2016). The Calendar Year 2017 PHA HCV allocation uses 3.97 percent as the national inflation factor. Forecast components for each economic series used in the model in FY 2017 were taken from the FY 2017 OMB Midsession Review Economic Assumptions.

III. The Use of Inflation Factors

HUD then calculates individual geographic area inflation factors for each PHA administering the HCV program to account for relative differences in the changes of local rents so that HCV funds can be allocated among PHAs according to local costs. HUD does so by assigning each PHA an inflation factor calculated for its FMR area(s) and then adjusting these individual inflation factors to be consistent with the national forecast.

The inflation factor for an individual geographic area is based on the annualized change in the area's FMR between FY 2016 and FY 2017.[1] These changes in FMRs are then scaled such that the voucher-weighted average of all individual area inflation factors is equal to the national inflation factor, *i.e.,* the expected annual change in national PUC from CY 2016 to CY 2017 (now calculated using the revised ''notional PUC'' methodology described above), and also such that no area has a factor less than one. For PHAs operating in multiple FMR areas, HUD calculates a voucher-weighted average inflation factor based on the count of vouchers in each FMR area administered by the PHA as captured in HUD administrative data as of September 30, 2016.

HUD subsequently applies the calculated individual area inflation factors to eligible renewal funding for each PHA based on VMS leasing and cost data for the prior calendar year.

IV. Geographic Areas and Area Definitions

As explained above, inflation factors based on area FMR changes are produced for all FMR areas and applied to eligible renewal funding for each PHA. The tables showing the RFIFs, available electronically from the HUD data information page, list the inflation factors for each FMR area on a state-by-state basis. The inflation factors use the same OMB metropolitan area definitions, as revised by HUD, that are used in the FY 2017 FMRs. PHAs should refer to the Area Definitions Table on the following Web page to make certain that they are referencing the correct inflation factors: *http://www.huduser.org/portal/datasets/rfif/FY2017/FY2017_RFIF_FMR_AREA_REPORT.pdf.* The Area Definitions Table lists areas in alphabetical order by state, and the counties associated with each area. In the six New England states, the listings are for counties or parts of counties as defined by towns or cities. HUD is also releasing the data in Microsoft Excel format to assist users who may wish to use these data in other calculations. The Excel file is available at *https://www.huduser.gov/portal/datasets/rfif/rfif.html.*

V. Environmental Impact

This notice involves a statutorily required establishment of a rate or cost determination which does not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Dated: June 2, 2017.

Matthew Ammon,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2017–11936 Filed 6–7–17; 8:45 am]

BILLING CODE 4210–67–P

[1] The FY 2017 inflation factors use the one-year change in FMRs measured between FY 2016 and FY 2017. As noted in the FY 2016 ''Section 8 Housing Assistance Payments Program-Fiscal Year (FY) 2016 Inflation Factors for Public Housing Agency (PHA) Renewal Funding'' notice, HUD used the annualized two-year change in FMRs measured between FY 2014 and FY 2016 because the FY15 predicted inflation rate was negative. The notice also stated that HUD intended future inflation factors to be based on the one-year change in FMRs.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–581 and 731–TA–1374–1376 (Preliminary)]

Citric Acid and Certain Citrate Salts From Belgium, Colombia, and Thailand Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–581 and 731–TA–1374–1376 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of citric acid and certain citrate salts from Belgium, Colombia, and Thailand, provided for in subheadings 2918.14, 2918.15, and 3824.99 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of Thailand. Unless the Department of Commerce extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by July 17, 2017. The Commission's views must be transmitted to Commerce within five business days thereafter, or by July 24, 2017.

DATES: *Effective* June 2, 2017.

FOR FURTHER INFORMATION CONTACT: Lawrence Jones (202) 205–3358, Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on June 2, 2017, by Archer Daniels Midland Company, Decatur, Illinois; Cargill, Incorporated, Minneapolis, Minnesota; and Tate & Lyle Ingredients Americas, LLC, Hoffman Estates, Illinois.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on June 23, 2017, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.bishop@usitc.gov* and *Sharon.bellamy@usitc.gov* (DO NOT FILE ON EDIS) on or before June 21, 2017. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before June 28, 2017, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract

personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: June 5, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–11917 Filed 6–7–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liabiilty Act

On June 1, 2017, the Department of Justice lodged a proposed Consent Decree with the District Court of the Virgin Islands in a lawsuit entitled *United States* v. *The Cyril V. Francois Associates, L.L.C.,* Civil Action No. 3:17–cv–38.

In this action the United States seeks, as provided under the Comprehensive Environmental Response, Compensation and Liability Act, recovery of response costs regarding the Tutu Wellfield Superfund Site (''Site'') in St. Thomas U.S. Virgin Islands. The proposed Consent Decree resolves the United States' claims and requires Cyril V. Francois to pay $300,000 in reimbursement of the United States' past response costs regarding the Site.

The publication of this notice opens the public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *The Cyril V. Francois Associates, L.L.C.,* Civil Action No. 3:17–cv–00038, D.J. Ref. 90–11–3–09837. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs.

Please email your request and payment to: Consent Decree Library, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611. Please enclose a check or money order for $6.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert E. Maher, Jr.,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–11845 Filed 6–7–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Unemployment Insurance (UI) State Quality Service Plan (SQSP) Planning and Reporting Guidelines

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Unemployment Insurance (UI) State Quality Service Plan (SQSP) Planning and Reporting Guidelines.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by August 7, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Delores Ferrell by telephone at 202–693–3183, TTY 1–877–889–5627 (these are not toll-free numbers) or by email at *ferrell.delores@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue NW., Room S–4519, Washington, DC 20210; by email: *ferrell.delores@dol.gov;* or by Fax 202–693–3975.

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The SQSP represents an approach to the unemployment insurance performance management and planning process that allows for an exchange of information between the Federal and state partners to enhance the ability of the program to reflect the joint commitment to performance excellence and client-centered services. As part of UI Performs, a comprehensive performance management system implemented in 1995 for the UI program, the SQSP is the principal vehicle that state UI agencies use to plan, record, and manage program improvement efforts as they strive for excellence in service. The SQSP, which serves as the State Plan for the UI program, also serves as the grant document through which states receive Federal UI administrative funding. The statutory basis for the SQSP is Title III, Section 302 of the Social Security Act, which authorizes the Secretary of Labor to provide funds to administer the UI programs, and Sections 303 (a) (8) and (9) which govern the expenditures of those funds. The SQSP represents an approach to tie program performance with the budget and planning process.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not

display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0132.

Submitted comments will also be a matter of public record for this ICR and posted on the Internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Type of Review: Extension Without Change.

Title of Collection: Unemployment Insurance (UI) State Quality Service Plan (SQSP) Planning and Reporting Guidelines.

Form: ET Handbook No. 336, 18th Edition.

OMB Control Number: 1205–0132.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 53.

Frequency: Biannual, Annual, and Quarterly.

Total Estimated Annual Responses: 747.

Estimated Average Time per Response: 4.32 hours.

Estimated Total Annual Burden Hours: 3,226 hours.

Total Estimated Annual Other Cost Burden: $0.

Byron Zuidema,

Deputy Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2017–11843 Filed 6–7–17; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Quarterly Narrative Progress Report, Employment and Training Supplemental Budget Request Activities

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Quarterly Narrative Progress Report, Employment and Training Supplemental Budget Request Activities.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by August 7, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Brad Wiggins by telephone at (202) 693–3029, TTY 1–877–889–5627 (these are not toll-free numbers) or by email at *wiggins.brad@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue NW., Room S–4524, Washington, DC 20210; by email: *wiggins.brad@dol.gov;* or by Fax (202) 693–3229.

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The ETA National and regional offices use the Quarterly Narrative Progress Report, Employment and Training Supplemental Budget Request Activities, to monitor the progress of State Workforce Agencies (SWAs) in implementing supplemental grant projects. ETA provides supplemental grants for SWAs to prevent and detect improper benefit payments, improve state performance, and address outdated Information Technology (IT) system infrastructures. ETA implements these projects through Unemployment Insurance (UI) Supplemental Budget Request (SBR) grants, Reemployment Services and Eligibility Assessments (RESEA) grants, and Dislocated Worker Grants (DWGs) to states for demonstration and special projects such as Reemployment and Systems Integration (RSI). This information collection includes the funded project/activity, the targeted start and completion dates for the project/activity, and the quarterly implementation status. These data are needed for budget preparation and control; program planning and evaluation; program monitoring, oversight, and performance accountability; actuarial and program research; and for accounting to Congress and the public. Title III, Section 303(a)(6) of the Social Security Act authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In

order to help ensure appropriate consideration, comments should mention OMB control number 1205–0517.

Submitted comments will also be a matter of public record for this ICR and posted on the Internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Type of Review: Revision.

Title of Collection: Quarterly Narrative Progress Report, Employment and Training Supplemental Budget Request Activities.

Form: ETA 9178.

OMB Control Number: 1205–0517.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 57.

Frequency: Quarterly.

Total Estimated Annual Responses: 228.

Estimated Average Time per Response: 5 hours.

Estimated Total Annual Burden Hours: 1,140 hours.

Total Estimated Annual Other Cost Burden: $0.

Byron Zuidema,

Deputy Assistant Secretary for Employment and Training.

[FR Doc. 2017–11844 Filed 6–7–17; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Advisory Committee on Veterans' Employment, Training, and Employer Outreach (ACVETEO)

AGENCY: Veterans' Employment and Training Service (VETS), Labor.

ACTION: Notice of ACVETEO charter renewal.

In accordance with section 4110 of Title 38, U.S. Code, and the provisions of the Federal Advisory Committee Act (FACA) and its implementing regulations issued by the U.S. General Services Administration (GSA), the Secretary of Labor is renewing the charter for the Advisory Committee on Veterans' Employment, Training, and Employer Outreach (ACVETEO).

The ACVETEO's responsibilities are to: (a) Assess employment and training needs of veterans and their integration into the workforce; (b) determine the extent to which the programs and activities of the Department of Labor (DOL) are meeting such needs; (c) assist the Assistant Secretary for Veterans' Employment and Training (ASVET) in conducting outreach to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans; (d) make recommendations to the Secretary of Labor, through the ASVET, with respect to outreach activities and the employment and training needs of veterans; and (e) carry out such other activities deemed necessary to making required reports and recommendations under section 4110(f) of Title 38, U.S. Code.

Per section 4110(c)(1) of Title 38, U.S. Code, the Secretary of Labor shall appoint at least twelve, but no more than sixteen, individuals to serve as Special Government Employees of the ACVETEO as follows: seven individuals, one each from the following organizations: (i) The Society for Human Resource Management; (ii) the Business Roundtable; (iii) the National Association of State Workforce Agencies; (iv) the United States Chamber of Commerce; (v) the National Federation of Independent Business; (vi) a nationally recognized labor union or organization; and (vii) the National Governors Association. The Secretary shall appoint not more than five individuals nominated by veterans' service organizations that have a national employment program and not more than five individuals who are recognized authorities in the fields of business, employment, training, rehabilitation, or labor and who are not employees of DOL. Members will serve as Special Government Employees.

The ACVETEO will function in compliance with the provisions of the FACA, and its charter will be filed under the FACA. For more information, contact Gregory B. Green, Assistant Designated Federal Official, ACVETEO, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210; via email to Mr. Gregory Green at *green.gregory.b@dol.gov* or telephone (202) 693–4734.

Signed at Washington, DC, on June 1, 2017.

Sam Shellenberger,

Deputy Assistant Secretary for Veterans' Employment and Training Service.

[FR Doc. 2017–11934 Filed 6–7–17; 8:45 am]

BILLING CODE 4510–79–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 17–034]

Notice of Intent To Grant an Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant an exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive patent license in the United States to practice the invention described and claimed in U.S. Patent Application Serial No. 14/871,127 entitled ''Magnetically Retained Relief Valve,'' KSC–13870, to MagPress Valves having its principal place of business in Round Rock, Texas.

DATES: The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to

Patent Counsel, Office of the Chief Counsel, NASA John F. Kennedy Space Center, Mail Code CC–A, Kennedy Space Center, FL 32899. Telephone: 321–867–2076; Facsimile: 321–867–1817.

FOR FURTHER INFORMATION CONTACT: Jonathan Leahy, Patent Attorney, Office of the Chief Counsel, Mail Code CC–A, NASA John F. Kennedy Space Center, Kennedy Space Center, FL 32899. Telephone: 321–867–6553; Facsimile: 321–867–1817.

SUPPLEMENTARY INFORMATION: This notice of intent to grant an exclusive patent license is issued in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Mark P. Dvorscak,

Agency Counsel for Intellectual Property.

[FR Doc. 2017–11858 Filed 6–7–17; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2017–041]

Privacy Act of 1974; System of Records

AGENCY: National Archives and Records Administration (NARA).

ACTION: Rescinding a System of Records Notice (SORN).

SUMMARY: NARA is rescinding its (SORN) for its Ride Share Locator Database (NARA 31). We no longer maintain this information or the system of records.

DATES: We stopped maintaining this information and the system of records on May 2, 2017.

ADDRESSES: Send comments on this notice to *regulation_comments@nara.gov.*

FOR FURTHER INFORMATION CONTACT: Kimberly Keravuori, External Policy Program Manager, by telephone at (301) 837–3151 or by email at *kimberly.keravuori@nara.gov.*

SUPPLEMENTARY INFORMATION: One of the purposes of the Privacy Act of 1974, as amended (5 U.S.C. 552(a)(e)(4)), stated in section 2(b)(4) of the Act, is to provide people with certain safeguards against an invasion of privacy when a Federal agency collects, stores, and uses personal information. As a result, the Act requires Federal agencies to ensure that any record of identifiable personal information is current and accurate for its intended use, that the agency is providing adequate safeguards to prevent misuse of such information, and that the agency is not sharing the information unless such action is for a necessary and lawful purpose. NARA follows these principles.

NARA 31 consisted of information that NARA collected from employees at our College Park facility who were interested in participating in a ride share program we sponsored for employees' benefit. The information included peoples' names, addresses, NARA organizational unit, and work phone number. We provided the information to other employees who expressed an interest in sharing rides for daily commuting to the facility. The records in this system consisted of both paper and electronic records, were temporary in nature, and we routinely destroyed them in accordance with disposition instructions in NARA's Records Schedule.

In the last few years, however, the need for an employee ride share program has died out and we no longer have a reason to maintain the information or the system. NARA employees are able to make use of social media and other similar methods to connect with each other and coordinate rides, so the need for the agency to manage a program is gone. As a result, and in compliance with the Privacy Act's tenets that any personal information an agency keeps is both up-to-date relevant, and necessary, we have closed down the system of records, destroyed the last version of the information contained within it, and are now rescinding the SORN for this system.

System Name and Number:

NARA 31, Ride Share Locator Database.

HISTORY:

We last reviewed, updated, and published the notice for this system of records in the **Federal Register** on December 20, 2013 (78 FR 77255, December 20, 2013), along with the rest of our SORNs.

David S. Ferriero,

Archivist of the United States.

[FR Doc. 2017–11887 Filed 6–7–17; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[IA–16–049; NRC–2017–0135]

In the Matter of Toby Lashley

AGENCY: Nuclear Regulatory Commission.

ACTION: Order; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an Order prohibiting Mr. Toby Lashley from involvement in NRC-licensed activities for a period of 1 year. The Order also requires Mr. Lashley to notify the NRC of any current involvement in NRC-licensed activities. Additionally, Mr. Lashley is required to notify the NRC of his first employment in NRC-licensed activities for a period of one year following the 1-year prohibition period.

DATES: Effective Date: See attachment.

ADDRESSES: Please refer to Docket ID NRC–2017–0135 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0135. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *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: Thomas Marenchin, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington DC 20555–

0001; telephone: 301–287–9518; Email: *Thomas.Marenchin@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated at Rockville, Maryland, this 1st day of June 2017.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,

Director, Office of Enforcement.

NUCLEAR REGULATORY COMMISSION

[IA–16–049]

In the Matter of Toby Lashley

Order Prohibiting Involvement in NRC Licensed Activities

I.

Mr. Toby Lashley was employed as a radiographer at JANX Integrity Group (JANX) located in Parma, Michigan. JANX Integrity Group holds License No. 21–16560–01, issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 34 on May 12, 2016. The license authorizes radiographic operations in accordance with the conditions specified in the license.

II.

On January 19, 2016, during a routine inspection at JANX, the radiation safety officer (RSO) informed the inspector that two individuals, Mr. Toby Lashley and another radiographer, were terminated in September 2015 for not following NRC regulations. As a result, the NRC Office of Investigations (OI) initiated an investigation to determine if JANX employees deliberately failed to follow NRC regulations. The OI investigation focused, in part, on whether Mr. Lashley deliberately failed to be present during radiographic operations performed away from a permanent radiographic installation, which require two qualified individuals to be present. The NRC completed its investigation on June 1, 2016.

The Region III OI interviewed a number of individuals, including a regional compliance manager, the RSO, Mr. Lashley, and two additional radiographers who had worked with Mr. Lashley. One of the radiographers who had worked with Mr. Lashley testified that Mr. Lashley would remain in the truck developing and reading the film while he performed most of the work. The radiographer raised the issue to JANX management. On August 12, 2015, during an audit, the regional compliance manager verbally reminded Mr. Lashley of the requirement for both qualified individuals to be present during radiographic operations. However, on August 13, 2015, the manager observed Mr. Lashley violate the requirement despite the verbal reminder the previous day.

During the above, the RSO stated that he had observed Mr. Lashley and another radiographer perform radiographic operations on September 18, 2015. According to the RSO, when the radiographic operations began, Mr. Lashley sat in the truck facing forward, using his phone and working on his computer, while the other radiographer worked at the rear of the truck.

During the OI interview, Mr. Lashley did not recall receiving any training from JANX; however, he acknowledged his experience in performing radiographic operations and was able to describe the equipment, its function, and methods in performing radiography. Mr. Lashley recalled the August 2015 events and not having both qualified individuals present during radiographic operations. He also recalled the September 18, 2015, confrontation with the RSO; however, he did not admit to violating the requirement.

Based on the evidence gathered during the OI investigation, on September 18, 2015, Mr. Lashley deliberately failed to accompany the radiographer during radiographic operations as required by 10 CFR 34.41(a).

III.

Based on the above, the NRC has concluded that Mr. Toby Lashley engaged in deliberate misconduct in violation of 10 CFR 30.10(a)(1) that caused JANX to be in violation of 10 CFR 34.41(a). The NRC must be able to rely on JANX and its employees to comply with NRC requirements. Mr. Lashley's actions raised serious doubt as to whether he can be relied upon to comply with NRC requirements.

Consequently, the NRC lacks the requisite reasonable assurance that licensed activities could be conducted in compliance with the Commission's requirements and that the health and safety of the public would be protected if Mr. Lashley were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety, and interest require that Mr. Lashley be prohibited from any involvement in NRC-licensed activities for a period of 1 year from the date of this Order. Additionally, Mr. Lashley is required to notify the NRC of his first employment in NRC-licensed activities for a period of 1 year following the prohibition period.

IV.

Accordingly, pursuant to Sections 81, 161b, 161i, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, and 10 CFR 30.10, IT IS HEREBY ORDERED THAT:

1. Mr. Toby Lashley is prohibited for 1 year from the date of this Order from engaging in, supervising, directing, or in any other way conducting NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted in the NRC's jurisdiction pursuant to the authority granted by 10 CFR 150.20.

2. If Mr. Toby Lashley is currently engaged in NRC-licensed activities with any licensee, he must immediately cease those activities; inform the NRC of the name, address, and telephone number of the licensee; and provide a copy of this Order to the licensee.

3. For a period of 1 year after the 1-year period of prohibition has expired, Mr. Toby Lashley shall, within 20 days of acceptance of his first employment offer involving NRC-licensed activities or his becoming involved in NRC-licensed activities, as defined in Paragraph IV.1 above, provide notice to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, of the name, address, and telephone number of the employer or the entity where he is, or will be, involved in the NRC-licensed activities. In the notification, Mr. Lashley shall include a statement of his commitment to compliance with regulatory requirements and the basis why the Commission should have confidence that he will now comply with applicable NRC requirements.

The Director, Office of Enforcement, or designee, may, in writing, relax, withdraw, or rescind any of the above conditions upon demonstration by Mr. Toby Lashley of good cause.

V.

In accordance with 10 CFR 2.202, Mr. Toby Lashley must submit a written answer to this Order under oath or affirmation within 30 days of its publication in the **Federal Register**. Mr. Lashley's failure to respond to this Order could result in additional enforcement action in accordance with the Commission's Enforcement Policy. Any person adversely affected by this Order may submit a written answer to this Order within 30 days of its publication in the **Federal Register**. In addition, Mr. Lashley or any other

person adversely affected by this Order may request a hearing on this Order within 30 days of its publication in the **Federal Register**. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–001, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's Public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's Public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's Public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the Public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an Order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''Cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person other than Mr. Toby Lashley requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by Mr. Toby Lashley or other person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 30 days from the date this

Order is published in the **Federal Register** without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

Dated at Rockville, Maryland, this 1st day of June 2017.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,
Director,
Office of Enforcement.

[FR Doc. 2017–11925 Filed 6–7–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2017–139 and CP2017–198; MC2017–140 and CP2017–199; MC2017–141 and CP2017–200; MC2017–142 and CP2017–201]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 12, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2017–139 and CP2017–198; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 324 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* June 2, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative:* Lawrence Fenster; *Comments Due:* June 12, 2017

2. *Docket No(s).:* MC2017–140 and CP2017–199; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 325 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* June 2, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative:* Lawrence Fenster; *Comments Due:* June 12, 2017.

3. *Docket No(s).:* MC2017–141 and CP2017–200; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 326 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* June 2, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative:* Katalin K. Clendenin; *Comments Due:* June 12, 2017.

4. *Docket No(s).:* MC2017–142 and CP2017–201; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Express Contract 48 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* June 2, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative:* Katalin K. Clendenin; *Comments Due:* June 12, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,
Secretary.

[FR Doc. 2017–11916 Filed 6–7–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Sunshine Act Meeting; Temporary Emergency Committee of the Board of Governors

DATES AND TIMES: Tuesday, June 20, 2017, at 9:00 a.m.

PLACE: Washington, DC

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Tuesday, June 20, 2017, at 9:00 a.m.

1. Strategic Issues.
2. Financial Matters.
3. Personnel Matters and Compensation Issues.
4. Executive Session—Discussion of prior agenda items and Temporary Emergency Committee governance.

GENERAL COUNSEL CERTIFICATION: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Julie S. Moore, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260–1000. Telephone: (202) 268–4800.

Julie S. Moore,
Secretary.

[FR Doc. 2017–12033 Filed 6–6–17; 4:15 pm]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32669; File No. 812–14611]

Franklin Fund Allocator Series, et al.

June 5, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 12(d)(1)(A), (B), and (C) of the Act; under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a) of the Act; and under section 6(c) of the Act for an exemption from rule 12d1–2(a) under the Act. The requested order would: (a) Permit certain registered open-end investment companies to acquire shares of certain registered open-end investment companies, registered closed-end investment companies, business development companies, as defined in section 2(a)(48) of the Act, and unit investment trusts (collectively, ''Underlying Funds'') that are within and outside the same group of investment companies as the acquiring investment companies, in excess of the limits in section 12(d)(1) of the Act; and (b) permit certain registered open-end management investment companies relying on rule 12d1–2 under the Act to invest in certain financial instruments.

APPLICANTS: Franklin Fund Allocator Series, a Delaware statutory trust, that is registered under the Act as an open-end management investment company with multiple series (the ''Trust''); Franklin Advisers, Inc. (the ''Initial Adviser''), a California corporation, registered as an investment adviser under the Investment Advisers Act of 1940; and Franklin Templeton Distributors, Inc. (the ''Distributor''), registered as a broker-dealer under the Securities Exchange Act of 1934 (the ''1934 Act'') and a member of the Financial Industry Regulatory Authority.

FILING DATES: The application was filed on February 9, 2016, and amended on May 23, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 30, 2017, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: Craig S. Tyle, Franklin Templeton Investments, One Franklin Parkway, San Mateo, CA 94403; and Bruce G. Leto and Michael W. Mundt, Stradley Ronon Stevens & Young, LLP, 2600 One Commerce Square, Philadelphia, PA 19103.

FOR FURTHER INFORMATION CONTACT: Laura L. Solomon, Senior Counsel, at (202) 551–6915, or Nadya Roytblat, Assistant Chief Counsel, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order to permit (a) each Fund [1] (each a ''Fund of Funds'') to acquire shares of Underlying Funds [2] in excess of the limits in sections 12(d)(1)(A) and (C) of the Act and (b) each Underlying Fund that is a registered open-end management investment company or series thereof, their principal underwriters, and any broker or dealer registered under the 1934 Act to sell shares of the Underlying Funds to the Fund of Funds in excess of the limits in section 12(d)(1)(B) of the Act.[3] Applicants also request an order of exemption under sections 6(c) and 17(b) of the Act from the prohibition on certain affiliated transactions in section 17(a) of the Act to the extent necessary to permit the Underlying Funds to sell their shares to, and redeem their shares from, the Funds of Funds.[4] Applicants state that such transactions will be consistent with the policies of each Fund of Funds and each Underlying Fund and with the general purposes of the Act and will be based on the net asset values of the Underlying Funds.

2. Applicants further request an exemption under section 6(c) from rule 12d1–2 under the Act to permit any Fund of Funds that relies on section 12(d)(1)(G) of the Act (''Section 12(d)(1)(G) Fund of Funds'') and that otherwise complies with rule 12d1–2(a) under the Act, to also invest, to the extent consistent with its investment objective, policies, strategies and limitations, in other financial instruments that may not be securities within the meaning of section 2(a)(36) of the Act (''Other Investments'').

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions

[1] Applicants request that the order apply not only to the existing series of the Trust (the ''Initial Funds''), but that the order also extend to any future series of the Trust and any other existing or future registered open-end management investment companies and any series thereof that are part of the same ''group of investment companies,'' as defined in section 12(d)(1)(G)(ii) of the Act, as the Trust and are, or may in the future be, advised by the Initial Adviser or its successor or any other investment adviser controlling, controlled by, or under common control with the Initial Adviser or its successor (together with the Initial Funds, each series a ''Fund,'' and collectively, the ''Funds''). Applicants further request that the order also apply to any future principal underwriter and distributor for a Fund. For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization. For purposes of the request for relief, the term ''group of investment companies'' means any two or more registered investment companies, including closed-end investment companies, and business development companies, that hold themselves out to investors as related companies for purposes of investment and investor services.

[2] Certain of the Underlying Funds have obtained exemptions from the Commission necessary to permit their shares to be listed and traded on a national securities exchange at negotiated prices and, accordingly, to operate as an exchange-traded fund (''ETF'').

[3] Applicants are not requesting relief for a Fund of Funds to invest in business development companies and registered closed-end investment companies that are not listed and traded on a national securities exchange.

[4] Applicants note that a Fund of Funds generally would purchase and sell shares of an Underlying Fund that operates as an ETF or closed-end fund through secondary market transactions rather than through principal transactions with the Underlying Fund. Applicants nevertheless request relief from sections 17(a)(1) and (2) to permit each ETF or closed-end fund that is an affiliated person, or an affiliated person of an affiliated person, as defined in section 2(a)(3) of the Act, of a Fund of Funds, to sell shares to or redeem shares from the Fund of Funds. This includes, in the case of sales and redemptions of shares of ETFs, the in-kind transactions that accompany such sales and redemptions. Applicants are not seeking relief from Section 17(a) for, and the requested relief will not apply to, transactions where an ETF, BDC or closed-end fund could be deemed an affiliated person, or an affiliated person of an affiliated person, of a Fund of Funds because an investment adviser to the ETF, BDC or closed-end fund or an entity controlling, controlled by or under common control with the investment adviser to the ETF, BDC or closed-end fund, is also an investment adviser to the Fund of Funds.

stated in the application. Such terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over an Underlying Fund that is not in the same ''group of investment companies'' as the Fund of Funds through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A), (B), and (C) of the Act. Applicants assert that permitting a Section 12(d)(1)(G) Fund of Funds to invest in Other Investments as described in the application would not raise any of the concerns that section 12(d)(1) of the Act was intended to address.

4. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–11924 Filed 6–7–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80849; File No. SR–LCH SA–2017–004]

Self-Regulatory Organizations; LCH SA; Order Approving Proposed Rule Change Relating to LCH SA's CDS Margin and Extreme Credit Spread Curves

June 2, 2017.

I. Introduction

On April 4, 2017, Banque Central de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–LCH SA–004) to amend its CDS margin framework to replace an algorithm-based approach to pricing credit default swaps (''CDS'') in the event extreme spread curves cause the International Swaps and Derivatives Association Standard Model for pricing credit default swaps (''ISDA Pricer'') to fail with an approximation-based method.[3] The proposed rule change was published for comment in the **Federal Register** on April 19, 2017.[4] The Commission received no comment letters regarding the proposed change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

LCH SA has proposed to amend its CDS margin framework. The proposed change would alter the approach used by LCH SA when the ISDA Pricer, used in pricing CDS, fails as a result of extreme spread curves. Under its current CDS margin framework, LCH SA uses the ISDA Pricer to calibrate credit spread curves as part of its spread margin component. According to LCH SA, the ISDA Pricer cannot be used to calibrate credit spread curves where ''extreme'' credit spread curves exist.[5] In the event that the ISDA Pricer fails due to the existence of extreme credit spread curves, LCH SA has established a dichotomy-based algorithm that it uses to adjust the inputs and calibrate the spread curves iteratively until it identifies the tenor causing the calibration to fail, and the closest spread to that tenor that will allow the curve to appropriately calibrate.[6]

LCH SA represented that this dichotomy-based algorithm can consume significant amounts of time to process because of the number of repetitions that may be necessary for the process to produce the appropriate results, which could result in delays in calculating margin requirements.[7] To ameliorate the potential for these delays, LCH SA has proposed to amend its approach by replacing the dichotomy-based algorithm described above with an approximation-based approach under which LCH SA would, in the event that the ISDA Pricer fails, construct a piecewise hazard rate curve and a piecewise constant interest rate curve, and then apply average hazard and interest rates for the relevant period to price the relevant CDS.[8]

LCH SA represents that it has performed quantitative analysis, which indicates that the revised approach to calculating margin requirements in the event that the ISDA Pricer fails is a reliable pricing tool.[9] Therefore, this revised approach is not likely to result in significant changes to CDS prices and margin requirements calculated using LCH SA's current approach.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a propose 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.[10] Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions.[11] Rule 17Ad–22(e)(17) requires, in relevant part, that each covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to manage a covered clearing agency's operational risk by identifying the plausible sources

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] For additional information regarding the ISDA Standard Model, *see www.cdsmodel.com.* The Commission is providing this link solely for informational purposes.

[4] Securities Exchange Act Release No. 34–80451 (April 13, 2017), 82 FR 18515 (April 19, 2017) (SR–LCH SA–2017–004) (''Notice'').

[5] Notice, 82 FR at 18515.

[6] *Id.*

[7] *Id.*

[8] *Id.*

[9] Notice, 82 FR at 18516.

[10] 15 U.S.C. 78s(b)(2)(C).

[11] 15 U.S.C. 78q–1(b)(3)(F).

of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures and controls, as well as to ensure that systems have a high degree of security, resiliency, operational reliability, and adequate, scalable capacity.[12] Rule 17Ad–22(b)(1) requires, in relevant part, a registered clearing agency that performs central counterparty services to establish, implement, maintain and enforce written policies and procedures that are reasonably designed to measure the registered clearing agency's credit exposures to its participants at least once daily and limit its exposures to potential losses from participant defaults under normal market conditions.[13] Rule 17Ad–22(b)(2) requires, in relevant part, a registered clearing agency that performs central counterparty services to establish, implement, maintain and enforce written policies and procedures that are reasonably designed to use margin requirements to limit its credit exposures to participants under normal market conditions and use risk-based models and parameters to set margin requirements.[14] Rule 17Ad–22(e)(6) requires, in relevant part, a covered clearing agency that provides central counterparty services to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers and produces margin levels commensurate with the risks and particular attributes of each relevant product, portfolio and market, and marks participant positions to market and collects margin, including variation margin or equivalent charges if relevant, at least daily.[15]

The Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act and the relevant provisions of Rule 17Ad–22 thereunder. The Commission believes that the proposed rule change will reduce the risk that the process for determining spread margin requirements will require excessive time to process in the event that extreme spread curves cause the ISDA Pricer to fail; the proposed rule change thereby will improve LCH SA's operational ability to calculate its margin requirements promptly without sacrificing accuracy. Because it will facilitate the calculation of margin requirements in a timely fashion, the proposed rule change is consistent with the prompt and accurate clearance and settlement requirement of Section 17A(b)(3)(F) of the Act and with operational risk requirements of Rule 17Ad–22(e)(17).

The Commission also believes that the proposed rule change provides for an approach that takes into consideration relevant risks (including hazard rates and interest rates) in order to provide for appropriate method for calculating CDS prices, and consequently the measurement of LCH SA's credit exposures and margin requirements, in the event that the ISDA Pricer fails. As a result, the proposed rule change is consistent with requirements of Rules 17Ad–22(b)(1) and (2), and Rule 17Ad–22(e)(6).

IV. Conclusion

It is therefore ordered pursuant to Section 19(b)(2) of the Act that the proposed rule change (SR–LCH SA–2017–004) be, and hereby is, approved.[16]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11865 Filed 6–7–17; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 240.17Ad–22(e)(17).

[13] 17 CFR 240.17Ad–22(b)(1).

[14] 17 CFR 240.17Ad–22(b)(2).

[15] 17 CFR 240.17Ad–22(e)(6)(i) and (ii).

[16] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80851; File No. SR–NYSEARCA–2017–63]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Pilot Period for the Exchange's Retail Liquidity Program Until December 31, 2017

June 2, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 23, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of the 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 June 30, 2017, until December 31, 2017. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and 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 June 30, 2017,[4] until December 31, 2017.

Background

In December 2013, the Commission approved the Retail Liquidity Program on a pilot basis.[5] 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

[4] *See* Securities Exchange Act Release No. 79495 (December 7, 2016), 81 FR 90033 (December 13, 2016) (SR–NYSEArca–2016–157).

[5] *See* Securities Exchange Act Release No. 71176 (December 23, 2013), 78 FR 79524 (December 30, 2013) (SR–NYSEArca–2013–107) (''RLP Approval Order'').

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 Arca Equities Rule 7.44(m), the pilot period for the Program is scheduled to end on June 30, 2017.

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.[6] As such, the Exchange believes that it is appropriate to extend the current operation of the Program.[7] Through this filing, the Exchange seeks to amend NYSE Arca Equities Rule 7.44(m) and extend the current pilot period of the Program until December 31, 2017.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5),[9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. 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 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[10] and Rule 19b–4(f)(6) thereunder.[11] 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)[12] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[13] 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)[14] 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*. Please include File Number SR–NYSEARCA–2017–63 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2017–63. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written

[6] *See* RLP Approval Order, *supra* n. 5, 78 FR at 79529.

[7] 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 May 23, 2017.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] 15 U.S.C. 78s(b)(2)(B).

communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2017–63, and should be submitted on or before June 29, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11867 Filed 6–7–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80854; File No. SR–CBOE–2017–010]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Related to Unusual Market Conditions and the Duty To Systemize Non-Electronic Orders Prior to Representation

June 2, 2017.

I. Introduction

On February 15, 2017, the Chicago Board Options Exchange, Incorporated (''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its rules regarding the circumstances in which CBOE Floor Officials may declare a ''fast'' market and the actions those Floor Officials may take when a fast market is declared, including the ability to suspend the duty to systemize a non-electronic order prior to representing it in open outcry trading. The proposed rule change was published for comment in the **Federal Register** on March 6, 2017.[3] The Commission received no comments on the proposed rule change. On April 18, 2017, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5]

The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to institute proceedings under Section 19(b)(2)(B) of the Exchange Act[6] to determine whether to approve or disapprove the proposed rule change, as discussed in Section III below. The institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved, nor does it mean that the Commission will ultimately disapprove the proposed rule change. Rather, as described in Section III below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change in order to inform the Commission's analysis of whether to approve or disapprove the proposed rule change.

II. Summary of Proposal

Currently, CBOE Rule 6.6(a) permits two Floor Officials to declare a market to be ''fast'' ''because of an influx of orders or other unusual conditions or circumstances'' when doing so would be in ''the interest of maintaining a fair and orderly market.''[7] Once a market is declared ''fast,'' Floor Officials have the authority to take a number of actions.[8]

In its filing, CBOE proposes several changes to Rule 6.6. First, CBOE proposes to amend paragraph (a) of the rule to require that at least one of the two Floor Officials that declares a fast market must be an Exchange employee. Additionally, the Exchange proposes to provide a non-exhaustive list of ''unusual conditions or circumstances'' that Floor Officials may consider when determining whether to declare a market to be ''fast.'' Specifically, proposed new language in Rule 6.6(a) would provide that: ''[i]t may be in the interest of fair and orderly markets to declare a fast market when one or more of the following conditions have been met: (i) The previous day's closing price of the S&P 500 Index is more than 2% away from the previous day's opening price; (ii) the front-month E-mini S&P 500 Future (symbol ES/1) is trading more than 20 points above or below the previous day's closing values by 8:00 a.m. CT; or (iii) the intraday price of the S&P 500 Index moves more than 1% in any one hour interval during regular trading hours.'' In the Notice, CBOE acknowledges that some of these conditions occur with some degree of frequency,[9] but nevertheless asserts that these measures could reflect volatile trading conditions.[10] The Exchange asserts that including these guidelines in the rule text would give better notice to market participants as to when it might declare a fast market.[11]

Further, CBOE proposes to allow two Floor Officials to suspend during a fast market the requirement of CBOE Rule 6.24 that non-electronic orders be systematized prior to representation on the trading floor.[12] During such a suspension, Trading Permit Holders (''TPHs'') and TPH organizations would be required to follow the procedures described in Rule 6.24(b), which require paper tickets to be used for orders received during a malfunction or disruption of the Exchange's systems.[13] The Exchange also would require that, as soon as it declares an end to a fast market, TPHs would be required immediately to resume systematizing orders prior to representing them and use best efforts to, as soon as possible and no later than the close of business, input electronically into the Exchange's systems all relevant order information received during the time period when the order systematization requirement was suspended.[14]

In justifying its proposal, CBOE highlights that the risk that customers and market participants may experience losses if they miss the market as a result of the time required for TPHs to systematize orders, a risk that CBOE

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80123 (February 28, 2017), 82 FR 12667 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 80481, 82 FR 18941 (April 24, 2017). The Commission designated June 4, 2017, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* CBOE Rule 6.6(a).

[8] *See* CBOE Rule 6.6(b).

[9] *See* Notice, *supra* note 3, at 12669 (noting that, over a prior eight month period, the intraday price of the S&P 500 Index had moved more than 1% in any one hour interval during regular trading hours on at least 30 days, which the Exchange categorized as a ''not . . . infrequent occurrence'').

[10] *See id.* at 12668–69.

[11] *See id.*

[12] *See* proposed Rule 6.6(b).

[13] *See* proposed Rule 6.6.01.

[14] *See id.*

believes is exacerbated during fast markets when there can be an unusually large number of orders submitted to brokers and market prices can change quickly.[15] The Exchange argues that market participants may be better served when the systemization requirement is suspended, which the Exchange believes could help TPHs more quickly execute orders in open outcry.[16]

The Exchange asserts that its proposed amendments to CBOE Rule 6.6 would not affect its ability to maintain an accurate audit trail.[17] CBOE argues that suspending the systematization requirement during a fast market would merely delay its receipt of the audit trail information, because that information would still be recorded in a written form according to the procedures set forth under CBOE Rule 6.24, which currently applies only when orders are received during a malfunction or disruption of the Exchange's systems.[18]

Additionally, the Exchange asserts that the proposed rule change would not affect its ability to promptly report trade and quotation information to the Options Price Reporting Authority (''OPRA'').[19] The Exchange states that market participants would still be required to report the execution of orders within 90 seconds even where the systematization requirement had been suspended under proposed Rule 6.6.[20] Further, the Exchange states that its collection and reporting of quotation information to OPRA would not be affected by the proposed rule change; CBOE would continue to collect and transmit bids and offers at stated prices or limits with respect to individual securities in which it provides a market.[21]

III. Proceedings To Determine Whether To Approve or Disapprove SR–CBOE–2017–010 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act [22] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as stated below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change to inform the Commission's analysis of whether to approve or disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[23] the Commission is providing notice of the grounds for disapproval under consideration, as discussed below. The Commission believes that instituting proceedings will allow for additional analysis of, and input from commenters with respect to, the proposed rule change's consistency with: (1) Section 6(b)(1) of the Exchange Act,[24] which requires that a national securities exchange is so organized and has the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the exchange; and (2) Section 6(b)(5) of the Exchange Act,[25] which requires that the rules of a national securities exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and, in general, to protect investors and the public interest.

Specifically, the Commission is concerned whether the proposed rule change could adversely impact the ability of the Exchange to enforce compliance by its members on the CBOE trading floor with applicable rules and regulations, including CBOE rules designed to, among other things, ensure the integrity of its audit trail to help CBOE prevent fraudulent and manipulative acts and practices. In particular, the Commission wishes to consider further whether CBOE has sufficiently demonstrated how suspending the systemization requirement and relying upon paper tickets, where the order details are not captured prior to representation of the order in open outcry trading, in an environment of ''extraordinary market volatility,'' when TPHs may receive ''an unusually large number of orders'' and ''market prices can change erratically, extremely quickly, and in enormous swings'' will foster compliance with its audit trail rules, support the integrity of the audit trail and the Exchange's surveillance that relies thereon, and not otherwise diminish the Exchange's ability to ensure compliance with these critically important rules and thereby continue to maintain an accurate and reliable audit trail to support its regulatory operations and obligations.[26]

In its Notice for the current proposal, the Exchange asserts that its proposed amendments to CBOE Rule 6.6 would not affect its ability to maintain an accurate audit trail, but the Exchange does not discuss how or why its position on that issue has changed since first instituting the requirement in 2005.[27] The Commission is concerned whether CBOE's proposal to suspend the systemization requirement in a fast moving market is appropriately designed to support the integrity and reliability of its audit trail during active trading and, in turn, whether it is designed to support its surveillance program and thereby help prevent fraudulent and manipulative acts and protect investors and the public interest. Further, the Commission is concerned about the appropriateness of the Exchange's proposal to expand the application of Rule 6.24(b), which currently only allows order details to be recorded in paper form when CBOE's systems are down, to now allow paper tickets to be used during a ''fast'' market when CBOE's systems are working properly.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Sections 6(b)(1), 6(b)(5), 6(b)(8), or any other provision of the Exchange Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[28]

[15] *See* Notice, *supra* note 3, at 12669.

[16] *See id.*

[17] *See id.*

[18] *See id.* Rule 6.24 does not explicitly require order details to be captured *prior* to representation of the order in open outcry.

[19] *See id.* at 12670.

[20] *See id.*

[21] *See id.*

[22] 15 U.S.C. 78s(b)(2)(B).

[23] *See id.*

[24] 15 U.S.C. 78f(b)(1).

[25] 15 U.S.C. 78f(b)(5).

[26] Notice, *supra* note 3, at 12668–69.

[27] *See* Notice, *supra* note 3, at 12669.

[28] Section 19(b)(2) of the Exchange Act, as amended by the Securities Act Amendments of

Continued

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by June 29, 2017. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 13, 2017. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, in addition to any other comments they may wish to submit about the proposed rule change.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2017–010 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Numbers SR–CBOE–2017–010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of these filings also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2017–010 and should be submitted on or before June 29, 2017. Rebuttal comments should be submitted by July 13, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11870 Filed 6–7–17; 8:45 am]

BILLING CODE 8011–01–P

1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[29] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80853; File No. SR–MIAX–2017–25]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX Options Rule 521, Nullification and Adjustment of Options Transactions Including Obvious Errors

June 2, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 30, 2017, Miami International Securities Exchange, LLC (''MIAX Options'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 is filing a proposal to make a technical amendment to Exchange Rule 521, Nullification and Adjustment of Options Transactions including Obvious Errors.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing a technical change to delete obsolete Rule 521(l)(5), Complex Order Obvious Errors, from the Exchange's Rules.

Background

In 2015, the Exchange, in concert with the other then-existing U.S. options exchanges, adopted harmonized rules related to the adjustment and nullification of erroneous options transactions and coordination among the Exchanges in connection with large-scale events involving erroneous options transactions.[3] The Exchange believes that the changes the options exchanges implemented with the new, harmonized rule have led to increased transparency and finality with respect to the adjustment and nullification of erroneous options transactions. However, as part of that initiative, the Exchange and other options exchanges deferred a few specific matters for further discussion, among them the manner in which erroneous transactions in complex orders would be handled.

In October, 2016, the Commission approved a proposed rule change that permitted the Exchange to adopt new rules to govern the trading of complex orders (the ''Complex Orders Filing'').[4] Among the rules adopted in the Complex Orders Filing was Rule 521(l)(5), Complex Order Obvious Errors, which was not included in the industry-wide, harmonized rules described above.[5] Rule 521(l)(5) governs the handling of complex orders in

[3] *See* Securities Exchange Act Release No. 74918 (May 8, 2015), 80 FR 27781 (May 14, 2015) (SR–MIAX–2015–35).

[4] See Securities Exchange Act Release No. 79072 (October 7, 2016), 81 FR 71131 (October 14, 2016) (SR–MIAX–2016–26).

[5] *See* supra note 3.

situations where one or more components of a complex order is eligible to be adjusted or nullified under Rule 521(c)(4), Adjust or Bust.[6]

Since the industry-wide adoption of the harmonized rules, the options exchanges have been working together to identify ways to improve the process related to the adjustment and nullification of erroneous options transactions as it relates to complex orders and stock-option orders.[7] The goal of the process that the options exchanges have undertaken is to further harmonize rules related to the adjustment and nullification of erroneous options transactions. Accordingly, as the culmination of this coordinated effort, the exchanges that offer complex orders and/or stock-option orders (including the Exchange) universally adopted new provisions that the options exchanges collectively believe will improve the handling of erroneous options transactions that result from the execution of complex orders and stock-option orders.[8]

Proposal

These harmonized provisions are set forth in recently-adopted Interpretations and Policies .03 to Rule 521.[9] Interpretations and Policies .03 to Rule 521 should have replaced current Rule 521(l)(5) as the controlling Rule governing the manner in which the Exchange handles Obvious Errors in complex orders on the Exchange. The Exchange, however, inadvertently omitted the deletion of Rule 521(l)(5) from its Rules in the Complex Obvious Error Filing. Accordingly, the Exchange is proposing herein to delete obsolete Rule 521(l)(5) from its Rules as a technical matter.

The proposed deletion of Rule 521(l)(5) is intended to avoid the possibility of confusion between Rule 521(l)(5) and Interpretations and Policies .03 to Rule 521, and to eliminate any potential conflict in the Exchange's Rules in this regard. Interpretations and Policies .03 tracks the harmonized rules of the exchanges that offer and trade complex orders, and the Exchange believes that it is appropriate to establish one single rule regarding Obvious Errors in complex orders. Accordingly, the Exchange proposes to delete current Rule 521(l)(5) from its Rules.

The Exchange notes that NYSE Arca, Inc. (''NYSEArca'') also deleted its comparable provision from its Rule 6.87 (specifically, Rule 6.87(c)(5)) when it filed to adopt harmonized rules for the handling of Obvious Errors in complex orders.[10]

2. Statutory Basis

MIAX believes that its proposed rule change is consistent with Section 6(b) of the Act [11] in general, and furthers the objectives of Section 6(b)(5) of the Act [12] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes the proposed rule change promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system because it eliminates a potentially conflicting section from Rule 521 that was erroneously left intact in the Complex Obvious Error Filing.

In particular, the Exchange believes that the proposed rule change will provide consistency and clarity to Members [13] and the public, regarding the Exchange's Rules. Moreover, the proposed rule change eliminates a rule that could possibly be in conflict with another Exchange rule and with the harmonized rules. The Exchange believes therefore that it is in the public interest for rules to be accurate and concise so as to eliminate the potential for confusion.

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 will have no impact on competition as it is not designed to address any competitive issues but rather to add additional clarity to, and remedy possible conflicts in, the Exchange's Rules.

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition as the Rules apply equally to all Exchange Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [16] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the current conflict between Rule 521(l)(5) and Interpretations and Policies .03 to Rule 521 may be promptly removed from the Exchange's Rules, which the Exchange stated would avoid any potential confusion among participants using its facilities. The Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and

[6] If it is determined that an Obvious Error has occurred, the Exchange shall take one of the actions listed in Rule 521(c)(4). Upon taking final action, the Exchange shall promptly notify both parties to the trade electronically or via telephone. *See* Exchange Rule 521(c)(4).

[7] *See* Exchange Rule 518(a)(5) (defining complex orders and stock-option orders).

[8] Exchanges that do not offer complex orders and/or stock-option orders did not adopt these new provisions.

[9] *See* Securities Exchange Act Release No. 80284 (March 21, 2017), 82 FR 15251 (March 27, 2017) (SR–MIAX–2017–13) (the ''Complex Obvious Error Filing'').

[10] *See* Securities Exchange Act Release No. 80496 (April 20, 2017), 82 FR 19282 (April 26, 2017) (SR–NYSEArca–2017–42).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

designates the proposal operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2017–25 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–MIAX–2017–25. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2017–25 and should be submitted on or before June 29, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11869 Filed 6–7–17; 8:45 am]

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[18] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80848; File No. SR–LCH SA–2017–003]

Self-Regulatory Organizations; LCH SA; Order Approving Proposed Rule Change Relating to Recovery Risk Margin

June 2, 2017.

I. Introduction

On April 4, 2017, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–LCH SA–2017–003) to revise its margin methodology with respect to credit default swaps (''CDS'') in the Reference Guide: CDS Margin Framework (''Reference Guide''). The proposed rule change was published for comment in the **Federal Register** on April 19, 2017.[3] The Commission received no comment letters regarding the proposed change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

The proposed rule change seeks to amend the Reference Guide by eliminating the recovery rate risk charge as a component of the margin methodology, as it applies to index CDS. LCH SA, however, does not propose to alter the recovery rate risk charge as a component of the margin methodology, as it applies to single name CDS. The proposed rule change also seeks to make minor updates and clarifications to the Reference Guide.[4]

With respect to the portion of the proposed rule change that eliminates the recovery rate risk charge as a margin component for index CDS positions, LCH SA believes that recovery rate risk is irrelevant to index CDS in normal market conditions and it therefore should not need to charge margin to address it. In support, LCH SA represents that ''[the] market convention is to assume a pre-defined recovery rate for pricing an index CDS, such as a CDS on iTraxx indices.''[5] Therefore, according to LCH SA, there is no need to charge margin for an adverse recovery rate movement for an index CDS position because, pursuant to market convention for pricing an index CDS in normal market conditions, the rate will not move. Moreover, LCH SA characterizes any drop in the recovery rate for index CDS as a stress loss, and states that applying a margin charge to address this risk ''would be trying to capture a stress loss incurred in a Clearing Member's portfolio should the pre-defined recovery rate for these index CDS change, which is not consistent with market convention in normal market conditions.''[6] Furthermore, while LCH SA does expect deviations from this market convention in extreme market conditions, LCH SA believes that these deviations—and any resultant recovery rate risk on the affected index CDS positions—should not be addressed through its margin framework but rather ''would be captured by LCH SA's stress scenarios used to size the Default Fund.''[7] Therefore, LCH SA maintains that elimination of recovery rate risk charge from its margin framework is appropriate and consistent with applicable provisions of the Exchange Act and Commission Rules promulgated thereunder.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–80450 (April 13, 2017), 82 FR 18488 (April 19, 2017) (SR–LCH SA–2017–003) (the ''Notice'').

[4] LCH SA has proposed changes to the Reference Guide to (i) correct a hyperlink and (ii) add a cross reference and hyperlink to the general inputs considered by LCH SA in constructing the CDS pricing for European and U.S. dollar denominated contracts. *See* Notice, 82 FR at 18489.

[5] *Id.*

[6] *Id.*

[7] *Id.*

III. 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.[8] Section 17A(b)(3)(F) of the Act requires,[9] among other things, that the rules of a registered clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. Rule 17Ad–22(b)(2) requires that a registered clearing agency that performs central counterparty services shall establish, implement, maintain, and enforce written policies and procedures reasonably designed to use margin requirements to limit its credit exposures to participants under normal market conditions.[10] Rule 17Ad–22(e)(6) requires that a covered clearing agency [11] shall establish, implement, maintain, and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, calculates margin sufficient to cover its potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default and uses an appropriate method for measuring credit exposure that accounts for relevant product risk factors and portfolio effects across products.[12] Rule 17Ad–22(e)(1) requires that a covered clearing agency shall establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions.[13]

The Commission finds that the proposed rule change is consistent with Section 17A of the Act and Rule 17Ad–22 thereunder. In particular, the Commission finds that the elimination of recovery rate risk charges is consistent with market convention for pricing index CDS, as represented by LCH SA and discussed above. Moreover, the Commission notes that the elimination of this component of LCH SA's margin is expected to have only a minor impact on the total amount of margin LCH SA collects with respect to index CDS. Furthermore, the Commission notes that LCH SA will continue to consider and address recovery rate risk on index CDS in its stress scenarios used to size its default fund. Based on these findings and considerations, the Commission believes that the proposed rule change is reasonably designed to use margin requirements to limit its credit exposures to participants under normal market conditions, calculate margin sufficient to cover its potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default and use an appropriate method for measuring credit exposure that accounts for relevant product risk factors and portfolio effects across products, consistent with Section 17A(b)(3)(F) of the Exchange Act,[14] and Rules 17Ad–22(b)(2), (e)(6)(iii), and (e)(6)(v) thereunder.[15]

With respect to the portion of the proposed rule change that revises the Reference Guide to (i) correct a hyperlink and (ii) add a cross reference and hyperlink to the general inputs considered by LCH SA in constructing the CDS pricing for European and U.S. dollar denominated contracts, the Commission believes that correcting an erroneous hyperlink and providing an additional cross-reference and hyperlink would make the Reference Guide more clear to those who use it, consistent with Rule 17Ad–22(e)(1).[16]

IV. Conclusion

It is therefore ordered pursuant to Section 19(b)(2) of the Act that the proposed rule change (SR–LCH SA–2017–003) be, and hereby is, approved.[17]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11864 Filed 6–7–17; 8:45 am]

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[8] 15 U.S.C. 78s(b)(2)(C).

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 17 CFR 240.17Ad–22(b)(2).

[11] *See* 17 CFR 240.17Ad–22(a)(5) (defining ''covered clearing agency'').

[12] *See* 17 CFR 240.17Ad–22(e)(6)(iii), (e)(6)(v).

[13] 17 CFR 240.17Ad–22(e)(1).

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] 17 CFR 240.17Ad–22(b)(2), (e)(6)(iii), and (e)(6)(v).

[16] 17 CFR 240.17Ad–22(e)(1).

[17] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80850; File No. SR–NYSEMKT–2017–33]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Pilot Period for the Exchange's Retail Liquidity Program Until December 31, 2017

June 2, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 23, 2017, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the 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 June 30, 2017, until December 31, 2017. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to extend the pilot period of the Retail Liquidity Program, currently scheduled to expire on June 30, 2017,[4] until December 31, 2017.

Background

In July 2012, the Commission approved the Retail Liquidity Program on a pilot basis.[5] 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 MKT Rule 107C(m)—Equities, the pilot period for the Program is scheduled to end on June 30, 2017.

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.[6] As such, the Exchange believes that it is appropriate to extend the current operation of the Program.[7] Through this filing, the Exchange seeks to amend NYSE MKT Rule 107C(m)—Equities and extend the current pilot period of the Program until December 31, 2017.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5),[9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. 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 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[10] and Rule 19b–4(f)(6) thereunder.[11] 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)[12] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[13] 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)[14] 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:

[4] *See* Securities Exchange Act Release No. 79509 (December 8, 2016), 81 FR 90389 (December 14, 2016) (SR–NYSEMKT–2016–112).

[5] *See* Securities Exchange Act Release No. 67347 (July 3, 2012), 77 FR 40673 (July 10, 2012) (''RLP Approval Order'') (SR–NYSEAmex–2011–84).

[6] *See id.* at 40681.

[7] 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 May 23, 2017.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] 15 U.S.C. 78s(b)(2)(B).

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2017–33 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–NYSEMKT–2017–33. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2017–33, and should be submitted on or before June 29, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11866 Filed 6–7–17; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80852; File No. SR–NASDAQ–2017–015]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Withdrawal of Proposed Rule Change To Adopt Rule 7017

June 2, 2017.

On February 17, 2017, The NASDAQ Stock Market LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt Rule 7017 to increase the level of information provided to a member acting as the stabilizing agent for a follow-on offering of additional shares of a security that is listed on Nasdaq. The proposed rule change was published for comment in the **Federal Register** on March 6, 2017.[3] On April 17, 2017, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] The Commission received no comment letters on the proposed rule change.

On June 1, 2017, the Exchange withdrew the proposed rule change (SR–NASDAQ–2017–015).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–11868 Filed 6–7–17; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80120 (February 28, 2017), 82 FR 12649.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 80465, 82 FR 18784 (April 21, 2017).

[6] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Service Difficulty Reporting System

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to reinstate a previously approved information collection. The collection involves requirements for operators and repair stations to report any malfunctions and defects or service difficulties to the Administrator. The information collected allows the FAA to evaluate its certification standards, maintenance programs, and regulatory requirements. It is also the basis for issuance of Airworthiness Directives designed to prevent unsafe conditions and accidents.

DATES: Written comments should be submitted by July 10, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson by email at: *Ronda.Thompson@faa.gov* or by telephone at (202) 267–1416.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0663.

Title: Service Difficulty Reporting System.

Form Numbers: FAA Forms 8010–4 & 8070–1.

Type of Review: Re-instatement of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following

collection of information was published on March 14, 2017 (82 FR 13706). This collection affects certificate holders operating under 14 CFR part 121, 125, 135, and 145 who are required to report service difficulties and malfunction or defect reports. The data collected identifies mechanical failures, malfunctions, and defects that may be a hazard to the operation of an aircraft. The FAA uses this data to identify trends that may facilitate the early detection of airworthiness problems. When defects are reported which are likely to exist on other products of the same or similar design, the FAA may disseminate safety information to a particular section of the aviation community.

Respondents: Approximately 60,000 respondents.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 15 minutes.

Estimated Total Annual Burden: 15,000 hours.

Issued in Washington, DC, on May 24, 2017.

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–11353 Filed 6–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Dealer's Aircraft Registration Certificate Application

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. AC Form 8050–5 is an application for a dealer's Aircraft Registration Certificate which, under 49 United States Code 1404, may be issued to a person engaged in manufacturing, distributing, or selling aircraft.

DATES: Written comments should be submitted by July 10, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson by email at: *Ronda.Thompson@faa.gov* or by telephone at (202) 267–1416.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0024.

Title: Dealer's Aircraft Registration Certificate Application.

Form Numbers: FAA Form 8050–5.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 14, 2017 (82 FR 13708). Federal Aviation Regulation part 47 prescribes procedures that implement 103, which provides for the issuance of dealer's aircraft registration certificates and for their use in connection with aircraft eligible for registration under this Act by persons engaged in manufacturing, distributing or selling aircraft. Dealer's certificates enable such persons to fly aircraft for sale immediately without having to go through the paperwork and expense of applying for and securing a permanent Certificate of Aircraft Registration. It also provides a system of identification of aircraft dealers.

Respondents: Approximately 3,904 applicants.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 45 minutes.

Estimated Total Annual Burden: 2,928 hours.

Issued in Washington, DC, on May 24, 2017.

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–11375 Filed 6–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Roadway in Utah

AGENCY: Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the Utah Department of Transportation (UDOT), pursuant to 23 U.S.C. 327, and other federal agencies.

SUMMARY: The FHWA, on behalf of UDOT, is issuing this notice to announce actions taken by UDOT that are final. The actions relate to the proposed Skyline Drive Roadway project in the County of Weber, State of Utah. Those actions grant licenses, permits and approvals for the project.

DATES: By this notice, the FHWA, on behalf of UDOT, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before November 6, 2017. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For UDOT: Brandon Weston, Director of Environmental Services, UDOT Environmental Services, P.O. Box 148380, Salt Lake City, UT 84114; telephone: (801) 965–4603; email: *brandonweston@utah.gov.* UDOT's normal business hours are 8:00 a.m. to 5:00 p.m. (Mountain Standard Time), Monday through Friday, except State and Federal holidays.

SUPPLEMENTARY INFORMATION: The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being or have been carried out by UDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated January 17, 2017 and executed by FHWA and UDOT. Notice is hereby given that the UDOT has taken final

agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the Skyline Drive Roadway project in the State of Utah. This project proposes to construct a new roadway from 4300 North and 1100 West to United States Route 89 (US–89) located in the City of Pleasant View, Weber County, Utah. The project consists of the following improvements: Construct a new approximately 1.5 mile commercial vehicle haul route from 4300 North and 1100 West to United States Route 89 (US–89); and Realign Pleasant View Drive from approximately 0.2 miles southeast of the US–89 and Pleasant View Drive intersection to connect with the alignment approximately 0.1 miles northeast of the alignment's connection with US–89. These improvements were identified in the Final Environmental Assessment as Alternative L—Skyline Drive to Pleasant View Drive South. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (EA) for the project (Final Environmental Assessment, Skyline Drive Roadway in Pleasant View, Utah, Project #: F–LC57(18)), approved on May 31, 2017, in the UDOT Finding of No Significant Impact (FONSI) for the project (Utah Department of Transportation Finding of No Significant Impact for Skyline Drive Roadway in Pleasant View, Utah) issued on May 31, 2017, and in other documents in the UDOT project records. The Final EA, FONSI, and other project records are available by contacting UDOT at the address provided above. The UDOT Final EA and FONSI can be viewed and downloaded from the project Web site at *http://www.skylinedriveproject.com/.*

This notice applies to the EA and FONSI, the Section 4(f) Determination, the NHPA Section 106 Review, and all other Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. Air: Clean Air Act [42 U.S.C. 7401–7671q].

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303; 23 U.S.C. 138]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667d]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470f]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470aa–470mm]; Archeological and Historic Preservation Act [16 U.S.C. 469–469c].

6. Noise: Federal-Aid Highway Act of 1970 [Pub. L. 91–605, 84 Stat. 1713].

7. Executive Orders: E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13287 Preserve America.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1)

Issued on: May 31, 2017.

Ivan Marrero,

Division Administrator, Federal Highway Administration, Salt Lake City, Utah.

[FR Doc. 2017–11630 Filed 6–7–17; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0102; Notice 2]

Volkswagen Group of America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Volkswagen Group of America, Inc. (Volkswagen), has determined that certain model year (MY) 2016 Volkswagen eGolf motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, reflective devices and associated equipment.* Volkswagen filed a noncompliance report dated September 16, 2016. Volkswagen then petitioned NHTSA on September 16, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

ADDRESSES: For further information on this decision contact Leroy Angeles, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5304, facsimile (202) 366–5930.

SUPPLEMENTARY INFORMATION:

I. Overview: Volkswagen Group of America, Inc. (Volkswagen), has determined that certain model year (MY) 2016 Volkswagen eGolf motor vehicles do not fully comply with paragraph S6.5.3.2 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, reflective devices and associated equipment.* Volkswagen filed a noncompliance report dated September 16, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Volkswagen then petitioned NHTSA on September 16, 2016, pursuant to 49 U.S.C. 30118(d) and 30120(h) and their implementing regulations at 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published, with a 30-day public comment period on October 26, 2016 in the **Federal Register** (81 FR 74500). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web page at: *http://www.regulations.gov/.* Then follow the online search instruction to locate docket number ''NHTSA–2016–0102.''

II. Vehicles Involved: Affected are 1,967 MY 2016 Volkswagen eGolf motor vehicles manufactured between June 25, 2015, and September 14, 2016.

III. Noncompliance: Volkswagen explains that the noncompliance is due to a labeling error. The affected vehicles are equipped with halogen headlamps that are missing the required operation voltage label on the headlamp assembly and therefore do not meet the requirements specified in paragraph S6.5.3.2 of FMVSS No. 108.

IV. Rule Text: Paragraph S6.5.3.2 of FMVSS No. 108 states:

S6.5.3.2 *Voltage and trade number.* Each original and replacement equipment headlamp, and each original and replacement equipment beam contributor must be marked with its voltage and with its part or trade number.

V. Summary of Volkswagen's Petition: Volkswagen described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Volkswagen stated that the correct halogen bulb specification is denoted on the headlamp glass lens, as required, as well as on the headlamp label and in service literature, etc. The halogen light bulb type implicitly carries the voltage specification, as the designated H7 bulb is always a 12V halogen light bulb. Additionally, the halogen light bulb socket is mechanically coded and will not accept the fitment of a replacement light bulb of incorrect specification. As

such, no safety risk is present, even though there is a noncompliance with FMVSS No. 108 regulatory requirements.

Volkswagen concluded by expressing the belief that the subject noncompliance presents no risk and is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA'S Decision

NHTSA's Analysis: NHTSA has reviewed and accepts Volkswagen's analysis that the subject noncompliance is inconsequential to motor vehicle safety. Specifically, the halogen headlamps missing the required operation voltage label on the headlamp assembly poses little if any risk to motor vehicle safety.

Volkswagen stated in their petition that the H7 bulb is always a 12V halogen light bulb. In accordance with paragraph S11 of FMVSS No. 108, each replaceable light source must be designed to conform to the dimensions and electrical specifications furnished with respect to it pursuant to part 564, on file in Docket No. NHTSA–98–3397. By VW's line of thought, to ensure the bulb performs within the luminous flux and power ranges specified, the bulb designer would ensure that the performance of the bulb is such that the output is compliant for a known input of 12.8V and therefore the voltage becomes implicitly specified for that specific bulb. NHTSA notes that the docket entry detailing the H7 replaceable light source specifications [1] shows that DOT compliant H7 replaceable light sources when tested at 12.8 volts must achieve a luminous flux of 1250 ± 12% lumens with a maximum of 55.6 watts.

Consumers, dealers, and repair businesses will look at the bulb designation, H7, when replacing the light source in a headlamp assembly and will in no way rely on the voltage marking. As such, the missing voltage marking poses little if any risk to motor vehicle safety.

NHTSA's Decision: In consideration of the foregoing, NHTSA finds that Volkswagen has met its burden of persuasion that the subject FMVSS No. 108 noncompliance in the affected vehicles is inconsequential to motor vehicle safety. Accordingly, Volkswagen's petition is hereby granted and Volkswagen is consequently exempted from the obligation of providing notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject vehicles that Volkswagen no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Volkswagen notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–11871 Filed 6–7–17; 8:45 am]

BILLING CODE 4910–59–P

[1] NHTSA–1998–3397–0004.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

[Docket No. OST–2017–0057]

Transportation Infrastructure: Notice of Review of Policy, Guidance, and Regulation

AGENCY: Office of the Secretary of Transportation (OST), DOT.

ACTION: Notice; request for input.

SUMMARY: The Department of Transportation (DOT) is reviewing its existing policy statements, guidance documents, and regulations to identify unnecessary obstacles to transportation infrastructure projects. As part of this review, the Department invites affected stakeholders and the public to identify non-statutory requirements that the Department imposes and that should be removed or revised.

DATES: Comments should be received on or before July 24, 2017. Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may file comments identified by the docket number DOT–OST–2017–0057 by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* The Docket Management Facility is located on the West Building, Ground Floor, of the U.S. Department of Transportation, 1200 New Jersey Ave. SE., Room W12–140, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

Instructions: You must include the agency name and the Docket Number DOT–OST–2017–0057 at the beginning of your comment. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

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, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Docket: For access to the docket to read background documents or comments received, visit the Docket Management Facility described above or go to *http://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Michael A. Smith, Office of the General Counsel, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590, 202–366–2917, *michael.a.smith@dot.gov.*

SUPPLEMENTARY INFORMATION:

Purpose

The Department of Transportation recognizes that there are regulatory and administrative burdens that impede transportation infrastructure projects. The Department also recognizes that the stakeholders who deliver projects have

direct experience with those burdens. Public and private project sponsors, engineering and construction professionals, related organizations, and other stakeholders encounter and overcome these obstacles to project delivery on a daily basis. The purpose of this notice is to solicit input from those affected stakeholders to help the Department identify requirements that the Department imposes through rules, or interpretations found in policy statements or guidance, that unjustifiably delay or prevent completion of surface, maritime, and aviation transportation infrastructure projects. The Department's primary focus is on administrative items that it has the authority to change, but if there are critical changes that are achievable only through legislative action, please submit proposed legislative changes. Commenters should make legislative suggestions only if all non-statutory options have been exhausted.

The DOT's mission is to serve the United States by ensuring a safe, fast, efficient, accessible, and convenient transportation system that meets the nation's vital interests and enhances the quality of life of the American people, today and into the future. To advance that mission through financial assistance and regulatory activity, the Department imposes requirements that affect the delivery of transportation infrastructure projects. Under its financial assistance programs, DOT places conditions of the receipt and expenditure of Federal funds. Under its safety authorities, DOT directly regulates State, local, and individual activities. These assistance conditions and safety regulations are intended to satisfy statutory mandates and, when discretionary, properly balance public benefits against the burdens that they impose. However, imbalances can arise. The current benefits may not justify the current burdens due to changing circumstances, incomplete analyses, or other factors.

Request for Input

The Department is requesting that affected stakeholders and the public submit comments identifying requirements that the Department imposes through rules, or interpretations found in policy statements or guidance documents, that unjustifiably delay or prevent completion of surface, maritime, and aviation transportation infrastructure projects. In some circumstances, Federal statute requires the Department, without exercising discretion, to issue regulations implementing specific statutory requirements. Because the Department lacks authority to remove those requirements, the Department asks commenters responding to this notice to focus their comments on requirements that either lack statutory mandate or could be accomplished through reasonable alternatives. However, if non-statutory changes are insufficient to address a specific obstacle to transportation infrastructure projects, commenters may submit legislative solutions.

Content of Comments

The Department will review all comments submitted to the docket associated with this notice, DOT–OST–2017–0057. To maximize the usefulness of comments, the Department encourages commenters to provide the following information:

1. *Specific reference.* A specific reference to the policy statement, guidance document, regulation, or statute that imposes the burden that the comment discusses. This should be a citation to the Code of Federal Regulations, a guidance document number, or an Internet link. A specific reference will assist the Department identify the requirement, the original source of the requirement, and relevant documentation that may describe the history and effects of the requirement.

2. *Description of burden.* A description of the burden that the identified policy statement, guidance document, regulation, or statute imposes on the completion of transportation infrastructure projects. A comment that describes how the policy statement, guidance document, regulation, or statute impedes efficient project delivery is more useful than a comment that merely asserts that it is burdensome. Comments that reflect experience with the requirement and provide data describing that experience are more credible than comments that are not tied to direct experience. Verifiable, quantifiable data describing burdens are more useful than anecdotal descriptions.

3. *Description of less burdensome alternatives.* If the commenter believes that the objective that motivated the policy statement, guidance document, regulation, or statute may be achieved using a less burdensome alternative, the commenter should describe that alternative in detail. Likewise, if the commenter believes that there is not a less burdensome alternative or there is not a legitimate objective motivating the requirement, then that should be explained in the comment.

4. *Examples of affected projects.* Examples of projects that are, have been, or will be negatively affected by the identified policy statement, guidance document, regulation, or statute and examples of projects that will benefit it the requirement is removed or revised. A comment listing specific projects is more useful because it will assist the Department in investigating the burden and how it may be most effectively addressed.

Scope of Comments

The Department is interested in comments on any DOT requirement that unjustifiably delays or prevents surface, maritime, and aviation transportation infrastructure projects, including requirements contained regulations, or interpretations found in policy statements or guidance documents, issued from the Office of the Secretary of Transportation (OST) and the following Operating Administrations: The Federal Aviation Administration (FAA); the Federal Highway Administration (FHWA); the Federal Railroad Administration (FRA); the Federal Transit Administration (FTA); the Maritime Administration (MARAD); and the Pipeline and Hazardous Materials Safety Administration (PHMSA).

Under this notice, the Department is not soliciting petitions for rulemaking.

Relationship to Other Review Activities

Improvement of regulations is a continuous focus for the Department. For that reason, DOT regularly and deliberately reviews its rules in accordance with the Department's 1979 Regulatory Policies and Procedures (44 FR 11034), Executive Order (EO) 12866, EO 13563, and section 610 of the Regulatory Flexibility Act. That process is summarized in Appendix D of the Department's semi-annual regulatory agenda (*e.g.,* 81 FR 94784). In EO 13771 and EO 13777, President Trump directed agencies to further scrutinize their regulations. The review described in this notice will supplement the Department's periodic regulatory review and its activities under EO 13771 and EO 13777. Unlike those activities, this request for input is narrowly focused on identifying and addressing impediments to the completion of transportation infrastructure projects. The comments that DOT receives in response to this notice will inform those other, broader activities.

Issued on May 30, 2017.

James Ray,

Senior Advisor for Infrastructure.

[FR Doc. 2017–11791 Filed 6–7–17; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, July 19, 2017.

FOR FURTHER INFORMATION CONTACT: Fred Smith at 1–888–912–1227 or 202–317–3087.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Wednesday, July 19, 2017, at 2:30 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Fred Smith. For more information please contact Fred Smith at 1–888–912–1227 or 202–317–3087, or write TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing Toll-free issues and public input is welcomed.

Dated: June 1, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–11854 Filed 6–7–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: The Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will conduct an open meeting and will solicit public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, July 18, 2017.

FOR FURTHER INFORMATION CONTACT: Lisa Billups at 1–888–912–1227 or (214) 413–6523.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be held Tuesday, July 18, 2017, at 3:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Lisa Billups. For more information please contact Lisa Billups at 1–888–912–1227 or 214–413–6523, or write TAP Office, 1114 Commerce Street, Dallas, TX 75242–1021, or post comments to the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to the Taxpayer Assistance Centers and public input is welcomed.

Dated: June 1, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–11856 Filed 6–7–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, July 11, 2017.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Special Projects Committee will be held Tuesday, July 11, 2017, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the Web site: *http://www.improveirs.org.* The agenda will include various IRS issues.

The agenda will include a discussion on various special topics with IRS processes.

Dated: June 1, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–11857 Filed 6–7–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, July 26, 2017.

FOR FURTHER INFORMATION CONTACT: Gretchen Swayzer at 1–888–912–1227 or 469–801–0769.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Wednesday, July 26, 2017, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact: Gretchen Swayzer at 1–888–912–1227 or 469–801–0769, TAP Office, 4050 Alpha Rd, Farmers Branch,

TX 75244, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: June 1, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–11853 Filed 6–7–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, July 6, 2017.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or (202) 317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, July 6, 2017, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Antoinette Ross. For more information please contact: Antoinette Ross at 1–888–912–1227 or (202) 317–4110, or write TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to Taxpayer Communications and public input is welcome.

Dated: June 1, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–11855 Filed 6–7–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0079]

Agency Information Collection Activity Under OMB Review: Employment Questionnaire

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 10, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0079'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0079'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Employment Questionnaire (VA Form 21–4140 & 21–4140–1).

OMB Control Number: 2900–0079.

Type of Review: Revision of a currently approved collection.

Abstract: VA Forms 21–4140 and 21–4140–1 are to be used to gather the necessary information to determine continued entitlement to individual unemployability for veterans who are unable to secure or follow a substantially gainful occupation as a result of his or her service-connected disabilities.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 35 on February 23, 2017, page 11498.

Affected Public: Individuals or Households.

Estimated Annual Burden: 10,833.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 130,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–11886 Filed 6–7–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Veterans and Community Oversight and Engagement Board

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is seeking nominations of qualified candidates to be considered for appointment as a member of the Veterans and Community Oversight and Engagement Board (herein-after referred in this section to as ''the Board'') for the VA West Los Angeles Campus in Los Angeles, CA (''Campus''). The Board is established to coordinate locally with the Department of Veterans Affairs to identify the goals of the community and Veteran partnership; provide advice and recommendations to the Secretary to improve services and outcomes for Veterans, members of the Armed Forces, and the families of such Veterans and members; and provide advice and recommendations on the implementation of the Draft Master Plan approved by the Secretary on January 28, 2016, and on the creation and implementation of any other successor master plans.

DATES: Nominations for membership on the Board must be received no later than 5:00p.m. EST on June 23, 2017.

ADDRESSES: All nominations should be mailed to the Veterans Experience Office, Department of Veterans Affairs, 810 Vermont Avenue NW. (30), Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Kellie Condon, Ph.D., Designated Federal Officer, Veterans Experience Office, Department of Veterans Affairs, 810 Vermont Avenue NW. (30), Washington, DC 20420, telephone 805–868–2076.

SUPPLEMENTARY INFORMATION: In carrying out the duties set forth in the West LA Leasing Act, the Board shall:

(1) Provide the community with opportunities to collaborate and communicate by conducting public forums; and

(2) Focus on local issues regarding the Department that are identified by the community with respect to health care, implementation of the Master Plan, and any subsequent plans, benefits, and memorial services at the Campus. Information on the Master Plan can be found at *https://www.losangeles.va.gov/masterplan/.*

Authority

The Board is a statutory committee established as required by Section 2(i) of the West Los Angeles Leasing Act of 2016, Public Law 114–226 (the West LA Leasing Act). The Board operates in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

Membership Criteria and Qualifications: VA is seeking nominations for Board membership. The Board is composed of twelve members and several ex-officio members.

The members of the Board are appointed by the Secretary of Veterans Affairs from the general public, from various sectors and organizations, and shall meet the following qualifications, as set forth in the West LA Leasing Act:

(1) Not less than 50% of members shall be Veterans; and

(2) Non-Veteran members shall be:

a. Family members of Veterans,

b. Veteran advocates,

c. Service providers,

d. Real estate professionals familiar with housing development projects, or

e. Stakeholders.

In accordance with the Board Charter, the Secretary shall determine the number, terms of service, and pay and allowances of Board members, except that a term of service of any such member may not exceed two years. The Secretary may reappoint any Board member for additional terms of service.

To the extent possible, the Secretary seeks members who have diverse professional and personal qualifications including but not limited to subject matter experts in the areas described above. We ask that nominations include any relevant experience and information so that VA can ensure diverse Board membership.

Requirements for Nomination Submission

Nominations should be typed written (one nomination per nominator). Nomination package should include:

(1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating a willingness to serve as a member of the Board;

(2) The nominee's contact information, including name, mailing address, telephone numbers, and email address;

(3) The nominee's curriculum vitae, not to exceed three pages and a one page cover letter; and

(4) A summary of the nominee's experience and qualifications relative to the membership criteria and professional qualifications criteria listed above.

The Department makes every effort to ensure that the membership of VA Federal advisory committees is diverse in terms of points of view represented and the committee's capabilities. Appointments to this Board shall be made without discrimination because of a person's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Board and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: June 2, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–11863 Filed 6–7–17; 8:45 am]

BILLING CODE P

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Federal Register

Vol. 82, No. 109

Thursday, June 8, 2017

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, JUNE

CFR PARTS AFFECTED DURING JUNE

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List June 6, 2017

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