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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

[Docket No. FCIC–16–0002]

RIN 0563–AC53

Common Crop Insurance Policy Basic Provisions (7 CFR 457.8)

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) finalizes the Common Crop Insurance Policy Basic Provisions (Basic Provisions) and makes amendments to the final rule, with request for comment, published in the **Federal Register** on June 22, 2016, that clarified and revised the policy definition of ''practical to replant'' and ''replanted crop,'' and policy provisions regarding double cropping. The changes to the policy made in this rule are applicable for the 2018 and succeeding crop years for all crops with a contract change date on or after the effective date of the rule, and for the 2019 and succeeding crop years for all crops with a contract change date prior to the effective date of the rule.

DATES: This rule is effective June 27, 2017.

FOR FURTHER INFORMATION CONTACT: Tim Hoffmann, Director, Product Administration and Standards Division, Product Management, Risk Management Agency, United States Department of Agriculture, Beacon Facility, Stop 0812, Room 421, PO Box 419205, Kansas City, MO 64141–6205, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION:

Background

This final rule makes changes to the Common Crop Insurance Regulations, Basic Provisions that were published by FCIC on June 22, 2016, as a notice of final rule with request for comment rulemaking in the **Federal Register** at 81 FR 40477–40480. The public was afforded 60 days to submit written comments and opinions.

Comments were received from 59 commenters. The commenters included persons or entities from the following categories: Insurance company, insurance agent, farmer, financial, producer group, academic, trade association, and other.

The public comments received regarding the final rule with request for comment and FCIC's responses to the comments are as follows:

Practical To Replant

Comment: A commenter stated the practical to replant provision should be adopted as written. The dates are reasonable and producers who desire to plant a crop will often plant at these dates or beyond. Claiming a replant unnecessarily has negative impacts on other producer's premiums and on supporting industry operations. Ultimately, the local economy is the loser.

Response: FCIC thanks the commenter and appreciates their input.

Comment: Several commenters supported the clarity intended by the revisions to the definition of ''practical to replant.'' Consistency between all insurance providers was always a challenge with the ambiguous language with the previous definition. The commenters always supported clear and concise definitions. A commenter stated it generally supports any effort to take subjectivity and ambiguity out of the crop insurance program and efforts to prevent fraud from occurring.

Response: FCIC appreciates the commenter's support for the clarity and consistency intended by the revised definition of ''practical to replant.''

Comment: A commenter stated there certainly is a need to provide a clear deadline for that period (or date) when replanting of a crop is considered to be practical and that *if not replanted, insurance coverage should not be provided for the initial crop.* This information is important to standardize practices at the farm and state insurance agency levels to ensure that the highest standards of fairness and consistency are practiced. The crop insurance program in Louisiana is an essential risk management tool that must be sustained into the future. The food security of this country could be at risk without a viable Federal crop insurance program that is compatible with the needs of U.S. agriculture. If changes in the definition of ''practical to replant'' are accepted and become mandatory without exception, then stakeholders, scientists, and policy makers should be given the opportunity to develop workable solutions based upon the best available information. This process does not appear to have been followed regarding these proposed late planting dates. The commenter has concerns, because the rule states that for ''Impacts and Effects'' (None) and for ''Priority'' (Substantive, Nonsignificant), information is lacking for a full understanding of unintended consequences.

Response: Consistency is necessary in any program and FCIC is striving to attain that in this final rule. Further, FCIC values the input from stakeholders and other knowledgeable persons. FCIC has revised this final rule in response to the comments received with a goal of maintaining consistency but also allowing flexibility when circumstances warrant.

Comment: A commenter was concerned about the definition change in that it creates internal inconsistencies in the program that will not make sense to the producers this program is meant to serve. For example, a producer can be declared prevented from planting as of the final plant date. But, now, under the change, if the producer did get a particular field planted before the flood occurred, the producer would be held to replant rules on that field through a late plant period which might be 10, 15, 20, or 25 days later, depending on which county the producer is in. This could create confusing and inconsistent results that only restrict the most prudent options and the deference paid toward a producer in attaining the best outcome.

Response: As stated previously, the revisions to the practical to replant provisions were intended to provide clarity and consistency. Given the differences in the programs and purposes, there should be no confusion between prevented planting and practical to replant. Prevented planting only provides payments for the pre-planting costs lost due to the inability to plant the crop and does not provide a payment for any loss in production.

However, once the crop has been planted and fails, the producer may be entitled to an indemnity. While the deadlines may be different, so are the purposes of the provisions. Replant payments are intended to mitigate losses that impact both the producer and taxpayer, as well as minimize disruptions to local agricultural economies.

For producers, the replant payment provides the opportunity and financial support to replant the crop. Since the initial planting generally takes place at an optimal time period available to the producer, replanting the crop likely takes place at a less optimal time in the future. While the odds of producing an above average or high yielding crop are potentially lower, the producer still has a reasonable chance to produce a crop that is worth more than the indemnity payment from the insurance policy. In addition, to potentially avoiding an indemnity, the producer's actual production history yield for that crop year is likely to be higher, having less impact on future crop guarantees. At worst, if the replanted crop fails, the producer still receives the same indemnity payment he or she would have had without replanting—but at least had the chance to earn a larger gain from the marketplace and preserve future crop guarantees.

From a taxpayer's perspective, the replant payment is a way to reduce the cost of the crop insurance program. This is because the replanted crop may produce an average or even above average yield, which results in a reduced (or even no) indemnity payment to the producer. The reduction in indemnity payments reduces the cost of the crop insurance program for taxpayers and mitigates impacts to future premium rates producers would otherwise experience.

Finally, the replant payment provides stability to the local agricultural economy. Encouraging producers to replant their crops helps ensure a more consistent supply of the agricultural commodities that others depend on for their livelihoods—such as livestock producers and grain or food processors thus helping maintain a more consistent supply of agricultural goods for consumers.

Comment: A commenter stated instead of revising the replant dates, FCIC should be asking why there are replant dates associated with crop insurance. The commenter questioned if a person wrecks a car does that person only get paid if they buy a new one. The commenter questioned why if a crop fails to make a stand there is a requirement to replant associated with the claim being paid. Several commenters stated the definition of ''practical to replant'' should not be made a part of the policy. The planting period and the replant requirements should remain the same as they are now. A commenter stated the revisions to the definition of ''practical to replant'' are ill-advised and will result in reduction of important benefits to producers who will possibly be in a precarious financial position due to the circumstances that brought this particular situation.

A commenter stated they are in total opposition to the proposed change that would require a producer to have to continue replanting his crop all the way through the end of the late planting period. This type of change would only benefit the insurance companies and not the producer, who is the one the policy is intending to protect. A commenter stated that this change could cause a tremendous financial burden on our producers. With the low commodity prices, the yield expected with corn planted that late will not allow a producer to stay in business. A commenter stated the new definition would guarantee producers take a loss in an impossible situation to succeed.

Response: The Federal Crop Insurance Act does not authorize coverage for losses if the producer is able to replant to the same crop in such areas and under such circumstances as is customary to replant, but fails to do so. If an initially planted crop is damaged, and in that area and under such circumstances it is customary to replant, the producer must replant for insurance coverage to continue on that crop, and a replant payment is provided to compensate the producer for the costs of replanting. Past experience has shown that some producers were paid a full loss on the initially planted and insured crop and were allowed to plant an alternative crop, even when replanting the initial crop was practical. The practical to replant provisions were intended to balance the needs of the producer with the requirements of the Act and the best interests of the Federal crop insurance program and taxpayers. This balance has not changed in the final rule.

If it is practical for the producer to replant, it is in the best interest of the program and for the producer to replant the crop and potentially make a full crop rather than paying the producer an indemnity, which only covers part of the loss. Further, since the guarantee is not reduced even if the crop is planted during the late planting period, if there is a future yield loss due to an insurable cause of loss, the producer will be indemnified to the same extent as the originally planted lost crop. The final rule was simply intended to add more consistency to determinations of practical to replant so that all producers are treated fairly and equitably. However, as stated more fully below, FCIC is revising the current provisions to lessen the time in which it will generally be considered practical to replant, and provide the general circumstances to be considered by insurance providers in making such a determination to find a proper balance.

Comment: A few commenters stated that agricultural lending officers rely heavily on the value of crop insurance when underwriting agricultural loans. The extension of the late planting dates would be detrimental to producers' overall farming operation. The commenters were opposed to the extension of the late planting periods. Several commenters were concerned with the final planting dates, earliest planting dates, and late planting period for crops in their area being incorrect.

Another commenter stated southeast Nebraska and northwest Nebraska producers have to manage their acres completely different. The commenter questioned why these producers should be constrained by one set of dates limiting yield potential and the most key element of farming, flexibility to work around the curve balls that Mother Nature throws producers each year. The commenter stated the same could be said for the state of Missouri and Iowa. Producers in southeast Nebraska, southwest Iowa, northeast Kansas and northwest Missouri all experience similar climates and plant many of the same corn hybrids and soybean varieties and maturities. The commenter stated they could easily be treated the same, but having varying earliest, final, and late period plant dates within this region truly makes no sense to the commenter or the producers the commenter works with in each of these states. Freeze, wind, rain, heat, drought events typically affect all these areas similarly. The commenter states that as farm operations become much larger and they expand their acres, many large producers the commenter works with are farming in three or four of the corners of these states but confused by different dates, when all should be treated the same. They all start planting at the same time and manage their acres in these states the same. The commenter stated it was frustrating that if it's dry in southeast Nebraska, producers have to wait until April 10 to plant but could have started April 5 in Missouri where for sake of argument, say it rained. The

commenter asked that the date be changed.

The commenter stated planting in proper soil conditions has the largest impact on final yield in the commenter's opinion. Planting in wet conditions and fighting sidewall compaction limiting plant root ability to get to water and nutrients, uneven emergence forcing plants to compete with each other and runts failing to make an ear. The commenter stated that within this geographic region, an April 1 initial plant date makes sense. Producers in the corners of these four states have started planting April 1 for the last four to five years and for good reasons. It is typically dry and planting conditions are perfect the first half of April. About mid-April each year the ''rainy season'' will begin on and off through June 1. Producers will try to ''mud it in'' in desperation, and will fight compaction, achieve uneven stands, or be delayed to a May dry spell and lose yield by date of planting even with a perfect stand. These May plantings will also force the hybrid to directly deal with the heat and dryness of July. Two weeks before and two weeks after pollination is when the corn plant is most successful to yield loss from stress. The commenter stated that planting early allows hybrids to beat this hot period and pollinate in late June or first week of July. These April 1 plantings, nine out of ten years will yield higher or at a minimum the same as these later plantings even if the hybrid corn has to lie in the ground for three weeks waiting to accumulate enough Growth Degree Units (GDU's) to emerge. The commenter stated that today's hybrids are specifically bred for earlier planting dates and better cold stress emergence and they are typically planted in the best soil conditions of the year limiting sidewall compaction, rooting, and uneven emergence. Finally, the commenter stated that as farming operations get larger, and this trend will continue without a doubt, they have to start planting sooner to give them the best opportunity to successfully get the desired crop planted around rain events.

Several commenters stated the proposed change to the planting date will be detrimental to profitability of crops. The commenters stated that there is a potential for dramatic reduction in yield as proven by University research from multiple states. The commenters stated the economic impact to the producers is enhanced because of the fact it is a replant. Most all of the input costs are already spent. This change will require producers to spend more with no choice of making a profit. The commenters asked that FCIC not change the planting dates.

A commenter stated there is resistance to the requirement of replanting the initial crop until the end of the late planting period. A commenter stated they were frustrated by the late planting period. Every producer wants to be as profitable as possible, and have the ability to plant corn and soybeans in the best soil conditions possible. The commenter stated that pushing this date out 20 or 25 days (need aligned as mentioned above) just seems like the producer is being penalized. The producer can go back with soybeans and still have a chance to attain the highest yield before at least June 10. A soybean has an amazing ability to compensate with more branches and pods after weather events, but are day-length sensitive and only have a certain amount of time to build the factory that will feed the pods that will be set. Planting a soybean June 25 will limit plant height, node, and most importantly pod and seed set ability of that plant.

The commenter stated the program should provide flexibility. The commenter has seen this happen. A producer is in a river bottom area. The area hit an extended wet period in late April and May. The producer is not able to plant corn, or if he did, it would drown out. The producer wants to plant soybeans. Another extended wet period is expected (typically mid-June is wet) and the producer cannot plant in early June while it's dry but tries to mud in the soybeans on June 26. Now the soybean stand will also be heavily affected and poor rooting from compaction will allow drought later to ''burn them up.'' The commenter believed that there should be a period where a conversation between the adjuster and the producer should be had that discusses all these variables and allows a producer to plant ahead of the current date or any date to give the producer the best chance at success and profitability. It seems senseless for the planter to set when it could be planting in ideal soil conditions because of the date in a program. Mother Nature forces the producer to be extremely flexible, especially in a region where the Missouri River or similar geographies, causes a lot of intense weather events through the spring and early summer. The commenter asked FCIC to give the producer flexibility.

Response: The final rule with request for comment did not change planting dates or the late planting period. The final rule with request for comment was intended to provide a clear, known deadline for when replanting of the crop is considered practical, ensuring that the provisions are consistently and equitably implemented across all insurance providers and producers. If the commenter or any interested party is concerned about the dates for specific crops or counties, they should advise the RMA Regional Office. Any interested person may find contact information for the applicable regional office on RMA's Web site at *http://www.rma.usda.gov/aboutrma/fields/rsos.html.*

Comment: A commenter stated that the university studies and agricultural experts agree that April 20 is initially too late to plant the crop so requiring producers to replant through the late planting period is ridiculous.

Response: FCIC has not proposed revising any of the final planting dates or late planting periods so it cannot make any such changes in this rule. If the commenter or any interested party is concerned about the dates for specific crops or counties, they should advise the RMA Regional Office. Any interested person may find contact information for the applicable regional office on RMA's Web site at *http://www.rma.usda.gov/aboutrma/fields/rsos.html.*

Comment: A commenter stated the proposed rule taking the practicality to replant all the way to the end of the late planting period seems too severe and does limit producer's ability to be flexible in the event of a lost crop. Many, if not the majority of crops that this would impact, have a 25-day late planting period. The commenter stated that this will give an initially planted crop a 25 percent reduction in coverage. In this example, the producer would be reducing a 75 percent buy-up cover to essentially a catastrophic level cover if this was the initial planting. This certainly indicates the policy does not think it is practical to produce a normal crop. The commenter suggested FCIC define ''practical to replant'' similarly to the prevented planting provisions as it pertains to the final plant date. This is a fair and equitable solution to a difficult circumstance for both the producer and FCIC.

Response: When a crop is deemed practical to replant there is no reduction in the coverage that attaches to the initially planted crop. Therefore, while the yield of a crop planted during the late planting period may or may not be reduced, depending on many factors, the coverage provided by the crop insurance policy is not reduced like it otherwise would be if the crop was initially planted during the late planting period. FCIC agrees with the commenter that taking the practicality to replant all

the way to the end of the late planting period may not be appropriate and can limit the producer's ability to be flexible in the event of a lost crop. Therefore, FCIC revised the definition of ''practical to replant'' to state it will be considered practical to replant through: (1) The final planting date if no late planting period is applicable; (2) the end of the late planting period if the late planting period is less than 10 days; or (3) the 10th day after the final planting date if the crop has a late planting period of 10 days or more. Changing the provisions to encompass these three scenarios and including 10 days after the final planting date will help bring more uniformity to the amount of time producers are required to replant since the number of days in the late planting period can vary by crop. Based on the commenter's feedback, the fact that some crops and regions have varying late planting periods and for some crops up to a 25-day late planting period, uniform and equitable treatment to similarly situated producers may not always occur, so FCIC is reducing the presumptive date to no more than 10 days. FCIC also added provisions for determining whether it is practical to replant so that approved insurance providers may consider circumstances as to whether: (1) It is physically possible to replant the acreage; (2) seed germination, emergence, and formation of a healthy plant is likely; (3) field, soil, and growing conditions allow for proper planting and growth of the replanted crop to reach maturity; or (4) other conditions exist, as provided by the Crop Provisions or Special Provisions. This will allow a proper balance between the interests of producers and the interests of the program.

Comment: A commenter stated with the requirement to have crop insurance, premiums are paid every year. The final planting dates are already liberal with the ability of the crop to produce an economically viable yield, depending on any given year's weather, etc. With these proposed changes FCIC is requiring a producer to choose between two options: (1) To spend money (the claim amount plus more) replanting a crop 25 days later than it could be expected to produce an acceptable yield; or (2) call the premium a government mandated donation to the insurance company and instead of replanting (and/or collecting the claim), plant a crop that has potential to produce a yield. The commenter stated, in short, the final planting date should be just that, the final date that the crop should be planted (or replanted). There has been a lot of time and research put into developing the final planting dates by the extension services, etc., and FCIC should be listening to the people whose job it is to determine these dates.

Response: Requiring a producer to replant under such circumstances as is customary for the area has been statutorily mandated and a requirement of the policy for years. Producers have been required to replant the crop after the final planting date if the agronomics allowed in order to receive a replanting payment and continue insurance coverage for the initially planted crop. This final rule does not change this. However, there has been inconsistency in the application of the practical to replant provisions between insurance providers such that if two producers were in similar agronomic conditions one could be required to replant the crop and the other may not. This final rule is intended to address that inequity. However, FCIC agrees that the 25-day period may be too long because of the potential effect on the replanted crop so it is reducing the presumptive date to no more than 10 days. This earlier date for it to be practical to replant is a presumptive date and FCIC has added circumstances to the provisions that insurance providers may consider whether: (1) It is physically possible to replant the acreage; (2) seed germination, emergence, and formation of a healthy plant is likely; (3) field, soil, and growing conditions allow for proper planting and growth of the replanted crop to reach maturity; or (4) other conditions exist, as provided by the Crop Provisions or Special Provisions. This will allow a better balance between the interests of the producers and the interests of the program.

FCIC disagrees with the commenter that if a crop deemed practical to replant is not replanted, the premium becomes a government-mandated donation to the insurance company. If it is determined practical to replant the insured crop and the producer elects not to replant the crop, no coverage for the initially planted crop will be provided and no premium will be due. If the producer decides not to replant, the crop would be considered as if it never existed, and the acreage is removed from the acreage report. No indemnity is due, no replant payment is made, and no premium is earned nor payable by the producer.

Comment: Several commenters generally support any effort to take subjectivity and ambiguity out of the crop insurance program and efforts to prevent fraud from occurring, but the commenters cannot support this change because it is not supported by research or by Extension recommendations.

A commenter stated that no county agent, no agricultural expert, no university study will agree that planting corn as late as May 5 in the Arkansas, Louisiana, and Mississippi region would be considered a good farming practice. In addition, the commenter believed no ag-lender would provide financing for planting this late.

A commenter stated that if it was practical to replant the crop, the crop should be able to achieve the actual production history yield in most years. Replanting at the end of the late planting period would have a marginal chance at achieving that level of production. The commenter suggested that perhaps part of the solution would be to shorten the late planting period.

Response: FCIC agrees that it should not be presumed practical to replant the crop until the end of the late planting period and, as stated above, has revised the provisions accordingly. This should mitigate any unintended reductions in yield as a result of planting during the late planting period, and producers will not be penalized because they will still receive the full guarantee. This means that if there is a reduction in yield, it can still be indemnified, but these changes allow a balance between the interests of producers and the interests of taxpayers.

Comment: Several commenters had issues with FCIC's wording under the definition of ''practical to replant'' which states that replanting should continue as long as the seed has the chance to germinate, emerge, and form a healthy plant. A commenter stated that this could be achieved planting much further past May 5 and the crop would mature prior to the end of the insurance period, but the problem would remain the same even if it is planted by the end of April. The producer would not be able to produce a yield that it would take to stay in farming. Their goal is not to make their guarantee; their goal is to make a profit. A commenter stated that producers have other cropping options that may be more economically viable once the original crop is lost. In these situations, producers need all options at their disposal so the best economic and agronomic choices can be made.

A commenter encouraged FCIC to further clarify that the revised definition is not intended to be interpreted in such a way that could potentially force a producer to replant a lost or damaged crop after the end of the late planting period or after the final planting date if there is no late planting period for the crop. The commenter believed it would be prudent for FCIC to reiterate to both insurance providers and insurance

agents that the changes made to the definition of ''practical to replant'' is not intended to be interpreted in such a way that a producer could be forced to replant after the end of the applicable late planting period, and further, that even when a crop is lost prior to the end of a late planting period, all applicable circumstances will be considered before a decision on the practicality of replanting the lost acreage is made. The commenter understood that this revised definition is set to become effective for the 2017 reinsurance year, but urged FCIC to consider further revisions to improve the understanding and limit the potential for it to be misinterpreted.

Response: FCIC agrees that the definition of ''practical to replant'' requires replanting during the late planting period as long as the seed has the chance to germinate, emerge, and form a healthy plant and may result in the ability to plant the crop even after the late planting period, which could cause confusion. The provisions have been revised so that insurance providers may consider circumstances as to whether: (1) It is physically possible to replant the acreage; (2) seed germination, emergence, and formation of a healthy plant is likely; (3) field, soil, and growing conditions allow for proper planting and growth of the replanted crop to reach maturity; or (4) other conditions exist, as provided by the Crop Provisions or Special Provisions.

Further, while FCIC does not want to hinder producers from maximizing their profits, it must balance this with the taxpayer interest in not paying indemnities when there is a possibility for the crop to reach maturity. FCIC balances the interests of producers with the interests of taxpayers by making a replant payment to offset the costs of replanting and providing for a full guarantee so that if the yield is later reduced, such costs will be indemnified.

Comment: A commenter stated that a producer should be required to replant until the crop's final plant date. At that point, if conditions are good and producers are actively planting and replanting, then a producer should go along with what is common in the producer's area. If not, there should be a maximum of a ten-day period from the final plant date before acres can be released and allow the producer to go to another crop. The late planting period should be an option, not a requirement.

A commenter stated that if a specific date needs to be established for ''practical to replant,'' the commenter requested FCIC consider the following revision, ''An insured should be required to plant and replant through the crop's final plant date.'' At that point, the acres should not be released for an additional ten days. If after ten days an adequate stand has not emerged, the acres should be released and the producer should be able to go to another crop.

Response: Defaulting to the final planting date ignores the possible agronomic circumstances that may allow the crop to be planted and reach maturity after this date. However, FCIC is revising the provisions to require replanting no later than 10 days into the late planting period. It is presumed that replanting is practical during this period and the producer will be required to replant, in order to receive a replant payment and continue full insurance coverage for the initially planted crop, unless the insurance provider determines it is not practical to replant. Replant payments are intended to mitigate losses, as stated above, by requiring replanting when agronomic conditions and circumstances exist to produce a crop that can reach maturity. Allowing producers to pick and choose whether to replant may result in unnecessary indemnities and premium rate increases.

Comment: A commenter stated that producers need an appropriate degree of situational flexibility when adverse conditions arise particularly during the planting season. The commenter believed FCIC will never achieve complete consistency, as even within a small area two cases can be very different. The commenter believed the current practical to replant standard and processes better accommodate the needs of the producers.

Another commenter stated that to restrict a producer's options at planting time where every minute is critical strikes the commenter as an overly broad fix to a very narrow problem. The commenter suggested that a better solution would be to require that when a producer chooses to plant back to the original crop at any time during the late plant period that this definitively be considered a replant until the late plant period has expired.

Response: The problem with the definition of ''practical to replant'' prior to 2017 is that the provisions were inconsistently applied such that with neighboring farms, one producer could be required to replant and the other not, even when agronomic conditions were the same. The final rule with request for comment and this final rule are intended to make the application of the provisions more consistent, while still allowing some flexibility. This is done by creating a presumed practical to replant date, while still allowing insurance providers to consider certain agronomic factors and circumstances to overcome this presumption. Allowing producers to pick and choose whether to replant may result in unnecessary indemnities and premium rate increases.

Comment: Several commenters felt that requiring producers to replant through the end of the late planting period was not sound policy. A commenter stated the University of Arkansas Division of Agriculture Rice Verification Program has demonstrated this fact over the past 30 years on 430 fields across the state. The planting date of rice has a direct impact on yield. The commenter stated that this policy would result in requiring producers to replant even though data suggests their projected yield could be cut by approximately 40 percent, making it very difficult to make a profit on the crop. The Arkansas Rice Production Handbook, published by the University of Arkansas Division of Agriculture, contains recommendations for optimum planting dates as well as recommended absolute cut-offs for rice based upon regions of the state. The commenter stated that optimum cut-off recommendations are May 10 for northern Arkansas, May 15 for central Arkansas, and May 20 for southern Arkansas and the recommended absolute cutoff recommendations are June 5 for northern Arkansas, June 10 for central Arkansas, and June 15 for southern Arkansas. While the recommended absolute cutoff does not mean a successful rice crop cannot be grown outside of that time-frame, success will depend on a myriad of factors unique to each individual farm.

A commenter stated that this proposal would force the planting of crops well beyond the recommended dates supported by research conducted by the LSU AgCenter. Yields are reduced by 38 to 52 percent for five of the major crops produced in Louisiana. The economic consequences of which would be devastating to producers which had already suffered losses from the original crop loss.

Several commenters stated that the changes being proposed are considered extreme by LSU AgCenter scientists that work to develop Best Management Practices for the targeted crops. Based upon the best long-term information generated by LSU AgCenter research and extension scientists, the commenters stated they cannot support recommending that producers re-plant at the latest ''practical to replant'' dates being supported by FCIC. A commenter questioned the origin of these proposed dates and request that FCIC provide science-based information to show

Louisiana producers can produce a profitable and sustainable yield if they are required to replant the crops on these late dates. A commenter also stated unfortunately, some of the ''practical replant'' dates detailed in the FCIC notice are even later than the LSU AgCenter have tested in field trials. The commenter stated that in reality, the actual date that a producer is officially released (by program adjuster) to plant alternative crops may not be until ten days after the final planting date of the insured crop which makes these changes even more unreasonable. The LSU AgCenter's optimum and latest planting dates are based upon Best Management Practices, as well as risk aversion for Louisiana's crop production systems. The commenter stated that potential increases in production costs, unfavorable weather conditions for crop development, and harvest risk associated with adverse weather events during the late fall are real factors that must be factored into this decision-making process.

A commenter stated the end of the late planting period for corn in Illinois is June 30. Most agronomic experts would not recommend planting corn this late in Illinois but the change in language would, with some exceptions, require it.

Another commenter stated the proposed replant dates are well past the recommended final planting dates as put forth by LSU, the various seed companies, private consultants and anyone else with practical knowledge of best agronomic practices in the state of Louisiana. With the high production costs of these crops today there is less margin for error than ever before and forcing producers to replant as much as three weeks after recommended final planting date is guaranteeing a potentially crippling financial loss on corn and grain sorghum. On rice and cotton it may not be a guaranteed loss but is almost a certainty not just in reduced yield but in increased costs fighting late season disease, insects, irrigation expense and field work due to a late harvest. While soybeans have the best chance of making a profit with the new proposed replant dates of all the crops it would still be an iffy proposition at best. These proposed changes would make buying higher levels of coverage a risky decision for the producer and expose them to even greater levels of uncertainty, which will lead to more difficulty in securing financing which will ultimately lead to further consolidation with only the largest producers benefitting.

Another commenter stated in the mid-south there is a definite cut off period for corn that is much earlier than the final planting date for late planting (May 5) if a producer wants to make a profitable corn yield in an average weather year. Forcing a producer to plant corn late dooms the producer to a loss and the insurance company to writing a check. If producers need to change crops, allow them to continue to make the switch after the final planting date. The commenter asks that FCIC not make them wait until the final LATE planting date. Producers need to have flexibility to farm the crop that is most likely to produce a full yield in the time period given. Failure to allow that flexibility will cost everyone money. A commenter stated that in light of the unique and unusual conditions that can arise following the failure of the initial crop, the revised definition, in effect, will result in cases where the agronomic realities of planting simply do not align with an assumption the crop will reach physiological maturity. As an example, corn in most of southern Illinois has a final plant date of June 5 followed by a 25-day late planting period. To limit a producer in this situation to the replanting of corn in the last two weeks of June rather than allowing a switch to another crop is not a sound agronomic practice given the low probability of corn reaching maturity before the normal frost date.

A commenter believed that most agronomic experts would not recommend replanting the crop that late, so the producer will be in a position of having to replant a crop at a time that agronomic experts would not recommend. The commenter stated, for instance, the end of the late planting period for corn in Illinois is June 30. Most agronomic experts would not recommend planting corn this late in Illinois. The change in language would, with some exceptions, require it. While this would limit the level of insurance for crops being initially planted later, the crop would still be insurable at the prevented planting level of coverage. On the positive side of the change to the practical to replant language—it would force more consistency in the industry as to when acreage is allowed to be planted to another crop, instead of replanted to the original crop. The producer receives a replant payment and still has the original coverage on the acreage, so there is still coverage on the replanted crop, even if replanted near the end of the late planting period.

Response: The final rule with request for comment did not change planting dates or the late planting period. The final rule with request for comment was intended to provide a clear, known deadline for when replanting of the crop is considered practical, ensuring that the provisions are consistently and equitably implemented across all insurance providers and producers. If the commenter or any interested party is concerned about the dates for specific crops or counties, they should advise the RMA Regional Office. Any interested person may find contact information for the applicable regional office on RMA's Web site at *http://www.rma.usda.gov/aboutrma/fields/rsos.html.* After considering all the comments, FCIC agrees that requiring replanting throughout the late planting period may not be practical. Therefore, as stated above, FCIC revised the definition of ''practical to replant'' to state it will be considered practical to replant through: (1) The final planting date if no late planting period is applicable; (2) the end of the late planting period if the late planting period is less than 10 days; or (3) the 10th day after the final planting date if the crop has a late planting period of 10 days or more. FCIC believes it is necessary to provide a clear, known deadline for when replanting of the crop is considered to be practical, and while this deadline is presumptive, FCIC is also revising the provisions to allow other agronomic factors and circumstances to be considered when determining whether it is practical to replant to provide needed flexibility as necessary.

Comment: A commenter stated they are very much against the new proposal to make a producer continue to replant all the way through the end of the late planting period. The commenter stated that the LSU Ag Department has documented evidence that this would mean an average of a 50 percent yield loss on those acres planted that late. The commenter understood that a producer may still be insured at the full guarantee but that does not really help either the producer or the crop insurance companies. For instance: a producer has a 75 percent coverage policy and a 175 bushel Actual Production History. That means the producer is guaranteed 131 bushels. According to LSU the potential of corn planted that late would be 80 bushels an acre. So that means that the producer would cut their 80 bushels, sell it and then crop insurance would pay the producer for the other 51 bushels. The going market on those bushels right now is $3.30 and crop insurance is paying $3.81 per bushel. $80 \times \$3.30 = \$264$ $51 \times \$3.81 = \$194$ that comes to $458 per acre. The cost of production on that acre of corn is $650 including rent, seed, fertilizer, etc., excluding any profit needed to pay any

living expenses or maintenance on equipment. This is where the producer makes a living. This is not just a hobby for the producer but the producer's livelihood. That means the producer is in the hole $200 per acre plus what it took for the producer to feed their family, pay equipment notes, pay interest at the bank for the money the producer still owes (1,000 acre average producer × $200 = $200,000) at 6 percent average interest, and many other costs. So the bottom line is the producer has lost money that the producer may never be able to recover from. The insurance company lost by having to pay the producer a $194 an acre claim. Not to mention the $30 acre replant claim they paid the producer (which is only about ⅓ of the cost to actually replant). The commenter questioned why the insurance provider could not release those acres for the producer to plant another crop such as soybeans or cotton to at least be able to survive. Note that the longer you wait to release those acres the more the yield on the second crop yield is being hurt also. Lastly, the average producer is not looking to collect on an insurance claim. The producer would rather produce a good yielding crop, sell it for a decent price and survive to farm another year.

Response: As stated above, FCIC realized that requiring replanting up to the end of the late planting period may place too much of a burden on producers and reduced needed flexibility. Therefore, FCIC is revising the period in which to replant a crop to no more than 10 days and revising the provisions to allow additional agronomic factors and circumstances to be considered by the insurance providers. However, while FCIC understands the commenter's concerns about the economics of producing a crop, when production costs exceed the potential value of the planted crop the Federal crop insurance program is not in a position to consider those costs when determining indemnities. It indemnifies lost production at an established price, in part, using taxpayer dollars. FCIC has a responsibility to those taxpayers to ensure that their dollars are properly spent. Replanting a crop when it is possible for that crop to grow and reach maturity is one way of protecting taxpayer dollars, and helps achieve the balance between the interests of producers and the interests of taxpayers.

With respect to the scenario stated above, the claimed losses are outside of the control of FCIC or the scope of this rule. In the example provided, regardless of whether the producer's original crop failed or produced a full crop, the producer would have lost money. If the producer produced the guarantee of 131 bushels and sold it for $3.30, which equals $432, this is still far below the claimed expenses of $650. Even if the producer had produced the 175 bushels actual production history yield, the producer would only have received $577.50.

Comment: Several commenters believed that a practical to replant determination is best made by the producer and the adjuster on the farm, and that a one size fits all approach could seriously jeopardize a producer's chances of profitability as margins are already tight in a replant situation. A commenter stated that even though the interim rule's revised definition allows for an exception to the standard date if ''there is no chance of seed germination, emergence, and formation of a healthy plant,'' this language raises the question of how such an important and time-sensitive determination will account for different conditions, including soil types and the varying impact of rainfall on farms just miles apart. Because of the significant differences between crops, final plant dates and late planting periods, a thorough assessment by the adjuster for the insurance provider along with the producer's input and experience are a more sensible match for the replant decision than an across-the-board application of a standard date.

A commenter stated that when the final plant date has been reached and during the late planting period, allow and encourage the producer and adjuster in consultation to make a determination and decision; based upon the conditions in the field and area as to when each field is no longer ''practical to replant.'' By doing so this would enable the producer to fail the first crop and plant to a second different crop, while practical to expect a second crop can reach yield potential and maturity. If the producer should choose to plant back to the original crop, it would be considered a replanted crop.

A commenter stated that the producer and the adjuster have been looked to as the best judge of whether it was practical to replant that crop. Under this definitional change, however, the practical experience and judgment of the producer and the adjuster, which is specifically focused upon that farm, that area, and the unique conditions, would be replaced with a uniform date. Thus, the change effectively declares that it is always practical to replant, not just through the final plant date for the crop but through the late planting period as well. This is not a practical standard given the various adverse situations that trigger replant provisions. Even if the final plant dates and late planting periods were all perfect and consistent across all regions, which they are not, the commenter still strongly believed the producer and adjuster are best suited to make this judgment.

A commenter stated that removing the human and weather elements from the decision-making within this definition and rule would prove detrimental. The decisions should definitively combine both factors. They are not independent of what is decided; only after planting potential has been examined can an accurate determination be made. The word ''practical'' is at the heart of this issue, even included in the definition; therefore practicality and flexibility become the points of action.

A few commenters stated they have serious concerns about proposed changes to the ''practical to replant'' definition contained in the interim rule. Beyond the proposed changes, producers were given an inadequate window of time to respond to the changes overlapping the state's harvest period and currently managing disastrous flooding conditions. The commenter stated that in the Southern U.S., where rice is grown, planting windows and options tend to be longer and more diverse. Important replant provisions of the various crop insurance policies only come into play when a first attempt at planting is ruined in whole or in part. In such an adverse situation, the commenters would maintain the producer needs all options at their disposal. The planting dates and windows of Federal crop insurance, while necessary, cannot reflect the best and most practical options for each farm. The commenters believed this determination is best made by the producer and the adjuster on the farm.

A commenter stated that in many cases, if a first crop is washed or flooded out, but the water recedes and the producer has the ability to plant again, planting the same first crop would not be the ideal financial or agronomic decision even if it is still an insurable possibility by the USDA Risk Management Agency dates. To handcuff the producer in these situations where they can only go back to the original crop through the late planting period seems unreasonable. Again, the commenter thinks the current rules, which show deference to the producer and the adjuster to make the best determination for that farm in that situation in that adverse year, is the better model.

The commenters are very concerned about advancing integrity of Federal crop insurance, and the commenters know that clear rules need to be made

and enforced. But every farm is unique and the situation on each farm is unique each year, so the rules have to be balanced against an adequate flexibility that allows the producers to do their work the best they know how. The commenters noted their support for other rules like the first crop, second crop limitations that protect the integrity of the program while affording the producer flexibility to make the best productive use of the land in any given year.

Response: One of the fundamental principles of the crop insurance program is that all producers be treated fairly and equitably. FCIC also believes that producers working with their loss adjuster can make or reach the best decisions for addressing crop loss on the farm, but to do so requires clear rules and understanding. FCIC realizes that requiring replanting until the end of the late planting period may be too burdensome and has revised the provisions to reduce the presumptive time to replant to not more than 10 days. In addition, when determining whether it is practical to replant approved insurance providers may consider circumstances as to whether: (1) It is physically possible to replant the acreage; (2) seed germination, emergence, and formation of a healthy plant is likely; (3) field, soil, and growing conditions allow for proper planting and growth of the replanted crop to reach maturity; or (4) other conditions exist, as provided by the Crop Provisions or Special Provisions. This will allow decisions to be more tailored to actual agronomic conditions and circumstances for determining whether it is practical to replant. However, as stated above, the goal of replanting is to mitigate losses in those situations where it is still possible to produce a crop that can reach maturity. To effectuate this goal and balance the interests of producers and taxpayers, FCIC provides for a replant payment and allows a full guarantee on the replanted acres, so that if there is any future reduction in yield the producer will be indemnified.

Comment: A commenter stated if there was a change to be made to the ''practical to replant'' definition in the policy it should have been to shorten the number of days that a producer has to replant his crops after the final plant date. The definition should not require a producer to replant all the way to the end.

Response: FCIC agrees with the commenter. FCIC is changing the definition of ''practical to replant'' to state it will be considered practical to replant through: (1) The final planting date if no late planting period is applicable; (2) the end of the late planting period if the late planting period is less than 10 days; or (3) the 10th day after the final planting date if the crop has a late planting period of 10 days or more.

Comment: A commenter stated there are other unintended consequences that the commenter asked FCIC to consider as well. If a producer follows all guidelines of the proposed process and plants an alternative crop after the proposed latest ''practical to replant'' date for the initial insured crop, they will in most cases be planting the alternative crops after optimum dates and potentially suffer economic losses as well. In addition, the resulting figures for rice, soybeans, corn, cotton, and grain sorghum are considered to be very conservative estimates that do not include the additional production input costs associated with late-planting of these Louisiana crops. The commenter stated that crop insurance should remain a tool to support producers when unforeseen covered events adversely affect their crops. These proposed changes have the potential to drastically affect Louisiana agriculture and create insecurity among the commenter's producers and which the commenter hopes is certainly not the intended outcome.

Response: FCIC is changing the definition of ''practical to replant'' to reduce the number of days it is presumed to be practical to replant. Further, other agronomic factors and circumstances can be considered when determining whether it is practical to replant. These changes should create more stability, flexibility, and security.

Comment: A commenter stated that consistency and common understanding of the rule from producer to insurance provider needs to be achieved. If enacted as written, this rule becomes inconsistent with declaration of prevent plant by the producer; which can and is allowed to occur after the final plant date. It becomes the producer's declaration and decision per the assessment of agronomic conditions, weather and human assessment, soil conditions, viability to reach a desired result of the planted crop. It is counter intuitive to require the producer to replant following a peril that destroys their first crop based upon the calendar date, rather than taking into consideration the factors on each farm. Only with ''boots on the ground'' assessing crop maturity, availability of product, plant vigor, weather and field conditions can good farming, and program integrity decisions be made. Because of the variability experienced by each producer's situation, the geographies that they work within and the unknown weather conditions that can arise at any time, there is no one blanket date that would fit all farms. Creating a definition that allows for these variables will enable consistency, understanding and optimum risk management for producers, insurance providers, and taxpayers.

Response: As stated in the final rule with request for comment, the previous provisions, as written, regarding ''practical to replant'' can lead to different insurance providers reaching differing determinations as to whether it is practical to replant in the same area. Therefore, it is important to provide a clear, known presumptive deadline for when replanting of the crop is considered to be practical. Further, as stated above, prevented planting and practical to replant are two different provisions, with different purposes, that provide different coverage. Prevented planting coverage only covers the expected costs incurred at the time the crop was prevented from planting, which is determined by a percentage of the guarantee. It does not indemnify for the crop loss. When a crop fails and the issue is whether to replant, the failed crop could receive an indemnity based on the lost production if it is determined not to be practical to replant. However, the requirement to replant is intended to mitigate these losses when agronomic conditions and circumstances are such that the crop could be expected to grow and reach maturity. In prevented planting situations, insurance providers look at whether it was possible to plant before the final planting date. In practical to replant situations, the determination is made by the insurance provider after considering the agronomics and the circumstances for the area as to whether it is customary to replant the crop. However, FCIC agrees that one size does not fit all and has revised the provisions to shorten the period for practical to replant and has added provisions allowing for consideration of additional circumstances in determining the practicality of replanting.

Comment: A commenter stated aflatoxin is a horrible disease in grain crops. This, as well as other diseases and risks such as hurricane and intense heat and drought would be greatly enhanced by requiring a producer to replant through the end of the late planting period.

Another commenter stated getting the product that will produce the highest yield on a specific soil type, disease environment, is extremely important to the final yield outcome. At the end of

the season in the last couple years, the most desired products are sold out, due to seed companies limiting piles of unused units that must be written off at a loss. So, the producer is now forced to use a third or fourth choice corn or soybean product that offers less inherent yield potential for this geography and possibly higher risk of disease infestation and yield loss.

Response: FCIC understands the commenter's concern regarding increasing risks by requiring the producer to replant through the end of the late planting period. FCIC has revised the provisions to reduce the presumptive time to replant to no more than 10 days and allowing for consideration of additional agronomic factors and circumstances to be considered in the determination of practical to replant. These changes provide a better balance of the interests of producers with those of the taxpayer, whose interests are in paying losses when it is not possible to replant a crop that would grow and reach maturity. Further, since the guarantee is not reduced as a result of planting during the late planting period, any such losses would be fully indemnified.

With respect to the availability of seed and other inputs, the previous definition of ''practical to replant'' stated it will be considered to be practical to replant regardless of availability of seed or plants, or the input costs necessary to produce the insured crop such as those that would be incurred for seed or plants, irrigation water, etc. FCIC inadvertently omitted this sentence from the final rule with request for comments. Therefore, FCIC has modified the definition of ''practical to replant'' to add that it will be considered practical to replant regardless of the availability of seed or plants, or the input costs necessary to produce the insured crop such as seed or plants, irrigation water, etc. Since the Act only authorizes coverage due to drought, flood or other natural disaster, things such as seed availability, plants or input costs cannot be a consideration when determining whether or not it is practical to replant the crop.

Double Cropping

Comment: A commenter had some concerns that the wording in the 2017 Common Crop Insurance Policy Basic Provisions (Basic Provisions) under section 15(h) could lead to misunderstandings and differing interpretations. For example, section 15(h)(5)(i) allows for when a historical double cropping percentage could be used for situations where a producer acquires additional acreage. Section 15(h)(5)(i) implies the double crop percentage would be applied to the total acreage now in the producer's operation. However, the example under section 15(h)(5)(i)(D) says to apply the double crop percentage to both the current year first insured crop acreage and the current year second crop acreage. It is unclear as to which set of determined acreage is ultimately used as the limiting factor when total acreage in the producer's operation as well as first insured crop acres and second crop acres are all multiplied by the determined percentage.

Response: FCIC agrees with the commenter and has changed the language to remove the reference to second crop acreage.

Comment: A commenter questioned if the revised language in section 15(h)(5) of the Basic Provisions only applies to policies with added land or if it includes situations in which there is no added land but the number of double cropping acres have increased through different crop rotations. The commenter assumed based on the language included as a part of the final rule the intent of this new language addresses both added land and other situations where there is no added land but the number of double cropping acres have been increasing. If this is indeed the intent, the commenter recommended that FCIC consider changing or adding to the language in 15(h)(5)(i) that indicates ''. . . if you acquired additional acreage, you may apply the percentage of acre . . .'' which implies that this computation only applies when additional acreage has been acquired.

Response: The phrase ''acquired additional acreage'' in section 15(h)(5) of the Basic Provisions is intended to apply to a net acquisition of acreage. For example, if a producer loses 50 acres of land and gains 20 acres, the double cropping multiplier would not apply because the total acreage in the producer's operation is not greater than in previous years. Another example would be if a producer loses 50 acres of land and gains 60 acres, the double cropping multiplier would apply because the total acreage in the farming operation is 10 net acres greater than in previous years. FCIC has revised the language accordingly.

Comment: A commenter questioned whether or not the computations from this new section are meant to apply in the situation where the first insured crop is planted and the second crop is prevented from being planted (also does not specifically address where the first insured crop is planted and the second crop is planted). The commenter did not see any language addressing this situation but assumed that FCIC would calculate double cropping history acres in the same manner. This was addressed in the previous Basic Provisions by the language in section 15(i) as follows (language addresses both planted and prevented planting acreage of both the first and second crop that are double cropped):

(i) The receipt of a full indemnity or prevented planting payment on both crops that are double cropped is limited to the number of acres for which you can demonstrate you have double cropped or that have been historically double cropped as specified in section 15(h).

The commenters assumption is that the computations laid out in section 15(h)(5) of the Basic Provisions is intended to encompass both situations. However, since the language is no longer included as a part of the lead in to the calculation, FCIC may want to consider adding this language back in so that it is clear this calculation is intended to cover both of these situations (section 15(h) does address a full indemnity or a full prevented planting payment for a first insured crop when a second crop is planted). At the very least, the Prevented Planting Loss Adjustment Standards Handbook will need to make sure and include additional instructions for computing double crop acres for these situations.

Response: FCIC thanks the commenter for their comments. Section 15(h)(5)(i) is intended to apply to situations where the first insured crop is planted and incurs an insurable loss or the first insured crop is prevented from planting and a second crop is planted. Section 17(f)(5) is the applicable section when a first insured crop is planted and the second crop is prevented from planting. FCIC has revised the language in section 15 accordingly.

Comment: A commenter stated the change to double crop history seems to be a positive move, using a producer's history of double cropping to aid in calculating the use of newly added land. If a producer has a history of double cropping every year, it is highly likely that a percentage of the added land would be double cropped also. The change to the double crop language will add more complexity to the calculation. Before, it was simple—what you had is what you got.

Response: FCIC thanks the commenter and appreciates their input.

Comment: A commenter suggested revising 15(h)(5)(i)(B) to state ''. . . (In the example above, 50 divided by 100 equals 50 percent of the first insured crop acres *that* were double cropped in 2015, and 70 divided by 100 equals 70

percent *that* were double cropped in 2016)''.

Response: FCIC agrees and has made changes accordingly.

Executive Orders 12866, 13563, and 13771

Executive Order 12866, ''Regulatory Planning and Review,'' and Executive Order 13563, ''Improving Regulation and Regulatory Review,'' 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). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Management and Budget (OMB) designated this rule as not significant under Executive Order 12866, ''Regulatory Planning and Review,'' and therefore, OMB has not reviewed this rule. The rule is not subject to Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs.''

Paperwork Reduction Act of 1995

Pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the collections of information in this rule have been approved by OMB under control numbers 0563–0053.

E-Government Act Compliance

FCIC is committed to complying with the E-Government Act of 2002, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 13132

It has been determined under section 1(a) of Executive Order 13132, Federalism, that this rule does not have sufficient implications to warrant consultation with the States. The provisions contained in this rule will not have a substantial direct effect on States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

The Federal Crop Insurance Corporation has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under E.O. 13175. If a Tribe requests consultation, the Federal Crop Insurance Corporation will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

Regulatory Flexibility Act

FCIC certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Program requirements for the Federal crop insurance program are the same for all producers regardless of the size of their farming operation. For instance, all producers are required to submit an application and acreage report to establish their insurance guarantees and compute premium amounts, and all producers are required to submit a notice of loss and production information to determine the amount of an indemnity payment in the event of an insured cause of crop loss. Whether a producer has 10 acres or 1000 acres, there is no difference in the kind of information collected. To ensure crop insurance is available to small entities, the Federal Crop Insurance Act (Act) authorizes FCIC to waive collection of administrative fees from beginning farmers or ranchers and limited resource farmers. FCIC believes this waiver helps to ensure that small entities are given the same opportunities as large entities to manage their risks through the use of Federal crop insurance. A Regulatory Flexibility Analysis has not been prepared since this regulation does not have an impact on small entities, and, therefore, this regulation is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605).

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. With respect to any direct action taken by FCIC or to require the insurance provider to take specific action under the terms of the crop insurance policy, the administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action against FCIC for judicial review may be brought.

Environmental Evaluation

This action is not expected to have a significant economic impact on the quality of the human environment, health, or safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

List of Subjects in 7 CFR Part 457

Crop insurance, Reporting and recordkeeping requirements. Final Rule.

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation amends 7 CFR part 457 as follows:

PART 457—COMMON CROP INSURANCE REGULATIONS

■ 1. The authority citation for part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l) and 1506(o).

■ 2. Amend § 457.8, in the Common Crop Insurance Policy, as follows:
■ a. In section 1 by revising the definition of ''practical to replant'' and ''replanted crop;'' and
■ b. In section 15 by revising paragraph (h).

The revisions read as follows:

§ 457.8 The application and policy.

* * * * *

Common Crop Insurance Policy

* * * * *

1. Definitions

* * * * *

Practical to replant. Our determination, after loss or damage to the insured crop, that you are able to replant to the same crop in such areas and under such circumstances as it is customary to replant and that replanting the insured crop will allow the crop to attain maturity prior to the calendar date for the end of the insurance period. We may consider circumstances as to whether: (1) It is physically possible to replant the acreage; (2) seed germination, emergence, and formation of a healthy plant is likely; (3) field, soil, and growing conditions allow for proper planting and growth of the replanted crop to reach maturity; or (4) other conditions exist, as provided by the Crop Provisions or Special Provisions. Unless we determine it is not practical to replant, based on the circumstances listed above, it will be considered practical to replant through: (1) The final planting date if no late planting period is applicable; (2) the end of the late planting period if the late planting period is less than 10 days; or (3) the 10th day after the final planting date if the crop has a late planting period of 10 days or more. We will consider it practical to replant regardless of the availability of seed or plants, or the input costs necessary to produce the insured crop such as seed or plants, irrigation water, etc.

* * * * *

Replanted crop. The same agricultural commodity replanted on the same acreage as the insured crop for harvest in the same crop year if: (1) The replanting is specifically made optional by the policy and you elect to replant the crop and insure it under the policy covering the insured crop; or (2) Replanting is required by the policy. The crop will be considered a replanted insured crop and no replanting payment will be paid if we have determined it is not practical to replant the insured crop and you choose to plant the acreage to the same insured crop.

* * * * *

15. Production Included in Determining an Indemnity and Payment Reductions

* * * * *

(h) You may receive a full indemnity, or a full prevented planting payment for a first insured crop when a second crop is planted on the same acreage in the same crop year, if each of the following conditions are met, regardless of whether or not the second crop is insured or sustains an insurable loss:

(1) Planting two or more crops for harvest in the same crop year in the area is generally recognized by agricultural experts or organic agricultural experts;

(2) The second or more crops are customarily planted after the first insured crop for harvest on the same acreage in the same crop year in the area;

(3) Additional coverage insurance offered under the authority of the Act is available in the county on the two or more crops that are double cropped;

(4) In the case of prevented planting, the second crop is not planted on or prior to the final planting date or, if applicable, prior to the end of the late planting period for the first insured crop;

(5) You provide records, acceptable to us, of acreage and production specific to the double cropped acreage proving that:

(i) You have double cropped acreage in at least two of the last four crop years in which the first insured crop was planted and incur an insurable loss or the first insured crop is prevented from being planted and a second crop is planted. If you acquired additional land for the current crop year you may apply the percentage of acres that you have previously double cropped to the total cropland acres that you are farming this year (if greater) using the following calculation:

(A) Determine the number of acres of the first insured crop that were double cropped in each of the years for which double cropping records are provided (For example, records are provided showing: 100 acres of wheat planted in 2016 and 50 of those acres were double cropped with soybeans; and 100 acres of wheat planted in 2017 and 70 of those acres were double cropped with soybeans);

(B) Divide each result of section 15(h)(5)(i)(A) by the number of acres of the first insured crop that were planted in each respective year (In the example above, 50 divided by 100 equals 50 percent of the first insured crop acres that were double cropped in 2016 and 70 divided by 100 equals 70 percent of the first insured crop acres that were double cropped in 2017);

(C) Add the results of section 15(h)(5)(i)(B) and divide by the number of years the first insured crop was double cropped (In the example above, 50 plus 70 equals 120 divided by 2 equals 60 percent); and

(D) Multiply the result of 15(h)(5)(i)(C) by the number of insured acres of the first insured crop (In the example above, 60 percent multiplied by the number of wheat acres insured in 2018); or

(ii) The applicable acreage was double cropped (by one or more other producers, and the producer(s) will allow you to use their records) for at least two of the last four crop years in which the first insured crop was grown on it; and

(6) If you do not have records of acreage and production specific to the double cropped acreage, as required in section 15(h)(5), but instead have records that combine production from acreage you double cropped with records of production from acreage you did not double crop, we will allocate the first and second crop production to the specific acreage in proportion to the liability for the acreage that was and was not double cropped.

* * * * *

Dated: June 20, 2017.

Robert Ibarra,

Acting Administrator.

[FR Doc. 2017–13242 Filed 6–26–17; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[Docket No. FAA–2014–0376; Notice No. 33–014–01–SC]

Special Conditions: SNECMA, Silvercrest-2 SC–2D; Rated 10-Minute One Engine Inoperative Takeoff Thrust at High Ambient Temperature; Withdrawal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; withdrawal.

SUMMARY: The FAA is withdrawing previously published special conditions for the Silvercrest-2 SC–2D engine model. We are requesting the withdrawal because the ''Rated 10-Minute One Engine Inoperative Takeoff Thrust at High Ambient Temperature (Rated 10-Minute OEI TOTHAT) is not needed.

DATES: As of June 27, 2017, the special conditions published on October 31, 2014, at 79 FR 64666, are withdrawn.

FOR FURTHER INFORMATION CONTACT: Tara Fitzgerald, ANE–112, Engine and Propeller Directorate, Aircraft Certification Service, 1200 District Avenue, Burlington, Massachusetts, 01803–5213; telephone (781) 238–7130; facsimile (781) 238–7199; email *Tara.Fitzgerald@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On April 19, 2011, SNECMA, now known as Safran Aircraft Engines (SAE) applied for a new type certificate for the Silvercrest-2 SC–2D engine model. At that time, the Silvercrest-2 SC–2D engine model was to have a novel or unusual design feature when compared to the state of technology described in the airworthiness standards for aircraft engines. The design feature included an additional takeoff rating for the Silvercrest-2 SC–2D engine model, named ''Rated 10-Minute One Engine Inoperative Takeoff Thrust at High Ambient Temperature'' (Rated 10-Minute OEI TOTHAT). It was intended to maintain the takeoff thrust in certain high ambient temperature conditions for a maximum of 10 minutes with one engine inoperative (OEI).

Reason for Withdrawal

The FAA is withdrawing Notice No. 33–014–01–SC because of concerns raised over the sufficiency of the ''Rated 10-Minute OEI TOTHAT'' special condition to meet the Automatic Takeoff Thrust Control System (ATTCS) design requirement specified in Title 14, Code of Federal Regulations (14 CFR) part 25, section I25.5(b)(2).

The proposed takeoff rating was for use during OEI events that occur during takeoff in high ambient temperature conditions, up to 5 degrees Celsius hotter than the rated takeoff corner point. The assumptions for this rating are no longer valid and the ''Rated 10-Minute OEI TOTHAT'' is not needed.

Conclusion

This withdrawal does not preclude the FAA from issuing another notice on the subject matter in the future or committing the agency to any future course of action.

Issued in Burlington, Massachusetts, on June 13, 2017.

Carlos A. Pestana,

Acting Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2017–12937 Filed 6–26–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[Docket No. FAA–2014–0376; Notice No. 33–014–01–SC]

Special Conditions: SNECMA, Silvercrest-2 SC–2D; Rated 10-Minute One Engine Inoperative Takeoff Thrust at High Ambient Temperature; Withdrawal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions, withdrawal.

SUMMARY: The FAA is withdrawing previously published special conditions for the Silvercrest-2 SC–2D engine model. We are requesting the withdrawal because the ''Rated 10-Minute One Engine Inoperative Takeoff Thrust at High Ambient Temperature (Rated 10-Minute OEI TOTHAT) is not needed.

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SUPPLEMENTARY INFORMATION:

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Conclusion

This withdrawal does not preclude the FAA from issuing another notice on the subject matter in the future or committing the agency to any future course of action.

Issued in Burlington, Massachusetts, on June 13, 2017.

Carlos A. Pestana,

Acting Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2017–12939 Filed 6–26–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Institutes of Standards and Technology

15 CFR Part 290

[Docket No.: 170526519–7519–01]

RIN 0693–AB64

Hollings Manufacturing Extension Partnership—Amendments to the Terms and Schedule of Financial Assistance

AGENCY: National Institute of Standards and Technology (NIST), United States Department of Commerce.

ACTION: Final rule.

SUMMARY: NIST is issuing a final rule to amend the regulations governing the Hollings Manufacturing Extension Partnership (MEP) program to reflect the current cost sharing requirements for cooperative agreements for the establishment and operation of MEP Centers, consistent with recent amendments to the MEP authorizing statute. Under the revised statute, NIST may provide up to 50 percent of the capital and annual operating and maintenance funds required to establish and support an MEP Center. The regulations are also being amended to remove other cost sharing rules that are not required by the MEP authorizing statute or current program policies.

DATES: This rule is effective June 27, 2017.

FOR FURTHER INFORMATION CONTACT: Anne-Louise Marquis, at (301) 975–3944 or *anne-louise.marquis@nist.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Hollings MEP Program (Program) is a unique program, consisting of centers in each state and Puerto Rico with partnerships at the state, federal, and local levels. Prior to being amended by Section 501(b) of the American Innovation and Competitiveness Act (AICA), Public Law 114–329, the Program statute, 15 U.S.C. 278k, required that NIST provide less than 50 percent of the capital and annual operating and maintenance funds of an MEP Center beginning in the fourth year of a cooperative agreement. The revised statute allows NIST to provide up to 50 percent of the capital and annual operating and maintenance funds required to establish and support an MEP Center. NIST is amending the MEP regulations, specifically 15 CFR 290.4, to implement the revised statute and to eliminate certain limitations on the amounts and sources of MEP Center cost share that are not required by 15 U.S.C. 278k and that do not reflect current MEP Program cost sharing policies.

II. Statutory Authority

NIST is revising 15 CFR 290.4 to ensure it is fully consistent with recent statutory changes to 15 U.S.C. 278k(e)(2) made by section 501(b) of AICA, and to ensure that the cost sharing requirements in 15 CFR 290.4 are consistent with the cost sharing requirements for financial assistance awards contained in 2 CFR part 200 and with current MEP Program cost sharing policies.

III. Regulatory Analysis

Because this final rule is a matter relating to public property, loans, grants, benefits, or contracts, 5 U.S.C. 553 does not apply. *See* 5 U.S.C. 553(a)(2). Therefore, prior notice and opportunity for public comment are not required under 5 U.S.C. 553, and there is no requirement for a 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d).

Executive Order 12866

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

Executive Order 13132

This final rule does not contain policies with Federalism implications as defined in Executive Order 13132.

Regulatory Flexibility Act

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* do not apply.

Paperwork Reduction Act

This proposed rule contains no new collection of information subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

This final rule will not significantly affect the quality of the human environment. Therefore, an environmental assessment or Environmental Impact Statement is not required to be prepared under the National Environmental Policy Act of 1969.

List of Subjects in 15 CFR Part 290

Grant programs, Science and technology, Cooperative agreements.

For the reasons stated in the preamble, NIST is amending 15 CFR part 290 as follows:

PART 290—REGIONAL CENTERS FOR THE TRANSFER OF MANUFACTURING TECHNOLOGY

■ 1. The authority citation for 15 CFR part 290 continues to read as follows:

Authority: 15 U.S.C. 278k.

■ 2. Revise § 290.4 to read as follows:

§ 290.4 Terms and schedule of financial assistance.

The Secretary may provide up to 50 percent of the capital and annual operating and maintenance funds required to establish and support an MEP Center.

Phillip A. Singerman,

Associate Director for Innovations and Industry Services.

[FR Doc. 2017–13423 Filed 6–26–17; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0473]

RIN 1625–AA09

Drawbridge Operation Regulation; Cerritos Channel, Long Beach, CA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the operating schedule that governs the Commodore Schuyler F. Heim highway bridge, mile 4.9, across the Cerritos Channel, at Long Beach, California. The drawbridge has been removed from the waterway making the operating regulation no longer necessary.

DATES: This rule is effective June 27, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type [USCG–2017–0473]. In the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
NPRM Notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this 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), the Coast Guard finds that good cause exists for not publishing a NPRM with respect to this rule because the Commodore Schuyler F. Heim highway bridge, that once required draw operations in 33 CFR 117.147(a), has been removed from the waterway. Therefore, the regulation is no longer necessary or applicable and shall be removed from publication. It is unnecessary to publish an NPRM because this regulatory action does not purport to place any restrictions on mariners but rather removes restrictions that have no further use or value.

We are issuing this rule under 5 U.S.C. 553(d)(3), the Coast Guard finds

that good cause exists for making this rule effective in less than 30 days after publication in the FR. This rule merely requires an administrative change to the CFR in order to omit a regulatory requirement that is no longer applicable or necessary. The modifications have already taken place and the removal of the regulation will not affect mariners currently operating on the waterway. Therefore, a delayed effective date is unnecessary.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The Commodore Schuyler F. Heim highway bridge, mile 4.9, across the Cerritos Channel, at Long Beach, California, that once required draw operation in 33 CFR 117.147(a) has been removed from the waterway. The elimination of the drawbridge necessitates the removal of the drawbridge operation regulation in 33 CFR 117.147(a) that pertains to this former drawbridge.

The purpose of this rule is to remove 33 CFR 117.147(a), which refers to this bridge, from the CFR since the bridge is no longer crosses the waterway.

IV. Discussion of Final Rule

The Coast Guard is changing the regulation in 33 CFR 117.147 by removing the restriction related to the draw operation for the Commode Schuyler F. Heim highway bridge that is no longer a drawbridge. The change removes paragraph (a) of the regulation governing this bridge. This change does not affect nor does it alter the operating schedule that is currently designated paragraph (b), which governs the Henry Ford Avenue railroad bridge on the Cerritos Channel.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. 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 designated 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 fact that the Commodore Schuyler F. Heim highway bridge no longer exists. The removal of the operating schedule from 33 CFR part 117, subpart B, will have no effect on the movement of waterway or land traffic.

B. Impact on Small Entities

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

For reasons stated in section V.A. above this final rule would 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**, above.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Government

A rule has implications for federalism under E.O. 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.

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.l (series), which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

A Record of Environmental Consideration (REC) and Memorandum for the Record (MFR) are not required for 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 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

§ 117.147 [Amended]

■ 2. In § 117.147, remove paragraph (a) and redesignate paragraph (b) as an undesignated paragraph.

Dated: June 21, 2017.

T.A. Sokalzuk,

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

[FR Doc. 2017–13379 Filed 6–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0537]

Safety Zone; Three Rivers Regatta Fireworks/EQT 4th of July Celebration, Pittsburgh, PA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the ''Three Rivers Regatta Fireworks/EQT 4th of July Celebration'' on the Allegheny River, Monongahela River, and Ohio River. The safety zone is necessary to provide for the safety of life and to protect vessels from the hazards associated with the ''Three Rivers Regatta Fireworks/EQT 4th of July Celebration'' barge fireworks displays. During the enforcement period, entry into the safety zone is prohibited for all vessels not registered with the sponsor as participants or official patrol vessels, unless specifically authorized by the Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative.

DATES: The regulations in 33 CFR 165.801, Table 1, line 47, will be enforced from 9 p.m. until 10:30 p.m., on July 4, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email MST1 Jennifer Haggins, Marine Safety Unit Pittsburgh, U.S. Coast Guard; telephone 412–221–0807, email *Jennifer.L.Haggins@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone for the annual ''Three Rivers Regatta Fireworks/EQT 4th of July Celebration'' barge fireworks display, listed in the regulations in 33 CFR 165.801, Table 1, Sector Ohio Valley, No. 47 from 9 p.m. until 10:30 p.m., on July 4, 2017. Our Sector Ohio Valley Annual and Recurring Safety Zones, § 165.801, specifies the location of the regulated area for the Ohio River, Mile 0.0–0.5, Alleghany River, Mile 0.0–0.5, and Monongahela River, Mile 0.0–0.5. Entry into the safety zone is prohibited unless authorized by the Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative. Persons or vessels desiring to enter into or passage through the safety zone must request permission from the COTP or a designated representative. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

This notice of enforcement is issued under authority of 33 CFR 165.801 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide advance notification of this enforcement period via Local Notice to Mariners and updates via Marine Information Broadcasts.

Dated: June 19, 2017.

L. McClain, Jr.,

Commander, U.S. Coast Guard, Captain of the Port Marine Safety Unit Pittsburgh.

[FR Doc. 2017–13399 Filed 6–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0514]

RIN 1625–AA00

Safety Zone; Verdigris River, Catoosa, OK

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Verdigris River. This action is necessary to provide for the safety of life on these navigable waters near Rogers Point Park, Catoosa, OK, during a fireworks display on July 1, 2017. The safety zone will cover all navigable waters between mile marker 444.0 and mile marker 444.5 in the Verdigris River This rulemaking will prohibit persons and vessels from entering the safety zone unless authorized by the Captain of the Port Memphis (COTP) or a designated representative.

DATES: This rule is effective from 9:30 p.m. until 10 p.m. on July 1, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0514 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 about this rulemaking, call or email Petty Officer Todd Manow, Waterways Management, Sector Lower Mississippi River, U.S. Coast Guard; telephone 901–521–4813, email *Todd.M.Manow@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Memphis
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

On March 20, 2017, the City of Catoosa notified the Coast Guard that it will be conducting a fireworks display from 9:30 p.m. until 10 p.m. on July 1, 2017, as part of the shore side event, ''Libertyfest.'' The fireworks are to be

launched from the left descending bank of the Verdigris River at mile marker 444.2, 500 yards downriver of the State Route 66 bridge in Catoosa, OK, located at the approximate geographic coordinates of 36°12.8′ N., 095°43.0′ W. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Memphis (COTP) has determined that potential hazards associated with the fireworks present a safety concern for anyone within the area on the Verdigris River between mile marker 444.0 and mile marker 444.5.

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. Although the event sponsor originally submitted notice to the Coast Guard on March 20, 2017, final details of the event and safety zone requirements were not finalized until June 2, 2017. It is impracticable to publish an NPRM because we must establish this safety zone by July 1, 2017, and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed to protect the persons and property from the dangers associated with the fireworks display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 33 U.S.C. 1231. The COTP has determined that potential hazards associated with this fireworks event would be a safety concern for anyone on the Verdigris River between mile marker 444.0 and mile marker 444.5. Hazards from fireworks displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. This rule is needed to ensure the safety of life and vessels on the navigable waters before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a safety zone from 9:30 p.m. to 10 p.m. on July 1, 2017. The safety zone will cover all navigable waters of the Verdigris River from mile marker 444.0 to mile marker 444.5 in the vicinity of Rogers Point Park in Catoosa, OK. The safety zone is intended to ensure the safety of waterway users on these navigable waters before, during, and after the scheduled fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text appears at the end of this document.

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 (E.O.) 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 designated 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, duration, and time-of-day of the safety zone. Vessel traffic will be prohibited from entering this safety zone, which will impact a small designated area of the Lower Mississippi River for 30 minutes during the evening of Saturday, July 1, 2017. This safety zone may end early if conditions allow, as determined by the COTP or a designated representative. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule will allow 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 E.O. 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 will 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.

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 expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit entry into the zone unless authorized by the COTP or a designated representative lasting 30 minutes on one half mile of the Verdigris River located just downriver of the State Route 66 Bridge in Catoosa, OK. It is categorically excluded from further review under paragraph L60 of Appendix A 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 proposed rule.

G. Protest Activities

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

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 temporary § 165.T08–0514 to read as follows:

§ 165.T08–0514 Safety Zone; Verdigris River, Catoosa, OK.

(a) *Location.* The following area is a safety zone: All navigable waters of the Verdigris River from mile marker 444.0 to mile marker 444.5 in the vicinity of the left descending bank of the Verdigris River at mile marker 444.2, approximately 500 yards downriver of the State Route 66 bridge in Catoosa, OK at approximate position 36°12.8′ N., 095°43.0′ W.

(b) *Effective date.* The safety zone will be in effect from 9:30 p.m. until 10 p.m. on July 1, 2017.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless specifically authorized by the Captain of the Port Memphis (COTP) or a designated representative.

(2) Any vessel desiring to enter this safety zone must first obtain permission from the COPT or a designated representative, who may be contacted on VHF–FM Channel 16 or by telephone at 866–777–2784.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public through broadcast notices to mariners of the enforcement periods for the safety zone.

Dated: June 13, 2017.

T.J. Wendt,

Captain, U.S. Coast Guard, Captain of the Port, Memphis, Tennessee.

[FR Doc. 2017–13428 Filed 6–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0323]

RIN 1625–AA00

Safety Zone: City of Benicia Independence Day Fireworks Display, Benicia, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of the Carquinez Strait near Benicia, CA, in support of the City of Benicia Independence Day Fireworks Display on July 4, 2017. This safety zone is established to ensure the safety of mariners and spectators from the dangers associated with the pyrotechnics. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or their designated representative.

DATES: This rule is effective on July 4, 2017. This rule will be enforced from 8 a.m. to 10:30 p.m. on July 4, 2017.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2017–0323. To view documents mentioned in this preamble as being available in the docket, go to *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 rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Junior Grade Christina Ramirez, U.S. Coast Guard Sector San Francisco; telephone (415) 399–2001 or email at *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

APA Adminstrative Procedure Act
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
COTP Captain of the Port
NEPA National Environmental Policy Act of 1969
NOAA National Oceanic and Atmospheric Administration
PATCOM Patrol Commander
RFA Regulatory Flexibility Act of 1980
TFR Temporary Final Rule

II. Background Information and Regulatory History

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.''

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. Publishing a NPRM would be impractical due to the date of the event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For these same reasons, the Coast Guard finds good cause for implementing this rule less than thirty days before the effective date.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish safety zone.

The City of Benicia is sponsoring a fireworks display on July 4, 2017, in Benicia, CA, in approximate position 38°02′49″ N. 122°10′02″ W. (NAD 83) as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18652. During the loading, transit, and arrival of the fireworks barge and until the start of the fireworks display, the temporary safety zone applies to the navigable waters around and under the fireworks barge within a radius of 100 feet. From 8 a.m. until 4 p.m. on July 4, 2017, the fireworks barge will be loading at Pier 50 in San Francisco, CA. The fireworks barge will remain at Pier 50 until the start of its transit to the display location. From 5:30 p.m. until 9 p.m. on July 4, 2017, the loaded fireworks barge will transit from Pier 50 to the launch site near Benicia, CA, in approximate position 38°02′49″ N. 122°10′02″ W. (NAD 83), where it will remain until the commencement of the fireworks display. Upon the commencement of the 20-minute fireworks display, at approximately 9:30 p.m. on July 4, 2017, the safety zone will expand to encompass the navigable waters within 420 feet of approximate position 38°02′49″ N. 122°10′02″ W. (NAD 83). This restricted area around the fireworks barge is necessary to protect spectators, vessels, and other property from the hazards associated with pyrotechnics.

IV. Discussion of the Final Rule

The proposed safety zone will encompass the navigable waters around the barge near Benicia, CA. During the loading, transit, and arrival of the fireworks barge and until the start of the fireworks display, the temporary safety zone applies to the navigable waters around and under the fireworks barge within a radius of 100 feet. From 8 a.m. until 4 p.m. on July 4, 2017, the fireworks barge will be loading at Pier 50 in San Francisco, CA. The fireworks barge will remain at Pier 50 until the start of its transit to the display location. From 5:30 p.m. until 9 p.m. on July 4, 2017, the loaded fireworks barge will transit from Pier 50 to the launch site near Benicia, CA, in approximate position 38°02′49″ N. 122°10′02″ W. (NAD 83), where it will remain until the commencement of the fireworks display. Upon the commencement of the 20-minute fireworks display, at approximately 9:30 p.m. on July 4, 2017, the safety zone will expand to encompass the navigable waters within a radius of 420 feet of approximate position 38°02′49″ N. 122°10′02″ W. (NAD 83). The safety zone shall terminate at 10:30 p.m. on July 4, 2017.

The effect of the temporary safety zone will be to restrict navigation in the vicinity of the launch site until the conclusion of the scheduled display. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the restricted area. These regulations are needed to keep spectators and vessels away from the immediate vicinity of the launch site to ensure the safety of participants, spectators, and transiting vessels.

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 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 designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

We expect the economic impact of this rule will not rise to the level of necessitating a full Regulatory Evaluation. The safety zone is limited in duration, and is limited to a narrowly tailored geographic area. In addition, although this rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterway users will be notified via public Local Notice to Mariners to ensure the safety zone will result in minimum impact. The entities most likely to be affected are waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities.

B. Impact on Small Entities

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

This rule may affect owners and operators of waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities and sightseeing. This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons. This safety zone would be activated, and thus subject to enforcement, for a limited duration. When the safety zone is activated, vessel traffic could pass safely around the safety zone. The maritime public will be advised in advance of this safety zone via Local Notice to Mariners.

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine

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

C. Collection of Information

This rule 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 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 determined that this rule does not have implications for federalism.

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 (NEPA)(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone of limited size and duration. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration for categorically excluded actions 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, and 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–T11–849 to read as follows:

§ 165–T11–849 Safety Zone; City of Benicia Independence Day Fireworks Display, Benicia, CA.

(a) *Location.* This safety zone is established in the navigable waters of the Carquinez Strait near Benicia, CA, as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18652. During the loading, transit, and arrival of the fireworks barge and until the start of the fireworks display, the temporary safety zone applies to the navigable waters around and under the fireworks barge within a radius of 100 feet. From 8 a.m. until 4 p.m. on July 4, 2017, the fireworks barge will be loading at Pier 50 in San Francisco, CA. The fireworks barge will remain at Pier 50 until the start of its transit to the display location. From 5:30 p.m. until 9 p.m. on July 4, 2017, the loaded fireworks barge will transit from Pier 50 to the launch site near Benicia, CA, in approximate position 38°02′49″ N. 122°10′02″ W. (NAD 83), where it will remain until the commencement of the fireworks display. Upon the commencement of the 20-minute fireworks display, at approximately 9:30 p.m. on July 4, 2017, the safety zone will expand to encompass the navigable waters within 420 feet of approximate position 38°02′49″ N. 122°10′02″ W. (NAD 83).

(b) *Enforcement period.* The safety zone described in paragraph (a) of this section will be enforced from 8 a.m. to 10:30 p.m. on July 4, 2017. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which this zone will be enforced via Broadcast Notice to Mariners in accordance with 33 CFR 165.7.

(c) *Definitions.* As used in this section, ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel or a Federal, State, or local officer designated to assist in the enforcement of the safety zone.

(d) *Regulations.* (1) Under the general regulations in 33 CFR part 165, subpart C, entry into, transiting or anchoring within this safety zone is prohibited unless authorized by the COTP or a designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or a designated representative. Persons and vessels may request permission to enter the safety zone may contact the Patrol Commander (PATCOM) on VHF–23A or through the 24-hour Command Center at telephone (415) 399–3547.

Dated: May 25, 2017.

Anthony J. Ceraolo,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco.

[FR Doc. 2017–13430 Filed 6–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0260]

Safety Zone; Oakmont Yacht Club/ Oakmont Yacht Club Fireworks, Allegheny River, Miles 12.0 to 12.5, Oakmont, PA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the subject safety zone for the Oakmont Yacht Club/Oakmont Yacht Club Fireworks on the Allegheny River on July 22, 2017, to provide for the safety of persons and vessels on navigable waters during the fireworks display. Our regulation for Recurring Safety Zones in Captain of the Port Ohio Valley Zone identifies the regulated area for this regatta. During the enforcement period, entry into, transiting, or anchoring in the safety zone is prohibited to all vessels not registered with the sponsor as participants or official patrol vessels, unless specifically authorized by the Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative.

DATES: The regulations in the first table in 33 CFR 165.801, No. 46 will be enforced from 9 p.m. until 11 p.m. on July 22, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email MST1 Jennifer Haggins, Marine Safety Unit Pittsburgh, U.S. Coast Guard; telephone 412–221–0807, email *Jennifer.L.Haggins@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zone for the annual Oakmont Yacht Club/ Oakmont Yacht Club Fireworks listed in the regulations in the first table in 33 CFR 165.801, No. 46 from 9 p.m. to 11 p.m. on July 22, 2017. Entry into the safety zone is prohibited unless authorized by the Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative. Persons or vessels desiring to enter into or passage through the safety zone must request permission from the COTP or a designated representative. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

This notice of enforcement is issued under authority of 33 CFR 165.801 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of these enforcement periods via Local Notice to Mariners and updates via Marine Information Broadcasts.

Dated: June 19, 2017.

L. McClain, Jr.,

Commander, U.S. Coast Guard, Captain of the Port Marine Safety Unit Pittsburgh.

[FR Doc. 2017–13398 Filed 6–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0397]

Safety Zone; Southern California Annual Firework Events for the San Diego Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zones for the Big Bay Boom Fourth of July Fireworks on the waters of San Diego Bay, CA on Tuesday, July 4, 2017. The safety zones are necessary to provide for the safety of the participants, spectators, official vessels of the event, and general users of the waterway. Our regulation for the Southern California Annual Firework Events for the San Diego Captain of the Port Zone identifies the regulated areas for this event. During the enforcement period, no spectators shall anchor, block, loiter in, or impede the transit of official patrol vessels in the regulated areas without the approval of the Captain of the Port, or his designated representative.

DATES: The regulations in 33 CFR 165.1123 will be enforced from 8 p.m. through 10 p.m. on July 4, 2017, for Item 5 in Table 1 of Section 165.1123.

FOR FURTHER INFORMATION CONTACT: If you have questions on this publication, call or email Lieutenant Robert Cole, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone 619–278–7656, email *D11MarineEventsSD@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the regulations in 33 CFR 165.1123 for safety zones on the waters of San Diego Bay, CA for the Big Bay Boom Fourth of July Fireworks in 33 CFR 165.1123, Table 1, Item 5 of that section, from 8 p.m. through 10 p.m. on July 4, 2017. This enforcement action is being taken to provide for the safety of life on navigable waterways during the fireworks event. Our regulation for Southern California Annual Firework Events for the San Diego Captain of the Port Zone identifies the regulated areas for the this event. Under the provisions of 33 CFR 165.1123, a vessel may not enter the regulated area, unless it receives permission from the Captain of the Port, or his designated representative. Spectator vessels may safely transit outside the regulated area but may not anchor, block, loiter, or impede the transit of participants or official patrol vessels. The Coast Guard may be assisted by other Federal, State, or Local law enforcement agencies in enforcing this regulation.

This document is issued under authority of 33 CFR 165.1123 and 5 U.S.C. 552 (a). In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners and local advertising by the event sponsor.

If the Captain of the Port or his designated representative determines that the regulated area need not be enforced for the full duration stated on this document, he or she may use a Broadcast Notice to Mariners or other communications coordinated with the event sponsor to grant general permission to enter the regulated area.

Dated: June 12, 2017.

E.M. Cooper,

Commander, U.S. Coast Guard Acting Captain of the Port San Diego.

[FR Doc. 2017–13429 Filed 6–26–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0375]

Safety Zone; Southern California Annual Fireworks for the San Diego Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Coronado Glorietta Bay Fourth of July Fireworks on the waters of Glorietta Bay, CA on Tuesday, July 4, 2017. The safety zone is necessary to provide for the safety of the participants, spectators, official

vessels of the event, and general users of the waterway. Our regulation for the Southern California Annual Firework Events for the San Diego Captain of the Port Zone identifies the regulated area for this event. During the enforcement period, no spectators shall anchor, block, loiter in, or impede the transit of official patrol vessels in the regulated area without the approval of the Captain of the Port, or his designated representative.

DATES: The regulations in 33 CFR 165.1123 will be enforced from 8 p.m. through 10 p.m. on July 4, 2017, for Item 3 in Table 1 of Section 165.1123.

FOR FURTHER INFORMATION CONTACT: If you have questions on this publication, call or email Lieutenant Robert Cole, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone 619–278–7656, email *D11MarineEventsSD@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the regulations in 33 CFR 165.1123 for a safety zone on the waters of Glorietta Bay, CA for the Coronado Glorietta Bay Fourth of July Fireworks in 33 CFR 165.1123, Table 1, Item 3 of that section, from 8 p.m. through 10 p.m. on July 4, 2017. This enforcement action is being taken to provide for the safety of life on navigable waterways during the fireworks event. Our regulation for Southern California Annual Firework Events for the San Diego Captain of the Port Zone identifies the regulated area for the this event. Under the provisions of 33 CFR 165.1123, a vessel may not enter the regulated area, unless it receives permission from the Captain of the Port, or his designated representative. Spectator vessels may safely transit outside the regulated area but may not anchor, block, loiter, or impede the transit of participants or official patrol vessels. The Coast Guard may be assisted by other Federal, State, or Local law enforcement agencies in enforcing this regulation.

This document is issued under authority of 33 CFR 165.1123 and 5 U.S.C. 552(a). In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners and local advertising by the event sponsor.

If the Captain of the Port or his designated representative determines that the regulated area need not be enforced for the full duration stated on this document, he or she may use a Broadcast Notice to Mariners or other communications coordinated with the event sponsor to grant general permission to enter the regulated area.

Dated: June 10, 2017.

E.M. Cooper,

Commander, U.S. Coast Guard, Acting Captain of the Port San Diego.

[FR Doc. 2017–13431 Filed 6–26–17; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

36 CFR Part 701

[Docket No. LOC 2017–1]

Library of Congress License Agreements

AGENCY: Library of Congress.

ACTION: Final rule.

SUMMARY: The Library of Congress is issuing this final rule regarding license agreements and similar agreements and instruments entered into by it. The rule will prevent the Library from potentially violating the Anti-Deficiency Act and other restrictions under Federal law, preserve the Library's rights under copyright law in regard to electronic resources and software, and streamline the Library's contracting and collections acquisitions processes for these electronic resources and software.

DATES: Effective June 27, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Pugh, General Counsel, Office of the General Counsel, Library of Congress, Washington, DC 20540–1050. Telephone No. (202) 707–6316.

SUPPLEMENTARY INFORMATION: The Librarian of Congress is authorized to make regulations with respect to the Library of Congress (2 U.S.C. 136). Since neither the **Federal Register** Act nor the Administrative Procedure Act has binding effect on the legislative branch, the Library of Congress is not required to publish its regulations in the CFR. However, as the purpose of the CFR is to notify industry, general business, and the people (*Toledo, P. & W.R.R.* v. *Stover,* 60 F. Supp. 587 (S.D. Ill. 1945)), it is appropriate for the Library to publish those regulations which affect the rights and responsibilities of, and restrictions on, the public. Further, 1 CFR 5.3 allows documents ''in the public interest'' to be published in the **Federal Register** even if they are not required to be published under the **Federal Register** Act and 1 CFR 5.2.

The regulation governs license agreements and similar agreements and instruments entered into by the Library of Congress. The regulation establishes terms for these agreements intended to prevent the Library from incurring obligations that would potentially violate the Anti-Deficiency Act and other restrictions imposed by Federal law, to preserve the Library's rights under U.S., foreign, and international copyright law, and to protect the Library's ability to make use of computer software and other materials it licenses. In addition, this regulation is intended to streamline the contracting and collections acquisitions processes for the Library and for licensors by enabling the Library to avoid the need to negotiate specific terms addressing these matters in each license agreement into which it enters.

List of Subjects in 36 CFR Part 701

Libraries, Government contracts, Government procurement.

Final Regulation

For the reasons set forth in the preamble, the Library of Congress amends 36 CFR part 701 as follows:

PART 701—PROCEDURES AND SERVICES

■ 1. The authority citation for part 701 continues to read:

Authority: 2 U.S.C. 136; 18 U.S.C. 1017.

■ 2. Add § 701.7 to read as follows:

§ 701.7 Certain terms in license agreements.

(a) *Definitions.* (1) *Computer software* has the meaning provided in 48 CFR 2.101.

(2) *License agreement* means any license agreement, subscription agreement, end user license agreement (EULA), terms of service (TOS), or similar legal instrument or agreement.

(b) *Purpose.* The purpose of this part is to accommodate the Library of Congress' legal status as a Federal agency of the United States and assure that the Library of Congress, when entering into license agreements, follows applicable Federal laws and regulations, including those related to fiscal law constraints, governing law, venue, and legal representation; to preserve the Library's rights under U.S., foreign, and international copyright law; and to preserve the Library's ability to make use of computer software and other materials it licenses.

(c) *Applicability.* (1) The clauses set forth in paragraph (d) of this section are deemed to be inserted into each license agreement to which the Library of Congress is a party with the same force and effect as if set forth therein, notwithstanding any provision thereof to the contrary. In addition, the clauses in paragraph (e) of this section are deemed to be inserted into each license

agreement to which the Library of Congress is a party, other than license agreements for the license of computer software to the Library of Congress, with the same force and effect as if set forth therein, notwithstanding any provision thereof to the contrary. If any term of a license agreement (at the time the license agreement is executed or as it may be amended in the future) conflicts with or imposes any additional obligations on the Library of Congress with respect to a matter addressed by any of the clauses that are deemed to have been inserted into the license agreement as described above, the following shall apply:

(i) Such term is unenforceable against the Library of Congress unless otherwise expressly authorized by Federal law and specifically authorized under applicable Library of Congress regulations and procedures;

(ii) Neither the Library of Congress nor its employees shall be deemed to have agreed to such term by virtue of the term appearing in any license agreement;

(iii) Such term is stricken from the license agreement; and

(iv) The terms of the clauses of this section incorporated in the license agreement shall control.

(2) The Library of Congress is not bound by a license agreement unless it is entered into on behalf of the Library of Congress by a person having the authority to contract referred to in § 701.4.

(3) The Library of Congress is bound only by terms that are in writing and included in license agreements (including hard copy and electronic license agreements) entered into on behalf of the Library of Congress by a person having the authority to contract referred to in § 701.4.

(4) If any provisions are invoked through an ''I agree'' click box or other comparable mechanism (*e.g.,* ''click-wrap'' or ''browse-wrap'' agreements), such provisions do not bind the Library of Congress or any Library of Congress authorized end user to such provisions, unless agreed to on behalf of the Library of Congress by a person having the authority to contract referred to in § 701.4.

(d) *Provisions applicable to all license agreements.* The following clauses are deemed to be inserted into each license agreement to which the Library of Congress is a party:

Unauthorized Obligations

The Library of Congress shall not be bound by any provision that may or will cause the Library of Congress or its employees to make or authorize an expenditure from, or create or authorize an obligation under, any appropriation or fund in excess of the amount available in the appropriation or fund, that would create an Anti-Deficiency Act (31 U.S.C. 1341) violation. Such provisions include, for example, automatic renewal of the agreement, penalty payments by the Library of Congress, indemnification by the Library of Congress, and payment by the Library of Congress of taxes or surcharges not specifically included in the price for the license.

Liability

The liability of the Library of Congress and its obligations resulting from any breach of this agreement, or any claim arising from this agreement, shall be determined exclusively under 28 U.S.C. 1346, 28 U.S.C. 1491, or other governing Federal authority.

Representation

The conduct of, and representation of the Library of Congress in, any litigation in which the Library of Congress is a party, or is interested, are reserved exclusively to the United States Department of Justice as provided for in 28 U.S.C. 516.

Governing Law

This agreement shall be governed for all purposes by and construed in accordance with the Federal laws of the United States of America.

Venue

Venue for any claim under this agreement shall lie exclusively in the Federal courts of the United States, as provided in 28 U.S.C. 1346 and 28 U.S.C. 1491. Any action commenced in a State court that is against or directed to the Library of Congress may be removed by the United States Government to Federal district court in accordance with 28 U.S.C. 1442.

Dispute Resolution

The Library of Congress does not agree to submit to any form of binding alternative dispute resolution, including, without limitation, arbitration.

Order of Precedence

Notwithstanding any provision of this agreement (including any addendum, schedule, appendix, exhibit, or other attachment to or order issued under this agreement), in the event of any conflict between the provisions of this agreement and the provisions of the clauses incorporated into this agreement pursuant to 36 CFR 701.7, the provisions of the clauses incorporated pursuant to 36 CFR 701.7 shall control.

Commercial Computer Software

As used in this clause, ''commercial computer software'' has the meaning provided in 48 CFR 2.101.

The provisions of the clause regarding the license of commercial computer software set forth in 48 CFR 52.227–19 are incorporated into this agreement with the same force and effect as if set forth herein, with all necessary changes deemed to have been made, such as replacing references to the Government with references to the Library of Congress.

(e) *Additional provisions applicable to license agreements other than for license of computer software.* In addition to the clauses deemed to be incorporated into license agreements pursuant to paragraph (d) of this section, the following clauses are deemed to be inserted into each license agreement to which the Library of Congress is a party, other than for the license of computer software to the Library of Congress:

Unauthorized Uses

The Library of Congress shall not be liable for any unauthorized uses of materials licensed by the Library of Congress under this agreement by Library of Congress patrons or by unauthorized users of such materials, and any such unauthorized use shall not be deemed a material breach of this agreement.

Rights Under Copyright Law

The Library of Congress does not agree to any limitations on its rights (*e.g.,* fair use, reproduction, interlibrary loan, and archiving) under the copyright laws of the United States (17 U.S.C. 101 *et seq.*), and related intellectual property rights under foreign law, international law, treaties, conventions, and other international agreements.

Dated: June 20, 2017.

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2017–13342 Filed 6–26–17; 8:45 am]

BILLING CODE 1410–10–P

POSTAL SERVICE

39 CFR Part 20

International Mail Manual; Incorporation by Reference

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service announces the issuance of the *Mailing Standards of the United States Postal Service, International Mail Manual* (IMM®) dated January 22, 2017, and its incorporation by reference in the Code of Federal Regulations.

DATES: This final rule is effective on June 27, 2017. The incorporation by reference of the IMM is approved by the Director of the Federal Register as of June 27, 2017.

FOR FURTHER INFORMATION CONTACT: Lizbeth Dobbins, (202) 268–3789.

SUPPLEMENTARY INFORMATION: The *International Mail Manual* was issued on January 22, 2017, and was updated with *Postal Bulletin* revisions through January 5, 2017. It replaced all previous editions. The IMM continues to enable

the Postal Service to fulfill its long-standing mission of providing affordable, universal mail service. It continues to: (1) Increase the user's ability to find information; (2) increase the user's confidence that they have found the information they need; and (3) reduce the need to consult multiple sources to locate necessary information. The provisions throughout this issue support the standards and mail preparation changes implemented since the version of July 11, 2016. The *International Mail Manual* is available to the public on the Postal Explorer® Internet site at *http://pe.usps.com.*

List of Subjects in 39 CFR Part 20

Foreign relations; Incorporation by reference.

In view of the considerations discussed above, the Postal Service hereby amends 39 CFR part 20 as follows:

PART 20—INTERNATIONAL POSTAL SERVICE

■ 1. The authority citation for part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 407, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Amend § 20.1 by revising paragraph (a), adding a heading to the table in paragraph (b), and adding an entry at the end of the table to read as follows:

§ 20.1 International Mail Manual; incorporation by reference.

(a) Section 552(a) of title 5, U.S.C., relating to the public information requirements of the Administrative Procedure Act, provides in pertinent part that matter reasonably available to the class of persons affected thereby is deemed published in the **Federal Register** when incorporated by reference therein with the approval of the Director of the Federal Register. In conformity with that provision and 39 U.S.C. 410(b)(1), and as provided in this part, the Postal Service hereby incorporates by reference its *International Mail Manual* (IMM), issued January 22, 2017. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(b) * * *

TABLE 1 TO PARAGRAPH (b)

International mail manual	Date of issuance
* * * *	
IMM	January 22, 2017.

■ 3. Revise § 20.2 to read as follows:

§ 20.2 Effective date of the International Mail Manual.

The provisions of the *International Mail Manual* issued January 22, 2017, are applicable with respect to the international mail services of the Postal Service.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–13356 Filed 6–26–17; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2014–0604; FRL–9963–88–Region 1]

Air Plan Approval; VT; Infrastructure State Implementation Plan Requirements

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving elements of State Implementation Plan (SIP) submissions from Vermont regarding the infrastructure requirements of the Clean Air Act (CAA or Act) for the 1997 fine particle matter ($PM_{2.5}$), 1997 ozone, 2006 $PM_{2.5}$, 2008 lead (Pb), 2008 ozone, 2010 nitrogen dioxide (NO_2), and 2010 sulfur dioxide (SO_2) National Ambient Air Quality Standards (NAAQS). We also are approving two statutes and one Executive Order submitted by Vermont in support of its demonstration that the infrastructure requirements of the CAA have been met. In addition, we are conditionally approving certain elements of Vermont's submittals relating to prevention of significant deterioration (PSD) requirements. Last, we are updating the priority classification for two of Vermont's air quality control regions for SO_2 based on recent air quality monitoring data collected by the state, which means that a contingency plan for SO_2 is not required. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. This action is being taken in accordance with the CAA.

DATES: This rule is effective on July 27, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2014–0604. 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, *i.e.,* 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 at *http://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Alison C. Simcox, Air Quality Planning Unit, Air Programs Branch (Mail Code OEP05–02), U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts 02109–3912; (617) 918–1684; *simcox.alison@epa.gov.*

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

Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. Background and Purpose
II. Final Action
III. Incorporation by Reference
IV. Statutory and Executive Order Reviews

I. Background and Purpose

On March 30, 2017 (82 FR 15671), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Vermont. The NPR proposed approval of infrastructure SIP submissions from the Vermont Department of Environmental Conservation (VT DEC) for the 1997 $PM_{2.5}$,[1] 1997 ozone, 2006

[1] $PM_{2.5}$ refers to particulate matter of 2.5 microns or less in diameter, often referred to as ''fine'' particles.

$PM_{2.5}$, 2008 Pb, 2008 ozone, 2010 NO_2, and 2010 SO_2 NAAQS. The state submitted these infrastructure SIPs on the following dates: 1997 $PM_{2.5}$ NAAQS—February 18, 2009; 1997 ozone NAAQS—February 18, 2009; 2006 $PM_{2.5}$ NAAQS—May 21, 2010; 2008 Pb NAAQS—July 29, 2014; 2008 ozone NAAQS—November 2, 2015; 2010 NO_2 NAAQS—November 2, 2015; and 2010 SO_2 NAAQS—November 2, 2015.

EPA's NPR also proposed approval of two statutes and one Executive Order submitted by Vermont in support of its demonstration that the infrastructure requirements of the CAA have been met. In addition, the NPR proposed conditional approval of certain elements of Vermont's submittals relating to PSD requirements. Finally, EPA's NPR proposed to update the classification for two of Vermont's air quality control regions for SO_2 to Priority III, based on recent air quality monitoring data collected by the state.

Other specific requirements of infrastructure SIPs and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. One public comment was received on the NPR. However, the commenter did not mention anything specific in the NPR that we should change or provide a clear explanation based on the CAA why we should proceed any differently than as proposed. For this reason, EPA need not provide any further response. The comment is provided in the docket for this final rulemaking action.

II. Final Action

EPA is approving SIP submissions from Vermont certifying that the state's current SIP is sufficient to meet the required infrastructure elements under sections 110(a)(1) and (2) for the 1997 $PM_{2.5}$, 1997 ozone, 2006 $PM_{2.5}$, 2008 Pb, 2008 ozone, 2010 NO_2, and 2010 SO_2 NAAQS, with the exception of certain aspects relating to the state's PSD program which we are conditionally approving. A summary of EPA's actions regarding these infrastructure SIP requirements is contained in Table 1 below.

TABLE 1—ACTION TAKEN ON VT INFRASTRUCTURE SIP SUBMITTALS FOR LISTED NAAQS

Element	1997 $PM_{2.5}$ and 1997 Ozone	2006 $PM_{2.5}$	2008 Pb	2008 Ozone	2010 NO_2	2010 SO_2
(A): Emission limits and other control measures	A	A	A	A	A	A
(B): Ambient air quality monitoring and data system	A	A	A	A	A	A
(C)1: Enforcement of SIP measures	A	A	A	A	A	A
(C)2: PSD program for major sources and major modifications	*A	*A	*A	*A	*A	*A
(C)3: PSD program for minor sources and minor modifications	A	A	A	A	A	A
(D)1: Contribute to nonattainment/interfere with maintenance of NAAQS	PA1	PA1	A	PA2	A	NT
(D)2: PSD	*A	*A	*A	*A	*A	*A
(D)3: Visibility Protection	A	A	A	A	A	A
(D)4: Interstate Pollution Abatement	A	A	A	A	A	A
(D)5: International Pollution Abatement	A	A	A	A	A	A
(E)1: Adequate resources	A	A	A	A	A	A
(E)2: State boards	A	A	A	A	A	A
(E)3: Necessary assurances with respect to local agencies	NA	NA	NA	NA	NA	NA
(F): Stationary source monitoring system	A	A	A	A	A	A
(G): Emergency power	A	A	A	A	A	A
(H): Future SIP revisions	A	A	A	A	A	A
(I): Nonattainment area plan or plan revisions under part D	+	+	+	+	+	+
(J)1: Consultation with government officials	A	A	A	A	A	A
(J)2: Public notification	A	A	A	A	A	A
(J)3: PSD	*A	*A	*A	*A	*A	*A
(J)4: Visibility protection	+	+	+	+	+	+
(K): Air quality modeling and data	A	A	A	A	A	A
(L): Permitting fees	A	A	A	A	A	A
(M): Consultation and participation by affected local entities	A	A	A	A	A	A

In the above table, the key is as follows:

A	Approve
A*	Conditionally approve
+	Not germane to infrastructure SIPs
NA	Not applicable
NT	Not taking action at this time
PA1	Previously approved (04/10/2017; 82 FR 17124)
PA2	Previously approved (10/13/2016; 81 FR 70631)

As noted in Table 1, we are conditionally approving portions of Vermont's infrastructure SIP submittals pertaining to PSD-related elements (C)(2), (D)(2), and (J)(3). In addition, EPA is removing the following provisions from Title 40 of the CFR: §§ 52.2373, 52.2374(a), and 52.2382(a)(1), (2), (4), and (5), for reasons discussed in the NPR. Although the NPR also proposed removal of 40 CFR 52.2374(b), we are not taking final action with respect to that paragraph today.

EPA is also approving and incorporating into the Vermont SIP one statute, 10 V.S.A. section 554, ''Powers,'' that was included in Vermont's November 2015 infrastructure SIP submittal for the 2008 ozone, 2010 NO_2, and 2010 SO_2 NAAQS. We are also approving and incorporating in the Vermont SIP one statute, 10 V.S.A. section 563, ''Confidential records; penalty,'' and an Executive Order, 09–11 ''Executive Code of Ethics,'' which were included in a November 21, 2016 supplemental letter to the Vermont infrastructure SIP submissions; this letter is included in the docket for this action.

Last, we are updating the classification at 40 CFR 52.2371 for the Champlain Valley Interstate and Vermont Intrastate air quality control regions for sulfur dioxide to Priority III, based on recent air quality monitoring data collected by the state, which, by operation of 40 CFR 51.152(c), relieves Vermont of the requirement to have a contingency plan for sulfur dioxide.

As noted above, EPA is conditionally approving aspects of Vermont's SIP revision submittals pertaining to the state's PSD program. The outstanding issues with the PSD program concern the lack of SIP-approved requirements (1) to include NO_X and VOC as precursor pollutants to ozone in defining a ''significant'' increase in actual emissions from a source of air contaminants, and (2) that define a method for determining the amount of PSD increments available to a new or modified major source.

On May 23, 2017, Vermont submitted to EPA a SIP submittal intended to address the above mentioned deficiency in the state's PSD program. EPA will evaluate this submittal in a separate action, and the conditionally approved submission will remain a part of the SIP until EPA takes final action approving or disapproving it. If EPA disapproves the submittal, the conditionally approved aspect or aspects of Vermont's PSD program will also be disapproved at that time. If EPA approves the revised PSD program submittal, then the portions of Vermont's infrastructure SIP submittals that were conditionally approved will be fully approved in their entirety and replace the conditional approval in the SIP. In addition, final disapproval of an infrastructure SIP submittal triggers the Federal implementation plan (FIP) requirement under section 110(c).

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of two Vermont statutes and one Vermont Executive Order as described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available through *http://www.regulations.gov.*

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, 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 EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 28, 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 31, 2017.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

Part 52 of 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 UU—Vermont

■ 2. In § 52.2370:

■ a. The table in paragraph (c) is amended by adding the heading entitled ''Statutes and Executive Orders'' and the entries ''10 V.S.A. section 554 of the Vermont Statutes'', ''10 V.S.A. section 563 of the Vermont Statutes'', and

''Vermont Executive Order 09–11'' at the end of the table.

■ b. The table in paragraph (e) is amended by adding the entries ''Infrastructure SIP for 1997 $PM_{2.5}$ NAAQS'', ''Infrastructure SIP for 1997 ozone NAAQS'', ''Infrastructure SIP for 2006 $PM_{2.5}$ NAAQS'', ''Infrastructure SIP for the 2008 Lead NAAQS'', ''Infrastructure SIP for 2008 ozone NAAQS '', ''Infrastructure SIP for the 2010 NO_2 NAAQS'', and ''Infrastructure SIP for the 2010 SO_2 NAAQS'' at the end of the table.

The additions read as follows:

§ 52.2370 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED VERMONT REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	*	*	*
Statutes and Executive Orders				
10 V.S.A. section 554 of the Vermont Statutes.	Powers	11/02/2015	6/27/2017, [insert **Federal Register** citation].	Provides the Secretary of ANR with power to adopt, amend and repeal rules, implementing provisions of 10 VSA Chapter 23, Air Pollution Control.
10 V.S.A. section 563 of the Vermont Statutes.	Confidential records; penalty.	11/21/2016	6/27/2017, [insert **Federal Register** citation].	Confidential records furnished to or obtained by the secretary concerning air contaminant sources are for confidential use of the secretary, with penalties for violation.
Vermont Executive Order 09–11.	Executive Code of Ethics.	11/21/2016	6/27/2017, [insert **Federal Register** citation].	Prohibits VT Executive Branch appointees from taking any action in any particular matter in which he or she has either a conflict of interest or the appearance of a conflict of interest, until such time as the conflict is resolved.

* * * * *

(e) * * *

VERMONT NON-REGULATORY

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanations
*	*	*	*	*
Infrastructure SIP for 1997 $PM_{2.5}$ NAAQS.	Statewide	02/18/2009	6/27/2017, [insert **Federal Register** citation].	Approved submittal, except for certain aspects relating to PSD which were conditionally approved.
Infrastructure SIP for 1997 ozone NAAQS.	Statewide	02/18/2009	6/27/2017, [insert **Federal Register** citation].	Approved submittal, except for certain aspects relating to PSD which were conditionally approved.
Infrastructure SIP for 2006 $PM_{2.5}$ NAAQS.	Statewide	05/21/2010	6/27/2017, [insert **Federal Register** citation].	Approved submittal, except for certain aspects relating to PSD which were conditionally approved.
Infrastructure SIP for the 2008 Lead NAAQS.	Statewide	07/29/2014	6/27/2017, [insert **Federal Register** citation].	Approved submittal, except for certain aspects relating to PSD which were conditionally approved.
Infrastructure SIP for 2008 ozone NAAQS.	Statewide	11/02/2015	6/27/2017, [insert **Federal Register** citation].	Approved submittal, except for certain aspects relating to PSD which were conditionally approved.
Infrastructure SIP for the 2010 NO_2 NAAQS.	Statewide	11/02/2015	6/27/2017, [insert **Federal Register** citation].	Approved submittal, except for certain aspects relating to PSD which were conditionally approved.
Infrastructure SIP for the 2010 SO_2 NAAQS.	Statewide	11/02/2015	6/27/2017, [insert **Federal Register** citation].	Approved submittal, except for certain aspects relating to PSD which were conditionally approved.

■ 3. In § 52.2371, revise the table to read as follows:

§ 52.2371 Classification of regions.

* * * * *

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Champlain Valley Interstate	II	III	III	III	III
Vermont Intrastate	II	III	III	III	III

§ 52.2373 [Removed and Reserved]

■ 4. Section 52.2373 is removed and reserved.

§ 52.2374 [Amended]

■ 5. Section 52.2374 is amended by removing and reserving paragraph (a).

■ 6. Section 52.2376 is added to read as follows:

§ 52.2376 Identification of plan-conditional approvals.

(a) *Conditional approvals.* (1) 1997 fine particulate ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS): The 110(a)(2) infrastructure SIP submitted on February 18, 2009, is conditionally approved for Clean Air Act sections 110(a)(2)(C), (D)(i)(II), and (J) only as it relates to the aspect of the PSD program pertaining to adding NO_X and VOC as precursor pollutants to ozone in defining a ''significant'' increase in actual emissions from a source of air contaminants, and defining a method for determining the amount of PSD increments available to a new or modified major source. On November 21, 2016, the State of Vermont supplemented this submittal with a commitment to address these requirements for PSD.

(2) 1997 Ozone (NAAQS): The 110(a)(2) infrastructure SIP submitted on February 18, 2009, is conditionally approved for Clean Air Act sections 110(a)(2)(C), (D)(i)(II), and (J) only as it relates to the aspect of the PSD program pertaining to adding NO_X and VOC as precursor pollutants to ozone in defining a ''significant'' increase in actual emissions from a source of air contaminants, and defining a method for determining the amount of PSD increments available to a new or modified major source. On November 21, 2016, the State of Vermont supplemented this submittal with a commitment to address these requirements for PSD.

(3) 2006 $PM_{2.5}$ NAAQS: The 110(a)(2) infrastructure SIP submitted on May 21, 2010, is conditionally approved for Clean Air Act sections 110(a)(2)(C), (D)(i)(II), and (J) only as it relates to the aspect of the PSD program pertaining to adding NO_X and VOC as precursor pollutants to ozone in defining a ''significant'' increase in actual emissions from a source of air contaminants, and defining a method for determining the amount of PSD increments available to a new or modified major source. On November 21, 2016, the State of Vermont supplemented this submittal with a commitment to address these requirements for PSD.

(4) 2008 Lead NAAQS: The 110(a)(2) infrastructure SIP submitted on July 29, 2014, is conditionally approved for Clean Air Act sections 110(a)(2)(C), (D)(i)(II), and (J) only as it relates to the aspect of the PSD program pertaining to adding NO_X and VOC as precursor pollutants to ozone in defining a ''significant'' increase in actual emissions from a source of air contaminants, and defining a method for determining the amount of PSD increments available to a new or modified major source. On November 21, 2016, the State of Vermont supplemented this submittal with a commitment to address these requirements for PSD.

(5) 2008 Ozone NAAQS: The 110(a)(2) infrastructure SIP submitted on November 2, 2015, is conditionally approved for Clean Air Act sections 110(a)(2)(C), (D)(i)(II), and (J) only as it relates to the aspect of the PSD program pertaining to adding NO_X and VOC as precursor pollutants to ozone in defining a ''significant'' increase in actual emissions from a source of air contaminants, and defining a method for determining the amount of PSD increments available to a new or modified major source. On November 21, 2016, the State of Vermont supplemented this submittal with a commitment to address these requirements for PSD.

(6) 2010 Nitrogen Dioxide NAAQS: The 110(a)(2) infrastructure SIP submitted on November 2, 2015, is conditionally approved for Clean Air Act sections 110(a)(2)(C), (D)(i)(II), and (J) only as it relates to the aspect of the PSD program pertaining to adding NO_X and VOC as precursor pollutants to ozone in defining a ''significant'' increase in actual emissions from a source of air contaminants, and defining a method for determining the amount of PSD increments available to a new or modified major source. On November 21, 2016, the State of Vermont supplemented this submittal with a commitment to address these requirements for PSD.

(7) 2010 Sulfur Dioxide NAAQS: The 110(a)(2) infrastructure SIP submitted on November 2, 2015, is conditionally approved for Clean Air Act sections 110(a)(2)(C), (D)(i)(II), and (J) only as it relates to the aspect of the PSD program pertaining to adding NO_X and VOC as precursor pollutants to ozone in defining a ''significant'' increase in actual emissions from a source of air contaminants, and defining a method for determining the amount of PSD increments available to a new or modified major source. On November 21, 2016, the State of Vermont supplemented this submittal with a commitment to address these requirements for PSD.

(b) [Reserved]

§ 52.2382 [Amended]

■ 7. In § 52.2382:

■ a. Remove paragraphs (a)(1), (2), (4), and (5).

■ b. Redesignate paragraph (a)(3) as paragraph (a)(1).

■ c. Add reserved paragraph (a)(2).

[FR Doc. 2017–13055 Filed 6–26–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 578

[Docket No. NHTSA–2016–0136]

RIN 2127–AL82

Civil Penalties

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule; delay of effective date.

SUMMARY: Pursuant to notices published on January 30, 2017 and March 28, 2017, the effective date of the rule entitled ''Civil Penalties,'' published in the **Federal Register** on December 28, 2016, at 81 FR 95489, was temporarily delayed until June 26, 2017 (82 FR 8694; 82 FR 15302). This action temporarily delays the effective date of that rule for 14 additional days.

DATES: As of June 23, 2017, the effective date of the rule amending 49 CFR part 578 published at 81 FR 95489, December 28, 2016, delayed at 82 FR 8694, January 30, 2017, further delayed at 82 FR 15302, March 28, 2017, is further delayed until July 10, 2017.

FOR FURTHER INFORMATION CONTACT: Michael Kuppersmith, Office of Chief Counsel, (202) 366–5263.

SUPPLEMENTARY INFORMATION: Pursuant to notices published on January 30, 2017 and March 28, 2017, the effective date of the rule entitled ''Civil Penalties,'' published in the **Federal Register** on December 28, 2016, at 81 FR 95489, was temporarily delayed until June 26, 2017 (82 FR 8694; 82 FR 15302). The present action temporarily delays the effective date of that rule for 14 additional days. That rule responded to a petition for reconsideration from the Alliance of Automobile Manufacturers and the Association of Global Automakers by delaying, until model year 2019, the implementation of inflationary adjustments to the Corporate Average Fuel Economy (CAFE) civil penalty rate made pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. The additional 14-day delay in effective date is necessary to temporarily preserve the status quo while Department officials continue to review and consider the final rule and related laws. To the extent that 5 U.S.C. 553 is applicable, this action is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(3)(A).

Authority: Pub. L. 101–410, Pub. L. 104–134, Pub. L. 109–59, Pub. L. 114–74, Pub L. 114–94, 49 U.S.C. 32902 and 32912; delegation of authority at 49 CFR 1.81, 1.95.

Jack Danielson,

Acting Deputy Administrator.

[FR Doc. 2017–13315 Filed 6–23–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 217

RIN 0648–BG50

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Commercial Fireworks Displays at Monterey Bay National Marine Sanctuary; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the **DATES** section and the preamble to the final regulations published on June 15, 2017, that establish a framework for authorizing the take of marine mammals incidental to the commercial fireworks displays in the Monterey Bay National Marine Sanctuary for a five-year period, 2017–2022. This action is necessary to correct an error in the effective dates of the final regulations.

DATES: Effective from June 29, 2017, through June 28, 2022.

FOR FURTHER INFORMATION CONTACT: Laura McCue, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

NMFS published a final rule on June 15, 2017 (82 FR 27434) to establish a framework for authorizing the take of marine mammals incidental to the commercial fireworks displays at the Monterey Bay National Marine Sanctuary (Sanctuary) for a five-year period, 2017–2022. NMFS refers the reader to the June 15, 2017, **Federal Register** notice (82 FR 27434) for background information concerning the final regulations. The information in the notice of final rulemaking is not repeated here.

Need for Correction

As published, the **DATES** section, the preamble to the final regulations, and the regulatory text incorrectly specified the dates of validity for the regulations. We hereby correct those errors; the only changes are to the dates of validity for the regulations.

1. On page 27434, in the third column, the **DATES** section is corrected to read as follows:

DATES: Effective from June 29, 2017, through June 28, 2022.

2. On page 27434, in the third column, under the heading, ''Purpose and Need for this Regulatory Action,'' the last sentence is corrected to read as follows:

''The regulations implemented by this final rule are valid from June 29, 2017, through June 28, 2022.''

3. On page 27435, in the third column, under the heading, ''Summary of Request,'' the last sentence is corrected to read as follows:

''The instant regulations are valid for five years from June 29, 2017, through June 28, 2022.''

4. On page 27436, in the first column, under the heading, ''''Dates and Duration,'' the first sentence is corrected to read as follows:

''The specified activity may occur from July 1 through February 28, annually, for the effective period of the regulations (June 29, 2017 through June 28, 2022).''

5. On page 27442, in the first column, the next to the last sentence is corrected and the last sentence is removed. The corrected sentence reads as follows:

''Finally, the MBNMS has informed NMFS that it does not require 30 days to prepare for implementation of the regulations and requests that this final rule take effect on or before June 29, 2017.''

■ 6. On page 27442, in the second column, § 217.12 is corrected to read as follows:

§ 217.12 [Corrected]

Regulations in this subpart are effective from June 29, 2017, through June 28, 2022.

Dated: June 20, 2017.

Samuel D. Rauch III,

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

[FR Doc. 2017–13249 Filed 6–26–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 120627194–3657–02]

RIN 0648–XF416

Atlantic Highly Migratory Species; North Atlantic Swordfish Fishery

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

ACTION: Temporary rule; Swordfish General Commercial permit retention limit inseason adjustment for the Northwest Atlantic, Gulf of Mexico, and U.S. Caribbean regions.

SUMMARY: NMFS is adjusting the Swordfish (SWO) General Commercial permit retention limits for the Northwest Atlantic, Gulf of Mexico, and U.S. Caribbean regions for July through December of the 2017 fishing year, unless otherwise later noticed. The SWO General Commercial permit retention limit in each of these regions is increased from the regulatory default limits (either two or three fish) to six swordfish per vessel per trip. The SWO

General Commercial permit retention limit in the Florida SWO Management Area will remain unchanged at the default limit of zero swordfish per vessel per trip. These adjustments apply to SWO General Commercial permitted vessels and Highly Migratory Species (HMS) Charter/Headboat permitted vessels when on a non-for-hire trip. This action is based upon consideration of the applicable inseason regional retention limit adjustment criteria.

DATES: The adjusted SWO General Commercial permit retention limits in the Northwest Atlantic, Gulf of Mexico, and U.S. Caribbean regions are effective from July 1, 2017, through December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Rick Pearson or Randy Blankinship, 727–824–5399.

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 North Atlantic swordfish by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. North Atlantic swordfish quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and implemented by the United States into two equal semi-annual directed fishery quotas, an annual incidental catch quota for fishermen targeting other species or catching swordfish recreationally, and a reserve category, according to the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006), as amended, and in accordance with implementing regulations. NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

ICCAT Recommendation 13–02 set the North Atlantic swordfish total allowable catch (TAC) at 10,301 metric tons (mt) dressed weight (dw) (13,700 mt whole weight (ww)) through 2016. Of this TAC, the United States' baseline quota is 2,937.6 mt dw (3,907 mt ww) per year. The Recommendation also included an 18.8 mt dw (25 mt ww) annual quota transfer from the United States to Mauritania and limited underharvest carryover to 15 percent of a contracting party's baseline quota. Thus, the United States could carry over a maximum of 440.6 mt dw (586.0 mt ww) of underharvest. A new Recommendation was adopted at the 2016 ICCAT annual meeting, maintaining the provisions related to quota, the transfer to Mauritania, and the carryover limit. Absent adjustments, the codified baseline quota is 2,937 mt dw for the directed fishery in 2017, split equally (1,468.5 mt dw) between two semi-annual periods in 2017 (January through June, and July through December). We anticipate, however, that the 2017 adjusted North Atlantic swordfish quota will be 3,359.4 mt dw (equivalent to the 2016 adjusted quota) when we adjust the quota. At this time, given the extent of underharvest in 2016, we anticipate again carrying over the maximum allowable 15 percent (440.6 mt dw) which, with the Mauritania transfer, would result in a final adjusted North Atlantic swordfish quota for the 2017 fishing year equal to that from last year 3,359.4 mt dw (2,937.6 − 18.8 + 440.6 = 3,359.4 mt dw). Also as in past years, we anticipate allocating from the adjusted quota, 50 mt dw to the Reserve category for inseason adjustments and research, and 300 mt dw to the incidental category, which includes recreational landings and landings by incidental swordfish permit holders, per § 635.27(c)(1)(i). This would result in an allocation of 3,009.4 mt dw for the directed fishery, which would be split equally (1,504.7 mt dw) between two semi-annual periods in 2017 (January through June, and July through December).

Adjustment of SWO General Commercial Permit Vessel Retention Limits

The 2017 North Atlantic swordfish fishing year, which is managed on a calendar-year basis and divided into two equal semi-annual quotas, began on January 1, 2017. Landings attributable to the SWO General Commercial permit are counted against the applicable semi-annual directed fishery quota. Regional default retention limits for this permit have been established and are automatically effective from January 1 through December 31 each year, unless changed based on the inseason regional retention limit adjustment criteria at § 635.24(b)(4)(iv). The default retention limits established for the SWO General Commercial permit are: (1) Northwest Atlantic region—three swordfish per vessel per trip; (2) Gulf of Mexico region—three swordfish per vessel per trip; (3) U.S. Caribbean region—two swordfish per vessel per trip; and, (4) Florida SWO Management Area—zero swordfish per vessel per trip. The default retention limits apply to SWO General Commercial permitted vessels and to HMS Charter/Headboat permitted vessels when fishing on non for-hire trips. As a condition of these permits, vessels may not possess, retain, or land any more swordfish than is specified for the region in which the vessel is located.

Under § 635.24(b)(4)(iii), NMFS may increase or decrease the SWO General Commercial permit vessel retention limit in any region within a range from zero to a maximum of six swordfish per vessel per trip. Any adjustments to the retention limits must be based upon a consideration of the relevant criteria provided in § 635.24(b)(4)(iv), which include: The usefulness of information obtained from biological sampling and monitoring of the North Atlantic swordfish stock; the estimated ability of vessels participating in the fishery to land the amount of swordfish quota available before the end of the fishing year; the estimated amounts by which quotas for other categories of the fishery might be exceeded; effects of the adjustment on accomplishing the objectives of the fishery management plan and its amendments; variations in seasonal distribution, abundance, or migration patterns of swordfish; effects of catch rates in one region precluding vessels in another region from having a reasonable opportunity to harvest a portion of the overall swordfish quota; and, review of dealer reports, landing trends, and the availability of swordfish on the fishing grounds.

Based upon these criteria, NMFS determined on December 19, 2016, (81 FR 91876) that the SWO General Commercial permit vessel retention limits in the Northwest Atlantic, Gulf of Mexico, and U.S. Caribbean regions applicable to persons issued a SWO General Commercial permit or HMS Charter/Headboat permit (when on a non for-hire trip) should be increased from the default levels that would have otherwise automatically become effective on January 1, 2017, to six swordfish per vessel per trip for the period January 1–June 30, 2017.

NMFS has again considered these criteria as discussed below and their applicability to the SWO General Commercial permit retention limit in all regions for July through December of the 2017 North Atlantic swordfish fishing year, and has determined that the SWO General Commercial permit vessel retention limits in the Northwest Atlantic, Gulf of Mexico, and U.S. Caribbean regions applicable to persons issued a SWO General Commercial permit or HMS Charter/Headboat permit (when on a non for-hire trip) should be increased from the default levels that

would otherwise automatically become effective on July 1, 2017, to six swordfish per vessel per trip from July 1 through December 31, 2017, unless otherwise later noticed.

Among the regulatory criteria for inseason adjustments to retention limits, and given the rebuilt status of the stock and availability of quota, is the requirement that NMFS consider the ''effects of the adjustment on accomplishing the objectives of the fishery management plan and its amendments.'' One consideration in deciding whether to increase the retention limit, in this case, is the objective of providing opportunities to harvest the full North Atlantic directed swordfish quota without exceeding it based upon the 2006 Consolidated HMS FMP goal to, consistent with other objectives of this FMP, ''manage Atlantic HMS fisheries for continuing optimum yield so as to provide the greatest overall benefit to the Nation, particularly with respect to food production, providing recreational opportunities, preserving traditional fisheries, and taking into account the protection of marine ecosystems.'' Another consideration, consistent with the FMP and its amendments, is to continue to provide protection to important swordfish juvenile areas and migratory corridors.

The regulatory criteria also require NMFS to consider the estimated ability of vessels participating in the fishery to land the amount of swordfish quota available before the end of the fishing year. In considering these criteria and their application here, NMFS examined electronic dealer reports, which provide accurate and timely monitoring of landings, and considered recent landing trends and information obtained from biological sampling and monitoring of the North Atlantic swordfish stock. A six swordfish per vessel per trip limit for SWO General Commercial permit holders was in effect in the Northwest Atlantic, Gulf of Mexico, and U.S. Caribbean regions for the entire 2016 fishing season as a result of actions adjusting those limits upwards in January and July (80 FR 81770 and 81 FR 38966). Even with these higher retention limits, 2016 total annual directed swordfish landings through December 31, 2016, were approximately 1,079.0 mt dw, or 32.6 percent of the 3,009.4 mt dw annual adjusted directed swordfish quota. Similarly, with higher retention limits during the first semi-annual quota period in 2017, total directed swordfish landings through April 30, 2017, are approximately 271.2 mt dw, or 20.6 percent of the 1,318.8 mt dw semi-annual baseline directed swordfish quota.

The directed swordfish quota has not been harvested for several years and, based upon current landing trends, is not likely to be harvested or exceeded during 2017. This information indicates that sufficient directed swordfish quota should be available from July 1 through December 31, 2017, at the higher retention levels, within the limits of the scientifically-supported TAC and consistent with the goals of the FMP.

The regulatory criteria for inseason adjustments also require us to consider the estimated amounts by which quotas for other categories of the fishery might be exceeded. Based upon recent landings rates from dealer reports, an increase in the vessel retention limit for SWO General Commercial permit holders is not likely to cause quotas for other categories of the fishery to be exceeded as the directed category quota has been significantly underharvested in recent years and landings trends do not appear to vary significantly in 2017. Similarly, regarding the criteria that NMFS consider the effects of catch rates in one region precluding vessels in another region from having a reasonable opportunity to harvest a portion of the overall swordfish quota, NMFS expects there to be sufficient swordfish quota for 2017, and thus increased catch rates in these three regions as a result of this action would not be expected to preclude vessels in the other region (*e.g.,* the buoy gear fishery in the Florida SWO Management Area) from having a reasonable opportunity to harvest a portion of the overall swordfish quota.

Finally, in making adjustments to the retention limits NMFS must consider variations in seasonal distribution, abundance, or migration patterns of swordfish, and the availability of swordfish on the fishing grounds. With regard to swordfish abundance, the 2016 report by ICCAT's Standing Committee on Research and Statistics indicated that the North Atlantic swordfish stock is not overfished (B_{2011}/B_{msy} = 1.14), and overfishing is not occurring (F_{2011}/F_{msy} = 0.82). Increasing the retention limits for this U.S. handgear fishery is not expected to affect the swordfish stock status determination because any additional landings would be within the established overall U.S. North Atlantic swordfish quota allocation recommended by ICCAT. Increasing opportunity beginning on July 1, 2017, is also important because of the migratory nature and seasonal distribution of swordfish. In a particular geographic region, or waters accessible from a particular port, the amount of fishing opportunity for swordfish may be constrained by the short amount of time the swordfish are present as they migrate.

NMFS also has determined that the retention limit for the SWO General Commercial permit will remain at zero swordfish per vessel per trip in the Florida SWO Management Area at this time. As discussed above, NMFS considered consistency with the 2006 HMS FMP and its amendments, and the importance for NMFS to continue to provide protection to important swordfish juvenile areas and migratory corridors. As described in Amendment 8 to the 2006 Consolidated HMS FMP (78 FR 52012), the area off the southeastern coast of Florida, particularly the Florida Straits, contains oceanographic features that make the area biologically unique. It provides important juvenile swordfish habitat, and is essentially a narrow migratory corridor containing high concentrations of swordfish located in close proximity to high concentrations of people who may fish for them. Public comment on Amendment 8, including from the Florida Fish and Wildlife Conservation Commission, indicated concern about the resultant high potential for the improper rapid growth of a commercial fishery, increased catches of undersized swordfish, the potential for larger numbers of fishermen in the area, and the potential for crowding of fishermen, which could lead to gear and user conflicts. These concerns remain valid. NMFS will continue to collect information to evaluate the appropriateness of the retention limit in the Florida SWO Management Area and other regional retention limits. This action therefore maintains a zero-fish retention limit in the Florida Swordfish Management Area.

These adjustments are consistent with the 2006 Consolidated HMS FMP as amended, ATCA, and the Magnuson-Stevens Act, and are not expected to negatively impact stock health.

Monitoring and Reporting

NMFS will continue to monitor the swordfish fishery closely during 2017 through mandatory landings and catch reports. Dealers are required to submit landing reports and negative reports (if no swordfish were purchased) on a weekly basis.

Depending upon the level of fishing effort and catch rates of swordfish, NMFS may determine that additional retention limit adjustments or closures are necessary to ensure that available quota is not exceeded or to enhance fishing opportunities. Subsequent actions, if any, will be published in the **Federal Register**. In addition, fishermen may access *http://www.nmfs.noaa.gov/*

sfa/hms/species/swordfish/landings/index.html for updates on quota monitoring.

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, as amended, provide for inseason retention limit adjustments to respond to changes in swordfish landings, the availability of swordfish on the fishing grounds, the migratory nature of this species, and regional variations in the fishery. Based on available swordfish quota, stock abundance, fishery performance in recent years, and the availability of swordfish on the fishing grounds, among other considerations, adjustment to the SWO General Commercial permit retention limits from the default levels of two or three fish to six SWO per vessel per trip as discussed above is warranted, while maintaining a zero-fish retention limit in the Florida SWO Management Area. Analysis of available data shows that adjustment to the swordfish daily retention limit from the default levels would result in minimal risk of exceeding the ICCAT-allocated quota. NMFS provides notification of retention limit adjustments 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 HMS Breaking News'' Web site at *http://www.nmfs.noaa.gov/sfa/hms/news/breaking_news.html.* Delays in temporarily increasing these retention limits caused by the time required to publish a proposed rule and accept public comment would adversely and unnecessarily affect those SWO General Commercial permit holders and HMS Charter/Headboat permit holders that would otherwise have an opportunity to harvest more than the otherwise applicable lower default retention limits of three swordfish per vessel per trip in the Northwest Atlantic and Gulf of Mexico regions, and two swordfish per vessel per trip in the U.S. Caribbean region. Further, any delay beyond July 1, 2017, the start of the second semi-annual directed fishing period, could result in even lower swordfish landings because of the lower default retention limits. Limited opportunities to harvest the directed swordfish quota may have negative social and economic impacts for U.S. fishermen. Adjustment of the retention limits needs to be effective on July 1, 2017, to allow SWO General Commercial permit holders and HMS Charter/Headboat permit holders to benefit from the adjustment during the relevant time period, which could pass by for some fishermen, particularly in the Northwest Atlantic region who have access to the fishery during a short time period because of seasonal fish migration, if the action is delayed for notice and public comment. 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 also 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 635.24(b)(4) and is exempt from review under Executive Order 12866.

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

Dated: June 21, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–13338 Filed 6–26–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 122
Tuesday, June 27, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0626; Directorate Identifier 2016–NM–210–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new Airworthiness Directive (AD), for certain Bombardier, Inc., Model CL–600–2B16 (CL–604 Variant) airplanes. This proposed AD was prompted by reports of in-flight uncommanded rudder movements. This proposed AD would require modification of the wiring for the yaw damper control system. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by August 11, 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 Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* Internet *http://www.bombardier.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–2017–0626; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0626; Directorate Identifier 2016–NM–210–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2016–38, effective December 12, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–2B16 (CL–604 Variant) airplanes. The MCAI states:

> The [Canadian] AD CF–2013–22 [which corresponds to FAA AD 2014–16–06, Amendment 39–17930 (79 FR 48972, August 19, 2014)] was issued on 12 August 2013 to mandate the introduction of an emergency procedure to the Aeroplane Flight Manual to address the uncommanded rudder movement.
>
> Since the original issue of [Canadian] AD CF–2013–22, Bombardier Aerospace has developed a wiring modification for the yaw damper control system to prevent uncommanded movement of the rudder.
>
> This [Canadian] AD mandates the incorporation of Service Bulletins (SB) 604–22–007 and 605–22–002 * * * *.

This proposed AD would require modification of the wiring for the yaw damper control system. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0626.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc., issued Service Bulletin 604–22–007, Revision 01, dated July 25, 2016; and Service Bulletin 605–22–002, Revision 01, dated July 25, 2016. The service information describes procedures for modifying the wiring harness for the yaw damper control system. These documents are distinct since they apply to different airplane configurations. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified

of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 120 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
Modification	50 work-hours × $85 per hour = $4,250	Up to $478	Up to $4,728	Up to $567,360

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):

Bombardier, Inc.: Docket No. FAA–2017–0626; Directorate Identifier 2016–NM–210–AD.

(a) Comments Due Date

We must receive comments by August 10, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model CL–600–2B16 (CL–604 Variant) airplanes, certificated in any category, serial numbers (S/Ns) 5301 through 5665 inclusive, 5701 through 5911 inclusive, 5913, and 5914.

(d) Subject

Air Transport Association (ATA) of America Code 22, Autopilot System.

(e) Reason

This AD was prompted by reports of in-flight uncommanded rudder movements. We are issuing this AD to prevent in-flight uncommanded rudder movements, which could lead to structural failure and subsequent loss of the airplane.

(f) Compliance

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

(g) Modification

Within 48 months after the effective date of this AD: Modify the wiring harness for the yaw damper control system, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraphs (g)(1) and (g)(2) of this AD.

(1) For airplanes having S/Ns 5301 through 5665 inclusive: Bombardier Service Bulletin 604–22–007, Revision 01, dated July 25, 2016.

(2) For airplanes having S/Ns 5701 through 5911 inclusive, 5913, and 5914: Bombardier Service Bulletin 605–22–002, Revision 01, dated July 25, 2016.

(h) Part Installation Limitation

As of the effective date of this AD, no person may install on any airplane a yaw damper actuator having part number 622–9968–002, unless the modification required by paragraph (g) of this AD has been accomplished.

(i) Credit for Previous Actions

This paragraph provides credit for the modification required by paragraph (g) of this AD, if the modification was performed before the effective date of this AD using the applicable service information identified in paragraph (i)(1) or (i)(2) of this AD.

(1) Bombardier Service Bulletin 604–22–007, dated June 23, 2015.

(2) Bombardier Service Bulletin 605–22–002, dated June 23, 2015.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, 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 ATTN: The Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector,

the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.,'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2016–38, dated December 12, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0626.

(2) For more information about this AD, contact Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531.

(3) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.* 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.

Issued in Renton, Washington, on June 19, 2017.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–13364 Filed 6–26–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0625; Directorate Identifier 2016–NM–089–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2014–22–08, for all Airbus Model A318 and A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes: and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. AD 2014–22–08 requires revising the maintenance or inspection program to incorporate new or revised airworthiness limitation requirements. Since we issued AD 2014–22–08, we have determined that more restrictive maintenance instructions and airworthiness limitations are necessary. This proposed AD would require revising the maintenance or inspection program to incorporate new or revised airworthiness limitation requirements. The proposed AD also removes airplanes from the applicability. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by August 11, 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.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–2017–0625; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0625; Directorate Identifier 2016–NM–089–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

On October 28, 2014, we issued AD 2014–22–08, Amendment 39–18013 (79 FR 67042, November 12, 2014) (''AD 2014–22–08''), for all Airbus Model A318 and A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. AD 2014–22–08 was prompted by a determination that more restrictive airworthiness limitations were necessary. AD 2014–22–08 requires revising the maintenance or inspection program as applicable. We issued AD 2014–22–08 to prevent a safety-significant latent failure (which is not annunciated), which, in combination with one or more other specific failures or events, would result in a hazardous or catastrophic failure condition. Since we issued AD 2014–22–08, we have determined that more restrictive maintenance instructions and airworthiness limitations are necessary.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0092, dated May 13, 2016 (referred to after this as the

Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A318 and A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

> The airworthiness limitations for Airbus A320 family aeroplanes are currently defined and published in Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) documents. The airworthiness limitations applicable to the Certification Maintenance Requirements (CMR), which are approved by EASA, are published in ALS Part 3.
>
> The instructions contained in the ALS Part 3 have been identified as mandatory actions for continued airworthiness. Failure to comply with these instructions could result in an unsafe condition.
>
> Previously, EASA issued AD 2013–0148 [which corresponds to FAA AD 2014–22–08] to require accomplishment of all maintenance tasks as described in ALS Part 3 at Revision 01. The new ALS Part 3 Revision 03 (hereafter referred to as 'the ALS' in this [EASA] AD) includes new and/or more restrictive requirements.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2013–0148, which is superseded, and requires accomplishment of all maintenance tasks as described in the ALS.

The unsafe condition is a safety-significant latent failure (that is not annunciated), which, in combination with one or more other specific failures or events, could result in a hazardous or catastrophic failure condition. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0625.

Related Service Information Under 1 CFR Part 51

Airbus has issued Airbus A318/A319/A320/A321 ALS Part 3 CMR, Revision 03, dated December 21, 2015. The service information describes maintenance instructions and airworthiness limitations, including updated inspections and intervals to be incorporated into the maintenance or inspection program. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

This proposed AD would require revising the maintenance or inspection program to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (k)(1) of this proposed AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Difference Between This Proposed AD and the MCAI

The MCAI specifies that if there are findings from the ALS inspection tasks, then corrective action must be accomplished in accordance with Airbus maintenance documentation. However, this proposed AD does not include that requirement. Operators of U.S.-registered airplanes are required by general airworthiness and operational regulations to perform maintenance using methods that are acceptable to the FAA. We consider those methods to be adequate to address any corrective actions necessitated by the findings of ALS inspections required by this proposed AD.

Airworthiness Limitations Based on Type Design

The FAA recently became aware of an issue related to the applicability of ADs that require incorporation of an ALS revision into an operator's maintenance or inspection program.

Typically, when these types of ADs are issued by civil aviation authorities of other countries, they apply to all airplanes covered under an identified type certificate (TC). The corresponding FAA AD typically retains applicability to all of those airplanes.

In addition, U.S. operators must operate their airplanes in an airworthy condition, in accordance with 14 CFR 91.7(a). Included in this obligation is the requirement to perform any maintenance or inspections specified in the ALS, and in accordance with the ALS as specified in 14 CFR 43.16 and 91.403(c), unless an alternative has been approved by the FAA.

When a TC is issued for a type design, the specific ALS, including revisions, is a part of that type design, as specified in 14 CFR 21.31(c).

The sum effect of these operational and maintenance requirements is an obligation to comply with the ALS defined in the type design referenced in the manufacturer's conformity statement. This obligation may introduce a conflict with an AD that requires a specific ALS revision if new airplanes are delivered with a later revision as part of their type design.

To address this conflict, the FAA has approved AMOCs that allow operators to incorporate the most recent ALS revision into their maintenance/inspection programs, in lieu of the ALS revision required by the AD. This eliminates the conflict and enables the operator to comply with both the AD and the type design.

However, compliance with AMOCs is normally optional, and we recently became aware that some operators choose to retain the AD-mandated ALS revision in their fleet-wide maintenance/inspection programs, including those for new airplanes delivered with later ALS revisions, to help standardize the maintenance of the fleet. To ensure that operators comply with the applicable ALS revision for newly delivered airplanes containing a later revision than that specified in an AD, we plan to limit the applicability of ADs that mandate ALS revisions to those airplanes that are subject to an earlier revision of the ALS, either as part of the type design or as mandated by an earlier AD.

This proposed AD, therefore, would apply to the airplanes identified in paragraph (c) of this AD with an original certificate of airworthiness or original export certificate of airworthiness that was issued on or before the date of approval of the ALS revision identified in this proposed AD. Operators of airplanes with an original certificate of airworthiness or original export certificate of airworthiness issued after that date must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet.

Costs of Compliance

We estimate that this proposed AD affects 1,032 airplanes of U.S. registry.

The actions required by AD 2014–22–08, and retained in this proposed AD

take about 1 work-hour per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that are required by AD 2014–22–08 is $85 per product.

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $87,720, 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2014–22–08, Amendment 39–18013 (79 FR 67042, November 12, 2014), and adding the following new AD:

Airbus: Docket No. FAA–2017–0625; Directorate Identifier 2016–NM–089–AD.

(a) Comments Due Date

We must receive comments by August 11, 2017.

(b) Affected ADs

This AD replaces AD 2014–22–08, Amendment 39–18013 (79 FR 67042, November 12, 2014) (''AD 2014–22–08'').

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, certificated in any category, with an original certificate of airworthiness or original export certificate of airworthiness issued on or before December 21, 2015.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –231, –232, and –233 airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that more restrictive maintenance instructions and airworthiness limitations are necessary. We are issuing this AD to prevent a safety-significant latent failure (that is not annunciated), which, in combination with one or more other specific failures or events, could result in a hazardous or catastrophic failure condition.

(f) Compliance

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

(g) Retained Maintenance or Inspection Program Revision, With New Terminating Action

This paragraph restates the requirements of paragraph (g) of AD 2014–22–08, with new terminating action. Within 30 days after December 17, 2014 (the effective date of AD 2014–22–08), revise the maintenance or inspection program, as applicable, by incorporating Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 1, dated June 15, 2012. The initial compliance time for accomplishing the tasks specified in Airbus A318/A319/A320/A321 ALS Part 3, CMR, Revision 1, dated June 15, 2012, is at the applicable time specified in the Record of Revisions of Airbus A318/A319/A320/A321 ALS Part 3, CMR, Revision 1, dated June 15, 2012; or within 30 days after December 17, 2014, whichever occurs later. Accomplishing the actions specified in paragraph (i) of this AD terminates the requirements of this paragraph.

(h) Retained Provision Regarding Alternative Actions and Intervals, With a New Exception

This paragraph restates the requirements of paragraph (h) of AD 2014–22–08, with a new exception. Except as required by paragraph (i) of this AD, after accomplishing the revisions required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k)(1) of this AD.

(i) New Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, to incorporate Airbus A318/A319/A320/A321 ALS Part 3 CMR, Revision 03, dated December 21, 2015 (''ALS Part 3 CMR, R3''). The initial compliance time for accomplishing the tasks specified in ALS Part 3 CMR, R3, is at the applicable time specified in ALS Part 3 CMR, R3, or within 30 days after the effective date of this AD, whichever occurs later. Accomplishing the actions specified in this paragraph terminates the requirements of paragraph (g) of this AD.

(j) New Provision Regarding No Alternative Actions or Intervals

After the action required by paragraph (i) of this AD has been done, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (k)(1) of this AD.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested

using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Branch, send it to the attention of the person identified in paragraph (l)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) 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.

(ii) AMOCs approved previously for AD 2014–22–08 are approved as AMOCs for the corresponding provisions of paragraph (g) of this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0092, dated May 13, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0625.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* 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.

Issued in Renton, Washington, on June 20, 2017.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–13365 Filed 6–26–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0623; Directorate Identifier 2017–NM–024–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Defense and Space S.A Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, and C–212–DF airplanes. This proposed AD was prompted by reports of failures of the rudder pedal control system support. This proposed AD would require modifying the rudder pedal adjustment system. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by August 11, 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, Airbus Defense and Space Services/Engineering Support, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 31 27; email *MTA.TechnicalService@airbus.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–2017–0623; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1112; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0623; Directorate Identifier 2017–NM–024–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2017–0036, dated February 21, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Defense and Space S.A Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, and C–212–DF airplanes. The MCAI states:

> Failures were reported of the pedal control system support of CASA C–212 aeroplanes. Subsequent investigation revealed that the welding area of the affected support structure had broken.
>
> This condition, if not corrected, could lead to failure of the rudder control system, possibly resulting in reduced control of the aeroplane.

To address this potential unsafe condition, EADS–CASA issued Service Bulletin (SB) SB–212–27–0057 to provide modification instructions.

For the reasons described above, this [EASA] AD requires modification of the rudder pedal adjustment system.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0623.

Related Service Information Under 1 CFR Part 51

We reviewed EADS CASA Service Bulletin SB–212–27–0057, dated May 21, 2014. This service information provides instructions for modifying the rudder pedal adjustment system. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 42 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
Modification	9 work-hours × $85 per hour = $765	$5,683	$6,448	$270,816

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):

Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.): Docket No. FAA–2017–0623; Directorate Identifier 2017–NM–024–AD.

(a) Comments Due Date

We must receive comments by August 11, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Defense and Space S.A Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, and C–212–DF airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Reason

This AD was prompted by reports of failures of the rudder pedal control system support and a determination that the welding area of the affected support structure had broken. We are issuing this AD to prevent failure of the rudder control system, which could result in reduced controllability of the airplane.

(f) Compliance

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

(g) Modification

Within 12 months after the effective date of this AD: Modify the rudder pedal adjustment system, in accordance with the Accomplishment Instructions of EADS CASA Service Bulletin SB–212–27–0057, dated May 21, 2014.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

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

inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or EADS CASA's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2017–0036, dated February 21, 2017, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0623.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1112; fax: 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(3) For service information identified in this AD, contact Airbus Defense and Space Services/Engineering Support, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 31 27; email *MTA.TechnicalService@airbus.com.* 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.

Issued in Renton, Washington, on June 19, 2017.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–13357 Filed 6–26–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Chapter IV

Office of the Secretary

45 CFR Subtitle A

[CMS–9928–CN]

RIN 0938–ZB39

Reducing Regulatory Burdens Imposed by the Patient Protection and Affordable Care Act & Improving Healthcare Choices To Empower

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Request for information; correction.

SUMMARY: This document corrects an error that appeared in the request for information notice published in the **Federal Register** on June 12, 2017 entitled ''Reducing Regulatory Burdens Imposed by the Patient Protection and Affordable Care Act & Improving Healthcare Choices to Empower.''

DATES: This correction is effective June 26, 2017.

FOR FURTHER INFORMATION CONTACT: Chanda McNeal (301) 492–4132 or Jamaca Mitchell (301) 492–4177.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2017–12130 of June 12, 2017 (82 FR 26885), there was an error that is identified and corrected in the Correction of Errors section of this correction notice. The correction in this document is effective as if it had been included in the document published on June 12, 2017. Accordingly, the correction is effective (June 26, 2017).

II. Summary of Errors

On page 26886, we inadvertently included the incorrect contact information in the **FOR FURTHER INFORMATION CONTACT** section. Therefore, we are correcting this error to provide the public with the correct point of contact's name and phone number for issues related to the June 12, 2017 request for information notice.

III. Correction of Errors

In FR Doc. 2017–12130 of June 12, 2017 (82 FR 26885), make the following correction.

On page 26886, in the first column, under the **FOR FURTHER INFORMATION CONTACT**, the contact name and phone number for ''Vanessa Jones, (202) 690–700'' is deleted and replaced with, ''Chanda McNeal, (301) 492–4132, or Jamaca Mitchell, (301) 492–4177.''

Dated: June 21, 2017.

Ann C. Agnew,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2017–13417 Filed 6–26–17; 8:45 am]

BILLING CODE 4120–01–P

Notices

Federal Register
Vol. 82, No. 122
Tuesday, June 27, 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

Food and Nutrition Service

Notice of Meeting of the National Advisory Council on Maternal, Infant and Fetal Nutrition

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council on Maternal, Infant and Fetal Nutrition.

Date and Time: July 11–13, 2017, 9:00 a.m.–5:30 p.m.

Place: The meeting will be held at the Hilton Garden Inn Arlington/Shirlington, Environment Room, 4271 Campbell Avenue, Arlington, Virginia, 22206.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Maternal, Infant and Fetal Nutrition will meet to continue its study of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), and the Commodity Supplemental Food Program (CSFP). The agenda will include updates and a discussion of Breastfeeding Promotion and Support activities, the WIC food packages, WIC funding, Electronic Benefits Transfer, CSFP initiatives, and current research studies.

Status: Meetings of the National Advisory Council on Maternal, Infant and Fetal Nutrition are open to the public. Members of the public may participate, as time permits. Members of the public may file written statements with the contact person named below before or after the meeting.

Contact Person for Additional Information: Anne Bartholomew, Supplemental Food Programs Division, Food and Nutrition Service, Department of Agriculture, (703) 305–2746. If members of the public need special accommodations, please notify Anne Bartholomew by June 28, 2017, at (703) 305–2746, or email at *WICHQ-SFPD@fns.usda.gov*.

Dated: June 16, 2017.

Jessica Shahin,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 2017–13455 Filed 6–26–17; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–552–819]

Certain Steel Nails From the Socialist Republic of Vietnam: Preliminary Results of Countervailing Duty Administrative Review and Intent To Rescind, in Part

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

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain steel nails (steel nails) from the Socialist Republic of Vietnam (Vietnam). The period of review (POR) is November 3, 2014, through December 31, 2015. Interested parties are invited to comment on these preliminary results.

DATES: Effective June 27, 2017.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3813.

SUPPLEMENTARY INFORMATION:

Background

These preliminary results are made in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). The Department published a notice of opportunity to request an administrative review of the countervailing duty (CVD) order on steel nails from Vietnam for the POR on July 5, 2016.[1] On August 1, 2017, in response to timely requests, 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 *Order*.[2] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[3] 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

The product covered by the *Order* is steel nails from Vietnam. For a complete description of the scope of this administrative review, *see* the Preliminary Decision Memorandum.

Methodology

The Department is conducting this CVD review in accordance with section 751(a)(1)(A) of the Act. For each of the subsidy programs found countervailable, we determine that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that confers a benefit to the recipient, and that the subsidy is specific.[4] For a full description of the methodology underlying our preliminary conclusions, including our reliance, in part, on

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 81 FR 43584 (July 5, 2016).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 62720 (September 12, 2016). *See also Certain Steel Nails from the Socialist Republic of Vietnam: Countervailing Duty Order,* 80 FR 41006 (July 14, 2015) (the *Order*).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Countervailing Duty Order on Certain Steel Nails from the Socialist Republic of Vietnam,'' (Preliminary Decision Memorandum) dated concurrently with, and hereby adopted by, this notice.

[4] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and, section 771(5A) of the Act regarding specificity.

adverse facts available pursuant to sections 776(a) and (b) of the Act, *see* the Preliminary Decision Memorandum.[5]

Partial Rescission of Administrative Review, and Intent To Rescind, In Part

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. Mid Continent Steel & Wire, Inc. (the petitioner) withdrew its requests for review of Astrotech Steels Private Limited; Blue Moon Logistics Private Ltd.; Bollore Logistics Vietnam Co. Ltd.; Dahnay Logistics Private Ltd; FGS Logistics Co. Ltd.; Honour Lane Shipping Ltd; SDV Vietnam Co. Ltd.; and United Nail Products Co. Ltd. No other party requested a review of these producers/exporters.[6] Therefore, in accordance with 19 CFR 351.213(d)(1), the Department is rescinding this review with respect to these companies.

As explained in the Preliminary Decision Memorandum, there is no evidence that Dicha Sombrilla Co., Ltd. had a Type 3 (*i.e.,* reviewable) entry of subject merchandise during the POR. Therefore, pursuant to 19 CFR 351.213(d)(3), we preliminarily intend to rescind the review for Dicha Sombrilla Co., Ltd.[7]

Preliminary Results of Review

As a result of this review, we preliminarily determine the countervailable subsidy rates to be:

Producer/exporter	Subsidy rate (percent)
Truong Vinh Ltd	313.97
Rich State Inc	313.97

Disclosure and Public Comment

The Department intends to disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[8] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the case briefs are filed.[10]

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the Department's ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[11] Hearing requests should contain the following: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

Unless extended, the Department intends to issue the final results of this review, including the results of its analysis of issues raised by parties in their comments, within 120 days after the publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates and Cash Deposit Requirement

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts shown above for the producers/exporters shown above. Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, CVDs on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of review.

Pursuant to section 751(a)(2)(C) of the Act, the Department also intends to instruct CBP to collect cash deposits of estimated CVDs, in the amounts shown above, for each of the respective companies shown above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

For the non-reviewed firms for which we are rescinding this administrative review, the Department intends to instruct CBP 15 days after publication of these preliminary results of review to assess CVDs at rates equal to the rates of cash deposits for estimated countervailing duties required at the time of entry, or withdrawn from warehouse, for consumption, during the period November 3, 2014, through December 31, 2015, in accordance with 19 CFR 351.212(c)(2).

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: June 19, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Partial Rescission of Review
4. Scope of the Order
5. Application of the Countervailing Duty Law to Imports From Vietnam
6. Use of Facts Otherwise Available and Adverse Inferences
   A. Application of AFA: Truong Vinh, Rich State, and the GOV
   B. Selection of the Adverse Facts Available Rate
   C. Corroboration of Secondary Information
7. Disclosure and Public Comment
8. Conclusion

[FR Doc. 2017–13425 Filed 6–26–17; 8:45 am]

BILLING CODE 3510–DS–P

[5] A list of topics discussed in the Preliminary Decision Memorandum can be found as an appendix to this notice.

[6] *See* Letter from the petitioner re: Administrative Review of Certain Steel Nails from the Socialist Republic of Vietnam: Withdrawal of Request for Administrative Reviews, dated October 5, 2016.

[7] In *Alleghany Ludlum Corp.* v. *United States,* 346 F.3d 1368, 1372 (Fed. Cir. 2003), the Court of Appeals for the Federal Circuit upheld the Department's practice of rescinding annual reviews when there are no entries of subject merchandise during the POR.

[8] *See* 19 CFR 351.309(c)(1)(ii).

[9] *See* 19 CFR 351.309(c)(2).

[10] *See* 19 CFR 351.309(d).

[11] *See* 19 CFR 351.310(c).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–060, A–533–875, A–580–893, A–583–860, A–552–822]

Fine Denier Polyester Staple Fiber From the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations

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

DATES: Effective June 20, 2017.

FOR FURTHER INFORMATION CONTACT: Edythe Artman at (202) 482–3931 (the People's Republic of China (the PRC)), Patrick O'Connor at (202) 482–0989 (India), Karine Gziryan at (202) 482–4081 (the Republic of Korea (Korea)), Lilit Astvatsatrian at (202) 482–6412 (Taiwan), and Mike Heaney at (202) 482–4475 (the Socialist Republic of Vietnam (Vietnam)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On May 31, 2017, the U.S. Department of Commerce (the Department) received antidumping duty (AD) Petitions concerning imports of fine denier polyester staple fiber (fine denier PSF) from the PRC, India, Korea, Taiwan and Vietnam, filed in proper form on behalf of DAK Americas LLC, Nan Ya Plastics Corporation, America, and Auriga Polymers Inc. (collectively, the petitioners).[1] The AD Petitions were accompanied by countervailing duty (CVD) Petitions concerning imports of fine denier PSF from India and the PRC. The petitioners are domestic producers of fine denier PSF.[2]

On June 5, 2017, the Department requested supplemental information pertaining to certain areas of the Petitions.[3] The petitioners filed responses to these requests on June 8, 2017.[4] The petitioners filed a correction to a margin calculation for the PRC at the request of the Department on June 12, 2017.[5] The petitioners filed revised scope language on June 14, 2017.[6]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of fine denier PSF from the PRC, India, Korea, Taiwan and Vietnam are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing fine denier PSF in the United States. Also, consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to the petitioners supporting their allegations.

The Department finds that the petitioners filed these Petitions on behalf of the domestic industry because the petitioners are interested parties as defined in section 771(9)(C) of the Act. The Department also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the AD investigations that the petitioners are requesting.[7]

Periods of Investigation

Because the Petitions were filed on May 31, 2017, the period of investigation (POI) for all investigations except the PRC and Vietnam, is April 1, 2016, through March 31, 2017. Because the PRC and Vietnam are non-market economy (NME) countries, the POI for these investigations is October 1, 2016, through March 31, 2017.

Scope of the Investigations

The product covered by these investigations is fine denier PSF from the PRC, India, Korea, Taiwan and Vietnam. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations,'' in the Appendix to this notice.

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, the petitioners pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[8]

As discussed in the preamble to the Department's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[9] The Department will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,[10] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on Monday, July 10, 2017, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on Thursday, July 20, 2017, which is 10 calendar days from the initial comments deadline.[11]

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the

[1] *See* Letter to the Secretary of Commerce re: ''Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan and the Socialist Republic of Vietnam—Petitions for the Imposition of Antidumping and Countervailing Duties'' (May 31, 2017) (the Petitions).

[2] *See* Volume I of the Petitions, at 2.

[3] *See* Letter from the Department, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan and the Socialist Republic of Vietnam: Supplemental Questions,'' dated June 5, 2017 (General Issues Supplemental Questionnaire); *see also* Petition for the Imposition of Antidumping Duties on Imports of Fine Denier Polyester Staple Fiber from the People's Republic of China: Supplemental Questions; *and* Petition for the Imposition of Antidumping Duties on Imports of Fine Denier Polyester Staple Fiber from India: Supplemental Questions; *and* Petition for the Imposition of Antidumping Duties on Imports of Fine Denier Polyester Staple Fiber from the Republic of Korea: Supplemental Questions; *and* Petition for the Imposition of Antidumping Duties on Imports of Fine Denier Polyester Staple Fiber from Taiwan: Supplemental Questions; and Petition for the Imposition of Antidumping Duties on Imports of Fine Denier Polyester Staple Fiber from the Socialist Republic of Vietnam: Supplemental Questions. All of these documents are dated June 5, 2017. *See also* country-specific memoranda to the file ''Telephone Call to Foreign Market Researcher Regarding Antidumping Petition'' dated June 20, 2017.

[4] *See* Letter from the petitioners, ''Fine Denier Polyester Staple Fiber from the People's Republic of China, India, Italy, the Republic of Korea, Taiwan and the Socialist Republic of Vietnam: Petitioners' Amendment to Volume I Relating to General Issues;'' (June 8, 2017) (General Issues Supplement), at Exhibit I–S2, *see also* ''Fine Denier Polyester Staple Fiber from the People's Republic of China: Petitioners' Response to Questions Concerning the Antidumping Duty Petition;'' *and* ''Fine Denier Polyester Staple Fiber from the Republic of Korea: Petitioners' Response to Questions Concerning the Antidumping Duty Petition;'' *and* ''Fine Denier Polyester Staple Fiber from India: Petitioners' Response to Questions Concerning the Antidumping Duty Petition;'' *and* ''Fine Denier Polyester Staple Fiber from Taiwan: Petitioners' Response to Questions Concerning the Antidumping Duty Petition;'' *and* ''Fine Denier Polyester Staple Fiber from the Socialist Republic of Vietnam: Petitioners' Response to Questions Concerning the Antidumping Duty Petition.'' Each of these documents is dated June 8, 2017.

[5] *See* Letter from the petitioners, ''Fine Denier Polyester Staple Fiber from the People's Republic of China,'' dated June 12, 2017.

[6] *See* Memorandum to the File ''Phone Conversation Regarding Scope,'' dated June 13, 2017; *see also* Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam—Petitioners' Second Amendment to Volume I Relating to General Issues, dated June 14, 2017 (Scope Supplement to the Petitions).

[7] *See* the ''Determination of Industry Support for the Petitions'' section, below.

[8] *See* General Issues Supplement, at 1–3 and Exhibit I–S1; and Scope Supplement to the Petitions, at 2.

[9] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[10] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[11] *See* 19 CFR 351.303(b).

records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[12] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

The Department will provide interested parties an opportunity to comment on the appropriate physical characteristics of fine denier PSF to be reported in response to the Department's AD questionnaires. This information will be used to identify the key physical characteristics of the merchandise under consideration in order to report the relevant costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe fine denier PSF, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on July 10, 2017. Any rebuttal comments must be filed by 5:00 p.m. ET on July 20, 2017. All comments and submissions to the Department must be filed electronically using ACCESS, as explained above, on the records of the the PRC, India, Korea, Taiwan and Vietnam less-than-fair-value investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that fine denier PSF, as defined in the scope, constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[15]

In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the

[12] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[13] *See* section 771(10) of the Act.

[14] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[15] For a discussion of the domestic like product analysis, *see* Antidumping Duty Investigation Initiation Checklist: Fine Denier Polyester Staple Fiber from the People's Republic of China (PRC AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam, (Attachment II); Antidumping Duty Investigation Initiation Checklist: Fine Denier Polyester Staple Fiber from India (India AD Initiation Checklist), at Attachment II; Antidumping Duty Investigation Initiation Checklist: Fine Denier Polyester Staple Fiber from the Republic of Korea (Korea AD Initiation Checklist), at Attachment II; Antidumping Duty Investigation Initiation Checklist: Fine Denier Polyester Staple Fiber from Taiwan (Taiwan AD Initiation Checklist), at Attachment II; and Antidumping Duty Investigation Initiation Checklist: Fine Denier Polyester Staple Fiber from the Socialist Republic of Vietnam (Vietnam AD Initiation Checklist), at Attachment II. These checklists are dated concurrently with, and hereby adopted by, this notice and on file electronically *via* ACCESS. Access to documents filed *via* ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. To establish industry support, the petitioners provided their own production of the domestic like product in 2016.[16] In addition, the petitioners provided a letter of support from Palmetto Synthetics, LLC, stating that the company supports the Petitions and providing its own production of the domestic like product in 2016.[17] The petitioners identify themselves and Palmetto Synthetics, LLC as the companies constituting the U.S. fine denier PSF industry and state that there are no other known producers of fine denier PSF in the United States; therefore, the Petitions are supported by 100 percent of the U.S. industry.[18]

Our review of the data provided in the Petitions, the General Issues Supplement, and other information readily available to the Department indicates that the petitioners have established industry support for the Petitions.[19] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[20] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[21] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[22] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department finds that the petitioners filed the Petitions on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act and they have demonstrated sufficient industry support with respect to the AD investigations that they are requesting that the Department initiate.[23]

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[24]

The petitioners contend that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; decreased production, capacity utilization, and U.S. shipments; and declines in financial performance.[25] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[26]

Allegations of Sales at Less Than Fair Value

The following is a description of the allegations of sales at less than fair value upon which the Department based its decision to initiate AD investigations of imports of fine denier PSF from the PRC, India, Korea, Taiwan and Vietnam. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the country-specific initiation checklists.

Export Price

For the PRC, India, Korea, Taiwan, and Vietnam, the petitioners based the U.S. price on export price (EP) using average unit values (AUVs) of publicly available import data.[27] For the PRC and Taiwan, the petitioners also based the U.S. price on EP using price quotes for sales of fine denier PSF produced in, and exported from, the subject county and offered for sale in the United States.[28] Where applicable, the petitioners made deductions from U.S. price for movement and other expenses, consistent with the terms of sale.[29]

Normal Value

For India, Korea, and Taiwan, the petitioners provided home market price information for fine denier PSF produced in, and offered for sale in, each of these countries that was obtained through market research.[30] For all three of these countries, the petitioners provided a declaration from a market researcher to support the price information.[31] Where applicable, the petitioners made deductions for movement expenses, consistent with the terms of sale.[32]

For Korea and Taiwan, the petitioners also provided information that sales of fine denier PSF in the respective home markets were made at prices below the cost of production (COP). With respect to Korea, the petitioners calculated NV based on home market prices and constructed value (CV).[33] With respect to Taiwan, the petitioners calculated NV based on CV.[34] For further discussion of COP and NV based on CV, *see* the

[16] *See* Volume I of the Petitions, at 3 and Exhibit I–2.

[17] *Id.*

[18] *Id.,* at 2–3 and Exhibit I–1; *see also* General Issues Supplement, at 3 and Exhibit I–S2.

[19] *See* PRC AD Initiation Checklist; India AD Initiation Checklist; Korea AD Initiation Checklist; Taiwan AD Initiation Checklist; and Vietnam AD Initiation Checklist, at Attachment II.

[20] *See* section 732(c)(4)(D) of the Act; *see also* PRC AD Initiation Checklist; India AD Initiation Checklist; Korea AD Initiation Checklist; Taiwan AD Initiation Checklist; and Vietnam AD Initiation Checklist, at Attachment II.

[21] *See* PRC AD Initiation Checklist; India AD Initiation Checklist; Korea AD Initiation Checklist; Taiwan AD Initiation Checklist; and Vietnam AD Initiation Checklist, at Attachment II.

[22] *Id.*

[23] *Id.*

[24] *See* Volume I of the Petitions, at 14–15 and Exhibit I–7.

[25] *See* Volume I of the Petitions, at 14–31 and Exhibits I–5, I–8, I–9, and I–10.

[26] *See* PRC AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam (Attachment III); India AD Initiation Checklist, at Attachment III; Korea AD Initiation Checklist, at Attachment III; Taiwan AD Initiation Checklist, at Attachment III; and Vietnam AD Initiation Checklist, at Attachment III.

[27] *See* PRC AD Initiation Checklist; India AD Initiation Checklist; Korea AD Initiation Checklist; Taiwan AD Initiation Checklist; and Vietnam AD Initiation Checklist.

[28] *See* PRC AD Initiation Checklist and Taiwan AD Initiation Checklist.

[29] *See* PRC AD Initiation Checklist; India AD Initiation Checklist; Korea AD Initiation Checklist; Taiwan AD Initiation Checklist; and Vietnam AD Initiation Checklist.

[30] *See* India AD Initiation Checklist, Korea AD Initiation Checklist, and Taiwan AD Initiation Checklist. For India, the petitioners also provided constructed value data and calculated margins based on a comparison between EP and constructed value. *See* India AD Initiation Checklist. Because the petitioners provided appropriate home market prices, we have relied on these prices as the basis for normal value, pursuant to section 773(a)(1) of the Act, for purposes of initiation.

[31] *See Id.*

[32] *See Id.*

[33] *See* Korea AD Initiation Checklist.

[34] *See* Taiwan AD Initiation Checklist.

section ''Normal Value Based on Constructed Value'' below.[35]

With respect to the PRC and Vietnam, the petitioners stated that the Department has found these countries to be NME countries in prior administrative proceedings in which they were involved.[36] In accordance with section 771(18)(C)(i) of the Act, the presumption of NME status remains in effect until revoked by the Department. The presumption of NME status for the PRC and Vietnam has not been revoked by the Department and, therefore, remains in effect for purposes of the initiation of these investigations. Accordingly, NV in both the PRC and Vietnam is appropriately based on factors of production (FOPs) valued in a surrogate market economy country, in accordance with section 773(c) of the Act.[37] In the course of these investigations, all parties, and the public, will have the opportunity to provide relevant information related to the granting of separate rates to individual exporters.

The petitioners claim that Mexico is an appropriate surrogate country for the PRC, because it is a market economy country that is at a level of economic development comparable to that of the PRC, it is a significant producer of comparable merchandise, and public information from Mexico is available to value all material input factors.[38] Based on the information provided by the petitioners, we determine that it is appropriate to use Mexico as a surrogate country for initiation purposes.

The petitioners claim that India is an appropriate surrogate country for Vietnam, because it is a market economy country that is at a level of economic development comparable to that of Vietnam, it is a significant producer of comparable merchandise, and public information from India is available to value all material input factors.[39] Based on the information provided by the petitioners, we determine that it is appropriate to use India as a surrogate country for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

Because information regarding the volume of inputs consumed by the PRC and Vietnamese producers/exporters is not available, the petitioners relied on the production experience of a domestic producer of fine denier PSF in the United States as an estimate of Chinese and Vietnamese manufacturers' FOPs.[40] The petitioners valued the estimated FOPs using surrogate values from Mexico for the PRC and surrogate values from India for Vietnam and used the average POI exchange rate to convert the data to U.S. dollars.[41]

Normal Value Based on Constructed Value

Pursuant to section 773(b)(3) of the Act, COP consists of the cost of manufacturing (COM), selling, general, and administrative (SG&A) expenses, financial expenses, and packing expenses. For Korea and Taiwan, the petitioners calculated the COM based on the input factors of production and usage rates from a U.S. producer of fine denier PSF. The input factors of production were valued using publicly available data on costs specific to Korea and Taiwan.[42] Specifically, the prices for raw material and packing inputs were based on Korean and Taiwanese publicly available import and, for one Taiwanese input, export data. Labor and energy costs were valued using publicly available sources for Korea and Taiwan. The petitioners calculated factory overhead, SG&A, and financial expenses based on the experience of Korean and Taiwanese producers of comparable merchandise.[43]

For Korea and Taiwan, because certain home market prices fell below the COP, pursuant to sections 773(a)(4), 773(b), and 773(e) of the Act, as noted above, the petitioners calculated NVs based on CV.[44] Pursuant to section 773(e) of the Act, CV consists of the COM, SG&A expenses, financial expenses, packing expenses, and profit. The petitioners calculated CV using the same average COM, SG&A expenses, financial expenses, and packing expenses that were used to calculate the COP.[45] The petitioners relied on the financial statements of the same producers that they used for calculating factory overhead, SG&A expenses, and financial expenses to calculate the profit rates.[46]

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of fine denier PSF from the PRC, India, Korea, Taiwan, and Vietnam are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for fine denier PSF for each of the countries covered by this initiation are as follows: (1) PRC—88.07 to 103.06 percent;[47] (2) India—21.43;[48] (3) Korea—37.28 to 45.23 percent;[49] (4) Taiwan—31.07 to 56.72 percent;[50] and (5) Vietnam is 64.73 percent.[51]

Initiation of Less-Than-Fair-Value Investigations

Based upon the examination of the AD Petitions, we find that the Petitions meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of fine denier PSF from the PRC, India, Korea, Taiwan, and Vietnam are being, or are likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Under the Trade Preferences Extension Act of 2015, numerous amendments to the AD and CVD law were made.[52] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment

[35] In accordance with section 505(a) of the Trade Preferences Extension Act of 2015, amending section 773(b)(2) of the Act, for all of the investigations, the Department will request information necessary to calculate the CV and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product. The Department no longer requires a COP allegation to conduct this analysis.

[36] *See* Volume II of the Petition, at 4–5; *see also* Volume VI of the Petition, at 4–5.

[37] *See* PRC AD Initiation Checklist and Vietnam AD Initiation Checklist.

[38] *See* Volume II of the Petition at 5–6 and Exhibit AD–CN–4.

[39] *See* Volume VI of the Petition, at 5–6, Exhibit AD–VN–4.

[40] *See* Volume II of the Petition at 6 and Exhibit AD–CN–3, and PRC AD Supplement at 1 and Exhibit AD–CN–S3; *see also* Volume VI of the Petition at 5 and Exhibit AD–VN–3, and Vietnam AD Supplement, at 1 and Exhibit A–VN–S3.

[41] *See* Volume II of the Petition at 6 and Exhibits AD–CN–3 and AD–CN–4; *see also* Volume VI of the Petition at Exhibit AD–VN–4.

[42] *See* Korea AD Initiation Checklist and Taiwan AD Initiation Checklist.

[43] *See Id.*

[44] *Id.*

[45] *Id.*

[46] *Id.*

[47] *See* PRC AD Initiation Checklist.

[48] *See* India AD Initiation Checklist.

[49] *See* Korea AD Initiation Checklist.

[50] *See* Taiwan AD Initiation Checklist.

[51] *See* Vietnam AD Initiation Checklist.

[52] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[53] The amendments to sections 771(15), 773, 776, and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to these AD investigations.[54]

Respondent Selection

The petitioners named 12 companies in India,[55] 31 companies in Korea,[56] and eight companies in Taiwan,[57] as producers/exporters of fine denier PSF. Following standard practice in AD investigations involving market economy countries, in the event the Department determines that the number of companies for any one market economy country identified above is large, the Department intends to review U.S. Customs and Border Protection (CBP) data for U.S. imports of fine denier PSF during the respective POIs under the appropriate Harmonized Tariff Schedule of the United States subheadings, and if it determines that it cannot individually examine each company based upon the Department's resources, then the Department will select respondents based on that data. We intend to release CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five business days of the announcement of the initiation of these investigations. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo.*

Interested parties may submit comments regarding the CBP data and respondent selection by 5:00 p.m. ET seven calendar days after the placement of the CBP data on the record of these investigations. Interested parties wishing to submit rebuttal comments should submit those comments five calendar days after the deadline for initial comments.

Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the date noted above. If respondent selection is necessary, within 20 days of publication of this notice, we intend to make our decisions regarding respondent selection based upon comments received from interested parties and our analysis of the record information.

With respect to the PRC and Vietnam, the petitioners named, respectively, seven and four producers/exporters as accounting for the majority of exports of fine denier PSF to the United States from the PRC and Vietanm.[58] In accordance with our standard practice for respondent selection in AD cases involving NME countries, we intend to issue quantity and value (Q&V) questionnaires to producers/exporters of merchandise subject to these NME investigations and, if necessary, base respondent selection on the responses received. For these NME investigations, the Department will request Q&V information from known exporters and producers identified, with complete contact information, in the Petitions. In addition, the Department will post the Q&V questionnaire along with filing instructions on Enforcement and Compliance's Web site at *http://www.trade.gov/enforcement/news.asp.*

Producers/exporters of fine denier PSF from the PRC and Vietnam that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Enforcement & Compliance's Web site. The Q&V response must be submitted by the relevant PRC exporters/producers no later than 5:00 p.m. ET on July 5, 2017. All Q&V responses must be filed electronically via ACCESS.

Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application.[59] The specific requirements for submitting a separate-rate application in the PRC and Vietnam investigations are outlined in detail in the application itself, which is available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html.* The separate-rate application will be due 30 days after publication of this initiation notice.[60] Exporters and producers who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they respond to all parts of the Department's AD questionnaire as mandatory respondents. The Department requires that companies from the PRC and Vietnam submit a response to both the Q&V questionnaire and the separate-rate application by the respective deadlines in order to receive consideration for separate-rate status. Companies not filing a timely Q&V response will not receive separate-rate consideration.

Use of Combination Rates

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[61]

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of the PRC, India, Korea, Taiwan, and Vietnam *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

[53] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015).

[54] *Id.* at 46794–95. The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[55] *See* Volume I of the Petitions, at Exhibit I–4.

[56] *Id.*

[57] *Id.*

[58] Though the petitioners listed 88 ''known producers of fine denier PSF from China'' in Volume I of the Petition at Exhibit I–4, they clarified in the PRC-specific Volume II of the Petition that ''to the best of Petitioners' knowledge, fine denier PSF is produced in China and exported to the United States'' by seven companies that account for most or all U.S. imports during the POI. *See* Volume II of the Petition at 2. *See also* Volume I of the Petitions at exhibit I–4.

[59] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

[60] Although in past investigations this deadline was 60 days, consistent with 19 CFR 351.301(a), which states that ''the Secretary may request any person to submit factual information at any time during a proceeding,'' this deadline is now 30 days.

[61] *See* Policy Bulletin 05.1 at 6 (emphasis added).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of fine denier PSF from the PRC, India, Korea, Taiwan, and Vietnam are materially injuring or threatening material injury to a U.S. industry.[62] A negative ITC determination for any country will result in the investigation being terminated with respect to that country.[63] Otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). 19 CFR 351.301(b) requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [64] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[65] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[66] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.[67] The Department intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed atn 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: June 20, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by these investigations is fine denier polyester staple fiber (fine denier PSF), not carded or combed, measuring less than 3.3 decitex (3 denier) in diameter. The scope covers all fine denier PSF, whether coated or uncoated. The following products are excluded from the scope:

(1) PSF equal to or greater than 3.3. decitex (more than 3 denier, inclusive) currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 5503.20.0045 and 5503.20.0065.

(2) Low-melt PSF defined as a bi-component fiber with a polyester core and an outer, polyester sheath that melts at a significantly lower temperature than its inner polyester core currently classified under HTSUS subheading 5503.20.0015.

Fine denier PSF is classifiable under the HTSUS subheading 5503.20.0025. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigations is dispositive.

[FR Doc. 2017–13380 Filed 6–26–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–876; C–570–061]

Fine Denier Polyester Staple Fiber From India and the People's Republic of China: Initiation of Countervailing Duty Investigations

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

DATES: Effective June 20, 2017.

FOR FURTHER INFORMATION CONTACT: Trisha Tran at (202) 482–4852 (India); Yasmin Bordas at (202) 482–3813 and Davina Friedmann at (202) 482–0698 (the People's Republic of China), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On May 31, 2017, the U.S. Department of Commerce (the

[62] A negative ITC determination for any country will result in the investigation being terminated with respect to that country.

[63] *Id.*

[64] *See* 19 CFR 351.301(b).

[65] *See* 19 CFR 351.301(b)(2).

[66] *See* section 782(b) of the Act.

[67] *See Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

Department) received countervailing duty (CVD) Petitions concerning imports of fine denier polyester staple fiber (fine denier PSF) from India and the People's Republic of China (the PRC), filed in proper form on behalf of DAK Americas LLC, Nan Ya Plastics Corporation, America, and Auriga Polymers, Inc. (collectively, the petitioners). The CVD Petitions were accompanied by antidumping duty (AD) Petitions concerning imports of fine denier PSF from both of the countries listed above, in addition to the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam.[1] The petitioners are domestic producers of fine denier PSF.[2]

On June 5, 2017, the Department requested supplemental information pertaining to certain areas of the Petitions.[3] The petitioners filed responses to these requests on June 8, 2017.[4] The petitioners filed revised scope language on June 14, 2017.[5]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Governments of India and the PRC are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to imports of fine denier PSF from India and the PRC, respectively, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing fine denier PSF in the United States. Also, consistent with section 702(b)(1) of the Act, for those alleged programs on which we are initiating a CVD investigation, the Petitions are accompanied by information reasonably available to the petitioners supporting their allegations.

The Department finds that the petitioners filed these Petitions on behalf of the domestic industry because the petitioners are interested parties as defined in section 771(9)(C) of the Act. The Department also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the CVD investigations that the petitioners are requesting.[6]

Period of Investigation

Because the Petitions were filed on May 31, 2017, the period of investigation is January 1, 2016, through December 31, 2016.

Scope of the Investigations

The product covered by these investigations is fine denier PSF from India and the PRC. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations,'' in the Appendix to this notice.

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, the petitioners pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[7]

As discussed in the preamble to the Department's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[8] The Department will consider all comments received from interested parties and, if necessary, will consult with the interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,[9] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on Tuesday, July 10, 2017, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on Thursday, July 20, 2017, which is 10 calendar days from the initial comments deadline.

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[10] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, the Department

[1] *See* Letter to the Secretary of Commerce from the petitioner re: ''Fine Denier Polyester Staple Fiber from the People's Republic of Chna, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam—Petition for the Imposition of Antidumping and Countervailing Duties'' (May 31, 2017) (the Petitions).

[2] *Id.,* Volume I of the Petitions, at 2; *see also,* Letter to the Secretary of Commerce from the petitioners, ''Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam—Petitioners' Amendment to Volume I Relating to General Issues,'' (June 8, 2017) (General Issues Supplement), at Exhibit I–S2.

[3] *See* Letter to the petitioners from the Department, ''Petition for the Imposition of Countervailing Duties on Imports of Fine Denier Polyester Staple Fiber from India'' (June 5, 2017) (India CVD Supplemental Questionnaire); *see also* Letter from the Department, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Fine Denier PSF from the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam: Supplemental Questions'' (June 5, 2017) (General Issues Supplemental Questionnaire); *see also* Letter to the petitioners from the Department ''Petition for the Imposition of Countervailing Duties on Imports of Fine Denier Polyester Staple Fiber from the People's Republic of China: Supplemental Questions,'' (June 5, 2017) (PRC CVD Supplemental Questionnaire).

[4] *See* Letter to the Secretary of Commerce from the petitioners, ''Fine Denier Polyester Staple Fiber from India—Petitioners' Response to Supplemental Questionnaire Concerning Countervailing Duty Petition—Petitioners' Amendment to Volume VIII Relating to India—Countervailing Duties,'' (June 8, 2017) (India CVD Supplement); *see also* General Issues Supplement; *see also* Letter to the Secretary of Commerce from the petitioners, ''Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam—Petitioners' Amendment to Volume VII Relating to China—Countervailing Duties,'' (June 8, 2017) (PRC CVD Supplement).

[5] *See* Memorandum to the File ''Phone Conversation Regarding Scope,'' dated June 13, 2017; *see also* Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam—Petitioners' Second Amendment to Volume I Relating to General Issues, dated June 14, 2017 (Scope Supplement to the Petitions).

[6] *See* ''Determination of Industry Support for the Petition'' section, below.

[7] *See* General Issues Supplemental Questionnaire; *see also* General Issues Supplement.

[8] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[9] *See* 19 CFR 351.102(b)(21).

[10] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011), *see also Enforcement and Compliance: Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx,* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

notified representatives of the Governments of India and the PRC of the receipt of the Petitions, and provided them the opportunity for consultations with respect to the CVD Petitions.[11] Consultations with the PRC were held *via* conference call on June 19, 2017.[12] On June 16, 2017, India requested the Department to reschedule consulations for after June 27, 2017.[13]

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers, as a whole, of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[14] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[15]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that fine denier PSF, as defined in the scope, constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[16]

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. To establish industry support, the petitioners provided their own production of the domestic like product in 2016.[17] In addition, the petitioners provided a letter of support from Palmetto Synthetics, LLC, stating that the company supports the Petitions and providing its own production of the domestic like product in 2016.[18] The petitioners identify themselves and Palmetto Synthetics, LLC as the companies constituting the U.S. fine denier PSF industry and state that there are no other known producers of fine denier PSF in the United States; therefore, the Petitions are supported by 100 percent of the U.S. industry.[19]

Our review of the data provided in the Petitions, General Issues Supplement, and other information readily available to the Department indicates that the petitioners have established industry support for the Petitions.[20] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[21] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[22] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[23] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

The Department finds that the petitioners filed the Petitions on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act, and they

[11] *See* Letter to the Embassy of India, ''Countervailing Duty Petition on Fine Denier Polyester Staple Fiber from India'' (June 2, 2017); *see also* letter to the Embassy of the People's Republic of China, ''Countervailing Duty Petition on Fine Denier Polyester Staple Fiber from the People's Republic of China'' (June 2, 2017).

[12] *See* Memorandum, ''Ex-Parte Meeting with Officials from the Government of People's Republic of China on the Countervailing Duty Petition on Fine Denier Polyester Staple Fiber from the People's Republic of China'' (June 19, 2017); s*ee also* Memorandum, ''Ex-Parte Meeting with Officials from the Government of the India on the Countervailing Duty Petition on Fine Denier Polyester Staple Fiber from India'' (June 19, 2017).

[13] *See* Letter to the Secretary of Commerce from the Embassy of India, ''Request to reschedule consultations on CVD petition against Fine Denier Polyester Staple Fiber from India,'' (June 16, 2017).

[14] *See* section 771(10) of the Act.

[15] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[16] For a discussion of the domestic like product analysis, *see* Countervailing Duty Investigation Initiation Checklist: Fine Denier Polyester Staple Fiber from the People's Republic of China (PRC CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam, (Attachment II); and Countervailing Duty Investigation Initiation Checklist: Fine Denier Polyester Staple Fiber from India (India CVD Initiation Checklist), at Attachment II. These checklists are dated concurrently with this notice and on file electronically *via* ACCESS. Access to documents filed *via* ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[17] *See* Volume I of the Petitions, at 3 and Exhibit I–2.

[18] *Id.*

[19] *Id.,* at 2–3 and Exhibit I–1; *see also* General Issues Supplement, at 3 and Exhibit I–S2.

[20] *See* PRC CVD Initiation Checklist and India CVD Initiation Checklist, at Attachment II.

[21] *See* section 702(c)(4)(D) of the Act; *see also* PRC CVD Initiation Checklist, at Attachment II.

[22] *See* PRC CVD Initiation Checklist and India CVD Initiation Checklist, at Attachment II.

[23] *Id.*

have demonstrated sufficient industry support with respect to the CVD investigations that they are requesting that the Department initiate.[24]

Injury Test

Because the PRC and India are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from the PRC and India materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[25] In CVD petitions, section 771(24)(B) of the Act provides that imports of subject merchandise from developing and least developed countries must exceed the negligibility threshold of four percent. The petitioners also demonstrate that subject imports from India, which has been designated as a least developed country under section 771(36)(B) of the Act, exceed the negligibility threshold of four percent.[26]

The petitioners contend that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; decreased production, capacity utilization, and U.S. shipments; and declines in financial performance.[27] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[28]

[24] *Id.*

[25] *See* Volume I of the Petitions, at 14–15 and Exhibit I–7.

[26] *Id.*

[27] *See* Volume I of the Petitions, at 14–31 and Exhibits I–5, I–8, I–9, and I–10.

[28] *See* PRC CVD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam (Attachment III); and India CVD Initiation Checklist, at Attachment III.

Initiation of CVD Investigations

Based on the examination of the CVD Petitions, we find that the Petitions meet the requirements of section 702 of the Act. Therefore we are initiating CVD investigations to determine whether imports of fine denier PSF from India and the PRC benefit from countervailable subsidies conferred by the governments of these countries. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Under the Trade Preferences Extension Act of 2015, numerous amendments to the AD and CVD laws were made.[29] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[30] The amendments to sections 776 and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to these CVD investigations.[31]

India

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on 36 of the 38 alleged programs in India. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the India CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

The PRC

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on all 20 alleged programs. For a full discussion of the basis for our decision to initiate on each program, *see* the PRC CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

[29] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[30] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015) (*Applicability Notice*). The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[31] *See Applicability Notice,* 80 FR at 46794–95.

In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Respondent Selection

The petitioners named 12 and 89 companies as producers/exporters of fine denier PSF in India and the PRC, respectively.[32] Following standard practice in CVD investigations, in the event the Department determines that the number of companies is large, the Department intends to review U.S. Customs and Border Protection (CBP) data for U.S. imports of fine denier PSF during the POI under the appropriate Harmonized Tariff Schedule of the United States subheadings, and if it determines that it cannot individually examine each company based upon the Department's resources, then the Department will select respondents based on those data. We intend to release CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five business days of the announcement of the initiation of these investigations. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo.*

Interested parties may submit comments regarding the CBP data and respondent selection by 5:00 p.m. ET seven calendar days after the placement of the CBP data on the record of these investigations. Interested parties wishing to submit rebuttal comments should submit those comments five calendar days after the deadline for initial comments.

Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m.ET on the date noted above. If respondent selection is necessary, within 20 days of publication of this notice, we intend to make our decisions regarding respondent selection based upon comments received from interested parties and our analysis of the record information.

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to

[32] *See* Petition, Volume I at Exhibit I–7; *see also* PRC CVD Supplement, at 1.

the GOI and GOC *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of fine denier PSF from India and the PRC are materially injuring, or threatening material injury to, a U.S. industry.[33] A negative ITC determination will result in the investigations being terminated.[34] Otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). 19 CFR 351.301(b) requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[35] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[36] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[37] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.[38] The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act.

Dated: June 20, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by these investigations is fine denier polyester staple fiber (fine denier PSF), not carded or combed, measuring less than 3.3 decitex (3 denier) in diameter. The scope covers all fine denier PSF, whether coated or uncoated. The following products are excluded from the scope:

(1) PSF equal to or greater than 3.3. decitex (more than 3 denier, inclusive) currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 5503.20.0045 and 5503.20.0065.

(2) Low-melt PSF defined as a bi-component fiber with a polyester core and an outer, polyester sheath that melts at a significantly lower temperature than its inner polyester core currently classified under HTSUS subheading 5503.20.0015.

Fine denier PSF is classifiable under the HTSUS subheading 5503.20.0025. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigations is dispositive.

[FR Doc. 2017–13381 Filed 6–26–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2014–2015

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

SUMMARY: On December 22, 2016, the Department of Commerce (the Department) published the preliminary results of the third administrative review of the antidumping duty (AD) order on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells) from the People's

[33] *See* section 703(a)(2) of the Act.

[34] *See* section 703(a)(1) of the Act.

[35] *See* 19 CFR 351.301(b).

[36] *See* 19 CFR 351.301(b)(2).

[37] *See* section 782(b) of the Act.

[38] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*''); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

Republic of China (PRC). The period of review (POR) is December 1, 2014, through November 30, 2015. The review covers two mandatory respondents: (1) Canadian Solar International Limited, which we have treated as a single entity with five affiliated companies identified below, and (2) the collapsed entity Trina Solar, consisting of Changzhou Trina Solar Energy Co., Ltd., and Trina Solar (Changzhou) Science and Technology Co., Ltd., which we have continued to treat as a single entity with four additional affiliated companies identified below. We received comments from interested parties on our *Preliminary Results.* Based on our analysis of the comments received, we made changes to the margin calculations for the Final Results of this administrative review. The final weighted-average dumping margins are listed below in the ''Final Results of Review'' section of this notice.

DATES: Effective June 27, 2017.

FOR FURTHER INFORMATION CONTACT: Krisha Hill and Jeff Pedersen, AD/CVD Operations, Office IV, Enforcement & Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4037 or (202) 482–2769, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 22, 2016, the Department published in the **Federal Register** the preliminary results of the 2014–2015 administrative review of the antidumping duty order on solar cells from the PRC.[1] For events subsequent to the *Preliminary Results,* see the Department's Issues and Decision Memorandum.[2] On March 30, 2017, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), the Department extended the deadline for issuing the final results by 60 days.[3] The deadline for the final results is June 20, 2017.

Scope of the Order

The merchandise covered by the order is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.[4] Merchandise covered by the order is classifiable under subheading 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum, follows as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *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 Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/.* The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* and for the reasons explained in the Issues and Decision Memorandum, we made revisions to our preliminary calculations of the weighted-average dumping margins for mandatory respondents, Canadian Solar[5] and Trina.[6] [7]

Final Determination of No Shipments

In the *Preliminary Results,* we found that seven companies had no shipments during the POR.[8] Consistent with the Department's assessment practice in NME cases, we completed the review with respect to the above-named companies. However, we have reexamined the record and determined that we made an error in the *Preliminary Results* by not recognizing that Shenzhen Glory Industries Co., Ltd. (Shenzhen Glory) timely filed a no-shipment certification.[9] We have reviewed Shenzhen Glory's no shipment certification and have found that Shenzhen Glory had no shipments during this POR. In addition, we found that Hangzhou Sunny Energy Science & Technology Co., Ltd. (Sunny), a company we preliminarily determined had no shipments during the POR, had a reviewable sale/entry of subject merchandise during the POR. Therefore, for these Final Results, we find that a total of seven companies had no shipments during the POR.[10] As noted

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2014–2015,* 81 FR 93888 (December 22, 2016) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2014–2015 Antidumping Duty Administrative Review of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, From the People's Republic of China,'' (Issues and Decision Memorandum), dated concurrently with this notice.

[3] *See* Memorandum, ''Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated March 30, 2017.

[4] For a complete description of the scope of the order, *see* Issues and Decision Memorandum.

[5] In these final results of review, the Department has continued to treat the following six companies as a single entity: Canadian Solar International Limited/Canadian Solar Manufacturing (Changshu), Inc./Canadian Solar Manufacturing (Luoyang), Inc./CSI Cells Co., Ltd./CSI–GCL Solar Manufacturing (YanCheng) Co., Ltd./CSI Solar Power (China) Inc. (collectively, Canadian Solar). *See Preliminary Results,* 81 FR at 93888, 93889 and PDM at 6 7.

[6] In these final results of review, the Department has continued to treat the following six companies as a single entity: Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science & Technology Co., Ltd./Yancheng Trina Solar Energy Technology Co., Ltd./Changzhou Trina Solar Yabang Energy Co., Ltd./Turpan Trina Solar Energy Co., Ltd./Hubei Trina Solar Energy Co., Ltd. (collectively, Trina). *See Preliminary Results,* 81 FR at 93888, 93889 and PDM at 6–7.

[7] *See* Issues and Decision Memorandum at comments 4, 7, 8, 16, 17, 20, 21, 22, and 24.

[8] *See Preliminary Results,* 81 FR at 93888, 93889.

[9] *See* Shenzhen Glory's February 24, 2016 Notice of No Sales Letter.

[10] Those companies are: BYD (Shangluo) Industrial Co., Ltd., Canadian Solar Inc., Dongguan Sunworth Solar Energy Co., Ltd., Jiangsu High Hope Int'l Group, Wuxi Suntech Power Co., Ltd/Luoyang Suntech Power Co., Ltd., Zhongli Talesun Solar Co. Ltd, and Shenzhen Glory. On January 6, 2017, the Department placed on the record certain factual information from U.S. Customs and Border Protection (CBP) regarding the no shipments claims and provided interested parties with an opportunity to comment on the information. *See* Department Letter re: Release of U.S. Customs and Border Protection Information Relating to No Shipment Claims Made in the 2014–2015 Administrative Review of Crystalline Silicon Photovoltaic Cells from the People's Republic of China, dated January 6, 2017. Wuxi Suntech Power Co., Ltd. commented on the information, arguing that none of the new information on the record contradicts the Department's preliminary decision regarding its no shipment claim. No other parties commented on the information. *See* Wuxi Suntech Power Co., Ltd.'s January 13, 2017 Comments on CBP Information.

in the ''Assessment'' section below, the Department will issue appropriate instructions with respect to these companies to CBP based on our Final Results.[11] In addition, these companies will maintain their rate from the most recent segment in which they participated.

Separate Rates

In the *Preliminary Results,* the Department determined that Canadian Solar, Trina, and 24 other companies/company groups demonstrated their eligibility for separate rates, but that Jiangsu Sunlink PV Technology Co., Ltd., Ningbo Hisheen Electrical Co., Ltd., and Shenzhen Glory had not demonstrated their entitlement to separate rates status because they did not file either a separate rate application or certification with the Department.[12] However, as noted above, for these Final Results, the Department has determined that Shenzhen Glory timely filed a no shipments claim and record information supports its claim. Additionally, as explained in the Issues and Decision Memorandum, the Department has determined that Sunny is eligible for separate rate status, but that Ningbo Qixin Solar Electrical Appliance Co., Ltd. (Ningbo Qixin) did not meet the requirements for obtaining a separate rate. Therefore, for these Final Results, the Department finds that Jiangsu Sunlink PV Technology Co., Ltd., Ningbo Hisheen Electrical Co., Ltd., and Ningbo Qixin are not eligible for separate rate status and thus, are part of the PRC-wide entity. The Department assigned a dumping margin to the separate rate companies that it did not individually examine, but which demonstrated their eligibility for a separate rate, based on the mandatory respondents' dumping margins.[13]

Final Results of Review

We determine that the following weighted-average dumping margins exist for the POR:

Exporter	Weighted-average dumping margins (percent)
Canadian Solar International Limited/Canadian Solar Manufacturing (Changshu), Inc./Canadian Solar Manufacturing (Luoyang)Inc./CSI Cells Co., Ltd./CSI–GCL Solar Manufacturing (YanCheng) Co., Ltd./CSI Solar Power (China) Inc	13.07
Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science and Technology Co., Ltd./Yancheng Trina Solar Energy Technology Co., Ltd./Changzhou Trina Solar Yabang Energy Co., Ltd./Turpan Trina Solar Energy Co., Ltd./Hubei Trina Solar Energy Co., Ltd	4.66
Chint Solar (Zhejiang) Co., Ltd	6.98
ERA Solar Co., Ltd	6.98
ET Solar Energy Limited	6.98
Hangzhou Sunny Energy Science & Technology Co., Ltd	6.98
Hengdian Group DMEGC Magnetics Co., Ltd	6.98
JA Solar Technology Yangzhou Co., Ltd	6.98
Jiawei Solarchina (Shenzhen) Co., Ltd	6.98
Jiawei Solarchina Co., Ltd	6.98
JingAo Solar Co., Ltd	6.98
Lightway Green New Energy Co., Ltd	6.98
Ningbo ETDZ Holdings, Ltd	6.98
Risen Energy Co., Ltd	6.98
Shanghai BYD Co., Ltd	6.98
Shanghai JA Solar Technology Co., Ltd	6.98
Shenzhen Sungold Solar Co., Ltd	6.98
Shenzhen Topray Solar Co., Ltd	6.98
Star Power International Limited	6.98
Systemes Versilis, Inc	6.98
Taizhou BD Trade Co., Ltd	6.98
tenKsolar (Shanghai) Co., Ltd	6.98
Toenergy Technology Hangzhou Co., Ltd	6.98
Wuxi Tianran Photovoltaic Co., Ltd	6.98
Yingli Energy (China) Company Limited/Baoding Tianwei Yingli New Energy Resources Co., Ltd./Tianjin Yingli New Energy Resources Co., Ltd./Hengshui Yingli New Energy Resources Co., Ltd./Lixian Yingli New Energy Resources Co., Ltd./Baoding Jiasheng Photovoltaic Technology Co., Ltd./Beijing Tianneng Yingli New Energy Resources Co., Ltd./Hainan Yingli New Energy Resources Co., Ltd./Shenzhen Yingli New Energy Resources Co., Ltd	6.98
Zhejiang Era Solar Technology Co., Ltd	6.98
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company	6.98

Because no party requested a review of the PRC-wide entity and the Department no longer considers the PRC-wide entity as an exporter conditionally subject to administrative reviews,[14] we did not conduct a review of the PRC-wide entity. Thus, the weighted-average dumping margin for the PRC-wide entity (*i.e.,* 238.95 percent) is not subject to change as a result of this review.[15]

Assessment

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days

[11] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) (Assessment of Antidumping Duties); *see also* the ''Assessment'' section of this notice, below.

[12] *Id.*

[13] *See* Memorandum, ''Calculation of the Final Dumping Margin for Separate Rate Recipients,'' dated concurrently with this notice.

[14] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963, 65969–70 (November 4, 2013).

[15] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2013–2014,* 81 FR 39905 (June 20, 2016).

after the publication date of these Final Results of review. In accordance with 19 CFR 351.212(b)(1), we are calculating importer- (or customer-)specific assessment rates for the merchandise subject to this review. For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent), the Department will calculate importer- (or customer)-specific assessment rates for merchandise subject to this review. Where the respondent reported reliable entered values, the Department calculated importer- (or customer)-specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to the importer- (or customer) and dividing this amount by the total entered value of the sales to the importer- (or customer).[16] Where the Department calculated an importer- (or customer)-specific weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to the importer- (or customer) by the total sales quantity associated with those transactions, the Department will direct CBP to assess importer- (or customer)-specific assessment rates based on the resulting per-unit rates.[17] Where an importer- (or customer)-specific *ad valorem* or per-unit rate is greater than *de minimis,* the Department will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's weighted average dumping margin is zero or *de minimis,* or an importer (or customer)-specific *ad valorem* or per-unit rate is zero or *de minimis,* the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[18]

For merchandise whose sale/entry was not reported in the U.S. sales database submitted by an exporter individually examined during this review, but that entered under the case number of that exporter (*i.e.,* at the individually-examined exporter's cash deposit rate), the Department will instruct CBP to liquidate such entries at the PRC-wide rate. Additionally, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number will be liquidated at the PRC-wide rate.[19]

[16] *See* 19 CFR 351.212(b)(1).

[17] *Id.*

[18] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[19] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the Final Results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register**, as provided by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be the rate listed for each exporter in the table in the ''Final Results of Review'' section of this notice, except if the rate is zero or *de minimis* (*i.e.,* less than 0.5 percent), then the cash deposit rate will be zero; (2) for previously investigated PRC and non-PRC exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate previously established for the PRC-wide entity (*i.e.,* 238.95 percent); and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

We intend to disclose the calculations performed for these Final Results within five days of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice of the Final Results of this antidumping duty administrative review is issued and published in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213 and 19 CFR 351.221(b)(5).

Dated: June 20, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Issues and Decision Memorandum

Summary
Background
Scope of the Order
Discussion of the Issues
Comment 1: Whether the Department Should Apply Partial AFA to Trina's Unreported Factors of Production for Purchased Solar Cells
Comment 2: Application of Partial AFA To Value Trina's Unreported FOPs
Comment 3: Whether the Department Should Apply Partial AFA to Canadian Solar's Unreported Factors of Production for Purchased Solar Cells
Comment 4: Application of Partial AFA To Value Canadian Solar's Unreported FOPs
Comment 5: Surrogate Value for Semi-Finished Polysilicon Ingots and Blocks
Comment 6: Data Source Used to Value Polysilicon and Mono & Multi Crystalline Wafers and Solar Cells
Comment 7: Surrogate Value for Scrap Cells and Modules
Comment 8: Surrogate Value for Silicon Scrap Offsets
Comment 9: Surrogate Value for Recycled Silicon Scrap
Comment 10: Surrogate Value for Aluminum Frames
Comment 11: Surrogate Value for Backsheet
Comment 12: Surrogate Value for Module Glass
Comment 13: Surrogate Value for Nitrogen
Comment 14: Surrogate Value for Canadian Solar's Silver Paste
Comment 15: Surrogate Value for Quartz Crucibles
Comment 16: Selection of Financial Statements
Comment 17: Trina's Ocean Freight
Comment 18: Differential Pricing

Comment 19: Calculation of Warranty Expenses
Comment 20: Insurance Costs Related to Warranties
Comment 21: Treatment of Overhead Items
Comment 22: Debt Restructuring Income
Comment 23: Exclusion of Import Data with Values but Quantities of Zero
Comment 24: Clerical Errors
Comment 25: Separate Rate Status for Shenzhen Glory Industries Co., Ltd.
Comment 26: Separate Rate Status for Hangzhou Sunny Energy Science & Technology Co., Ltd.
Comment 27: Separate Rate Status for Ningbo Qixin Solar Electrical Appliance Co., Ltd.
Comment 28: Toenergy Technology Hangzhou Co., Ltd.'s Liquidation Instructions

[FR Doc. 2017–13426 Filed 6–26–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Meeting of the Civil Nuclear Trade Advisory Committee

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

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Civil Nuclear Trade Advisory Committee (CINTAC).

DATES: The meeting is scheduled for Thursday, July 13, 2017, from 9:00 a.m. to 4:00 p.m. Eastern Daylight Time (EDT).

ADDRESSES: The meeting will be held at the U.S. Department of Commerce, Herbert C. Hoover Building, Room 1412, 1401 Constitution Ave. NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Chesebro, Office of Energy and Environmental Industries, International Trade Administration, Mail Stop 28018, 1401 Constitution Ave. NW., Washington, DC 20230. (Phone: 202–482–1297; Fax: 202–482–5665; email: *jonathan.chesebro@trade.gov*).

SUPPLEMENTARY INFORMATION:

Background: The CINTAC was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), in response to an identified need for consensus advice from U.S. industry to the U.S. Government regarding the development and administration of programs to expand United States exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations, including advice on how U.S. civil nuclear goods and services export policies, programs, and activities will affect the U.S. civil nuclear industry's competitiveness and ability to participate in the international market.

Topics to be considered: The agenda for the Thursday, July 13, 2017 CINTAC meeting is as follows:

Closed Session (9:00 a.m.–3:00 p.m.)

1. Discussion of matters determined to be exempt from the provisions of the Federal Advisory Committee Act relating to public meetings found in 5 U.S.C. App. §§ (10)(a)(1) and 10(a)(3) as information will be disclosed that would be likely to significantly frustrate implementation of proposed agency actions were it to be disclosed prematurely (5 U.S.C. 552b(c)(9)(B)) and as trade secrets and commercial or financial information obtained from a person and privileged or confidential information will be disclosed. (5 U.S.C. 552b(c)(4)).

Public Session (3:00 p.m.–4:00 p.m.)

1. Public comment period. Public attendance is limited and available on a first-come, first-served basis. Members of the public wishing to attend the meeting must notify Mr. Jonathan Chesebro at the contact information above by 5:00 p.m. EDT on Friday, July 7, 2017 in order to pre-register. Please specify any requests for reasonable accommodation at least five business days in advance of the meeting. Last minute requests will be accepted, but may not be possible to fill.

A limited amount of time will be available for pertinent brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 60 minutes. Individuals wishing to reserve speaking time during the meeting must contact Mr. Chesebro and submit a brief statement of the general nature of the comments and the name and address of the proposed participant by 5:00 p.m. EDT on Friday, July 7, 2017. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, ITA may conduct a lottery to determine the speakers.

Any member of the public may submit pertinent written comments concerning the CINTAC's affairs at any time before and after the meeting. Comments may be submitted to the Civil Nuclear Trade Advisory Committee, Office of Energy & Environmental Industries, U.S. Department of Commerce, Mail Stop 28018, 1401 Constitution Ave. NW., Washington, DC 20230. For consideration during the meeting, and to ensure transmission to the Committee prior to the meeting, comments must be received no later than 5:00 p.m. EDT on Friday, July 7, 2017. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

Dated: June 22, 2017.

Adam O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2017–13452 Filed 6–26–17; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF495

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC's) Demersal Committee will hold a public meeting, jointly with a subset of the Atlantic States Marine Fisheries Commission's (ASMFC) Summer Flounder, Scup, and Black Sea Bass Board (Board).

DATES: The meeting will be held on Tuesday, July 11, 2017, from 1 p.m. to 5 p.m. and on Wednesday, July 12, 2017, from 8:30 a.m. to 3 p.m.

ADDRESSES: The meeting will be held at the Hilton Baltimore BWI Airport Hotel, 1739 W. Nursery Rd., Linthicum, MD 21090; telephone: (410) 694–0808.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their Web site at *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Demersal Committee and members of the Board will meet to review and

discuss draft options for management of the commercial summer flounder fishery under the Comprehensive Summer Flounder Amendment, including options for addressing permit capacity and latent effort, commercial allocation, and landings flexibility. The goal of the meeting is to refine the draft range of alternatives and provide additional guidance to staff on adding specificity to the alternatives and analyzing their impacts, prior to additional consideration by the Council and Board at their August 2017 joint meeting. Meeting materials will be posted to *http://www.mafmc.org/* prior to the meeting.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: June 22, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–13397 Filed 6–26–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

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

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Reporting of Sea Turtle Entanglement in Fishing Gear or Marine Debris.

OMB Control Number: 0648–0496.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 111.

Average Hours per Response: Reports and Sea Turtle Disentanglement Network responses, 1 hour each; interviews of fishermen, 30 minutes.

Burden Hours: 165.

Needs and Uses: This request is for extension of a currently approved information collection.

Sea turtles can become accidentally entangled in active or discarded fishing gear, marine debris, or other line in the marine environment. Entanglement has the potential to cause serious injury or mortality, which would negatively impact the recovery of endangered and threatened sea turtle populations. The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) established the Sea Turtle Disentanglement Network (STDN) to respond to these entanglement events, in particular those involving the vertical line of fixed gear fisheries. The STDN's goals are to increase reporting, to reduce serious injury and mortality to sea turtles, and to collect information that can be used for mitigation of these threats. As there is limited observer coverage of fixed gear fisheries, the STDN data are invaluable to NMFS in understanding the threat of entanglement and working towards mitigation.

Affected Public: Not-for-profit institutions; business or other for-profit organizations; individuals or households; Federal government and state, local and tribal governments.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: June 21, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–13337 Filed 6–26–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF331

Marine Mammals; File No. 21280

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to the Columbus Zoo Park Association, Inc., 9990 Riverside Drive, P.O. Box 400, Powell, OH 43065–0400 [Greg Bell, Responsible Official] to import seven California sea lions (*Zalophus californianus*) for public display purposes.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Courtney Smith, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On April 7, 2017, notice was published in the **Federal Register** (82 FR 16998) that a request for a public display import permit had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The permit authorizes the importation of seven captive-born California sea lions from Changfeng Ocean World in Shanghai City, China to the Columbus Zoo satellite facility in Myakka City, FL for the purpose of public display. The permit expires on June 9, 2022.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: June 22, 2017.

Catherine Marzin,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–13435 Filed 6–26–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Prohibited Species Donation (PSD) Program

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information

collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before August 28, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Megan Mackey, (907) 586–7228.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of an approved information collection.

The prohibited species donation (PSD) program for salmon and halibut has effectively reduced regulatory discard of salmon and halibut by allowing fish that would otherwise be discarded to be donated to needy individuals through tax-exempt organizations. Vessels and processing plants participating in the PSD program voluntarily retain and process salmon and halibut bycatch. An authorized, tax-exempt distributor, chosen by the National Marine Fisheries Service (NMFS), is responsible for monitoring retention and processing of fish donated by vessels and processors. The authorized distributor also coordinates processing, storage, transportation, and distribution of salmon and halibut. The PSD program requires an information collection so that NMFS can monitor the authorized distributors' ability to effectively supervise program participants and ensure that donated fish are properly processed, stored, and distributed.

II. Method of Collection

Respondents submit their application to become an authorized distributor by email (with attachments) or U.S. mail in the form of a letter.

III. Data

OMB Control Number: 0648–0316.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 1.

Estimated Time per Response: Application to be a NMFS Authorized Distributor, 13 hours.

Estimated Total Annual Burden Hours: 13 hours.

Estimated Total Annual Cost to Public: $2 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 21, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–13336 Filed 6–26–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE783

Marine Mammal Stock Assessment Reports

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

ACTION: Notice; response to comments.

SUMMARY: As required by the Marine Mammal Protection Act (MMPA), NMFS has considered public comments for revisions of the 2016 marine mammal stock assessment reports (SARs). This notice announces the availability of the final 2016 SARs for the 86 stocks that were updated.

ADDRESSES: Electronic copies of SARs are available on the Internet as regional compilations and individual reports at the following address: *http://www.nmfs.noaa.gov/pr/sars/.*

A list of references cited in this notice is available at *www.regulations.gov* (search for docket NOAA–NMFS–2016–0101) or upon request.

FOR FURTHER INFORMATION CONTACT: Shannon Bettridge, Office of Protected Resources, 301–427–8402, *Shannon.Bettridge@noaa.gov;* Marcia Muto, 206–526–4026, *Marcia.Muto@noaa.gov,* regarding Alaska regional stock assessments; Elizabeth Josephson, 508–495–2362, *Elizabeth.Josephson@noaa.gov,* regarding Atlantic, Gulf of Mexico, and Caribbean regional stock assessments; or Jim Carretta, 858–546–7171, *Jim.Carretta@noaa.gov,* regarding Pacific regional stock assessments.

SUPPLEMENTARY INFORMATION:

Background

Section 117 of the MMPA (16 U.S.C. 1361 *et seq.*) requires NMFS and the U.S. Fish and Wildlife Service (FWS) to prepare stock assessments for each stock of marine mammals occurring in waters under the jurisdiction of the United States, including the Exclusive Economic Zone. These reports must contain information regarding the distribution and abundance of the stock, population growth rates and trends, estimates of annual human-caused mortality and serious injury from all sources, descriptions of the fisheries with which the stock interacts, and the status of the stock. Initial reports were first completed in 1995.

The MMPA requires NMFS and FWS to review the SARs at least annually for strategic stocks and stocks for which significant new information is available, and at least once every three years for non-strategic stocks. The term ''strategic stock'' means a marine mammal stock: (A) For which the level of direct human-caused mortality exceeds the potential biological removal level; (B) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act (ESA) within the foreseeable future; or (C) which is listed as a threatened species or endangered species under the ESA. NMFS and the FWS are required to revise a SAR if the status of the stock has changed or can be more accurately determined. NMFS, in conjunction with the Alaska, Atlantic, and Pacific independent Scientific Review Groups (SRGs), reviewed the status of marine mammal stocks as required and revised reports in the Alaska, Atlantic, and Pacific regions to incorporate new information.

NMFS updated SARs for 2016, and the revised draft reports were made available for public review and comment for 90 days (81 FR 70097, October 11, 2016). Subsequent to soliciting public comment on the draft 2016 SARs, NMFS was made aware that due to technical conversion errors, the Atlantic SARs contained incorrect information in some instances. NMFS

corrected these errors and the revised draft Atlantic 2016 SARs were made available for public comment through the end of original 90-day comment period (81 FR 90782, December 15, 2016). NMFS received comments on the draft 2016 SARs and has revised the reports as necessary. This notice announces the availability of the final 2016 reports for the 86 stocks that were updated. These reports are available on NMFS' Web site (see **ADDRESSES**).

Comments and Responses

NMFS received letters containing comments on the draft 2016 SARs from the Marine Mammal Commission; six non-governmental organizations (The Humane Society of the United States, Center for Biological Diversity, Whale and Dolphin Conservation, Maine Lobstermen's Association, the Hawaii Longline Association, and Friends of the Children's Pool); and three individuals. Responses to substantive comments are below; comments on actions not related to the SARs are not included below. Comments suggesting editorial or minor clarifying changes were incorporated in the reports, but they are not included in the summary of comments and responses. In some cases, NMFS' responses state that comments would be considered or incorporated in future revisions of the SARs rather than being incorporated into the final 2016 SARs.

Comments on National Issues

Comment 1: The Humane Society of the United States, Humane Society Legislative Fund, the Center for Biological Diversity, and Whale and Dolphin Conservation (Organizations) relayed that the SARs continue to have missing, outdated and/or imprecise information regarding population abundance and trends. The comment states that a recent review by the Marine Mammal Commission (Commission) found that, as of the 2013 SARs, only 56 percent of stocks nationwide had estimates of minimum abundance; this includes only 58 percent of stocks in the Atlantic, 53 percent of stocks in Alaska, and, in the Gulf of Mexico (a subset of the Atlantic SARs) only 35 percent of stocks had a timely and realistic minimum estimates of abundance. The Atlantic region also was found to have low precision in many of the estimates that were provided. The Commission report identifies a number of weaknesses in the SARs including low precision surrounding most abundance estimates, inappropriately pooling estimates for stocks that are similar in appearance but that are actually different species or stocks (*e.g.,* beaked whales), survey design that is inappropriate for the stock's likely range, and missing trend data that could result in some stocks experiencing a significant decline without detection. Moreover, with regard to setting a Potential Biological Removal (PBR) level as required by the MMPA, the Commission analysis found that ''[o]f the 248 stocks evaluated, 134 (54 percent) had PBR estimates, 51 (21 percent) had outdated PBR estimates, 59 (24 percent) had no estimates . . .'' These PBRs are critical for determining how to appropriately manage anthropogenic impacts, and a lack of a valid PBR hampers the agency's ability to comply with MMPA mandates. Recognizing that the Commission analysis was based on SARs that were released several years ago (2013), little improvement in this situation is evident in the current draft SARs. The Organizations recommend that NMFS recognize and fill gaps in population abundance and trends so that the SARs more accurately reflect the current status of populations.

Response: We acknowledge and appreciate this comment and are actively working to address these gaps to the extent that resources allow. To this end, we are continuing to partner with other Federal agencies to collaborate on our common needs to better understand the distribution, abundance, and stock structure of cetaceans and other protected species. For example, since 2010, we have been working with the Bureau of Ocean Energy Management, the U.S. Navy, and the FWS, to assess the abundance, distribution, ecology, and behavior of marine mammals, sea turtles, and seabirds in the western North Atlantic Ocean. One of the objectives of this joint venture, the Atlantic Marine Assessment Program for Protective Species (AMAPPS), is to address data gaps that are essential to improving population assessments. In 2015, we launched the joint AMAPPS II, which will continue through 2019. Modeled after the successes of AMAPPS, we are planning to launch two similar joint research programs this year for the Gulf of Mexico (GoMMAPPS) and the Pacific Ocean (PacMAPPS). These multi-year, multiple agency programs will provide data to help us meet our mandates under the MMPA.

See our responses to comments on Regional Reports below where we address issues related to specific stocks.

Comment 2: The Organizations note there are discrepancies in the choice of recovery factors used for distinct population segments (DPS) of humpback whales among the various regions. There should be more consistent application of recovery factors across regions for mixed or de-listed DPSs given that these newly defined populations share many of the same certainties and uncertainties in data on abundance, trend and range. The Pacific region re-assessed the California/Oregon/Washington stock of humpback whales, retaining the recovery factor of 0.3 from the prior SAR (when these humpbacks were still ESA-listed), based on NMFS guidelines for setting PBR elements that allow flexibility in use of recovery factors for listed stocks based in confidence in the data. However, the Alaska region has apparently not been consistent in its use of recovery factors in the PBR formula. Humpbacks in the Western North Pacific retained a recovery factor of 0.1 even though some portion of the feeding stock was de-listed. However, the Central North Pacific stock of humpbacks was assigned a recovery factor of 0.3 even though the SAR for the Central North Pacific stock acknowledges that there is a ''known overlap in the distribution of the Western and Central North Pacific humpback whale stocks [and] estimates for these feeding areas may include whales from the Western North Pacific stock.'' The mixing of both ESA-listed and unlisted stocks in the same feeding area seems likely and in the interest of consistency, conservation, and judicious management of resources, the region should keep the more conservative recovery factor of 0.1 for both Western North Pacific and Central North Pacific stocks that vary in ESA listing status but intermix with other stocks in the Alaskan feeding grounds. The Atlantic region has used a recovery factor of 0.5 in its PBR formula, despite data uncertainties.

Response: As described in our **Federal Register** notice requesting comments on the Draft 2016 Marine Mammal Stock Assessment Reports (81 FR 70097, October 11, 2016), we are currently conducting a review of humpback whale stock delineations under the MMPA to determine whether any humpback whale stocks in U.S. waters should be realigned with the ESA DPSs. Until we have completed our review, we will continue to treat the Western North Pacific, Central North Pacific, and California/Oregon/Washington stocks as depleted because they partially or fully coincide with ESA-listed DPSs. As such, we have not changed the recovery factors for these three stocks from the values reported in the 2015 SARs; any changes in stock delineation or MMPA section 117 elements (such as PBR, strategic status,

or recovery factors) will be reflected in future stock assessment reports, and the Scientific Review Groups and the public will be provided opportunity to review and comment.

Comment 3: The Hawaii Longline Association (HLA) asserts that the SAR administrative process be improved; it is confusing, inefficient, and produces final SARs that are not based upon the best available scientific information. Because of the inefficient process used to produce SARs, the draft SARs fail to rely upon the best available data (*i.e.,* the most current data that it is practicable to use), contrary to the MMPA. For example, the draft 2016 SAR only reports data collected through the year 2014, even though 2015 data are readily available; there is no credible justification to continue the present two-year delay in the use of information.

Response: As noted in previous years, the marine mammal SARs are based upon the best available scientific information, and NMFS strives to update the SARs with as timely data as possible. In order to develop annual mortality and serious injury estimates, we do our best to ensure all records are accurately accounted for in that year. In some cases, this is contingent on such things as bycatch analysis, data entry, and assessment of available data to make determinations of severity of injury, confirmation of species based on morphological and/or molecular samples collected, etc. Additionally, the SARs incorporate injury determinations that have been assessed pursuant to the NMFS 2012 Policy and Procedure for Distinguishing Serious from Non-Serious Injury of Marine Mammals (NMFS Policy Directive PD 02–038 and NMFS Instruction 02–038–01), which requires several phases of review by the SRGs. Reporting on incomplete annual mortality and serious injury estimates could result in underestimating actual levels. The MMPA requires us to report mean annual mortality and serious injury estimates, and we try to ensure that we are accounting for all available data before we summarize those data. With respect to abundance, in some cases we provide census rather than abundance estimates, and the accounting process to obtain the minimum number alive requires two years of sightings to get a stable count, after which the data are analyzed and entered into the SAR in the third year. All animals are not seen every year; waiting two years assures that greater than 90 percent of the animals still alive will be included in the count. As a result of the review and revision process, data used for these determinations typically lag two years behind the year of the SAR.

Comment 4: The Commission recommends that NMFS develop a strategy and plan to collaborate with other nations to improve and/or expand existing surveys and assessments for trans-boundary stocks. Priority should be given to those stocks that are endangered or threatened, hunted, or known to interact significantly with fisheries or other marine activities in international or foreign waters. The goal should be to manage human impacts on trans-boundary stocks using a potential biological removal level calculated for the entire stock, as has been suggested in the proposed revisions to the stock assessment guidelines.

Response: We acknowledge the Commission's comment and agree that collaboration with other countries for assessments of trans-boundary stocks is a worthy goal. For example, for the Gulf of Mexico, we are investigating whether GoMMAPPS could encompass a Gulf-wide approach to include collaborative international surveys. For the northwestern Atlantic Ocean, we recently convened a joint Ecosystem Based Management Science Workshop with the Department of Fisheries and Oceans Canada in St. Andrews, Canada, to discuss how to develop sustained funding opportunities for collaborative research projects that advance ecosystem based management science in our transboundary waters. Some of the ongoing and potential collaborative research projects discussed include AMAPPS, aerial and ship surveys (*e.g.,* gray seals, right whales), autonomous glider surveys, and long-term passive accoutic monitoring of whale presence.

In the North Pacific, the SPLASH (Structure of Populations, Levels of Abundance and Status of Humpbacks) surveys conducted during 2004 through 2006, represent one of the largest and most successful international collaborative studies of any whale population to date. SPLASH was designed to determine the abundance, trends, movements, and population structure of humpback whales throughout the North Pacific and to examine human impacts on this population. This study involved over 50 research groups and more than 400 researchers in 10 countries. It was supported by a number of U.S. agencies and organizations, the Department of Fisheries and Oceans Canada, and the Commission for Environmental Cooperation with additional support from a number of other organizations and governments for effort in specific regions.

The only current international assessment survey in the North Pacific is the International Whaling Commission's (IWC) Pacific Ocean Whales & Ecosystem Research (POWER) cruise, which runs annually and sequentially surveys set areas of the North Pacific. These cruises have been run for several years across much of the North Pacific Ocean and in 2017–19 will be focused on the Bering Sea. The survey always includes at least one U.S. researcher. Reports and data are submitted annually to the IWC Scientific Committee. The survey employs line-transect methods and is designed to calculate abundance of all large whale species. Whether the estimates possess sufficient precision to be used for calculating PBR is likely to vary by species, and the huge areas being surveyed may in some cases mean low precision. The surveys also take time for photo-id and biopsy sampling, and in 2017 they will for the first time include acoustic monitoring via sonobuoys.

With the exception of the POWER cruise (which is possible largely because of funding and the provision of a vessel by the Government of Japan, together with support from the IWC) the challenge of implementing the Commission's recommendation is the considerable expense involved in conducting trans-boundary surveys. The SPLASH project on North Pacific humpback whales was very successful but involved funding by multiple nations (including the U.S.). Given the current budget environment, it is unlikely that funding would be available for an assessment survey of similar international scope.

Regarding the management of human impacts on trans-boundary stocks using a PBR level calculated for the entire stock, we note that we included clarifications in the 2016 revised Guidelines for Assessing Marine Mammal Stocks (GAMMS). For transboundary stocks, the best approach is to compare the total (U.S. and non-U.S.) M/SI to the range-wide PBR whenever possible. For non-migratory stocks where estimates of mortality or abundance from outside the U.S. Exclusive Economic Zone (EEZ) cannot be determined, PBR calcuations are based on the abundance within the EEZ and compared to mortality within the EEZ. For cases where we are able to estimate the entire population size, such as the transboundary Californa coastal stock of bottlenose dolphins, we prorate the PBR to account for the time that animals spend outside of U.S. waters.

Comments on Atlantic Regional Reports

Comment 5: The Organizations point out that the Commission's review of SARs found that only approximately one third of stocks in the Gulf of Mexico have valid information on minimum population and/or have a current estimate of PBR. For the Gulf of Mexico, ''of the 36 stocks without a PBR in the 2013 assessments, 33 are due to outdated survey data and 3 are due to no data.'' The outdated estimates for stocks in the Gulf of Mexico are generally not just a year or two out of date, many have not been assessed since the 1990s—over two decades ago. The Deepwater Horizon oil spill disaster impacted many of these poorly assessed stocks.

For example, the Organizations note the lack of population data available for the small stocks of Gulf of Mexico Bay, Sound, and Estuary (BSE) bottlenose dolphins—many of which were adversely impacted by the oil spill from the Deepwater Horizon well. As a result of aging data and lack of survey effort, population estimates are now only available for 3 of the more than 30 bay, sound and estuarine stocks whereas there were estimates for 6 in the last SAR. The Organizations recommend that new population estimates be generated.

Response: We recognize that many of the Gulf of Mexico stocks do not have abundance estimates. Together with our partners at the National Center for Coastal Ocean Science and the Texas Marine Mammal Stranding Network, we are currently conducting photo-ID mark-recapture surveys to estimate abundance of common bottlenose dolphins in St. Andrew Bay, West Bay, Galveston Bay, Sabine Lake, and Terrebonne and Timbalier bays. We anticipate completing additional estuarine photo-ID mark-recapture surveys in collaboration with partners throughout the Gulf as resources become available. During 2017 and 2018, we have planned vessel and aerial surveys under the proposed GoMMAPPS that will provide updated abundance estimates for coastal, shelf and oceanic stocks.

Comment 6: The Organizations comment that the Atlantic SARs and their iterative edits are often difficult to follow. In general, the SARs have become confusing, contradictory, and disorganized to an extent that it is often difficult to discern critical information, which was noted by the Atlantic SRG in its 2016 letter to NMFS. They noted no evidence in the current draft SARs for this region that any significant attempt was made to address the sub-standard content or readability of many of the SARs.

Response: The language contained in the Atlantic SARs was discussed in depth at the 2016 Atlantic SRG meeting. We hightlighted four Atlantic SARs (coastal common bottlenose dolphin SARs and the Northern North Carolina and Southern North Carolina Estuarine System Stock SARs) for major revision. Given the comments and discussion at the 2016 meeting, we decided to retract these SARs from the 2016 cycle as it was not possible to make major revisions given the timeframe necessary for publishing the draft 2016 SARs in the **Federal Register** for public comment. Thus, these four SARs were not included in the draft 2016 SARs published in the **Federal Register** for public review. These retracted SARs were the only Atlantic SARs that were identified during the 2016 Atlantic SRG discussion for major revision. For the 2017 SAR cycle, we will restructure seven Atlantic common bottlenose dolphin SARs, including the four retracted SARs.

Comment 7: The Organizations comment that the Atlantic SRG was asked to review a number of SARs that do not appear in this edited draft of NMFS' SARs. For example, the Atlantic SRG was asked to review and provide comments on SARs for four bottlenose dolphin stocks that do not appear available for public review either online in the draft SARs or as part of the **Federal Register** notice. NMFS has proposed no changes to these dolphin SARs, nor is the public asked to comment on them. It is not clear why this occurred. NMFS should provide an explanation for discrepancy in the number of stocks reviewed and commented on by the Atlantic SRG as opposed to the abbreviated list of SARs provided in the documents for public review and comment.

Response: See response to Comment 6.

Comment 8: The Organizations note the initial sentence under the Gulf of Mexico BSE bottlenose dolphin report of takes in shrimp trawls states, ''During 2010–2014, there were no documented mortalities or serious injuries of common bottlenose dolphins from Gulf of Mexico BSE stocks by commercial shrimp trawls; however, observer coverage of this fishery does not include BSE waters.'' It is misleading to say ''there were no documented mortalities,'' as this implies that mortalities that occurred would and could have been documented by independent fishery observers when, in fact, there is no observer coverage to document any mortalities. The Organizations recommend omitting that sentence and simply stating something like: ''No data are available on fishery-related mortalities for the period 2010–2014, as there was no observer coverage of the fishery in BSE waters.''

Response: To provide clarity, we have modified the sentence to read: ''During 2010–2014, there were no documented mortalities or serious injuries of common bottlenose dolphins from Gulf of Mexico BSE stocks by commercial shrimp trawls because observer coverage of this fishery does not include BSE waters.''

Comment 9: The Organizations recommend that much of the information on the Gulf of Mexico BSE bottlenose dolphins in the narrative section on ''Other Mortality'' can be reduced to a table, particularly the listing of animals that were shot or otherwise injured by humans (*i.e.,* providing the likely stock identity, date, location, weaponry involved). The lengthy narrative discussion that is provided in some, but not all, cases is unnecessarily descriptive.

Response: We shortened or removed the narrative descriptions for many of the mortalities and moved the descriptions of the at-sea observations and research takes to a table.

Comment 10: The Organizations note the section on Status of the Gulf of Mexico BSE bottlenose dolphin stock contains this sentence ''The relatively high number of bottlenose dolphin deaths that occurred during the mortality events since 1990 suggests that some of these stocks may be stressed.'' The Organizations point out that stressed is an ambiguous word that may refer to any number of things and with no information on the severity of impact. ''Stress'' can mean physiological stress (as in the autonomic nervous system responses and elevated cortisol levels that may be highly detrimental) but could refer to a challenge to the stock's persistence. The Organizations suggest that NMFS consider use of a more appropriate descriptor for the importance of the information on impacts of the ''high number'' of deaths than is conveyed by the vague word ''stressed.''

Response: We removed the subject sentence in the final SAR.

Comment 11: The Commission points out that in the North Atlantic right whale SAR, the second paragraph of the ''Current and Maximum Productivity Rates'' section states that right whale per-capita birth rates have been highly variable but lack a definitive trend. While that is true, the data presented in Figure 2 suggest that the pattern of variability shifted around 2000.

Between 1990 and 2000, the per capita birth rate was substantially higher than the long-term mean in three (27 percent) of those years, close to the mean in two (18 percent) of the years, and substantially lower in six (55 percent) of the years. In contrast, between 2001 and 2012, the rate was substantially higher in four (33 percent) of those years, close to the mean in 6 (50 percent) of the years, and substantially lower in just one (17 percent) of the years. In other words, the mean rate increased substantially from the first to the second period. In addition, one study has pointed to a substantial decline in the birth rate from 2010 on, which coincides with an apparent decline in the population growth rate (Kraus et al. 2016). Those declines have been coincident with sharp declines in right whale numbers at several major feeding habitats, an increase in the occurrence in severe entanglement injuries (Knowlton et al. 2012, Robbins et al. 2015), and declines in animal health-based assessments of blubber thickness, skin lesions, and other health assessment parameters (Rolland et al. 2016). The Commission recommends that NMFS undertake a thorough statistical/modeling analysis of these data to determine whether any of these apparent/possible trends are significant and what effect they are having on the recovery of the stock.

Response: The North Atlantic right whale population is very small with few (~100) adult females. Per capita reproduction is expected to be highly variable as a result of many females becoming synchronized in their calving and resting periods. Estimating trends as suggested has questionable statistical validity because individual females' cycles are not independent (Rosenbaum et. al. 2002, McLaughlin et al. 1994). NMFS will further examine the potential to model the volatility of observed calf production and its effects on stock status. However, the multiple consecutive years of fewer births than deaths, as documented in the SAR, suggests a declining population.

Comment 12: The Commission recommends that NMFS, in consultation with independent experts familiar with assessing right whale health, re-examine information on the deaths and injuries of several North Atlantic right whales (including #3705, #3360, #3946, #2160, #1311, #3692, #2810, [#unidentified], and #4057) to determine whether they should be added to the list of M/SI cases in Table 1.

Response: The NMFS Northeast Fisheries Science Center staff reviewed all these cases and their determinations regarding serious injury were later reviewed by experienced staff at another Fisheries Science Center, the Greater Atlantic and Southeast Regional Offices, and the Atlantic SRG, per NMFS Policy and Procedure for Distinguishing Serious from Non-Serious Injury of Marine Mammals. NMFS staff looks for evidence of significant health decline post event. We do not currently have a method to address sublethal effects or more subtle/slow health decline. Most of the recommended cases fall into this category. In addition, several of the cases mentioned simply did not have enough information to make a determination of human interaction (see below).

Regarding whale #1311, this whale was an unrecovered carcass filmed floating off Cape Hatteras, North Carolina, by a fisherman in August 2013. Line was caught in the baleen, and it had rostrum and head wounds apparently due to line wraps. Staff reviewing the injuries were unable to determine the extent of human interaction from footage provided. The event did not meet any of the four entanglement mortality criteria as listed in NMFS M/SI documents (Henry et al. 2016), was classified as a mortality due to unknown cause, and was not included in the SAR as a human-caused mortality.

We have no data on the unidentified whale described as being sighted in September 2014 by an aerial survey team in Cape Cod Bay, Massachusetts, and none was provided upon request from commenters. Therefore, this event was not included in Table 1. It could be a resight of an animal with an earlier injury date.

Comment 13: The Maine Lobsterman's Association (MLA) notes the North Atlantic right whale SAR determines the minimum population to be 440 whales, which is a census of those known to be alive. Using a census is not an adequate methodology to assess this population given that much of the population's distribution is unknown during the winter, and recent shifts in habitat use patterns have resulted in fewer right whales being detected in known habitats. Right whale patterns and behaviors will continue to change; thus, this mark-and-recapture approach to determine the minimum population is not adequate. This approach also ignores science such as Frasier (2005), which concluded based on genetic testing matched to known calves that the population of right whale males has been underestimated. The SAR offers little to explain why patterns of habitat use are shifting or adequately determine the population size.

This problem is further exacerbated by the new methodologies used to count serious injury and mortality: Whales with unknown outcomes are now counted on a pro-rated basis. Given the critical status of the species, it is imperative that NMFS develop a new method of assessing the right whale population that does not rely solely on sightings and photo-identification of these whales. The MLA recommends that NMFS convene a workshop of independent scientists to review the best available science and potential modelling approaches to assess this stock. This task should not be delegated to Science Center staff but rather should involve scientists from a variety of marine mammal, modelling, climate change and other fields to objectively recommend the best approach to assessing North American right whales.

Response: Currently, we use an index of abundance that is more sophisticated than a simple census in that it pools within-year sightings of individual right whales and does not rely on any particular season to represent the count of whales (so, if a whale is not seen in a particular season, it does not affect the count). Further, the method includes not just the individuals seen in the target year, but those seen before and after the target year, plus calves in the target year. Because right whale re-sighting rates have been extremely high for many years (greater than 85 percent), the method is relatively robust and produces an abundance value that is very much like a census. However, the recent decline in sighting rates has led the agency to explore different methodologies for abundance estimation, and we may move toward a mark-recapture statistical approach for future abundance characterizations. This new method will continue to rely on photo-identification data. Assessments based on individual capture histories, when properly constructed, have proven far superior both in regard to precision of abundance estimates and added demographic data than any simple abundance-based assessment procedure developed for other wildlife. This is especially true for marine mammals that range over vast areas and for which estimating density is costly. This new approach will also allow for an estimate of entanglement mortality and avoid issues with undercounting, even after changes to the serious injury categorizations. In regard to the Frasier (2005) work, the thesis put forward a position based on incomplete genetic sampling of the observed adult male population and included only a single hypothetical breeding model.

Further, we do not ignore the Frasier hypothesis, but we recognize its uncertain nature that aligns poorly with NMFS precautionary management strategies. Regarding explanations of why patterns of habitat use are shifting, this is not yet well understood, and, for this reason, it would be premature to include information on this factor in the SAR (see response to Comment 14).

With regard to the suggestions for a workshop, we are working on an approach very much like the one suggested by the commenter. Discussions will likely build on the findings from the North Atlantic right whale panel at the Commission's 2017 annual meeting and the outcomes from the Atlantic Large Whale Take Reduction Team meeting. Both meetings were held in April 2017.

Comment 14: The MLA notes the North Atlantic right whale SAR raises concern about a potential decline in the population beginning in 2012, the most recent year of the assessment but also notes that ''productivity in North Atlantic right whales lacks a definitive trend.'' The SAR dedicates the majority of its discussion on Current Population Trend to research from the early 1990s through the early 2000s, documenting a decline during that time. In discussing the recent population growth spanning more than 10 years (2000 through 2011), the SAR offers only one sentence, ''However, the population continued to grow since that apparent interval of decline [ending in 2000] until the most recent year included in this analysis.'' The SAR provides no discussion of conditions during this recent 10-year period of growth in the population and does little to inform what may have driven either the former decline or recent growth.

Response: We recognize the lack of balance given to fluctuating period-specific growth patterns in right whale abundance. The causes of fluctuation are poorly understood. NMFS is presently engaged in analysis to examine the relative contributions of fecundity and mortality to fluctuating abundances; the outcome from our analysis will be reflected in future stock assessment reports.

Comment 15: The MLA notes that the data on the confirmed human-caused mortality of North Atlantic right whales continue to be difficult to interpret. Of the 24 interactions attributed to entanglement from 2010–2014, only 0.4 were confirmed to be U.S. fishing gear from a pot/trap fishery. Twenty-two of the entanglement cases have no definitive information on the fishery involved or where the gear was set. Data implicating the fishing industry at large sours fruitful discussion and makes it very difficult for the individual fisheries to find effective solutions to the entanglement problem.

Response: Known, observed mortalities are a (likely biased) subset of actual mortality. The SAR attempts to report these data with as much information as is available. There may be other, incidental deaths not fully known or attributable to specific areas, fisheries, or gear types. Forensic efforts are made of all recovered gear to identify specific fisheries (target species, region, nation of origin, etc.). However, insufficient data exist to assign specific levels of resolution in most cases, and we are only able to report the cause of death as fishery-related entanglement. The inability to distinguish whether impacts are due to the scale of fishing effort versus one or a few areas that have disproportionate impact and could be strategically targeted by management actions presents significant management challenges. New gear marking requirements developed under the Atlantic Large Whale Take Reduction Plan are showing promise in improving gear attribution to specific fisheries. We welcome suggestions as to how to reduce entanglement, improve forensic analysis, or to better mark gear for source identification.

Comment 16: The Organizations point out that the chart showing North Atlantic right whale M/SI omits any mention of M/SI from 2015, though the agency has already acknowledged and accounted for a number of such occurrences in a separate document. Since the agency has incorporated and ''coded'' this more recent information from 2015 in a separate reference document, these events should be added to the SARs, which should themselves reflect the most recent information available.

Response: The period covered by the 2016 SAR is 2010–2014. M/SI events from 2015 will be included in the 2017 SAR. Limiting the reports to the 5-year period is not only important for consistency, but also for completeness. M/SI cases are assembled and reviewed by fall of the year following the event in order to be included in the draft SARs by the next January.

Comment 17: The Organizations comment that the Gulf of Maine stock humpback whale revised SAR inappropriately uses a recovery factor of 0.5 in calculations of the PBR. The NMFS GAMMS state: ''The recovery factor of 0.5 for threatened or depleted stocks or stocks of unknown status was determined based on the assumption that the coefficient of variation of the mortality estimate (CV) is equal to or less than 0.3. If the CV is greater than 0.3, the recovery factor should be decreased to: 0.48 for CVs of 0.3 to 0.6; 0.45 for CVs of 0.6 to 0.8; and 0.40 for CVs greater than 0.8.'' In its section on fishery-related mortality, the Gulf of Maine humpback whale report acknowledges that entanglements and entanglement-related mortality are likely under-reported. Citing recent literature, just prior to the mortality table, the SAR states in part that ''[w]hile these records are not statistically quantifiable in the same way as observer fishery records, they provide some indication of the minimum frequency of entanglements.'' There is uncertainty surrounding estimates of anthropogenic mortality with no CV provided, and NMFS itself acknowledges that it is under-reported. This raises the question of the CV surrounding the mortality estimate.

Response: As a result of the humpback whale ESA listing rule (81 FR 62259, September 8, 2016), the Gulf of Maine stock of humpback whales is no longer considered ESA listed or depleted. Therefore, the recovery factor changed from 0.1 (the default recovery factor for stocks of endangered species) to 0.5, the default value for stocks of unknown status relative to optimum sustainable population (OSP). As a result, the GAMMS' discussion of reducing the recovery factor based on the CV of the mortality estimate is not relevant here; in addition to there being no CVs associated with the abundance or death-by-entanglement metrics reported in the SAR, CVs are a measure of the precision of the estimate, while the likely undercount of humpback whale mortalities is an issue of bias. We are collaborating on ways to improve estimates of entanglement mortality to reduce the bias.

Comment 18: The Organizations note the minimum population estimate (Nmin) for the Gulf of Maine humpback whale stock that was used for calculating PBR was higher than the actual survey estimate. The survey estimate was said to be 335 animals with a CV of 0.42; however, that estimate of population was increased to 823 based on mark-recapture and an outdated survey estimate from 2008—an estimate that has no CV associated. The GAMMS state clearly that ''the Nmin estimate of the stock should be considered unknown if 8 years have transpired since the last abundance survey'' and the last survey was 8 years ago. If NMFS does not wish to default to ''unknown'' for an abundance estimate, then the SAR should use an estimate derived from a recent survey, and NMFS should devote funds to

obtaining a more reliable estimate if it considers the 335 to be negatively biased. Given uncertainties in both estimates of abundance and mortality, a recovery factor of 0.5 appears inappropriate for the Gulf of Maine humpback whale stock. Clearly the stock may not require a recovery factor of 0.1 since it was delisted, but The Organizations believe it warrants using a recovery factor lower (more conservative) than 0.5.

Response: The 2016 SAR references the time frame 2010–2014. Hence, data collected in 2008 are not regarded as being out-dated and are included in the calculation of Nmin. NMFS recognizes that the general line transect surveys conducted in the U.S. Atlantic Exclusive Economic Zone have proven problematic in informing abundance of this stock because of poor precision. For this reason, we avoid line-transect estimates for the Gulf of Maine humpback whale stock when possible. See response to Comment 17 regarding recovery factor.

Comment 19: The Organizations note that if the calculations of Robbins (2011, 2012) cited in the Gulf of Maine humpback whale SAR are reasonable, then, as the SAR acknowledges, ''the 3 percent mortality due to entanglement that she calculates equates to a minimum average rate of 25, which is nearly 10 times PBR.'' Even if NMFS increases the PBR to 13 (as suggested in the draft), an average of 25 mortalities per year would be almost twice the new PBR. They maintain that this stock was inappropriately changed to non-strategic given that the actual level of anthropogenic mortality is acknowledged in the SAR to be higher than the incidents detailed in the SAR tables and may be well over the PBR.

Response: See response to Comment 17. We agree that a simple count of the known mortalities is a poor measure and very likely a serious undercount of entanglement mortality. We are collaborating on ways to improve estimates of entanglement mortality.

Comment 20: The Organizations note that NMFS has compiled more recent data on mortality of Gulf of Maine humpback whales than 2014, as these data are based on individual animals sighted dead or entangled (rather than having to extrapolate from observed take rates as is done for fishery interactions with small cetaceans). Nine additional humpbacks in 2015 were documented as M/SI by NMFS that are greater than zero and should be added to the tally in the table in this SAR.

Response: See response to Comment 16 regarding the time period of data covered in the 2016 SAR.

Comment 21: The Organizations recommend that NMFS update the Gulf of Maine humpback SAR with regard to habitat use in the mid-Atlantic region. While the SAR correctly notes sightings off Delaware and Chesapeake Bays, there is no reference to the increasing sightings and reliable anecdotal reports of humpback whales off Northern New Jersey and New York.

Response: We have updated the Gulf of Maine humpback final SAR to include recent sightings in the New York area.

Comment 22: Based on NMFS' recent global status review of humpback whales, the MLA supports the use of the default recovery factor used in this draft assessment of 0.5, rather than the former 0.1, because the Gulf of Maine humpback whale stock is no longer considered endangered. The MLA suggests that NMFS broaden the assessment of humpback whales in the draft 2016 SAR to reflect the West Indies DPS, including population, productivity rates, and assessing human-caused injury and mortality. With regard to human-caused interactions, the MLA notes that they have long been concerned with the former status quo approach, which attributed all of these interactions to the Gulf of Maine stock simply because these whales could not be confirmed to another stock. The global status review provides the best available science on humpbacks. They assert that by using the West Indies DPS as the assessment unit, it will no longer be necessary to make assumptions about which smaller-scale feeding or breeding areas were used by the whale when analyzing human-caused impacts.

Response: NMFS is in the process of reviewing stock structure for all humpback whales in U.S. waters, following the change in ESA listing for the species. Until then, we are retaining the current stock delineation.

Comment 23: The Organizations comment that the strike-outs render key portions of the fin whale SAR unreadable. For example, in the section on Annual Human Caused Mortality and Serious Injury, there are a series of strike-outs that are difficult to follow, though it appears that the final tally of mortality is an average of 3.8 (modifying what was 3.55 with what looks like 32.8 but with the ''2'' apparently struck as well but in the same faint color). They suggest that NMFS simplify its editing and provide an easily readable document. They also note that this mortality rate exceeds the PBR of 2.5, and there is a coded Serious Injury for 2015 in the NMFS draft appendix reviewed by the Atlantic SRG. The most up-to-date information should be used.

Response: In order to improve readability in future draft SARs, we will reconcile edits from multiple people into a single color. See the response to Comment 16 regarding the time period of data covered in the 2016 SAR.

Comment 24: The Organizations note that NMFS has compiled more recent data on mortality of minke whales than 2014. These data are based on individual animals sighted dead or entangled. Because the mortality and serious injury data in SARs for large cetaceans are based solely on what might be termed ''body counts'' (rather than having to extrapolate to the entire fishery from a subset of mortality obtained from federal fisheries observers) there is little justification for a multi-year delay in reporting. Six additional minke whales were accounted as dead from fishery-related injuries in 2015 (and one vessel-related fatality) and should be added to the tally in the table in this SAR in order to provide the most up-to-date information.

Response: See the response to Comment 16 regarding the time period of data covered in the 2016 SAR.

Comment 25: The Organizations comment that the current combined estimate of abundance of 11,865 for both long-finned and short-finned pilot whale species is from a 2011 aerial and ship-board survey that only covered a portion of the seasonal range of the species. The SARs state that ''[b]ecause long-finned and short-finned pilot whales are difficult to distinguish at sea, sightings data are reported as Globicephala sp.;'' however, estimates of abundance for each species were derived from this using a model based on ''genetic analyses of biopsy samples'' and this model is said to be ''in press.'' Given the management implications of pilot whales being caught in elevated numbers in both trawl and longline gear, it is vital that there be a valid and reliable species-specific estimate for each/both species. Given that prior SARs have often stated that papers are ''in press'' for several annual iterations, the Organizations hope that this important model is soon published. They are concerned that the citation is to a science center document that is not peer-reviewed and the citation is tentative and incomplete. The long-finned and short-finned pilot whale SARs contain multiple editors striking and amending in a manner that challenges the readability of the SARs in key sections including the reporting of estimates of longline-related mortality.

Response: We conducted combined aerial and vessel surveys during summer 2011 that included mid-Atlantic waters where there is expected overlap between short-finned and long-finned pilot whales. The resulting abundance estimate of 11,865 was partitioned between the two species. We combined this estimate with the results from our summer 2011 survey of the southern Atlantic to produce the best species-specific abundance estimate of 21,515 for short-finned pilot whales over their entire range within U.S. waters. For long-finned pilot whales, the best estimate of 5,636 includes results from surveys conducted in all U.S. Atlantic waters. The Science Center document (Garrison and Rosel 2016) providing the details of the methodology for partitioning the species for both abundance estimation and bycatch estimation has gone through Science Center review and is available upon request. Starting with the 2017 SARs, we will reconcile edits from multiple people into a single color to improve readability.

Comment 26: The Organizations point out that large numbers of harbor seals are seen alive but with notable entanglement injuries. This should be discussed in the SAR. They note that the federally funded and permitted stranding response organizations are required to keep records of their responses and this source should be queried. They were unable to find non-gray (or agency) literature documenting incidence but the International Fund for Animal Welfare (IFAW) has documented that between 2000–2010 ''412 harbor seals were reported stranded, among them HI [human interaction] was 8 percent (n=35).'' Moreover, the authors noted with regard to various seal species to which IFAW responded: ''In the instances of fisheries-related HI, 67 percent had gear presently on the animal at the time of stranding. 72 percent of the entanglements were of monofilament of varying mesh size. 15 percent were multifilament netting, 9 percent were pot/trap gear, and 4 percent were random (mooring lines, dock gear). Most entangled animals were juveniles and sub-adults, which might indicate that the entanglements are lethal to animals, preventing them from reaching adult size.''

Gray seals are also being entangled and data are kept on stranding response, including either documenting or freeing animals entangled in fishing gear. IFAW documented that, between 2000–2010, ''305 gray seals were reported stranded, among them 22 percent (n=68) were HI, and 75 percent of those (n=51) were fisheries related.'' Moreover, the authors noted that, with regard to the various seal species to which IFAW responded: ''In the instances of fisheries-related HI, 67 percent had gear presently on the animal at the time of stranding. 72 percent of the entanglements were of monofilament of varying mesh size. 15 percent were multifilament netting, 9 percent were pot/trap gear, and 4 percent were random (mooring lines, dock gear). Most entangled animals were juveniles and sub-adults, which might indicate that the entanglements are lethal to animals, preventing them from reaching adult size.'' It would seem worth adding a section to the SAR to discuss entanglements noted in living or dead-stranded animals.

Response: We have added the following text to the harbor seal SAR that was included in the gray seal SAR: ''Analysis of bycatch rates from fisheries observer program records likely underestimates lethal (Lyle and Willcox 2008), and greatly under-represents sub-lethal fishery interactions.''

Comment 27: The Organizations comment that the gray seal SAR is almost impossible to read in parts and/or has text that was newly added in this draft and then struck. For example, Table 2 has counts through 2014 that are continued from the prior final SAR—though the years 2008–2014 continued to say that the ''surveys took place but have not been counted'' and additional text for the years 2014–2015 was added for Muskeget Island. However, all of these estimates (2008–2015), even those newly added to the draft, are in red and were struck. It makes no sense to add a new year of uncounted data that is then itself struck. It would seem more germane simply to state that data from 2008–2015 are not yet available rather than adding new text and then striking without a providing a rationale.

Response: The 2015 data were added mistakenly by a new author who did not understand that the time period covered by the 2016 SAR was 2010–2014, and so were removed by an editor. In the future, we will better synthesize edits to present in the track-change version.

Comment 28: The Organizations comment that in the gray seal SAR, the section on mortality in Canada for the years 2011–2015 was struck in its entirety (new edits and all) and moved/replaced later in the SAR under ''Other Mortality'' with a header reading ''Canada.'' However, the re-located ''new'' section does not provide the updated information from the struck section and, in some cases, the information included is actually older. For example, this newer section states that human-caused mortality data in Canada are for 2010–2014 whereas the earlier, struck, section had data through 2015. These 2010–2014 data account for lower levels of mortality (136 deaths for the period 2010–2014) than was accounted in text in the section that was struck for the more current years (*i.e.,* 353 deaths for 2011–2015). The later data, which show a notable increase in mortality, should be used.

Response: We will include data from 2015 in the 2017 SAR. The time period for the 2016 SAR is 2010–2014 (See response to Comment 16).

Comment 29: Two individual commenters expressed concern about the propagation of gray seals in Cape Cod, Massachusetts. They note that the 2016 stock assessments do not highlight increasing populations in expanded territories and lack recent pup production data.

Response: We appreciate the concerns expressed and are working toward publishing recent pup count and haul out survey data. We will include those count data in the 2017 SARs.

Comments on Pacific Regional Reports

Comment 30: The Commission appreciates NMFS' efforts to consolidate, update, and standardize the presentation of data and information in its stock assessment reports. Previously, the tables presenting data on fisheries-caused M/SI provided data for each of the last five years of available data. However, in the draft 2016 Pacific SARs only summary statistics for the five years are provided. Understanding the impact and potential mitigation of fisheries interactions on marine mammal populations, as well as trends, requires data not only on the mean bycatch rate, but also on its year-to-year changes (*e.g.,* Carretta and Moore, 2014). The Commission recommends that, at a minimum, NMFS continue to report the annual ''Percent Observer Coverage'' and ''Observer Mortality and Serious Injury'' data in the 'Human-Caused Mortality and Serious Injury' sections of its stock assessment reports.

Response: We recognize the importance of access to the annual observed or documented M/SI data to assess year-to-year changes; thus, we reinstated annual-level details in the final 2016 SARs for those fisheries and stocks where there were takes. However, for some species where takes in a specific fishery have perennially been zero, we think that a consolidated summary that presents a range of observer coverage for a multi-year time period may be sufficient (see Table 5 in Wade and Angliss 1997). We will continue to assess the most appropriate level of detail on observer coverage and

M/SI to include in fishery tables in the SARs.

Comment 31: The Commission notes that the dynamics of some stocks display considerable heterogeneity in time and/or space. In those situations, a complete review of the SAR requires access to the data describing the variability over time or across the stock's distribution. The Commission recommends that NMFS provide data, in tables and graphs, specific to different years, areas, and sub-populations, as appropriate, when a stock exhibits important variation along those dimensions. When there is uncertainty, NMFS should err on the side of providing more information.

Response: We appreciate this comment and recognize the possibility for variability in data relative to a marine mammal stock over time and/or space. However, we strive to strike the correct balance between providing enough detail in the SARs and relying on citations of published papers. Where deemed necessary, we will include such information as the Commission recommends, but we are unable to do so in all cases. The issue has been discussed with the three regional SRGs over the years, and they have generally supported this approach and continually ask the agency to keep the SARs succinct.

Comment 32: The Organizations state that Guadalupe fur seals are of particular conservation concern because of the high rate of stranding along the U.S. West Coast in an ongoing unusual mortality event that started in January 2015. From 2015–2016, over 175 have stranded, but the number stranded may indicate that there may be a larger number of unseen mortalities. Because the SARs are a reference for making management decisions, many of which require quantitative information, the SARs should specify the number of strandings or provide a clear reference point rather than saying that stranding rates ''were 8 times the historical average.'' With respect to the geographic range of the stock, there is recent evidence of this threatened species expanding its breeding range into U.S. waters. The draft SAR confirms this on the initial page with a reference to NMFS' unpublished data. NMFS has publicly identified purported breeding colonies of Guadalupe fur seals along the U.S. West Coast, so this information should be incorporated into the SARs. Providing more details about the stock's range in the United States is especially important at this time because the SARs have not been updated since 2000.

Response: We have added the number of animals that stranded during the unusual mortality event to the final Guadalupe fur seal SAR. Regarding the expansion of geographic range of the stock, we have already included information in the Guadalupe fur seal SAR reporting observations of pups born on San Miguel Island, including both published (Melin and DeLong 1999) and unpublished information.

Comment 33: The Organizations recommend that the Guadalupe fur seal SAR provide additional information about the type and likely sources of fishing gear that entangles Guadalupe fur seals. Additional details should be provided on the reported mortalities such as the mesh size, gear, and the location of the entanglement to help identify fisheries that may have been involved. The vast majority of fishery entanglements are said to be due to unidentified gear, which might be informed by better gear marking. The failure to better identify gear can hamper NMFS' ability to address the potential need for modification of gear or fishing method's to reduce mortalities.

Response: We agree that the ability to identify gear is crucial. However, records of Guadalupe fur seals that are observed entangled in fishing gear almost always lack sufficient information to identify the fishery origin of the gear. When details on the gear type are known, we provide that information in the annual human-caused M/SI reports and the respective SARs. We welcome suggestions as to how to better mark gear for source identification.

Comment 34: The Organizations note the in the Guadalupe fur seal draft SAR, PBR is specified but without assignment of portion of the PBR to Mexico versus the United States. For example the SAR states that the ''vast majority of this PBR would apply towards incidental mortality in Mexico as most of the population occurs outside of U.S. waters.'' It is not clear how to analyze the significance of M/SI in the United States if the vast majority of the PBR should apply to Mexico. For example, the fourth page says that the U.S. fishery M/SI for this stock (3.2 animals per year) is less than 10 percent of the calculated PBR and, therefore, can be considered to be insignificant and approaching zero mortality and serious injury rate. But because the SARs does not specify the portion of PBR assigned to the United States, it is impossible to independently verify this conclusion.

Response: We agree with the commenter that it is difficult to assess the significance of human-caused M/SI in U.S. waters because a prorated PBR is lacking. However, we are unable to prorate Guadalupe fur seal PBR between Mexico and U.S. waters due to a lack of data on: (1) The fraction of the population that utilizes U.S. waters and (2) the amount of time that animals are in U.S. waters. This transboundary stock is unique because a vast majority of the reproductive rookeries occur in Mexico and the stock that has undergone significant increases in population size, despite continued anthropogenic threats in Mexican and U.S. waters. To address the commenter's concern, we have modified the ''Status of Stock'' language in the final SAR to read: ''The total U.S. fishery mortality and serious injury for this stock (3.2 animals per year) is less than 10 percent of the calculated PBR for the entire stock, but it is not currently possible to calculate a prorated PBR for U.S. waters with which to compare serious injury and mortality from U.S. fisheries. Therefore, it is unknown whether total U.S. fishery mortality is insignificant and approaching zero mortality and serious injury rate.''

Comment 35: The Organizations recommend NMFS adopt a methodology to estimate cryptic mortality for pinnipeds similar to Caretta et al. 2016 that stated: ''the mean recovery rate of California coastal bottlenose dolphin carcasses [is] 25 percent (95 percent CI 20 percent–33 percent) . . . [therefore] human-related deaths and injuries counted from beach strandings along the outer U.S. West Coast are multiplied by a factor of 4 to account for the non-detection of most carcasses (Carretta et al. 2016a).'' This methodology would seem pertinent to apply in the Guadalupe fur seal SAR as well.

Response: We have developed a methodology to estimate cryptic mortality for coastal bottlenose dolphins and are working towards developing such correction factors for other taxa. The carcass recovery factor we developed for coastal bottlenose dolphins provides a best-case scenario for delphinoid carcass recovery along the U.S. west coast, and we have used this correction factor for other dolphin and porpoise stock assessment reports in the Pacific region. We will continue to work with the regional SRGs to help address the negative biases associated with carcass recovery for all taxa.

Comment 36: One individual points out that the California sea lion, harbor seal, and northern elephant seal reports were not revised in the draft 2016 SARs nor updated for the 2015 SARs. The commenter asserts that California is suffering from an inadvertent ecological disaster of sea lion and harbor seal overpopulation; further, the data have shown over-population for a decade or

more, and OSP has been exceeded in both species at least in Southern California.

Response: Section 117 of the MMPA requires us to review stock assessments at least annually when significant new information on a given stock becomes available or the stock is considered ''strategic.'' We must review all other stocks at least once every three years. If our review indicates that the status of the stock has changed or can be more accurately determined, we must revise the SAR. The three pinniped stocks noted by the commenter are not strategic stocks, nor has an OSP determination been made for any of them.

Comment 37: The Organizations note that because the short-beaked common dolphin stock's range extends out to 300 nautical miles off the coast, consideration should be given to attributing capture of this species to the fisheries operating in high seas in the eastern Pacific Ocean. Specifically in 2014, one short-beaked common dolphin was injured in the Hawaii shallow-set longline fishing east of 150 degrees W longitude—the boundary for the Inter-American Tropical Tuna Commission's jurisdiction. It would seem reasonable to attribute this injury to the CA/OR/WA stock. Hawaii pelagic longline effort appears to be shifting toward the U.S. West Coast in recent years, and it seems reasonable to consider attributing some portion of this and perhaps other U.S. West Coast marine mammal stocks to this fishery. For this reason, the Organizations recommend that pelagic longlines be identified as a potential interacting fishery in the introduction of the SAR, which currently mentions only tuna purse seine and gillnet fisheries.

Response: We appreciate being alerted to this oversight in the draft short-beaked common dolphin SAR and have added two Hawaii shallow-set longline injury records (one in 2011, one in 2014) of short-beaked common dolphin to the final SAR.

Comment 38: The Organizations note that there has been no observer coverage in the California squid purse seine fishery since 2008, and request that NMFS maintain in Table 1 the record of the interaction observed in this fishery in 2005 but omitted from the short-beaked common dolphin draft SAR. Without that record, Table 1 implies that the fishery no longer interacts with short-beaked common dolphin, which seems unlikely.

Response: We have reinstated the portion of the fishery table in the short-beaked common dolphin final SAR that includes historic purse seine takes to better represent fishery risks to this stock.

Comment 39: The Organizations suggest that the short-finned pilot whale SAR would benefit from additional clarity about the southern extent of the range of the stock. This would help guide management actions that affect short-finned pilot whales off the U.S. West Coast. The stock definition and geographic range for short-finned pilot whales was heavily edited, and, in the process, the edits struck the prior reference to the stock's range being continuous, with animals found off Baja California. This seems relevant to reinstate since, later in the SAR, NMFS retained and added information about Mexican gillnet fisheries and the lack of bycatch data. In addition, given the uncertainty surrounding the stock's range, which seems likely to extend into Mexico, the draft SARs should note the stranding deaths of 24 short-finned pilot whales in 2016 in Mexico. Given the SAR's observation of the ''virtual disappearance of short-finned pilot whales from California'' following the 1982–83 El Niño, improving the information about the range, stock status and population trends is critical for proper and conservative management of this stock.

Response: The draft SAR contains language that states the range of the CA/OR/WA short-finned pilot whale stock extends into the eastern tropical Pacific, which includes Mexican waters. This represents an improvement of our understanding of pilot whale distribution compared with previous iterations of the SAR: ''Pilot whales in the California Current and eastern tropical Pacific likely represent a single population, based on a lack of differentiation in mtDNA (Van Cise et al. 2016), while animals in Hawaiian waters are characterized by unique haplotypes that are absent from eastern and southern Pacific samples, despite relatively large sample sizes from Hawaiian waters.'' Information on the 27 pilot whales that stranded in the Gulf of California in 2016 is not included in the SAR because the stranding was not linked to any anthropogenic factors; the stranding does not significantly contribute to knowledge of the stock's range, and, given that the CA/OR/WA short-finned pilot whale stock represents only a small portion of a larger eastern tropical Pacific population, the stranding is unlikely to affect the long-term abundance of the CA/OR/WA stock.

Comment 40: The Organizations recommend that the section in the Southern Resident killer whale SAR on ''habitat issues'' should discuss the potential risk from oil spill and/or from commercial shipping traffic and should also include at least a brief acknowledgement of risk from increased noise and vessel traffic resulting from Naval activity in the Northwest Training and Testing program.

Response: We have added language addressing oil spill risks to the final Southern Resident killer whale SAR. Increased noise and vessel traffic resulting from Naval activity in the Northwest Training and Testing program is not considered to be a significant change in the habitat of this stock and thus is not included in the SAR.

Comment 41: The Organizations note that the Southern Resident killer whale stock is recognized to be especially reliant on Chinook salmon (which comprise up to 80 percent of their summer diet) and may be adversely affected by fishery management decisions. Contaminant levels of Persistent Organic Pesticides are high, and differ between pods but may be contributing to the precarious status of this population. For example, DDT levels are higher in K and L pods, indicating that those pods spend more time than J pod feeding on salmon from California rivers; PBDEs are higher in J pod, as they spend more time in Salish Sea waters. NMFS acknowledges the risks from these pollutants in the draft SAR for the California stock of common bottlenose dolphins, stating ''[a]lthough the effects of pollutants on cetaceans are not well understood, they may affect reproduction or make the animals more prone to other mortality factors (Britt and Howard 1983; O'Shea et al. 1999).''

Response: We have added language to the final Southern Resident killer whale SAR detailing some of the potential risk factors related to PCBs that are also reflected in the recovery plan for Southern Resident killer whales.

Comment 42: The HLA encourages NMFS to make additional improvements to the draft 2016 false killer whale SAR, by eliminating the five-year look-back period and reporting only data generated after the False Killer Whale Take Reduction Plan (FKWTRP) regulations became effective. For example, the draft 2016 SAR should report M/SI values based on 2013, 2014, and 2015 data, and the data prior to 2013 should no longer be used because it is no longer part of the best available scientific information.

Response: If there have been significant changes in fishery operations that are expected to affect incidental mortality rates, such as the 2013 implementation of the FKWTRP, the GAMMS (NMFS 2016) recommend

using only the years since regulations were implemented. The SAR contains information preceeding and following the FKWTRP, 2008–2012 and 2013–2014 respectively, and reports M/SI for these two time periods as well as the most recent 5-year average. Although the estimated M/SI of false killer whales within the U.S. EEZ around Hawaii during 2013 and 2014 (6.2) is below the PBR (9.3), this estimate is within the range of past, pre-take reduction plan estimates, so there is not yet sufficient information to determine whether take rates in the fishery have decreased as a result of the FKWTRP. Finally, fishery-wide take rates in 2014 are among the highest recorded, suggesting FKWTRP measures may not be effective, and the change in fishery operation may not be significant enough to warrant abandoning the five-year averaging period. For these reasons, the strategic status for this stock has been evaluated relative to the most recent five years of estimated mortality and serious injury.

Comment 43: The HLA asserts that the draft 2016 false killer whale SARs inappropriately relies on a ''preliminary'' PowerPoint presentation to report speculative conclusions. NMFS has adopted a policy that non-peer-reviewed information should not be included in the SARs. All references to information from the 2015 PowerPoint presentation (Forney 2015) are inappropriate and should be stricken from the SAR.

Response: The presentation provided to the False Killer Whale Take Reduction Team is the most current assessment of the effectiveness of the FKWTRP. However, we acknowledge that it has not undergone formal peer-review, and as such, references to the presentation will be removed from the SAR. Even so, we believe it is still appropriate to pool five years to data to determine the stock's status, as described in the Status of Stock section of the Hawaii pelagic stock's report.

Comment 44: The HLA notes that for a decade, NMFS has reported a M/SI rate for the deep-set fishery that exceeds PBR for the Hawaii pelagic false killer whale stock (''pelagic stock''). However, the best available information suggests that the number of false killer whales in the Hawaii EEZ has not declined during the same time that the supposedly unsustainable M/SI rate was occurring. The HLA disagrees with the M/SI levels reported in the draft SAR and with NMFS' conclusion that the vast majority of all fishery interactions with the pelagic stock cause injuries that ''will likely result in mortality.'' If that were the case, then after a decade or more of allegedly unsustainable levels of take, there would be some evidence of a declining pelagic stock abundance. No such evidence exists. The HLA recommends that the draft SAR expressly recognize this discrepancy, and NMFS should revisit the manner in which it determines M/SI for false killer whale interactions.

Response: This comment has been addressed previously (see 78 FR 19446, April 1, 2013, comments 45 and 51; 79 FR 49053, August 18, 2014, comment 26; 80 FR 50599, August 20, 2015, comment 34; and 81 FR June 14, 2016, comment 44). The comment contends that the stock abundance has not declined in over a decade and attributes this persistence of false killer whales despite high levels of fishery mortality to NMFS' improper assessment of the severity of injuries resulting from fisheries interactions, improper assessment of population abundance and trend, or both. Assessment of injury severity under NMFS' 2012 serious injury policy has been discussed in numerous previous comment responses and is based on the best available science on whether a cetacean is likely to survive a particular type of injury. Further study of false killer whales would certainly better inform the assigned outcomes; but, until better data become available, the standard established in the NMFS 2012 policy on distinguishing serious from non-serious injuries will stand.

Further, assessments of pelagic false killer whale population trend are inappropriate for several reasons: (1) The entire stock range is unknown, but certainly extends beyond the Hawaii EEZ, such that the available abundance estimates do not reflect true population size; (2) there have been only 2 surveys of the entire Hawaii EEZ, an insufficient number to appropriately assess trend; and (3) the available survey data were collected with different protocols for assessing false killer whale group size, a factor that will significantly impact the resulting abundance estimates. A robust assessment of population trend will require additional data and inclusion of environmental variables that influence false killer whale distribution and the proportion of the population represented within the survey area during each survey period.

Comment 45: The HLA incorporates by reference its more specific comments on the draft 2014 SAR related to the 2010 Hawaiian Islands Cetacean Ecosystem and Assessment Survey (HICEAS) and the assumptions made by NMFS based upon the data from that survey. In addition, it emphasizes its repeated requests that NMFS publicly disclose information regarding the acoustic data acquired in the 2010 HICEAS survey. Substantial acoustic data was acquired during that survey, but NMFS still has not provided any meaningful analysis of that data or, for example, any basic indication of how many false killer whale vocalizations have been identified in the acoustic data. The acoustic data from the 2010 HICEAS survey contains information directly relevant to false killer whale abundance, and it must be analyzed by NMFS and reported in the false killer whale SAR, which must be based on the best available scientific information.

Response: This comment has been addressed previously (see 80 FR 50599, August 20, 2015, comment 35; and 81 FR June 14, 2016, comment 45). Analysis of the acoustic data is a labor intensive and time-consuming process, particularly as automated methods for detection, classification, and localization are still improving. There were many changes in array hardware during the survey, further complicating streamlined analyses of these data. Portions of the data have been analyzed to verify species identification, assess sub-group spatial arrangements, or other factors. A full-scale analysis of this dataset for abundance is therefore not appropriate at this time. However, NMFS may consider analyzing the 2010 acoustic dataset in full or part following the planned 2017 HICEAS survey, when the most recent automated detection and classification approaches may be available.

Comment 46: The HLA notes that the draft SAR assigns a recovery factor of 0.5 to the pelagic stock of false killer whales, which is the value typically assigned to depleted or threatened stocks, or stocks of unknown status, with a mortality estimate CV of 0.3 or less. However, the pelagic stock is not depleted or threatened, nor is its status unknown. Since NMFS began estimating Hawaii false killer whale abundance in 2000, as more data have been obtained, more whales have been observed, and the population estimates have increased from 121 in 2000 (a recognized underestimate for all false killer whales in the EEZ) to 268 in 2005, 484 in 2007, 1,503 in 2013, and 1,540 at present. Similarly, the incidence of fishery interactions with the pelagic stock has not decreased, nor has the rate of false killer whale depredation of fishing lines decreased (if anything, it has increased). All of the available data contradict any hypothesis that false killer whales in the Hawaii EEZ are decreasing. The HLA recommends that this status be accurately reflected with a recovery factor that is greater than 0.5 (*i.e.,* closer to 1.0 than to 0.5).

Response: This comment has been addressed previously (see 80 FR 50599, August 20, 2015, comment 36; and 81 FR June 14, 2016, comment 46). Reanalysis of existing datsets to derive more precise estimates does not constitute an increase in population size. The commenter is incorrect in suggesting that the historical sequence of available abundance estimates are due to natural population increases, when they are in fact due to improvements in abundance estimation methods for this species, some of which have resulted from reanalysis of the same data. There are only two EEZ-wide estimates of abundance (484 from a 2002 survey and 1,540 from a 2010 survey). These estimates may not be directly compared due to changes in group size enumeration methods between those surveys. For this reason the current status of pelagic false killer whales is unknown. This population may be reduced given fishing pressures within and outside of the EEZ over several decades. The status of Hawaii pelagic false killer whales is considered unknown because there are no trend data available to evaluate whether the population is increasing, stable, or declining. The recovery factor for Hawaii pelagic false killer whales will remain 0.5, as indicated, for a stock with a CV for the M/SI rate estimate that is less than or equal to 0.30.

Comment 47: The HLA notes that, as with past draft SARs, the draft 2016 SAR attributes M/SI by the Hawaii-based deep-set longline fishery to the Main Hawaiian Island (MHI) insular false killer whale stock (''insular stock''). For at least the following two reasons, these attributions are inappropriate and contrary to the best available scientific information. First, there has never been a confirmed interaction between the deep-set fishery and an animal from the insular stock. Although there is anecdotal evidence of insular stock interactions with nearshore shortline fisheries and other small-scale fishing operations, none of these are documented or reliably reported, and none implicate the Hawaii-based longline fisheries, which have been excluded from nearshore fishing grounds for many years.

Second, as NMFS recognized in the draft 2015 SAR, the range for the insular stock is, appropriately, much smaller than was previously assumed by NMFS. When this new range is taken into account, along with the FKWTRP-based year-round closure of the area to the north of the MHI, there is only a very small area in which longline fishing may overlap with the assumed range of the insular stock. No false killer whale interaction by the deep-set fishery has ever occurred in this area. It is therefore incorrect, and contrary to the best available information, to state that the deep-set fishery, as currently regulated, is ''interacting with'' the insular stock. If NMFS persists with its contention that the deep-set fishery ''interacts with'' the insular stock, then NMFS should, at a minimum, state in the SAR that there are no confirmed deep-set fishery interactions with the insular stock and that no deep-set fishery interactions with the insular stock have occurred in the very limited area where longline effort might overlap with the assumed range for the insular stock.

Response: As noted in previous years (see 80 FR 50599, August 20, 2015, comment 37; and 81 FR June 14, 2016, comment 48), the commenter is correct that using the new MHI insular false killer whale stock range and the longline exclusion area required under the FKWTRP (in effect since 2013), there is little overlap between the MHI insular stock and the longline fishery. However, the commenter is mistaken that any take by the deep-set fishery is attributed to the MHI insular stock. The table for the Hawaii longline fisheries indicates 0.0 M/SI attributed to the MHI insular stock for 2013 and 2014. This 0.0 attribution is because the overlap area is very small and because fishing effort in that region was also small. It is rare that the stock-identity of a hooked or entangled whale can be determined, and as such NMFS follows the GAMMS and apportions those false killer whale takes of unknown stock to all stocks within the fishing area. NMFS has carried out this apportionment based on the distribution of fishing effort in areas of overlap between stocks and the fishery.

Comment 48: The HLA states that NMFS' assumption that the insular stock has declined is speculative.

Response: This comment has been addressed previously (see 80 FR 50599, August 20, 2015, comment 39 and 81 FR June 14, 2016, comment 49). NMFS makes no assumption that MHI insular stock abundance has declined in recent years. The minimum estimate reflects the number of individuals enumerated during the stated period and may reflect not only changes in actual population abundance, but also changes in encounter rates due to survey location or animal distribution.

Comments on Alaska Regional Reports

Comment 49: Over the past several years, the Commission has repeatedly recommended that NMFS improve its monitoring and reporting of Alaskan subsistence hunting and harvest working in collaboration with co-management partners. The Commission recognizes and appreciates the related updates made by NMFS to the SARs and encourages NMFS to continue to provide updated information wherever it becomes available, even if it pertains only to a limited number of villages or subset of years. Although NMFS has stated its desire to establish a comprehensive, statewide subsistence hunting/harvest monitoring program, it has yet to achieve that goal. The Commission acknowledges the efforts of NMFS' Alaska Fisheries Science Center and Alaska Regional Office to develop a list of research/monitoring priorities, solicit additional resources, and coordinate their efforts toward establishing the hunting/harvest monitoring program. Information on subsistence hunting and harvest is becoming increasingly important in the light of the pace of change in the Arctic. Therefore, the Commission recommends that NMFS continue to pursue the funding necessary for comprehensive surveys of Alaska native subsistence use and harvest of marine mammals. The Commission remains open to providing what support it can to NMFS' survey efforts and to helping address the lack of funding for such a program.

Response: We acknowledge that we have limited monitoring and reporting of subsistence harvests. We will continue to provide the best available information about subsistence harvests in the SARs and will pursue opportunities to conduct comprehensive surveys of subsistence hunting as resources allow. We greatly appreciate the Commission's support and look forward to discussing ways forward to help facilitate NMFS' efforts.

Comment 50: In the spring of 2012 and 2013, U.S. and Russian researchers conducted aerial abundance and distribution surveys for ice seals over the entire Bering Sea and Sea of Okhotsk. The Commission was encouraged to see preliminary analyses of a subset of these surveys included in the 2015 SARs. Nonetheless, the lack of the complete analysis of these surveys and revisions of the abundance estimates for bearded and ringed seals in this year's draft SARs is disappointing. The Commission recommends that NMFS make it a priority to complete these analyses and ensure that revised abundance estimates for bearded, ringed, and ribbon seals, based on all available data, are included in the draft 2017 SARs.

Response: We are continuing to analyze data from the 2012–2013 aerial surveys of ice seals in the Bering Sea and Sea of Okhotsk; as soon as the data

analysis is complete and a citable publication is available, we will revise the applicable abundance estimates in the SARs. We will include an updated abundance estimate for spotted seals in the U.S. sector of the Bering Sea (from a preliminary analysis of the 2012–2013 survey data) in the draft 2017 spotted seal SAR (the only ice seal SAR to be revised in the 2017 SAR cycle).

Comment 51: The Commission notes that the draft 2016 SAR for the Southeast Alaska stock of harbor porpoise includes new abundance estimates for two sub-regions based on stratified, line-transect surveys conducted from 2010 to 2012. The line-transect abundance estimates were computed with the assumption that g(0), the probability of detection on the trackline, was 1.0, although this is almost certainly not true. As reported in the SAR, estimates of g(0) from other harbor porpoise populations vary from 0.5–0.8. Thus, the true abundance of the population is likely to be 20–50 percent greater than the estimates reported in the SAR. Nonetheless, the estimates provide a frame of reference for comparisons to harbor porpoise bycatch in the portion of the Southeast Alaska salmon drift gillnet fishery that was monitored in 2012–2013, for which the mean annual M/SI was at least double the corresponding PBR level. Further, the total M/SI, which was assumed to be a minimum as only a portion of all M/SI are typically observed, was nearly four times greater than PBR. Although a comprehensive trend analysis was not possible, the SAR reports that: '' . . . an analysis of the line-transect vessel survey data collected throughout the inland waters of Southeast Alaska between 1991 and 2010 suggested high probabilities of a population decline ranging from 2 to 4 percent per year for the whole study area . . . [but] when data from 2011 and 2012 were added to this analysis, the population decline was no longer significant.'' Given this uncertainty and the apparent high levels of M/SI relative to PBR, the Commission recommends that NMFS conduct the necessary analyses to determine an appropriate g(0) to be used in the analysis of line-transect data for this stock, and revise the abundance estimates and PBR calculations accordingly for the draft 2017 SARs. If the reanalysis finds that M/SI still exceeds PBR, then the Commission recommends that NMFS consider forming a take reduction team to address mitigation of bycatch of this stock in the Alaska salmon drift gillnet and related fisheries.

Response: We recognize the importance of determining a value for g(0) for harbor porpoise, and on a recent survey in Southeast Alaska we collected some preliminary data in a g(0) experiment. Although the sample size was small, ongoing analysis of these data will allow us to provide a preliminary value for g(0) for this species in the region. Use of existing values for g(0) is probably inappropriate given potential differences in populations, species, or study areas.

Comment 52: The Commission recommends that NMFS give the determination of harbor porpoise stock structure throughout the region a high priority, particularly for this stock given the potentially high level of fisheries interactions.

Response: We agree with the Commission that improving our understanding of harbor porpoise stock structure is a high priority. We collected data for genetics studies of harbor porpoise in the inland waters of Southeast Alaska during two vessel cruises in July and September 2016. One of the primary research priorities of these cruises was to collect environmental DNA (eDNA) from the fluke prints of harbor porpoise to inform evaluation of stock structure. We are currently analyzing the eDNA collected from the southern (Wrangell/Sumner Strait area) and northern (Glacier Bay/Icy Strait area) regions of the inland waters of Southeast Alaska.

During the cruises, we also obtained photographs of harbor porpoise and collected acoustic samples from Dall's porpoise (to compare to our existing harbor porpoise acoustic samples) for a project to determine if Dall's porpoise and harbor porpoise can be differentiated acoustically. We anticipate that the results of these analyses will help inform whether separation of Southeast Alaska harbor porpoise into two or more stocks is appropriate.

Comment 53: The Organizations request that NMFS update Appendix 6, ''Observer coverage in Alaska commercial fisheries,'' for each of the Alaska Region SARs. The current Appendix 6 shows observer coverage only for the years 1990–2009, which therefore omits observer coverage information for 4 out of the 5 most recent years included in the SARs. This is problematic especially because NMFS acknowledges that there is inadequate monitoring of Alaska commercial fisheries. Reporting current levels of observer coverage is imperative to understanding and improving monitoring and the interaction levels derived therefrom.

Response: We have updated Appendix 6 in the final 2016 Alaska SARs to include the coverage for 1990 through 2014; the 2017 Alaska SARs will include coverage for 1990 through 2015.

Comment 54: The Organizations comment that the limited amount of observer coverage in state-managed fisheries in Alaska creates uncertainty about the extent of M/SI, and this is a particular problem for humpback whales entangled in the Southeast Alaska salmon drift gillnets. Table 1 in the SAR for Central North Pacific humpback whales lists the fishery as ''SE Alaska salmon drift gillnet (Districts 6, 7, 8)''—but this pertains to only a limited number of districts, leaving M/SI in the rest of the districts both unobserved and unestimated. NMFS acknowledges in the SAR for this stock that ''[s]ince these three districts represent only a portion of the overall fishing effort in this fishery, we expect this to be a minimum estimate of mortality for the fishery.'' The Organizations recommend that NMFS expand observer coverage, since the fishery is likely to interact with humpbacks in other portions of the range.

Because of distribution of effort, it may not be possible to extrapolate the observed takes from these districts across the fishery in its entire range in southeast Alaska; however, it is clear that total M/SI is likely to be far higher than the limited data presented. The SAR lists mortality as 11 humpbacks. However, a draft report by the same author (Manly) extrapolated from this and estimated the number of mortalities for all of Southeast Alaska to be 68. Given the inadequate monitoring of the fisheries, NMFS must explain why observed M/SI were not extrapolated to the fishery in Southeast Alaska as was done by Manly in his draft and as would be consistent with fisheries listed in the annual List of Fisheries.

Response: We acknowledge the need for monitoring state-managed fisheries for marine mammal interactions. Unfortunately, we had to discontinue operating the Alaska Marine Mammal Observer Program for state-managed fisheries due to a lack of resources. We continue to seek opportunities to improve our understanding of the interactions between state-managed fisheries and marine mammals.

The extrapolation of humpback whale M/SI from 11 in the observed districts of the Southeast Alaska salmon drift gillnet fishery to 68 for all of Southeast Alaska was contained in a draft report but not carried over into the final report. During our review of the report, and consideration of what information to include in the SARs, we decided that

extrapolating from the three observed districts of the fishery to the unobserved districts of the Southeast Alaska salmon drift gillnet fishery was unreliable given the variability in fishing effort and humpback whale distribution. Instead, the one observed interaction was the basis for estimating that 11 M/SI occurred in the observed districts; and, since the observed districts represent only a portion of the overall fishing effort in this fishery, we expect this to be a minimum estimate of the total level of humpback whale M/SI in salmon gillnet fisheries in Southeast Alaska. This is consistent with how we handled the M/SI of harbor porpoise, which was extrapolated within the three districts but not beyond the three observed districts to the rest of the Southeast Alaska salmon drift gillnet fishery.

Comment 55: The Organizations note that NMFS states in the draft North Pacific sperm whale SARs that PBR is unknown for this stock (and the entire species is listed as a single endangered species under the ESA) but also concludes in the status of the stock section for this stock that total estimated annual level of human-caused M/SI (2.2 whales) ''seems minimal.'' Given the uncertainty surrounding the degree of depletion and recovery of the North Pacific sperm whale population, the SARs should be precautionary in the analysis of impacts of M/SI resulting from commercial fishing. The practical impact of the SARs continuing to find PBR ''unknown'' for this stock is that the North Pacific stock of sperm whales assessed in the Alaska SARs may be receiving less protection than other U.S. stocks of sperm whales. This appears to be the only U.S. stock of sperm whale for which the fisheries interacting with it are not listed as Category I or II; NMFS does not require MMPA section 101(a)(5)(E) authorization for fisheries interacting with the North Pacific Stock because, in this case, its PBR is said to be unknown.

Response: As there are no available abundance estimates for the number of sperm whales in Alaska waters, Nmin is not available for this stock and therefore, the PBR is unknown. Assessing sperm whale populations presents considerable challenges, including the range and offshore distribution of the species, uncertainties regarding stock boundaries, the segregation by sex and maturational class that characterizes sperm whale distribution, and behavioral factors (*e.g.,* long dive times) that make surveys difficult. Nonetheless, we plan to convene a working group to discuss the practicality of estimating sperm whale abundance and other issues surrounding assessment of this species. We have revised the text in the final 2016 sperm whale SAR to clarify that the estimate of annual fisheries-caused mortality and serious injury is a minimum estimate. We will also omit the characterization that an M/SI rate of 2.2 whales ''seems minimal.'' Even in the absence of a PBR, we continue to assess fishery interactions with sperm whales in Alaska, including efforts by the fishing industry to reduce interactions (*e.g.,* the recent change to allow pot gear in the sablefish fishery to reduce depredation by sperm whales). Although we cannot conduct a quantitative tier analysis for stocks without PBRs, we can evaluate whether to classify fisheries by analogy to other similar fisheries based on various factors (50 CFR 229.2).

Comment 56: The Organizations suggest adding information to the Cook Inlet beluga whale SAR from a new study of spatial and temporal patterns in the calling behavior of beluga whales in Cook Inlet.

Response: We will review this information and consider including it in a future Cook Inlet beluga whale SAR.

Comment 57: The Organizations point out that the last sentence on draft page 62 of the Cook Inlet beluga whale SAR should more correctly read: ''The next abundance estimate survey was conducted in June 2016 and is currently undergoing analyses.'' On this same page, using the formula provided for calculating minimum abundance, it appears that the minimum population estimate in the stock should be 287 not 280.

Response: We have incorporated these corrections into the final 2016 Cook Inlet beluga whale SAR.

Comment 58: The Organizations suggest that the Status of the Stock section of the Cook Inlet beluga whale SAR be updated to reflect that the recovery plan for the Cook Inlet beluga whales was finalized and published on January 4, 2017. Additionally, the Organizations suggest that the Habitat Concerns section be updated to reflect information that was in the draft and final recovery plan for this stock. These include a number of references.

Response: We will add a statement about the final Recovery Plan to the Status of Stock section of the final 2016 Cook Inlet beluga whale SAR, and we will update the information on the Recovery Plan in the Habitat Concerns section of the draft 2017 Cook Inlet beluga whale SAR.

Comment 59: The HLA notes that the draft 2016 SAR for the Central North Pacific humpback whale stock (''CNP Stock'') states that ''until such time as the MMPA stock delineations are reviewed in light of the DPS designations, NMFS considers this stock endangered and depleted for MMPA management purposes (*e.g.,* selection of a recovery factor, stock status).'' Although the HLA appreciates that the MMPA humpback stock delineations do not align with the new humpback DPS designations, it is nevertheless inaccurate for the SAR to suggest that the entire CNP Stock is ''endangered'' and ''depleted.'' In fact, many whales within the CNP Stock's presently delineated range likely come from DPSs that are not ''endangered'' or ''threatened.'' At a minimum, they request that the SAR for the CNP Stock include a statement that the two observed CNP Stock interactions with the Hawaii-based longline fisheries occurred with animals from the Hawaii DPS, which is not listed as ''threatened'' or ''endangered.''

Response: We have added the following statement to the end of the ''Status of Stock'' section in the final 2016 Central North Pacific humpback whale SAR: ''Humpback whale mortality and serious injury in Hawaii-based fisheries involves whales from the Hawaii DPS; this DPS is not listed as threatened or endangered under the ESA.''

Dated: June 21, 2017.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–13369 Filed 6–26–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF487

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Caribbean Fishery Management Council's Scientific and Statistical Committee (SSC) will hold a 5-day meeting to discuss the items contained in the agenda under **SUPPLEMENTARY INFORMATION**.

DATES: The meetings will be held on July 10–14, 2017.

ADDRESSES: The meeting will be held at the Council Office, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION:

Monday, July 10, 2017

—Call to Order
—Adoption of Agenda
—1st day Overview; review last meetings' outcomes
—Review ABC CR (buffer)
—Puerto Rico
—Define process for determination of scalars used in ABC Control Rule
—Define process for determination of buffers used in ABC Control Rule
—Determine References Points (*e.g.,* OFL, ABC) for species/species groupings for each Island Use of multi-year sequences for comparison to OFL (NS1)
—Review and finalize Action 2—Indicator species for Puerto Rico, St. Thomas/St. John and St. Croix
—Action 3: Time Series: Select a time series of landings data to establish management reference points for a stock/stock complex, as applicable
—Finish with PR species (Action 3)

Tuesday, July 11, 2017

—Finish with PR species (Action 3)

Wednesday, July 12, 2017

—Day 3 USVI—STT/STJ
—Action 3: Time Series: Select a time series of landings data to establish management reference points for a stock/stock complex, as applicable.
—Determination of likely stock/complex status
—Define process for determination of scalars used in ABC Control Rule
—Define process for determination of buffers used in ABC Control Rule
—Determine References Points (*e.g.,* OFL, ABC) for species/species groupings for each Island Use of multi-year sequences for comparison to OFL (NS1)

Thursday, July 13, 2017

—USVI STX
—Review and finalize Action 2—Indicator species
—Action 3: Time Series: Select a time series of landings data to establish management reference points for a stock/stock complex, as applicable.
—Determination of likely stock/complex status
—Define process for determination of scalars used in ABC Control Rule
—Define process for determination of buffers used in ABC Control Rule
—Determine References Points (*e.g.,* OFL, ABC) for species/species groupings for each Island Use of multi-year sequences for comparison to OFL (NS1)

Friday, July 14, 2017

—Recommendations to CFMC
—Other Business

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918–1903, telephone (787) 766–5926, at least 5 days prior to the meeting date.

Dated: June 22, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–13401 Filed 6–26–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RINS 0648–XA874, 0648–XA172, 0648–XA626, 0648–XA84, 0648–XF213, 0648–XB005, 0648–XC644, 0648–XD224, 0648–XD824, 0648–XF158, 0648–XE204, 0648–XE517, 0648–XF148, 0648–XE788, 0648–XE938, 0648–XF603, 0648–XF149, 0648–XF082, 0648–XF154, 0648–XF213, 0648–XF214, 0648–XF271, 0648–XF267, and 0648–XF352

Marine Mammals and Endangered Species; File Nos. 15240–01, 15453–01, 15569–01, 16160–02, 16163–03, 16479–04, 16609, 17086–01, 18016–01, 18537–02, 18890–01, 19508, 19621–01, 19697, 20294, 20339, 20430, 20455, 20465, 20527, 20646, 20993, 21026, 21043, 21155, and 21199

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

ACTION: Notice; issuance of permits and permit amendments/modifications.

SUMMARY: Notice is hereby given that permits or permit amendments have been issued to the following entities:

RIN 0648–XA874; Permit No. 15240–01: NMFS Pacific Islands Fisheries Science Center (PIFSC), 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818 (Responsible Party: Frank A. Parrish, Ph.D.);

RIN 0648–XA172; Permit No. 15453–01: Waikiki Aquarium, 2777 Kalakaua Avenue, Honolulu, HI 96815 (Andrew Rossiter, Ph.D., Responsible Party);

RIN 0648–XA626; Permit No. 15569–01: The Center for Whale Research (CWR; Kenneth C. Balcomb III, Responsible Party), P.O. Box 1577, Friday Harbor, WA 98250;

RIN 0648–XA626; Permit No. 16160–02: The Whale Museum (Jenny Atkinson, Responsible Party), P.O. Box 945, Friday Harbor, WA 98250;

RIN 0648–XA626; Permit No. 16163–03: NMFS Northwest Fisheries Science Center (NWFSC; M. Bradley Hanson, Ph.D., Responsible Party) 2725 Montlake Blvd.

RIN 0648–XA84; Permit No. 16479–04: Pacific Whale Foundation (Gregory D. Kaufman, Responsible Party), 300 Maalaea Road, Suite 211, Wailuku, HI 96793;

RIN 0648–XF213; Permit No. 16609: Zoological Society of San Diego (Douglas Myers, Responsible Party), P.O. Box 120551, San Diego, CA 92112;

RIN 0648–XB005; Permit No. 17086–01: Robin Baird, Ph.D., Cascadia Research, 218 ½ W. 4th Avenue, Olympia, WA 98501;

RIN 0648–XC644; Permit No. 18016–01: Tamara McGuire, Ph.D., LGL Alaska Research Associates, Inc., 2000 W. International Airport Rd, Suite C1, Anchorage, AK 99502;

RIN 0648–XD224; Permit No. 18537–02: Alaska Department of Fish and Game (Michael J. Rehberg, Responsible Party), 525 W. 67th Avenue, Anchorage, Alaska 99518;

RIN 0648–XD824; Permit No. 18890–01: Alaska Department of Fish and Game (Lori Quakenbush, Responsible Party), 525 W. 67th Avenue, Anchorage, Alaska 99518;

RIN 0648–XF158; Permit No. 19508: Katherine Mansfield, Ph.D., University of Central Florida, 4000 Central Florida Boulevard, Building 20, BIO301, Orlando, FL 32825;

RIN 0648–XE204; Permit No. 19621–01: Michael Arendt, South Carolina Department of Natural Resources, Marine Resources Division, 217 Fort Johnson Road, Charleston, SC 29412;

RIN 0648–XE517; Permit No. 19697: Carlos E. Diez, Departamento de Recursos Naturales y Ambientales de Puerto Rico, Programa de Especies Protegidas, P.O. Box 366147, San Juan, Puerto Rico, 00936;

RIN 0648–XF148; Permit No. 20294: Robert DiGiovanni, Jr., Chief Scientist, Atlantic Marine Conservation Society (P.O. Box 932, Hampton Bays, New York, 11946;

RIN 0648–XE788; Permit No. 20339: NMFS Southeast Fisheries Center (SEFSC), 75 Virginia Beach Drive,

Miami, FL 33149 [Responsible Party: Bonnie Ponwith];

RIN 0648–XE938; Permit No. 20430: James Harvey, Ph.D., Moss Landing Marine Laboratories, 8272 Moss Landing Road, Moss Landing, CA, 95039;

RIN 0648–XF603; Permit No. 20455: Randall Wells, Ph.D., Chicago Zoological Society's Sarasota Dolphin Research Program, c/o Mote Marine Laboratory, 1600 Ken Thompson Parkway, Sarasota, FL 34236;

RIN 0648–XF149; Permit No. 20465: NMFS Alaska Fisheries Science Center (AFSC) Marine Mammal Laboratory, 7600 Sand Point Way NE., Seattle, WA 98115–6349 (Responsible Party: Dr. John Bengtson);

RIN 0648–XF082; Permit No. 20527: Ann Pabst, Ph.D., University of North Carolina Wilmington, Biology and Marine Biology, 601 S. College Road, Wilmington, NC 28403;

RIN 0648–XF213; Permit No. 20646: Morgridge Institute for Research [James Thomson, Ph.D., Responsible Party], 330 N. Orchard St., Madison, WI 53715;

RIN 0648–XF154; Permit No. 20993: Christopher Cilfone, Be Blue, 2569 Douglas Hwy. Unit 1, Juneau, AK 99801;

RIN 0648–XF214; Permit No. 21026: Dorian Houser, Ph.D., National Marine Mammal Foundation, 22400 Shelter Island Drive #200, San Diego, CA 92106;

RIN 0648–XF271; Permit No. 21043: Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute, 585 Prineville Street, Port Charlotte, FL 33954;

RIN 0648–XF267; Permit No. 21155: Karina Amaral, Federal University of Rio Grande do Sul, Zoology Department, Avenida Bento Goncalves, 9500 Build 43435, Room 206, Porto Alegre, MI, 91.501–970, Brazil;

RIN 0648–XF352; Permit No. 21199: British Broadcasting Corporation (BBC) Natural History Unit, BBC Bristol, Whiteladies Road, United Kingdom BS8 2LR, (Responsible Party: Vanessa Coates).

ADDRESSES: The permits and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan (File Nos. 16160–02, 16163–03, 16609, 17086–01, 20430, 20455, 20465, 20527, 20646, and 21026), Amy Hapeman (File Nos. 16160–02, 16163–03, 18016–01, 19508, 19621–01, 19697, 20339, 20430, 20455, and 20465), Carrie Hubard (File Nos. 15240–01, 17086, 19508, 20993, 20527, 21026, 21155, and 21199), Jennifer Skidmore (File Nos. 21155, 15453–01, 16609, and 20646), Courtney Smith (File Nos. 16479–04, 18537–02, 18890–01, and 20294), Malcolm Mohead (File Nos. 19621–01 and 21043), Sara Young (File No. 15240–01, 18016–01 and 21199), and Erin Markin (File Nos. 19697 and 20339) at (301) 427–8401.

SUPPLEMENTARY INFORMATION: Notices were published in the **Federal Register** that requests for a permit or permit amendment had been submitted by the above-named applicants. The requested permits have been issued under the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), as applicable.

Permit No. 15240–01: The original permit (No. 15240), issued on May 15, 2012 (77 FR 31836) authorized the PIFSC to study 20 cetacean species in U.S. and international waters of the Pacific Islands Region. The action area includes Hawaii, Palmyra, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Johnston Atoll, Kingman Reef, Howland Island, Baker Island, Jarvis Island, and Wake Island. Research methodologies include aerial and vessel surveys, behavioral observations, photo-identification, acoustic recordings, biopsy collection, and dart and suction cup tagging. Salvage and import/export of cetacean parts, specimens, and biological samples may also occur. The minor amendment (No. 15240–01) extends the duration of the permit through May 31, 2018, but does not change any other terms or conditions of the permit.

Permit No. 15453–01: The original permit (No. 15453), issued on April 30, 2012 (77 FR 27718) authorized the Waikiki Aquarium to maintain in captivity up to three non-releasable Hawaiian monk seals (*Neomonachus schauinslandi*) for research and enhancement purposes. Research includes (1) a long-term study on the digestive efficiency of captive seals; and (2) a post-vaccination antibody response study using West Nile virus and canine distemper virus vaccinations. The seals will be displayed to the public incidental to the research program, and the Waikiki Aquarium provides daily public narrations and educational graphics about the Hawaiian monk seal. The minor amendment (No. 15453–01) extends the duration of the permit through April 30, 2018, but does not change any other terms or conditions of the permit.

Permit No. 15569–01: The original permit (No. 15569), issued on June 5, 2012 (77 FR 35657) authorized WCR take of 22 species of marine mammals in the coastal eastern North Pacific from the southern boundary of California to Alaskan waters east of Kodiak Island, including all territorial waters up to 200 nautical miles offshore. Harassment of all species of cetaceans will occur through vessel approach for photographic identification, behavioral research, opportunistic sampling (fecal material and prey remains), remote measuring (aerial and laser techniques), and passive acoustic recording. The minor amendment (No. 15569–01) authorizes the addition of unmanned aircraft systems (UAS) as an approved aerial system and extends the duration of the permit through June 6, 2018.

Permit No. 16160–02: The original permit (No. 16160), issued on June 5, 2012 (77 FR 35657) authorized takes of eight species of cetaceans in the inland waters of Washington State. Harassment of all species will occur through close vessel approach for photo-identification, behavioral observation, and monitoring. The minor amendment (No. 16160–02) extends the duration of the permit through June 6, 2018.

Permit No. 16163–03: The original permit (No. 16163), issued on June 5, 2012 (77 FR 35657) authorized take of 42 species of marine mammals in all U.S. and international waters in the Pacific Ocean, including waters of Alaska, Washington, Oregon, California, and Hawaii. Harassment of all species of cetaceans could occur through vessel approach for sighting surveys, photographic identification, behavioral research, opportunistic sampling (breath, sloughed skin, fecal material, and prey remains), acoustic imaging with echosounders, and aerial surveys. Twenty-seven cetacean species and unidentified mesoplodon species could be biopsy sampled, dart, and/or suction-cup tagged. Ultrasound sampling and active acoustic playback studies were authorized for killer whales including the Southern Resident stock. Import and export of marine mammal prey specimens, skin and blubber, sloughed skin, fecal and breath samples obtained was authorized. The minor amendment (No. 16163–03) extends the duration of the permit through June 6, 2018.

Permit No. 16479–04: The original permit (No. 16479), issued on September 8, 2012 (77 FR 59594) authorized vessel approaches for photo-identification and behavioral

observation of humpback whales and incidental harassment of Hawaiian insular false killer whales (*Pseudorca crassidens*) in Maui County waters, Hawaii. A minor amendment (No. 01) to the permit was issued on August 23, 2013, authorizing the field season to start in December versus January of each permit year. A major amendment (No. 02) to the permit was issued on July 7, 2014 (79 FR 44754), authorizing the approach of false killer whales for photo-identification and behavioral observation to study their occurrence, distribution, movement, site fidelity, abundance, social organization, home ranges, and life history in place of previously authorized takes for incidental harassment during vessel surveys. The minor amendment (No. 16479–04) extends the duration of the permit through June 1, 2018.

Permit No. 16609: The requested permit (82 FR 12081) authorizes the receipt, import, and export of biological samples to establish and bank cell lines. Samples may be received from any species of cetacean, pinniped, or sea turtle, including ESA-listed species, from up to 30 individuals of each species. The duration of the permit is five years.

Permit No. 17086–01: The original permit (No. 17086), issued on May 11, 2012 (77 FR 29981), authorized takes of 27 species of cetaceans through vessel approach for sighting surveys, photographic identification, behavioral research, opportunistic sampling (sloughed skin, fecal material, breath samples, and prey remains), dart and/or suction-cup tagging, and import and export of marine mammal samples obtained. The minor amendment (No. 17086–01) extends the duration of the permit through May 12, 2018, but does not change any other terms or conditions of the permit.

Permit No. 18016–01: The original permit (No. 18016), issued on May 29, 2014 (79 FR 41991), authorizes the permit holder to conduct vessel surveys in Cook Inlet, Alaska for photo-identification and observations of endangered Cook Inlet beluga whales (*Delphinapterus leucas*). The purpose of the research is to identify individual whales and to provide information about movement patterns, habitat use, survivorship, reproduction, and population size. The amendment (No. 01) increases the number of whales that may be taken annually during vessel surveys. The amended permit is valid through June 1, 2019.

Permit No. 18537–02: The original permit (No. 18537), issued on August 8, 2014 (79 FR 19578), authorized ADF&G to take Steller sea lions (*Eumetopias jubatus*) during aerial, vessel, and ground surveys in support of the long-term Steller sea lion research program. It also authorized incidental disturbance of California sea lions (*Zalophus californianus*), and northern fur (*Callorhinus ursinus*), harbor (*Phoca vitulina*), spotted (*Phoca largha*), ribbon (*Histriophoca fasciata*), ringed (*Phoca hispida hispida*), and bearded (*Erignathus barbatus*) seals during research activities; and, annual unintentional mortality of 5 Steller sea lions from the Western Distinct Population Segment (wDPS) and 10 Steller sea lions from the Eastern DPS through August 31, 2019. An amendment, Permit No. 18537–01, issued on March 31, 2016 (81 FR 21323, April 11, 2016) authorized an increase in the number of California and Steller (wDPS) sea lions taken during aerial surveys from 4,725 to 10,000, and from 48,000 to 75,000, respectively; and an increase in the volume on a single blood draw from Steller sea lions from up to 1 ml/kg to up to 4 ml/kg. The minor amendment (No. 18537–02) issued authorizes a change in Responsible Party (now Michael J. Rehberg).

Permit No. 18890–01: The original permit (No. 18890), issued on March 26, 2015 (80 FR 15992), authorizes research on beluga (*Delphinapterus leucas*), bowhead (*Balaena mysticetus*), gray, and humpback whales in Alaska including photo-identification, biopsy sampling, and tagging (large whales and belugas) and aerial surveys and captures for health assessments (belugas, excluding the Cook Inlet Distinct Population Segment). Research studies include population abundance (beluga), stock structure (bowhead, gray, humpback, and beluga), feeding areas and other important habitats (all species), migration routes (all species), behavior relative to human disturbance (all species), and to genetically identify individuals in order to determine survival and calving intervals (belugas). The minor amendment (No. 18890–01) issued authorizes a change in Responsible Party (now Lori Quakenbush).

Permit No. 19508: The requested permit (82 FR 4855) authorizes the permit holder to study loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), green (*Chelonia mydas*), hawksbill (*Eretmochelys imbricata*) and leatherback (*Dermochelys coraicea*) sea turtles. Research may occur in three study areas: (1) Indian River Lagoon, Florida; (2) Trident Turning Basin, Cape Canaveral, Florida; and (3) Northern and Eastern Gulf of Mexico. Researchers may capture sea turtles by tangle net, dip net, or by hand and perform the following procedures performed before release: Measure, flipper tag, passive integrated transponder tag, photograph/video, gastric lavage, and scute, blood, fecal, and tissue sampling. A subset of animals would receive an epoxy attached transmitter before release. The permit is valid for five years from the date of issuance.

Permit No. 19621–01: The original permit (No. 19621), issued on June 16, 2016 (81 FR 43589), authorizes the permit holder to conduct study loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), green (*Chelonia mydas*), and leatherback (*Dermochelys coriacea*) sea turtles in the waters of Florida, Georgia and South Carolina. Researchers may capture animals by trawl or tangle net and perform the following procedures before release: Morphometrics, tagging, photography, biological sampling, ultrasound, marking, laparoscopy and associated transport, transmitter attachment, and/or epibiota removal. A limited number of sea turtles may accidentally die due to capture over the life of the permit. The modification (No. 01) authorizes researchers to (1) take olive ridley sea turtles (*Lepidochelys olivacea*) during all research projects; (2) expand Project 3's area to include coastal shoals adjacent to the Cape Canaveral channel; (3) extend Project 3's duration through October 2020; and (4) increase the annual take of green and loggerhead sea turtles by four and nine turtles, respectively, and authorize double tagging and tissue sampling of a small subset of these animals. The modified permit is valid through June 15, 2021.

Permit No. 19697: The requested permit (81 FR 15684) authorizes research on green and hawksbill (*Eretmochelys imbricata*) sea turtle aggregations in the coastal waters of Puerto Rico, including Mona, Monito, and Desecheo Islands, and Culebra Archipelago. Sea turtles may be captured, marked, measured, weighed, photographed, and biologically sampled. A subset of animals may also be outfitted with satellite transmitters to track movements post-release or undergo ultrasound and tumor removal surgery in a local facility. The permit is valid for five years from the date of issuance.

Permit No. 20294: The requested permit (82 FR 5538) authorizes aerial, vessel, and ground surveys of North Atlantic right whales (*Eubalaena glacialis*) and 44 other protected cetaceans and pinnipeds in Mid-Atlantic U.S. waters, from Massachusetts to North Carolina. Five of

the target species are threatened or endangered: North Atlantic right, blue (*Balaenoptera musculus*), fin (*B. physalus*), sei (*B. borealis*), and sperm (*Physeter macrocephalus*) whales. Surveys will be conducted using fixed wing aircraft and vessels to assess seasonal abundance and distribution of marine mammals in the area. Ground surveys will be conducted on foot and with remote cameras to obtain counts of seals throughout different tidal cycles and to document prevalence of human interaction around seal haul-out sites accessible to the public. Seal scat will be collected for health assessment studies. The permit is valid for five years from the date of issuance.

Permit No. 20339: The requested permit (81 FR 54047) authorizes research on loggerhead, Kemp's ridley, green, leatherback, hawksbill, olive ridley and unidentified sea turtles in the Atlantic Ocean, Gulf of Mexico and Caribbean Sea. Animals for study would be directly captured by trawl or obtained as legal bycatch from a commercial fishery. The purpose of this project is to assist in the development and testing of gear aboard commercial fishing vessels to mitigate interactions and capture of sea turtles. Researchers are authorized to measure, weigh, apply a temporary carapace mark, flipper and Passive Integrated Transponder tag, tissue sample, and photograph/video live sea turtles before release and to salvage carcasses and parts from dead sea turtles. The permit is valid for five years from the date of issuance.

Permit No. 20430: The requested permit (81 FR 73381) authorizes research on large whales and dolphins in California waters including blue (*Balaenoptera musculus*), fin (*B. physalus*), humpback (*Megaptera novaeangliae*), gray (*Eschrichtius robustus*), and sperm (*Physeter macrocephalus*) whales, and Risso's dolphins (*Grampus griseus*) in order to study distribution, movement, diet, foraging, and acoustic behaviors of marine mammals. Research activities for large whales includes passive acoustics, behavioral observations, photography, video recording, biopsy sampling, collection of sloughed skin, attachment of suction cup or dart/barb tags, and tracking during vessel surveys. Research for Risso's dolphins includes passive acoustics, behavioral observations, and photo-identification. The number of species to be taken annually via tagging/biopsy/photo-identification are: 50/100/150 blue whales, 40/90/140 fin whales, 50/100/150 humpback whales, 160/210/260 gray whales, and 0/0/2,000 Risso's dolphins. Up to five sperm whales may be incidentally harassed and opportunistically photographed, annually. Up to 200 California sea lions (*Zalophus californianus*), 20 harbor seals (*Phoca vitulina richardii*), 50 Pacific white-sided dolphins (*Lagenorhynchus obliquidens*), 20 northern right whale dolphins (*Lissodelphis borealis*), 10 harbor porpoise (*Phocoena phocoena*), and 20 short-beaked common dolphins (*Delphinus delphis*) may be harassed incidental to research activities. The permit is valid through March 31, 2022.

Permit No. 20455: The requested permit (81 FR 90781) authorizes takes of up to 10,000 bottlenose (*Tursiops truncatus*) and 1,000 Atlantic spotted (*Stenella frontalis*) dolphins annually during vessel surveys for photography, photo-identification, video recording, behavioral observation, acoustic playbacks, and passive acoustic recording, with concurrent deployment of an unmanned aircraft system for photogrammetry. Up to 250 bottlenose and 100 spotted dolphins of the above animals may also be biopsy sampled during vessel surveys annually, and up to 50 bottlenose and 25 spotted dolphins annually of the above animals may be captured for health assessments, which would include biological sampling, auditory brainstem response tests, metabolic rate studies, ultrasound, x-rays, marking, tagging, tracking, and release. Up to 25 adults or juveniles of each species annually would be remotely satellite tagged to test the feasibility of a new dorsal fin attachment method. Two unintentional mortalities of each species could occur due to capture over the life of the permit. The permit is valid through May 31, 2022.

Permit No. 20465: The requested permit (82 FR 11179) authorizes researchers to monitor and evaluate cetacean trends, abundance, distribution, and health in the North Pacific Ocean, Bering, Beaufort, and Chukchi Seas, and in the Gulf of Maine and mid-Atlantic waters. Up to 26 species/stocks of cetaceans may be targeted for study including the following endangered or threatened species/stocks: Cook Inlet beluga, blue, fin, sei (*B. borealis*), bowhead (*Balaena mysticetus*), humpback, North Pacific right (*Eubalaena japonica*), Southern Resident killer (*Orcinus orca*), and sperm whales. Researchers may conduct manned and unmanned aerial surveys for counts, observations, photo-identification, photogrammetry, and video of cetaceans. Vessel surveys may be conducted for counts, biological sampling, observation, photo-identification, photogrammetry, video, tagging, and/or acoustic playbacks of cetaceans. Seven pinniped species including endangered Steller sea lions may be harassed incidental to research. Requested captures, research activities and associated mortalities of beluga whales is not authorized. The permit is valid for five years.

Permit No. 20527: The requested permit (81 FR 91919) authorizes takes of up to 29 species of cetaceans year-round in the Atlantic Ocean from Delaware Bay to Cape Canaveral, FL, and will include aerial and vessel surveys to conduct counts, photo-identification, photogrammetry, and behavioral observations. The permit is valid through May 31, 2022.

Permit No. 20646: The requested permit (82 FR 12081) authorizes the receipt, import, and export of biological samples to establish and bank cetacean stem cells. Samples may be acquired from any species of marine mammal; however, the applicant has identified 38 species of cetaceans, including ESA-listed species, to focus acquisition efforts. Up to 12 individuals of each species would be requested. In addition, eight samples (from four individual animals) currently on loan would be transferred permanently to the applicant. The permit is valid for five years.

Permit No. 20993: The requested permit (82 FR 4860) authorizes the filming of 50 humpback whales in Hawaiian waters as part of a commercial photography project. Whales may be filmed using boats, unmanned aerial systems, or snorkelers. Bottlenose (*Tursiops truncatus*), pantropical spotted (*Stenella attenuata*), and spinner (*S. longirostris*) dolphins may be incidentally harassed during filming. Footage will be used to create a film about humpback whales and their conservation success. The permit is valid through April 30, 2018.

Permit No. 21026: The requested permit (82 FR 11004) authorizes the use evoked auditory potential testing on stranded cetaceans to determine their hearing range. Up to 15 individuals of any species and any age class of non-listed or ESA-listed cetacean may be tested. Passive acoustic recording, suction-cup sensors, subcutaneous electrodes, and ultrasound may be used during testing. Listed cetacean species may include: Beluga, blue, bowhead, false killer (*Pseudorca crassidens*), fin, gray, humpback, killer North Atlantic right (*Eubalaena glacialis*), North Pacific right, sei, and sperm whales, and vaquita (*Phocoena sinus*). The permit is valid through March 31, 2022.

Permit No. 21043: The requested permit (82 FR 15514) authorizes capture and further monitoring of endangered

smalltooth sawfish to develop conservation and protective measures, ensuring species recovery. Other listed species potentially encountered and incidentally collected include green, hawksbill, Kemp's ridley, leatherback, and loggerhead sea turtles. Researchers may capture smalltooth sawfish in Florida waters, and then measure, weigh, tag, genetic tissue sample, draw blood, and photograph the animals prior to release. The researchers will also receive salvaged animals and parts taken at other locations within the target species' range. The permit is valid through May 31, 2022.

Permit No. 21155: The requested permit (82 FR 13801) authorizes the importation of 118 DNA samples from the Federal University of Rio Grande Do Sul in Brazil to the University of Michigan, Ecology and Evolutionary Biology Department in Ann Arbor, MI, for genetics research. The Atlantic spotted dolphins (*Stenella frontalis*) samples were collected between 1996 and 2016 via biopsy sampling of live animals or from stranded animals, in accordance with the laws of Brazil. The permit also authorizes the export of any remaining samples back to Brazil. The permit is valid for five months.

Permit No. 21199: The requested permit (82 FR 18739) authorizes the BBC Natural History Unit to film killer whales (*Orcinus orca*), Dall's porpoise (*Phocoenoides dalli*), and Pacific white-sided dolphins (*Lagenorhynchus obliquidens*). Filming may occur near Seward, Alaska over six days in May 2017 and in Juneau, AK over six days at the end of July 2017. Filming would occur from cameras on board a vessel or by helicopter. Hydrophones would be used to record vocalizations. Footage would be used for an Alaska Live television series to showcase the gathering of wildlife in Alaska that occurs around the salmon runs. The permit is valid through August 31, 2017.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permit was based on a finding that such permits: (1) Were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 22, 2017.

Catherine Marzin,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–13434 Filed 6–26–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Partially Exclusive Patent License

AGENCY: Department of the Air Force, Air Force Research Laboratory Information Directorate, Rome, New York, Department of Defense.

ACTION: Notice of intent to issue a partially exclusive patent license.

SUMMARY: The Department of the Air Force announces its intention to grant Mentis Technologies, having a place of business at 725 Daedalian Drive, Rome, New York 13440, a partially exclusive license in any right, title and interest the United States Air Force has in: In U.S. Patent No. 9,349,007 issued on May 24, 2016 and entitled ''WEB MALWARE BLOCKING THROUGH PARALLEL RESOURCE RENDERING'', having been filed on May 29, 2014 as U.S. Patent Application No. 14/290,175.

FOR FURTHER INFORMATION CONTACT: An exclusive license for this patent will be granted unless a written objection is received within fifteen (15) days from the date of publication of this Notice. Written objections should be sent to: Air Force Research Laboratory, Office of the Staff Judge Advocate, AFRL/RIJ, 26 Electronic Parkway, Rome, New York 13441–4514. Telephone: (315) 330–2087; Facsimile (315) 330–7583.

Authority: Pursuant to the provisions of part 404 of Title 37, Code of Federal Regulations, which implements Public Law 96–517, as amended.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2017–13402 Filed 6–26–17; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant an Exclusive License of U.S. Government-Owned Patents

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i), announcement is made of the intent to grant an exclusive, royalty-bearing, revocable license to U.S. Patent 7,956,086, issued June 7, 2011, entitled, ''Methods for the Formulation and Manufacture of Artesunic Acid for Injection'' to Amivas, LLC, having its principal place of business at 8403 Colesville Road, Suite 630, Silver Spring, Maryland 20910.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For licensing issues, Mr. Barry Datlof, Office of Research & Technology Applications, (301) 619–0033. For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: Anyone wishing to object to grant of this license can file written objections along with supporting evidence, if any, within 15 days from the date of this publication. Written objections are to be filed with the Command Judge Advocate (see **ADDRESSES**).

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–13408 Filed 6–26–17; 8:45 am]

BILLING CODE 5001–03–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sunshine Act Notice

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of the Government in the Sunshine Act (5 U.S.C. 552b), and the Defense Nuclear Facilities Safety Board's (Board) regulations implementing the Government in the Sunshine Act, notice is hereby given of the Board's closed meeting described below.

DATES: 10:00 a.m.–11:00 a.m., July 18, 2017.

ADDRESSES: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Glenn Sklar, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004–2901, (800) 788–4016. This is a toll-free number.

SUPPLEMENTARY INFORMATION: The meeting will be closed to the public. No

participation from the public will be considered during the meeting.

STATUS: Closed. During the closed meeting, the Board Members will discuss issues dealing with potential Recommendations to the Secretary of Energy. The Board is invoking the exemptions to close a meeting described in 5 U.S.C. 552b(c)(3) and (9)(B) and 10 CFR 1704.4(c) and (h). The Board has determined that it is necessary to close the meeting since conducting an open meeting is likely to disclose matters that are specifically exempted from disclosure by statute, and/or be likely to significantly frustrate implementation of a proposed agency action. In this case, the deliberations will pertain to potential Board Recommendations which, under 42 U.S.C. 2286d(b) and (h)(3), may not be made publicly available until after they have been received by the Secretary of Energy or the President, respectively.

MATTERS TO BE CONSIDERED: The meeting will proceed in accordance with the closed meeting agenda which is posted on the Board's public Web site at *www.dnfsb.gov.* Technical staff may present information to the Board. The Board Members are expected to conduct deliberations regarding potential Recommendations to the Secretary of Energy.

Dated: June 23, 2017.

Joseph Bruce Hamilton,

Vice Chairman.

[FR Doc. 2017–13526 Filed 6–23–17; 4:15 pm]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

2017–2018 Award Year Deadline Dates for Reports and Other Records Associated With the Free Application for Federal Student Aid (FAFSA), the Federal Supplemental Educational Opportunity Grant Program, the Federal Work-Study Programs, the Federal Perkins Loan Program, the Federal Pell Grant Program, the William D. Ford Federal Direct Loan Program, the Teacher Education Assistance for College and Higher Education Grant Program, and the Iraq and Afghanistan Service Grant Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

Catalog Federal Domestic Assistance (CFDA) Numbers: 84.007 Federal Supplemental Educational Opportunity Grant (FSEOG) Program; 84.033 Federal Work Study (FWS) Program; 84.038 Federal Perkins Loan (Perkins Loan) Program; 84.063 Federal Pell Grant (Pell Grant) Program; 84.268 William D. Ford Federal Direct Loan (Direct Loan) Program; 84.379 Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; 84.408 Iraq and Afghanistan Service Grant Program.

SUMMARY: The Secretary announces deadline dates for the receipt of documents and other information from applicants and institutions participating in certain Federal student aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA), for the 2017–2018 award year. These programs, administered by the U.S. Department of Education (Department), provide financial assistance to students attending eligible postsecondary educational institutions to help them pay their educational costs.

The Federal student aid programs (title IV, HEA programs) covered by this deadline date notice are the Pell Grant, Direct Loan, TEACH Grant, Iraq and Afghanistan Service Grant, and campus-based programs (FSEOG, FWS, and Perkins Loan programs). The campus-based programs are only covered by Table A of this deadline date notice.

DATES:

Deadline and Submission Dates: See Tables A and B at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Rene Tiongquico, U.S. Department of Education, Federal Student Aid, 830 First Street NE., Union Center Plaza, 11th Floor, Washington, DC 20202–5345. Telephone: (202) 377–4270 or by email: *Rene.Tiongquico@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Table A—2017–2018 Award Year Deadline Dates by Which a Student Must Submit the FAFSA, by Which the Institution Must Receive the Student's Institutional Student Information Record (ISIR) or Student Aid Report (SAR), and by Which the Institution Must Submit Verification Outcomes for Certain Students

Table A provides information and deadline dates for receipt of the FAFSA, corrections to and signatures for the FAFSA, ISIRs, and SARs, and verification documents.

The deadline date for the receipt of a FAFSA by the Department's Central Processing System is June 30, 2018, regardless of the method that the applicant uses to submit the FAFSA. The deadline date for the receipt of a signature page for the FAFSA (if required), corrections, notices of change of address or school, or requests for a duplicate SAR is September 15, 2018.

For all title IV, HEA programs, an ISIR or SAR for the student must be received by the institution no later than the student's last date of enrollment for the 2017–2018 award year or September 22, 2018, whichever is earlier. Note that a FAFSA must be submitted and an ISIR or SAR received for the dependent student for whom a parent is applying for a Direct PLUS Loan.

Except for students selected for Verification Tracking Groups V4 and V5, verification documents must be received by the institution no later than 120 days after the student's last date of enrollment for the 2017–2018 award year or September 22, 2018, whichever is earlier. For students selected for Verification Tracking Groups V4 and V5, institutions must submit identity and high school completion status verification results no later than 60 days following the institution's first request to the student to submit the documentation.

For all title IV, HEA programs except for (1) Direct PLUS Loans that will be made to parent borrowers, and (2) Direct Unsubsidized Loans that will be made to dependent students who have been determined by the institution, pursuant to section 479A(a) of the HEA, to be eligible for such a loan without providing parental information on the FAFSA, the ISIR or SAR must have an official expected family contribution (EFC) and the ISIR or SAR must be received by the institution no later than the earlier of the student's last date of enrollment for the 2017–2018 award year or September 22, 2018.

For a student who is requesting aid through the Pell Grant, FSEOG, FWS, and Federal Perkins Loan programs or for a student requesting Direct Subsidized Loans, who does not meet the conditions for a late disbursement under 34 CFR 668.164(j), a valid ISIR or valid SAR must be received by the institution by the student's last date of enrollment for the 2017–2018 award year or September 22, 2018, whichever is earlier.

In accordance with 34 CFR 668.164(j)(4)(i), an institution may not make a late disbursement of title IV, HEA program funds later than 180 days after the date of the institution's determination that the student was no longer enrolled. Table A provides that, to make a late disbursement of title IV student assistance funds, an institution must receive a valid ISIR or valid SAR no later than 180 days after its

determination that the student was no longer enrolled, but not later than September 22, 2018.

Table B—2017–2018 Award Year Pell Grant, Iraq and Afghanistan Service Grant, Direct Loan, and TEACH Grant Programs Deadline Dates for Disbursement by Institutions

Table B provides the earliest disbursement date and the earliest and latest dates for institutions to submit Pell Grant, Iraq and Afghanistan Service Grant, Direct Loan, and TEACH Grant disbursement records to the Department's Common Origination and Disbursement (COD) System and deadline dates for such records if an institution requests and receives approval to submit such records after the established deadline.

An institution must submit Pell Grant, Iraq and Afghanistan Service Grant, Direct Loan, and TEACH Grant disbursement records to COD, no later than 15 days after making the disbursement or becoming aware of the need to adjust a previously reported disbursement. In accordance with 34 CFR 668.164(a), title IV, HEA program funds are disbursed on the date that the institution: (a) Credits those funds to a student's account in the institution's general ledger or any subledger of the general ledger; or (b) pays those funds to a student directly. Title IV, HEA program funds are disbursed even if an institution uses its own funds in advance of receiving program funds from the Department.

An institution's failure to submit disbursement records within the required timeframe may result in the Department rejecting all or part of the reported disbursement. Such failure may also result in an audit or program review finding or the initiation of an adverse action, such as a fine or other penalty for such failure, in accordance with subpart G of the General Provisions regulations in 34 CFR part 668.

Deadline Dates for Enrollment Reporting by Institutions

In accordance with 34 CFR 674.19(f), 34 CFR 682.610(c), 34 CFR 685.309(b), and 34 CFR 690.83(b)(2), upon receipt of an enrollment report from the Secretary, institutions must update all information included in the report and return the report to the Secretary in a manner and format prescribed by the Secretary and within the timeframe prescribed by the Secretary. Consistent with the *National Student Loan Data System (NSLDS) Enrollment Reporting Guide,* the Secretary has determined that institutions must report at least every two months. Institutions may find the *NSLDS Enrollment Reporting Guide* on the Information for Financial Aid Professionals Web site at *http://www.ifap.ed.gov.*

Other Sources for Detailed Information

We publish a detailed discussion of the Federal student aid application process in the 2017–2018 *Federal Student Aid Handbook* and in the 2017–2018 *ISIR Guide.*

Additional information on the institutional reporting requirements for the Pell Grant, Iraq and Afghanistan Service Grant, Direct Loan, and TEACH Grant programs is included in the 2017–2018 *Common Origination and Disbursement (COD) Technical Reference.* Also, see the *NSLDS Enrollment Reporting Guide.*

You may access these publications by selecting the ''iLibrary'' link at the Information for Financial Aid Professionals Web site at: *www.ifap.ed.gov.*

Applicable Regulations: The following regulations apply:

(1) Student Assistance General Provisions, 34 CFR part 668.

(2) Federal Pell Grant Program, 34 CFR part 690.

(3) William D. Ford Direct Loan Program, 34 CFR part 685.

(4) Teacher Education Assistance for College and Higher Education Grant Program, 34 CFR part 686.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1070a, 1070a–1, 1070b–1070b–4, 1070g, 1070h, 1087a–1087j, and 1087aa–1087ii; 42 U.S.C. 2751–2756b.

Dated: June 22, 2017.

Matthew D. Sessa,

Acting Chief Operating Officer, Federal Student Aid.

TABLE A—2017–2018 AWARD YEAR DEADLINE DATES BY WHICH A STUDENT MUST SUBMIT THE FAFSA, BY WHICH THE INSTITUTION MUST RECEIVE THE STUDENT'S INSTITUTIONAL STUDENT INFORMATION RECORD (ISIR) OR STUDENT AID REPORT (SAR), AND BY WHICH THE INSTITUTION MUST SUBMIT VERIFICATION OUTCOMES FOR CERTAIN STUDENTS

Who submits?	What is submitted?	Where is it submitted?	What is the deadline date for receipt?
Student	FAFSA—''FAFSA on the Web'' (original or renewal).	Electronically to the Department's Central Processing System (CPS).	June 30, 2018.[1]
	Signature page (if required)	To the address printed on the signature page	September 15, 2018.
Student through an Institution.	An electronic FAFSA (original or renewal)	Electronically to the Department's CPS using ''Electronic Data Exchange'' (EDE) or ''FAA Access to CPS Online''.	June 30, 2018.[1]
Student	A paper original FAFSA	To the address printed on the FAFSA or envelope provided with the FAFSA.	June 30, 2018.
Student	Electronic corrections to the FAFSA using ''Corrections on the Web''.	Electronically to the Department's CPS	September 15, 2018.[1]
	Signature page (if required)	To the address printed on the signature page	September 15, 2018.
Student through an Institution.	Electronic corrections to the FAFSA	Electronically to the Department's CPS using EDE or ''FAA Access to CPS Online''.	September 15, 2018.[1]
Student	Paper corrections to the FAFSA using a SAR, including change of mailing and email addresses and change of institutions.	To the address printed on the SAR	September 15, 2018.

TABLE A—2017–2018 AWARD YEAR DEADLINE DATES BY WHICH A STUDENT MUST SUBMIT THE FAFSA, BY WHICH THE INSTITUTION MUST RECEIVE THE STUDENT'S INSTITUTIONAL STUDENT INFORMATION RECORD (ISIR) OR STUDENT AID REPORT (SAR), AND BY WHICH THE INSTITUTION MUST SUBMIT VERIFICATION OUTCOMES FOR CERTAIN STUDENTS—Continued

Who submits?	What is submitted?	Where is it submitted?	What is the deadline date for receipt?
Student	Change of mailing and email addresses, change of institutions, or requests for a duplicate SAR.	To the Federal Student Aid Information Center by calling 1–800–433–3243.	September 15, 2018.
Student	A SAR with an official EFC calculated by the Department's CPS, except for Parent PLUS Loans and Direct Unsubsidized Loans made to a dependent student under HEA section 479A(a), for which the ISIR does not need to have an official EFC.	To the institution	The earlier of: —The student's last date of enrollment for the 2017–2018 award year; or —September 22, 2018.[2]
Student through CPS..	An ISIR with an official EFC calculated by the Department's CPS, except for Parent PLUS Loans and Direct Unsubsidized Loans made to a dependent student under HEA section 479A(a), for which the ISIR does not need to have an official EFC.	To the institution from the Department's CPS.	
Student	Valid SAR (Pell Grant, FSEOG, FWS, Perkins Loan, and Direct Subsidized Loans).	To the institution	Except for a student meeting the conditions for a late disbursement under 34 CFR 668.164(j), the earlier of: —The student's last date of enrollment for the 2017–2018 award year; or —September 22, 2018.[2]
Student through CPS..	Valid ISIR (Pell Grant, FSEOG, FWS, Perkins Loan, and Direct Subsidized Loans).	To the institution from the Department's CPS.	
Student	Valid SAR (Pell Grant, FSEOG, FWS, Perkins Loan, and Direct Subsidized Loans).	To the institution	For a student receiving a late disbursement under 34 CFR 668.164(j)(4)(i), the earlier of: —180 days after the date of the institution's determination that the student withdrew or otherwise became ineligible; or —September 22, 2018.[2]
Student through CPS..	Valid ISIR (Pell Grant, FSEOG, FWS, Perkins Loan, and Direct Subsidized Loans).	To the institution from the Department's CPS.	
Student	Verification documents	To the institution	The earlier of:[3] —120 days after the student's last date of enrollment for the 2017–2018 award year; or —September 22, 2018.[2]
Institution	Identity and high school completion verification results for a student selected for verification by the Department and placed in Verification Tracking Group V4 or V5.	Electronically to the Department's CPS using ''FAA Access to CPS Online''.	60 days following the institution's first request to the student to submit the required V4 or V5 identity and high school completion documentation.[4]

[1] The deadline for electronic transactions is 11:59 p.m. (Central Time) on the deadline date. Transmissions must be completed and accepted before 12:00 midnight to meet the deadline. If transmissions are started before 12:00 midnight but are not completed until after 12:00 midnight, those transmissions do not meet the deadline. In addition, any transmission submitted on or just prior to the deadline date that is rejected may not be reprocessed because the deadline will have passed by the time the user gets the information notifying him or her of the rejection.

[2] The date the ISIR/SAR transaction was processed by CPS is considered to be the date the institution received the ISIR or SAR regardless of whether the institution has downloaded the ISIR from its Student Aid Internet Gateway (SAIG) mailbox or when the student submits the SAR to the institution.

[3] Although the Secretary has set this deadline date for the submission of verification documents, if corrections are required, deadline dates for submission of paper or electronic corrections and, for Pell Grant applicants and applicants selected for verification, deadline dates for the submission of a valid SAR or valid ISIR to the institution must still be met. An institution may establish an earlier deadline for the submission of verification documents for purposes of the campus-based programs and the Direct Loan Program, but it cannot be later than this deadline date.

[4] Note that changes to previously submitted Identity Verification Results must be updated within 30 days of the institution becoming aware that a change has occurred.

TABLE B—PELL GRANT, IRAQ AND AFGHANISTAN SERVICE GRANT, DIRECT LOAN, AND TEACH GRANT PROGRAMS DEADLINE DATES FOR DISBURSEMENT INFORMATION BY INSTITUTIONS FOR THE 2017–2018 AWARD YEAR OR PROCESSING YEAR [1]

Which program?	What is submitted?	Under what circumstances is it submitted?	Where is it submitted?	What are the deadlines for disbursement and for submission of records and information?
Pell Grant, Direct Loan, TEACH Grant, and Iraq and Afghanistan Service Grant programs.	An origination or disbursement record.	The institution has made or intends to make a disbursement.	To the Common Origination and Disbursement (COD) System using the Student Aid InternetG Gateway (SAIG); or to the COD System using the COD Web site at: *www.cod.ed.gov*.	The earliest disbursement date is October 18, 2016. The earliest submission date for anticipated disbursement information is March 27, 2017. The earliest submission date for actual disbursement information is March 27, 2017, but no earlier than:

TABLE B—PELL GRANT, IRAQ AND AFGHANISTAN SERVICE GRANT, DIRECT LOAN, AND TEACH GRANT PROGRAMS DEADLINE DATES FOR DISBURSEMENT INFORMATION BY INSTITUTIONS FOR THE 2017–2018 AWARD YEAR OR PROCESSING YEAR [1]—Continued

Which program?	What is submitted?	Under what circumstances is it submitted?	Where is it submitted?	What are the deadlines for disbursement and for submission of records and information?
				(a) 7 calendar days prior to the disbursement date under the advance payment method or the cash monitoring number one payment method; or (b) The disbursement date under the reimbursement or cash monitoring number two payment method.
Pell Grant, Iraq and Afghanistan Service Grant, and TEACH Grant programs.	An origination or disbursement record.	The institution has made a disbursement and will submit records on or before the deadline submission date.	To COD using SAIG; or to COD using the COD Web site at: *www.cod.ed.gov*.	The deadline submission date [2] is the earlier of: (a) 15 calendar days after the institution makes a disbursement or becomes aware of the need to make an adjustment to previously reported disbursement data, except that records for disbursements made between October 18, 2016 and March 27, 2017 must be submitted no later than April 11, 2017; or (b) September 28, 2018.
Direct Loan Program	An origination or disbursement record.	The institution has made a disbursement and will submit records on or before the deadline submission date.	To COD using SAIG; or to COD using the COD Web site at: *www.cod.ed.gov*.	The deadline submission date [2] is the earlier of: (a) 15 calendar days after the institution makes a disbursement or becomes aware of the need to make an adjustment to previously reported disbursement data, except that records of disbursements made between October 18, 2016 and March 27, 2017, may be submitted no later than April 11, 2017; or (b) July 31, 2019.
Pell Grant and Iraq and Afghanistan Service Grant programs.	A downward adjustment to an origination or disbursement record.	It is after the deadline submission date.	To COD using SAIG; or to COD using the COD Web site at: *www.cod.ed.gov*.	No later than September 29, 2023.
Pell Grant, Iraq and Afghanistan Service Grant programs.	An origination or disbursement record. TEACH Grant and Direct Loan programs.	It is after the deadline submission date and the institution has received approval of its request for an extension to the deadline submission date. Requests for extensions to the established submission deadlines may be made for reasons, including, but not limited to:. (a) A program review or initial audit finding under 34 CFR 690.83;. (b) A late disbursement under 34 CFR 668.164(j); or.		

TABLE B—PELL GRANT, IRAQ AND AFGHANISTAN SERVICE GRANT, DIRECT LOAN, AND TEACH GRANT PROGRAMS DEADLINE DATES FOR DISBURSEMENT INFORMATION BY INSTITUTIONS FOR THE 2017–2018 AWARD YEAR OR PROCESSING YEAR [1]—Continued

Which program?	What is submitted?	Under what circumstances is it submitted?	Where is it submitted?	What are the deadlines for disbursement and for submission of records and information?
		(c) Disbursements previously blocked as a result of another institution failing to post a downward adjustment..	Via the COD Web site at: *www.cod.ed.gov*.	The earlier of: (a) When the institution is fully reconciled and is ready to submit all additional data for the program and the award year; or (b) September 29, 2023. When the institution is fully reconciled and is ready to submit all additional data for the program and the award year.
Pell Grant and Iraq and Afghanistan Service Grant programs.	An origination or disbursement record.	It is after the deadline submission date and the institution has received approval of its request for an extension to the deadline submission date based on a natural disaster, other unusual circumstances, or an administrative error made by the Department.	Via the COD Web site at: *www.cod.ed.gov*.	The earlier of: (a) A date designated by the Secretary after consultation with the institution; or (b) February 1, 2019.
Pell Grant and Iraq and Afghanistan Service Grant programs.	An origination or disbursement record.	It is after the deadline submission date and the institution has received approval of its request for administrative relief to extend the deadline submission date based on a student's reentry to the institution within 180 days after initially withdrawing.[3]	Via the COD Web site at: *www.cod.ed.gov*.	The earlier of: (a) 15 days after the student reenrolls; or (b) May 3, 2019.

[1] A COD Processing Year is a period of time in which institutions are permitted to submit Direct Loan records to the COD System that are related to a given award year. For a Direct Loan, the period of time includes loans that have a loan period covering any day in the 2017–2018 award year.

[2] Transmissions must be completed and accepted before the designated processing time on the deadline submission date. The designated processing time is published annually via an electronic announcement posted to the Information for Financial Aid Professionals website (*www.ifap.ed.gov*). If transmissions are started at the designated time, but are not completed until after the designated time, those transmissions will not meet the deadline. In addition, any transmission submitted on or just prior to the deadline date that is rejected may not be reprocessed because the deadline will have passed by the time the user gets the information notifying him or her of the rejection.

[3] Applies only to students enrolled in clock-hour and nonterm credit-hour educational programs.

NOTE: The COD System must accept origination data for a student from an institution before it accepts disbursement information from the institution for that student. Institutions may submit origination and disbursement data for a student in the same transmission. However, if the origination data is rejected, the disbursement data is rejected.

[FR Doc. 2017–13436 Filed 6–26–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Annual Notice of Interest Rates of Federal Student Loans Made Under the William D. Ford Federal Direct Loan Program On or After July 1, 2013

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Acting Chief Operating Officer for Federal Student Aid announces the interest rates for loans made under the William D. Ford Federal Direct Loan (Direct Loan) Program on or after July 1, 2017, but before July 1, 2018. Catalog of Federal Domestic Assistance (CFDA) Number: 84.268.

DATES: This notice is effective June 27, 2017.

FOR FURTHER INFORMATION CONTACT: Rene Tiongquico, U.S. Department of Education, 830 First Street NE., 11th Floor, Washington, DC 20202. Telephone: (202) 377–4270 or by email: *Rene.Tiongquico@ed.gov*.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Section 455(b) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1087e(b)), provides formulas for determining the interest rates charged to borrowers for loans made under the Direct Loan Program including: Federal Direct Subsidized Stafford Loans (Direct Subsidized Loans); Federal Direct Unsubsidized Stafford Loans (Direct Unsubsidized Loans); Federal Direct PLUS Loans (Direct PLUS Loans); and Federal Direct Consolidation Loans (Direct Consolidation Loans).

Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans (collectively, Direct Loans) first disbursed on or after July 1, 2013, have a fixed interest rate that is calculated based on the high yield of the 10-year Treasury notes auctioned at the final auction held before June 1 of each year, plus a statutory add-on percentage (a ''margin''). While the interest rate determination for new loans will be different from year to year, each of these loans will have a fixed interest rate for

the life of the loan. In each case the calculated rate is capped at a maximum interest rate. On Wednesday, May 10, 2017, the United States Treasury Department held a 10-year Treasury note auction that resulted in a high yield of 2.400%.

The following chart contains specific information on the calculation of the interest rates for Direct Loans first disbursed on or after July 1, 2017, but before July 1, 2018. We will publish a separate notice containing the interest rates for Direct Loans that were made in prior years.

FIXED-RATE DIRECT SUBSIDIZED LOANS, DIRECT UNSUBSIDIZED LOANS, AND DIRECT PLUS LOANS FIRST DISBURSED ON OR AFTER 7/1/2017 BUT BEFORE 7/1/2018

Loan type	Student grade level	Cohort		Index rate	Margin (%)	Fixed rate (%)	Max. rate (%)
		First disbursed on/after	First disbursed before	10-Year treasury note (%)			
Subsidized	Undergraduates	7/1/2017	7/1/2018	2.400	2.05	4.45	8.25
Unsubsidized	Undergraduates	7/1/2017	7/1/2018	2.400	2.05	4.45	8.25
Unsubsidized	Graduate and Professional Students	7/1/2017	7/1/2018	2.400	3.60	6.00	9.50
PLUS	Parents of Dependent Undergraduates	7/1/2017	7/1/2018	2.400	4.60	7.00	10.50
PLUS	Graduate and Professional Students	7/1/2017	7/1/2018	2.400	4.60	7.00	10.50

For an application for a Direct Consolidation Loan that was received by the Department on or after July 1, 2013, the interest rate on that loan is the weighted average of the loans being consolidated, rounded to the nearest higher ⅛ of 1 percent. These Direct Consolidation Loans do not have an interest rate cap.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at *www.gpo.gov/fdsys*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1087, *et seq.*

Dated: June 22, 2017.

Matthew D. Sessa,

Acting Chief Operating Officer, Federal Student Aid.

[FR Doc. 2017–13432 Filed 6–26–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Docket No. PP–371]

Informational Notice Regarding Public Notification Procedures for the Northern Pass Transmission Line Project

AGENCY: Department of Energy.

ACTION: Notice of changes to the public notification procedures for consultation under the National Historic Preservation Act for the Northern Pass Transmission Line Project.

SUMMARY: The U.S. Department of Energy (DOE) is notifying the public of changes to the public notification procedures for consultation under the National Historic Preservation Act for the Northern Pass Transmission Line Project, including implementation of the Programmatic Agreement developed for the Project.

DATES: DOE is changing the public notification procedures for consultation under the National Historic Preservation Act for the Northern Pass Transmission Line Project effective June 14, 2017.

ADDRESSES: Requests for information about the proposed project and DOE's Section 106 review should be addressed to: Brian Mills, Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; or by email to *Brian.Mills@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: For information on DOE's review of the Presidential permit application, contact Brian Mills by one of the methods listed in **ADDRESSES** above, or at 202–586–8267.

SUPPLEMENTARY INFORMATION:

Background

Executive Order (E.O.) 10485, as amended by E.O. 12038, requires that before an electric transmission facility may be constructed, operated, maintained, or connected at the U.S. international border, a Presidential permit must be issued by DOE. E.O. 10485 provides that DOE may issue a Presidential permit upon finding issuance of the permit to be consistent with the public interest and after obtaining favorable recommendations from the U.S. Departments of State and Defense. In determining whether issuance of a Presidential permit would be consistent with the public interest, DOE takes into account the potential effects of the issuance of a Presidential permit for the proposed project's international border crossing on historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP) and gives the Advisory Council on Historic Preservation (ACHP) and state historic preservation offices (SHPOs) an opportunity to comment, in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (54 United States Code (U.S.C.) 306108) (Section 106), as amended, and the Section 106 implementing regulations (36 CFR part 800).

On October 14, 2010, NPT applied to DOE for a Presidential permit to construct, operate, maintain, and connect a high-voltage direct current (HVDC) transmission line across the U.S.-Canada border (the proposed Project). On July 1, 2013, NPT submitted an amended Presidential permit application to DOE (see 78 FR 50405 (Aug. 19, 2013)). On August 31, 2015, NPT further amended its Presidential permit application to DOE (see 80 FR

58725 (Sep. 30, 2015)). The amended applications are summarized below.

Applicant's Proposal

In the July 2013 amended application, NPT proposed to construct and operate a primarily overhead high voltage direct current (HVDC) electric transmission line that would originate at an HVDC converter station to be constructed at the Des Cantons Substation in Québec, Canada, then would be converted from HVDC to alternating current (AC) in Franklin, NH, and would continue to its southern terminus in Deerfield, NH. The proposed facilities would be capable of transmitting up to 1200 megawatts (MW) of power.

The New Hampshire portion of the proposed Project would be a single circuit 300 kilovolt (kV) HVDC transmission line running approximately 153 miles from the U.S. border crossing with Canada near the community of Pittsburg, NH, to a new HVDC-to-AC transformer facility to be constructed in Franklin, NH. From Franklin, NH, to the Project terminus at the Public Service Company of New Hampshire's existing Deerfield Substation located in Deerfield, NH, the proposed Project would consist of 34 miles of 345-kV AC electric transmission line. The total length of the proposed Project would be approximately 187 miles.

NPT's August 2015 application amendment (80 FR 58725) changed the proposed transmission line route by adding three miles of buried transmission line adjacent to a road not previously analyzed, adding two new transition stations (one in Bridgewater and one in Bethlehem; both would transition the transmission line between aboveground and buried) of approximately one acre each, and increasing the amount of proposed buried transmission line from approximately eight miles to approximately 60 miles with a total proposed Project length of approximately 192 miles. In addition, the amendment proposed a minor shift (less than 100 feet) in the international border crossing location, changed the project size from 1,200 MW to 1,000 MW with a potential transfer capability of 1,090 MW and included other design changes (*e.g.,* change in converter technology and type of cable). A copy of the amended Presidential permit application and maps of the proposed Project route can be found at the DOE environmental impact statement (EIS) Web site (*http://www.northernpasseis.us*).

Section 106 Review

Section 106 of the NHPA requires federal agencies to take into account the potential effects of their undertakings that require federal funding, approvals, or permits on historic properties and to give the ACHP and SHPOs an opportunity to comment. Compliance with Section 106 also requires consultation with other consulting parties, which may include federally-recognized Indian tribes, representatives of local governments, the applicant, certain individuals and organizations with a demonstrated interest in the proposed undertaking due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties (36 CFR 800.2). The public is also a participant in the Section 106 process, and federal agencies must also seek and consider the views of the public (36 CFR 800.2(d)). If adverse effects on historic properties are anticipated, agencies develop measures to avoid, minimize, or mitigate those adverse effects through consultation.

DOE initiated Section 106 consultation with the NH SHPO—the New Hampshire Division of Historical Resources—in February 2011 in response to NPT's 2010 Presidential permit application. DOE suspended its Section 106 consultation following notification from NPT that NPT would be submitting an amended Presidential permit application. DOE re-engaged the NH SHPO in 2013 to continue Section 106 consultation on NPT's amended Presidential permit application submission; through consultation with the NH SHPO and other consulting federal agencies, DOE defined the area of potential effects (APE) (36 CFR 800.16(d)) and identified potential additional consulting parties (36 CFR 800.2). The ACHP was invited to participate in DOE's Section 106 consultation in January 2014; ACHP formally joined DOE's Section 106 consultation in February 2015. Additional consulting parties (36 CFR 800.2) were invited to participate in DOE's Section 106 consultation in January 2014. DOE initiated consultation with the VT SHPO—the Vermont Division of Historic Preservation—in June 2016 to address the portion of the APE within Vermont.

When the potential effects on historic properties are complex, involve large land areas, and cannot be fully determined prior to approval of an undertaking, an agency's obligations under Section 106 are satisfied by negotiation and execution of a legally binding agreement called a Programmatic Agreement or PA. DOE has developed a draft PA through which it proposes to satisfy the Section 106 requirements for the proposed Northern Pass project. All information for the public regarding the Section 106 process are available at DOE's Section 106 Consultation Page for the proposed Northern Pass Transmission Line Project: *http://www.northernpasseis.us/consultations/section106/.*

Change in Public Notification Procedure for Section 106 Consultation

The Section 106 implementing regulations provide for specific public involvement opportunities in the Section 106 process. The level of public involvement is determined on a project-by-project basis by the federal agency implementing Section 106. DOE previously indicated that it would notify the public about the Section 106 process through future **Federal Register** notices (see 78 FR 54876 (Sept. 6, 2013)). DOE is no longer using the **Federal Register** to notify the public regarding Section 106. Going forward, DOE will continue to provide updates and information to the public, including about opportunities for public involvement, regarding the Section 106 process through DOE's Section 106 Consultation Page for the Project: *http://www.northernpasseis.us/consultations/section106/.* In accordance with this decision, on June 14, 2017, DOE notified the public that the draft Section 106 Programmatic Agreement for the Northern Pass Transmission Project was available to the public at this site.

Issued in Washington, DC, on June 16, 2017.

Brian Mills,

Director, Transmission Permitting & Technical Assistance, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2017–13418 Filed 6–26–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–1871–000]

Bayshore Solar B, 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 Bayshore Solar B, 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 July 11, 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 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–13384 Filed 6–26–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–132–000.

Applicants: FPL Energy Wyman IV LLC, Public Service Company of New Hampshire.

Description: Application for Authorization for Disposition of Jurisdictional Facilities Under Section 203 of the Federal Power Act and Request for Expedited Action of FPL Energy Wyman IV LLC, et. al.

Filed Date: 6/21/17.

Accession Number: 20170621–5146.

Comments Due: 5 p.m. ET 7/12/17.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17–119–000.

Applicants: Buckthorn Wind, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Buckthorn Wind, LLC.

Filed Date: 6/21/17.

Accession Number: 20170621–5118.

Comments Due: 5 p.m. ET 7/12/17.

Docket Numbers: EG17–120–000.

Applicants: Bearkat Wind Energy I, LLC.

Description: Bearkat Wind Energy I, LLC's Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 6/21/17.

Accession Number: 20170621–5149.

Comments Due: 5 p.m. ET 7/12/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1877–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Letter Agreement Huntington Beach Energy Project SA No. 193 to be effective 6/22/2017.

Filed Date: 6/21/17.

Accession Number: 20170621–5087.

Comments Due: 5 p.m. ET 7/12/17.

Docket Numbers: ER17–1878–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Letter Agreement Alamitos Energy Center Project SA No. 194 to be effective 6/22/2017.

Filed Date: 6/21/17.

Accession Number: 20170621–5088.

Comments Due: 5 p.m. ET 7/12/17.

Docket Numbers: ER17–1879–000.

Applicants: New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 205 filing of Rate Schedule 1 revisions for Ramapo PARs cost recovery to be effective 7/1/2017.

Filed Date: 6/21/17.

Accession Number: 20170621–5124.

Comments Due: 5 p.m. ET 7/12/17.

Docket Numbers: ER17–1880–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–06–21_SA 900 Termination of Entergy—Southcoast Wind LGIA to be effective 9/4/2017.

Filed Date: 6/21/17.

Accession Number: 20170621–5147.

Comments Due: 5 p.m. ET 7/12/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–13382 Filed 6–26–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. AD17–12–000; PL03–3–000; AD03–7–000; ER17–795–000; ER17–795–001; RP16–1299–000; RP16–1299–001; RP16–1299–002; ER17–386–001; ER17–386–002]

Supplemental Notice of Technical Conference

	Docket Nos.
Developments in Natural Gas Index Liquidity and Transparency.	AD17–12–000
Price Discovery in Natural Gas and Electric Markets.	PL03–3–000
Natural Gas Price Formation	AD03–7–000
ISO New England Inc	ER17–795–000
	ER17–795–001

	Docket Nos.
Kinetica Energy Express, LLC	RP16–1299–000 RP16–1299–001 RP16–1299–002
New York Independent System Operator, Inc.	ER17–386–001 ER17–386–002

Supplemental Notice of Technical Conference

As announced in the Notices issued May 10, 2017,[1] and June 13, 2017,[2] Federal Energy Regulatory Commission (Commission) staff will hold a technical conference on Thursday, June 29, 2017 from 9:00 a.m. to 5:30 p.m. to discuss the state of liquidity and transparency in the physical natural gas markets. A revised agenda and list of panel participants for this conference are attached. The conference is free of charge and open to the public. Commission members may participate in the conference.

This Supplemental Notice contains the following changes to the previously-issued technical conference agenda: (1) Edward Fortunato, Managing Director of Analytics for Constellation Energy, Exelon Corporation is not participating as a panelist on Panels 1 and 2 of the technical conference and; (2) Gregg Bradley, Supervisor of Market Compliance for the Internal Market Monitor, ISO New England Inc. will be a panelist on Panel 2 of the technical conference. Christopher Hamlen, Regulatory Counsel, ISO–NE, is not participating as a panelist.

In addition, please take note that the Commission will accept post technical conference comments up to 30 days after the technical conference. Please file any comments with the Commission by July 31, 2017.

If they have not already done so, those who plan to attend the technical conference are strongly encouraged to complete the registration form located at: *https://www.ferc.gov/whats-new/registration/06-29-17-form.asp.* The dress code for the conference will be business casual.

The technical conference will be transcribed. Transcripts will be available from Ace Reporting Company and may be purchased online at *www.acefederal.com,* or by phone at (202) 347–3700. In addition, there will be a free webcast of the conference. The webcast will allow persons to listen, but not participate, and will be accessible at *www.ferc.gov* Calendar of Events. The Capitol Connection provides technical support for the webcast and offers the option of listening to the technical conference via phone-bridge for a fee; visit *www.CapitolConnection.org* or call (703) 993–3100 with any webcast questions.

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 1–866–208–3372 (voice) or 202–208–1659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about the technical conference, please contact:

Sarah McKinley (Logistics), Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8368, *Sarah.Mckinley@ferc.gov.*

Eric Primosch (Technical), Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6483, *Eric.Primosch@ferc.gov.*

Omar Bustami (Legal), Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6214, *Omar.Bustami@ferc.gov.*

Dated: June 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

Technical Conference on Developments in Natural Gas Index Liquidity and Transparency

Docket No. AD17–12–000

June 29, 2017

Agenda

The purpose of the staff-led Technical Conference on Developments in Natural Gas Index Liquidity and Transparency is to solicit feedback and develop a record regarding index robustness and to discuss what, if anything, the industry and/or the Commission could do to increase transparency and support greater robustness in natural gas price formation. The technical conference will examine: (1) The current state of natural gas index liquidity and voluntary reporting to index developers; (2) the use of natural gas indices over time; and (3) possible actions that the industry and/or the Commission could take to increase transparency and support greater robustness in natural gas price formation.

9:00 a.m.–9:15 a.m. Welcome and Opening Remarks

9:15 a.m.–9:45 a.m. Natural Gas Index Presentation (Commission Staff)

Staff will present an overview of natural gas transactions using FERC Form No. 552 data. The presentation will review trends in next-day and next-month transactions, the number of companies that report to index developers, and the volume of fixed-priced transactions that contribute to natural gas indices. Staff will also present an overview of natural gas indices referenced in jurisdictional tariffs.

[1] Developments in Natural Gas Index Liquidity and Transparency, Docket No. AD17–12–000 (May 10, 2017) (Notice of Technical Conference) (*https://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14586688*).

[2] Developments in Natural Gas Index Liquidity and Transparency, Docket No. AD17–12–000 (June 13, 2017) (Supplemental Notice of Technical Conference) (*https://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14613488*).

9:45 a.m.–12:00 p.m. Panel 1: Robustness and Liquidity of Natural Gas Indices

Most price indices are supplied as a commercial service by publishers of daily, weekly, or monthly newsletters. Price indices play a pivotal role in natural gas market price formation, and are commonly referenced in physical and financial transactions. This panel will examine the robustness and liquidity of natural gas indices, the degree of industry reliance on index-based contracts rather than fixed-price contracts, the decline in fixed-price reporting to index developers, and whether natural gas indices accurately reflect market conditions.

Panelists are encouraged to respond to the following:

1. Describe the current trends in natural gas fixed-price and physical basis trading that you believe positively or negatively impact price formation in the natural gas market, detailing any observable shifts in liquidity. Are there differences in market fundamentals, procedures, or policies which disproportionately impact either overall or regional liquidity?

2. How have the volume and quality of next-day and next-month fixed-price and physical basis transaction reporting changed? In addition, describe any changes in other information used to form natural gas indices. Are there market, regulatory, or other factors that discourage reporting? If so, are there ways to incent reporting?

3. For indices published by index developers and referenced in FERC jurisdictional tariffs, the Commission requires index developers to comply with five standards: (1) Code of conduct and confidentiality; (2) completeness; (3) data verification, error correction, and monitoring; (4) verifiability; and (5) availability and accessibility.[3] How have index developers' methodologies and practices changed since these standards were developed? Are the standards established in 2003 still relevant and sufficient to allow for healthy and robust natural gas price formation in today's environment?

4. Is there a need for additional transparency regarding natural gas index price assessments and the level of liquidity underlying each natural gas index published by index developers? Should common minimum liquidity thresholds be defined? If so, who should define them, and what should be the mechanism for accomplishing this? For example, should index developers provide information about which indices are illiquid? What kind of coordination would be necessary, and what kind of information would be shared, and with whom, when a given natural gas price index is deemed illiquid?

Panelists

- Mark Callahan, Editorial Director of Platts North America, S&P Global
- J.C. Kneale, Vice President of North American Natural Gas, Power & NGL Markets, InterContinental Exchange
- Euan Craik, Chief Executive Officer, Argus Media
- Tom Haywood, Editor of Natural Gas Week, Energy Intelligence
- Dexter Steis, Executive Publisher, Natural Gas Intelligence
- Vince Kaminski, Professor in Practice of Energy, Rice University
- Orlando Alvarez, President and CEO, BP Energy Company

12:00 p.m.–1:00 p.m. Break

1:00 p.m.–3:30 p.m. Panel 2: Role of Natural Gas Indices in Price Formation

Natural gas indices are used by industry for a variety of purposes, such as settling bilateral contracts of varying terms, basis swap futures, index swap futures, swing swap futures, and calendar and basis spreads. Natural gas indices also are used in FERC jurisdictional interstate natural gas pipeline and wholesale electric transmission tariffs for various purposes. For example, indices are used in many interstate natural gas pipeline tariffs to settle imbalances or determine penalties. In addition, State Commissions use indices as benchmarks in reviewing the prudence of natural gas purchases by local distribution companies. Finally, some Regional Transmission Organizations and Independent System Operators (RTOs/ISOs) rely on natural gas indices to develop reference levels for market power mitigation. Given the prevalence of indices in the natural gas and electric industries, indices must be robust and have the confidence of market participants for such markets to function properly and efficiently.

Panelists are encouraged to respond to the following:

1. Describe current industry uses of physical natural gas price indices. Are natural gas price indices sufficiently reflecting the locational value of natural gas to permit decision-making by those with an interest in the value of natural gas such as: End users, producers, marketers, and other buyers and sellers?

2. Are there improvements that should be made to increase the likelihood that natural gas indices will reflect the market value at particular locations? For example, could index publishers provide increased transparency when there are insufficient transactions to formulate an index price? What additional information could signal that market activity is sufficiently robust to create accurate prices?

3. For RTOs/ISOs that rely on natural gas indices to develop reference levels for market power mitigation, do you have concerns about the robustness or liquidity of the natural gas indices used in your tariffs? If so, please explain why.

4. Recognizing that the use of natural gas indices in FERC jurisdictional tariffs is different from their use in commercial transactions, the Commission established liquidity thresholds for indices referenced in jurisdictional tariffs.[4] Do these thresholds accurately capture minimum liquidity thresholds over an appropriate time period? Should the liquidity of indices referenced in FERC jurisdictional tariffs be reassessed periodically, and if so, who should assess it, and what should be the mechanism for accomplishing this? What kind of coordination would be necessary, and what kind of information should be shared and with whom, should a given index be deemed illiquid?

Panelists:

- Paul Greenwood, Vice President of the Americas, Africa, and Asia Pacific New Markets for ExxonMobil, Natural Gas Supply Association Representative
- Pallas LeeVanSchaik, External Market Monitor, Potomac Economics
- Guillermo Bautista Alderete, Director of Market Analysis and Forecasting, California ISO
- Gregg Bradley, Supervisor of Market Compliance for the Internal Market Monitor, ISO New England Inc.
- George Wayne, Director of Account Services for the Western Pipelines, Kinder Morgan
- Corey Grindal, Senior Vice President of Gas Supply, Cheniere Energy
- David Louw, Division Director of Risk Management and Compliance, Macquarie Energy
- Donnie Sharp, Senior Natural Gas Supply Coordinator for Huntsville Utilities, American Public Gas Association Representative
- Lee Bennett, Manager, Pricing and Business Analysis for Transcanada, Interstate Natural Gas Association of America Representative
- Susan Bergles, Assistant General Counsel, American Gas Association

[3] *Policy Statement on Natural Gas and Electric Price Indices,* 104 FERC ¶ 61,121, at P 33 (2003).

[4] *Price Discovery in Natural Gas and Electric Markets,* 109 FERC ¶ 61,184 at P60 (2004).

3:30 p.m.–3:45 p.m. Break
3:45 p.m.–5:25 p.m. Panel 3: Options To Increase Transparency and Liquidity of Natural Gas Indices

Should action be taken to foster more meaningful, reliable, and transparent price information in natural gas markets? What changes may be necessary to incent voluntary price reporting and improve the accuracy, reliability, and transparency of natural gas price indices? Discuss the degree to which the level of voluntary reporting and other developments within the commercial service model of natural gas index development impact the robustness of natural gas indices.

Panelists are encouraged to respond to the following:

1. Is there a need to develop industry wide liquidity thresholds? While the Commission maintains certain liquidity thresholds for indices referenced in jurisdictional tariffs, should standards be developed that would apply to other uses of natural gas indices? If so, how can such standards be developed and by whom? Can this be addressed through voluntary consensus or through other regulatory processes? Are there legal, commercial, or technical impediments to doing so?

2. Should the Commission take steps to provide greater natural gas price transparency and market information, promote index developer competition, and enhance confidence in natural gas price formation through increased transparency and accessibility of natural gas index information? For example, should the Commission consider exercising its authority under section 23(a)(1) through (3) of the Natural Gas Act to require market participants to report price forming transactions to index developers?

3. Is index data sufficiently available and transparent? Does the commercial service model negatively or positively impact price formation? What actions, policies, or trends have impacted price discovery? Is there additional information market participants need to ensure robust natural gas price formation? Who should provide that information? How would that information be shared?

Panelists:

- Greg Leonard, Vice President, Cornerstone Research
- Orlando Alvarez, President and CEO, BP Energy Company
- Mark Callahan, Editorial Director for Platts North America, S&P Global
- J.C. Kneale, Vice President of North American Natural Gas, Power & NGL Markets, InterContinental Exchange
- Vince Kaminski, Professor in Practice of Energy, Rice University
- Curtis Moffatt, Deputy General Counsel and Vice President, Kinder Morgan
- Joe Bowring, President, Monitoring Analytics
- Corey Grindal, Senior Vice President of Gas Supply, Cheniere Energy
- Tom Haywood, Editor of Natural Gas Week, Energy Intelligence
- Drew Fossum, Senior Vice President and General Counsel, Tenaska Inc.
- Joan Dreskin, Vice President and General Counsel, Interstate Natural Gas Association of America

5:25 p.m.–5:30 p.m. Closing Remarks

[FR Doc. 2017–13391 Filed 6–26–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–441–000]

Northwest Pipeline, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed North Seattle Lateral Upgrade Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Session

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the North Seattle Lateral Upgrade Project involving construction and operation of facilities by Northwest Pipeline, LLC (Northwest) in Snohomish County, Washington. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before July 21, 2017.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Northwest provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Public Participation

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project; or

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' If you are filing a comment on a particular project,

please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP17–441–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend the public scoping session its staff will conduct in the project area, scheduled as follows:

Date and time	Location
Thursday, July 13, 2017, 5:00 p.m.–9:00 p.m. PDT	Lynnwood Convention Center, 3711 196th Street SW., Lynnwood, WA 98036, (425) 778–7155.

The primary goal of these scoping sessions is to have you identify the specific environmental issues and concerns that should be considered in the EA to be prepared for this project. Individual verbal comments will be taken on a one-on-one basis with a court reporter. This format is designed to receive the maximum amount of verbal comments, in a convenient way during the timeframe allotted.

Each scoping session is scheduled from 5:00 p.m. to 9:00 p.m. PDT. You may arrive at any time after 5:00 p.m. There will not be a formal presentation by Commission staff when the session opens. If you wish to provide comments to the court reporter, the Commission staff will hand out numbers in the order of your arrival. Comments will be taken until 9:00 p.m. However, if no additional numbers have been handed out and all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session at 8:00 p.m. Please see appendix 1 for additional information on the session format and conduct.[1]

Your scoping comments will be recorded by the court reporter (with FERC staff present) and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system (see below for instructions on using eLibrary). If a significant number of people are interested in providing verbal comments in the one-on-one settings, a time limit of 3–5 minutes may be implemented for each commentor.

It is important to note that verbal comments hold the same weight as written or electronically submitted comments. Although there will not be a formal presentation, Commission staff will be available throughout the comment session to answer your questions about the environmental review process. Representatives from Northwest will also be present to answer project-specific questions.

Please note this is not your only public input opportunity; please refer to the review process flow chart in appendix 2.

Summary of the Proposed Project

Northwest proposes to remove approximately 6.6 miles of the 8-inch-diameter North Seattle Lateral pipeline and replace it with 20-inch-diameter pipeline, primarily in the same trench. The project is in Snohomish County, Washington. According to Northwest, the proposed facilities would increase service reliability and enable Northwest to provide an incremental 196,311 dekatherms per day of firm capacity to serve Puget Sound Energy.

The North Seattle Lateral Upgrade Project would consist of the following facilities:

- Replace 6.6-miles of 8-inch-diameter pipeline with 20-inch-diameter pipeline,
- rebuild the existing North Seattle/Everett meter station in order to accommodate the increased delivery capacity of the North Seattle Lateral,
- relocate an existing 8-inch pig launcher and a 20-inch pig receiver,[2]
- replace an existing 8-inch mainline valve with a 20-inch valve.

The general location of the project facilities is shown in appendix 3.

Land Requirements for Construction

Construction activities related to the Upgrade Project would disturb about 103 acres of land for the pipeline replacement and aboveground facilities. The new pipeline would be installed within Northwest's existing easement. Following construction, Northwest would maintain its existing 48 acres of easement area for permanent operation of the project facilities; the remaining 54 acres of construction work space would be restored and revert to former uses. The entire existing right-of-way in which the replacements would be made parallels existing pipeline, utility, or road rights-of-way.

Alternatives Under Consideration

Northwest is considering two alternate configurations to the project, as shown in appendix 4. The first option, if geotechnical and engineering studies are favorable, would be to terminate the 20-inch-diameter pipeline at milepost 8.4 and place the relocated pig launcher/receiver at this point, near Newton Road (see figure 4a), rather than at milepost 8.9, as currently proposed. This would shorten the overall length of the pipeline replacement by approximately 0.3 mile. A second alternative is to divert the pipeline off the existing Northwest easement between Yew Way and Waverly Drive as it passes through the Fritch Forest Products mill facility, in order to avoid interference with mill operations. This alternative is depicted in figure 4b.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- vegetation and wildlife;

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called eLibrary or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] A pig is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

[3] We, us, and our refer to the environmental staff of the Commission's Office of Energy Projects.

- endangered and threatened species;
- cultural resources;
- air quality and noise;
- public safety; and
- cumulative impacts.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2 of this Notice.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified two issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Northwest. This preliminary list of issues may be changed based on your comments and our analysis.

- Effects of construction on residential properties.
- Impacts on sensitive fish species during stream construction activities.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 5).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the ''Document-less Intervention Guide'' under the ''e-filing'' link on the Commission's Web site. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.*

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP17–441). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: June 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–13383 Filed 6–26–17; 8:45 am]

BILLING CODE 6717–01–P

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[5] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14822–000]

Merchant Hydro Developers, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 18, 2017, Merchant Hydro Developers, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility

of the Aroo Pioneer Peak Pumped Storage Hydro Project to be located near Archbald Borough and Jefferson Township in Lackawanna County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new upper reservoir with a surface area of 116 acres and a storage capacity of 1,740 acre-feet at a surface elevation of approximately 2,265 feet above mean sea level (msl) created through construction of a new roller-compacted concrete or rock-fill dam; (2) a new lower reservoir with a surface area of 184 acres and a storage capacity of 2,088 acre-feet at a surface elevation of 1,400 feet msl; (3) a new 10,000-foot-long, 48-inch-diameter penstock connecting the upper and lower reservoirs; (4) a new 150-foot-long, 50-foot-wide, 25-foot-high powerhouse containing two turbine-generator units with a total rated capacity of 123 megawatts; (5) a new 2,640-foot-long transmission line connecting the powerhouse to the PPL Electric Utilities' Peckville 230-kilovolt circuit; and (6) appurtenant facilities. The proposed project would have an annual generation of 450,380 megawatt-hours.

Applicant Contact: Adam Rousselle, Merchant Hydro Developers, LLC, 5710 Oak Crest Drive, Doylestown, PA 18902; phone: 267–254–6107.

FERC Contact: Woohee Choi; phone: (202) 502–6336.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications 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–14822–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14822) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–13387 Filed 6–26–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14825–000]

Merchant Hydro Developers, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 18, 2017, Merchant Hydro Developers, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Four Mile Pumped Storage Hydro Project to be located near the City of Frostburg in Allegany County, Maryland. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new upper reservoir with a surface area of 168 acres and a storage capacity of 2,520 acre-feet at a surface elevation of approximately 2,800 feet above mean sea level (msl) created through construction of a new roller-compacted concrete or rock-fill dam; (2) a new lower reservoir with a surface area of 55 acres and a storage capacity of 3,024 acre-feet at a surface elevation of 2,250 feet msl; (3) a new 5,823-foot-long, 48-inch-diameter penstock connecting the upper and lower reservoirs; (4) a new 150-foot-long, 50-foot-wide, 25-foot-high powerhouse containing two turbine-generator units with a total rated capacity of 114 megawatts; (5) a new 2,640-foot-long transmission line connecting the powerhouse to the Frostburg-Jennings 138-kilovolt circuit owned by Potomac Edison; and (6) appurtenant facilities. The proposed project would have an annual generation of 414,741 megawatt-hours.

Applicant Contact: Adam Rousselle, Merchant Hydro Developers, LLC, 5710 Oak Crest Drive, Doylestown, PA 18902; phone: 267–254–6107.

FERC Contact: Woohee Choi; phone: (202) 502–6336.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications 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–14825–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14825) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–13388 Filed 6–26–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–2091–000; EL16–114–000.

Applicants: Idaho Power Company.

Description: Response of Idaho Power Company to October 10, 2016 Show Cause Order.

Filed Date: 11/30/16.

Accession Number: 20161130–5296.

Comments Due: 5 p.m. ET 7/12/17.

Docket Numbers: ER17–1193–000.

Applicants: Otter Tail Power Company.

Description: Report Filing: Submission of Refund Report to be effective N/A.

Filed Date: 6/21/17.

Accession Number: 20170621–5043.

Comments Due: 5 p.m. ET 7/12/17.

Docket Numbers: ER17–1874–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2415R6 Kansas Municipal Energy Agency NITSA and NOA to be effective 6/1/2017.

Filed Date: 6/21/17.

Accession Number: 20170621–5002.

Comments Due: 5 p.m. ET 7/12/17.

Docket Numbers: ER17–1875–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3114R3 Resale Power Group of Iowa to be effective 6/1/2017.

Filed Date: 6/21/17.

Accession Number: 20170621–5050.

Comments Due: 5 p.m. ET 7/12/17.

Docket Numbers: ER17–1876–000.

Applicants: Midcontinent Independent System Operator, Inc., Otter Tail Power Company.

Description: § 205(d) Rate Filing: 2017–06–21 SA 3020 OTP–OTP E&P (J510) to be effective 6/2/2017.

Filed Date: 6/21/17.

Accession Number: 20170621–5071.

Comments Due: 5 p.m. ET 7/12/17.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES17–37–000.

Applicants: The Connecticut Light and Power Company, Western Massachusetts Electric Company.

Description: Application of The Connecticut Light and Power Company and Western Massachusetts Electric Company to Issue Short-Term Debt Securities.

Filed Date: 6/20/17.

Accession Number: 20170620–5159.

Comments Due: 5 p.m. ET 7/11/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–13392 Filed 6–26–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14826–000]

Merchant Hydro Developers, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 18, 2017, Merchant Hydro Developers, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Hudson Hill Pumped Storage Hydro Project to be located near Jackson Township in Lycoming County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new upper reservoir with a surface area of 70 acres and a storage capacity of 1,050 acre-feet at a surface elevation of approximately 2,150 feet above mean sea level (msl) created through construction of a new roller-compacted concrete or rock-fill dam; (2) a new lower reservoir with a surface area of 36 acres and a storage capacity of 1,260 acre-feet at a surface elevation of 1,550 feet msl; (3) a new 1,448-foot-long, 48-inch-diameter penstock connecting the upper and lower reservoirs; (4) a new 150-foot-long, 50-foot-wide, 25-foot-high powerhouse containing two turbine-generator units with a total rated capacity of 52 megawatts; (5) a new 7,920-foot-long transmission line connecting the powerhouse to the Laurel Hill 230-kilovolt transmission circuit owned by Pennsylvania Electric Company; and (6) appurtenant facilities. The proposed project would have an annual generation of 188,518 megawatt-hours.

Applicant Contact: Adam Rousselle, Merchant Hydro Developers, LLC, 5710 Oak Crest Drive, Doylestown, PA 18902; phone: 267–254–6107.

FERC Contact: Woohee Choi; phone: (202) 502–6336.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications 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–14826–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14826) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–13389 Filed 6–26–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14821–000]

Merchant Hydro Developers, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 18, 2017, Merchant Hydro Developers, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Armenia Pumped Storage Hydro Project to be located near Sullivan Township in Tioga County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new upper reservoir with a surface area of 55 acres and a storage capacity of 825 acre-feet at a surface elevation of approximately 2,300 feet above mean sea level (msl) created through construction of a new roller-compacted concrete or rock-fill dam; (2) a new lower reservoir with a surface area of 25 acres and a storage capacity of 990 acre-feet at a surface elevation of 1,700 feet msl; (3) a new 3,568-foot-long, 48-inch-diameter penstock connecting the upper and lower reservoirs; (4) a new 150-foot-long, 50-foot-wide, 25-foot-high powerhouse containing two turbine-generator units with a total rated capacity of 41 megawatts; (5) a new transmission line connecting the powerhouse to the Armenia Mountain Wind Farm owned by EDP Renewables North America, LLC; and (6) appurtenant facilities. The proposed project would have an annual generation of 148,121 megawatt-hours.

Applicant Contact: Adam Rousselle, Merchant Hydro Developers, LLC, 5710 Oak Crest Drive, Doylestown, PA 18902; phone: 267–254–6107.

FERC Contact: Woohee Choi; phone: (202) 502–6336.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications 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–14821–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14821) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–13386 Filed 6–26–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Transfer of Licenses and Soliciting Comments and Motions To Intervene

STS Hydropower Ltd.
STS Hydropower, LLC

Project Nos. 2411–027, 2446–049, 3819–011, 7120–063, 7242–059, and 9951–054

On May 19, 2017, STS Hydropower Ltd. (transferor) and STS Hydropower, LLC (transferee) filed an application for transfer of licenses for the following projects.

Project No.	Project names	Locations
P–2411–027	Schoolfield Project	Dan River, Pittsylvania County, VA.
P–2446–049	Dixon Project	Rock River, Lee County, IL.
P–3819–011	Mt. Elbert Water Power Project	Mt. Elbert Conduit, Lake County, CO.
P–7120–063	Kekawaka Creek Project	Kekawaka Creek, tributary to the Eel River, Trinity and Humboldt counties, CA.
P–7242–059	Kanaka Project	Sucker Run Creek, tributary of the South Fork Feather River, Butte County, CA.
P–9951–054	French Landing Hydro Water Power Project	Huron River, Wayne County, MI.

The transferor and transferee seek Commission approval to transfer the licenses for the above mentioned projects from the transferor to the transferee.

Applicant Contacts: For Transferor and Transferee: Mr. Bernard Cherry, Eagle Creek Renewable Energy, LLC, 65 Madison Avenue, Morristown, NJ 07960, Phone: 973–998–8400, email: *Bud.cherry@eaglecreekre.com* and Mr. Donald H. Clarke and Mr. Joshua E. Adrian, Duncan, Weinberg, Genzer & Pembroke, P.C., 1615 M Street NW., Washington, DC 20036, Phone: 202–467–6370, Emails: *dhc@dwgp.com* and *jea@dwgp.com.*

FERC Contact: Patricia W. Gillis, (202) 502–8735.

Deadline for filing comments and motions to intervene: 30 days from the issuance date of this notice, by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your

name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number(s) P–2411–027, P–2446–049, P–3819–011, P–7120–063, P–7242–059, or P–9951–054.

Dated: June 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–13385 Filed 6–26–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0350; FRL–9964–16–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; The Consolidated Air Rule (CAR) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''The Consolidated Air Rule (CAR) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) (Renewal)'' to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through June 30, 2017. Public comments were previously requested via the **Federal Register** on May 3, 2016 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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.

DATES: Additional comments may be submitted on or before July 27, 2017.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0350, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents for this ICR (The Consolidated Air Rule (CAR) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) (Renewal); EPA ICR No. 1854.10; OMB Control No. 2060–0443), which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The synthetic organic chemical manufacturing industry (SOCMI) is regulated by both New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) standards. The affected entities are subject to the General Provisions of the NSPS at 40 CFR part 60, Subpart A, and any changes or additions to the Provisions specified at 40 CFR part 60, Subparts Ka, Kb, VV, VVa, DDD, III, NNN and RRR. The affected entities are also subject to the General Provisions of the NESHAP at 40 CFR part 63, Subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, Subparts BB, Y, V, F, G, H and I. As an alternative, SOCMI sources may choose to comply with the above standards under the consolidated air rule (CAR) at 40 CFR part 65 as promulgated December 14, 2000. Synthetic organic chemical manufacturing facilities subject to NSPS requirements must notify EPA of construction, modification, startups, shutdowns, date and results of initial performance test and excess emissions. Semiannual reports are also required. Synthetic organic chemical manufacturing facilities subject to NESHAP requirements must submit one-time-only reports of any physical or operational changes and the results of initial performance tests. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Periodic reports are also required semiannually at a minimum.

Form Numbers: None.

Respondents/affected entities: Synthetic organic chemical manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 65).

Estimated number of respondents: 5,198 (total).

Frequency of response: Initially, occasionally, semiannually and annually.

Total estimated burden: 2,210,000 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $337,000,000 (per year), which includes $105,000,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase in the total estimated respondent labor burden and associated labor, capital/startup and O&M costs. This increase is not due to any program changes. Overall, the change in burden from the most recently-approved ICR is due to two reasons. First, the number of sources has increased industry growth. There is an estimated growth in the number of sources for the following referencing Subparts: Subpart Kb, Subpart VVa, Subpart DDD, Subpart III, Subpart NNN, Subpart RRR, Subpart V, and Subparts F, G, H and I (*i.e.,* the HON). Second, this ICR assumes that all existing sources will have to familiarize with the regulatory requirements each year resulting in a small increase in labor burden and associated labor costs for all of the Subparts.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2017–13375 Filed 6–26–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL9963–83–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Hawaii'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 27, 2017 for the State of Hawaii'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 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 May 15, 2017, the Hawaii Department of Health (HI DOH) submitted an application titled ''Compliance Monitoring Data Portal'' for revision to its EPA-approved drinking water program under title 40 CFR to allow new electronic reporting. EPA reviewed HI DOH'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 Hawaii'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**. HI DOH 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 Hawaii'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 Hawaii'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. 2017–13443 Filed 6–26–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–0563; FRL–9964–18–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Reporting and Recordkeeping Requirements for National Volatile Organic Compound Emission Standards for Consumer Products (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Reporting and Recordkeeping Requirements for National Volatile Organic Compound Emission Standards for Consumer Products, to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through June 30, 2017. Public comments were previously requested via the **Federal Register** on March 22, 2017, during a 60-day comment period. No comments were received on that document. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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.

DATES: Additional comments may be submitted on or before July 27, 2017.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2007–0563, to (1) the EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to EPA

Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

The EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Fairchild, Office of Air and Radiation, Office of Air Quality Planning and Standards, Mail Code D243–04, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5167; fax number: (919) 541–5450; email address: *Fairchild.susan@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents for this ICR (Reporting and Recordkeeping Requirements for National Volatile Organic Compound Emission Standards for Consumer Products (40 CFR part 59, subpart C) (Renewal); OMB Control Number 2060–0348; EPA ICR Number 1764.07), which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the EPA Docket Center is (202) 566–1744. For additional information about the EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The EPA is required under section 183(e) of the Clean Air Act (CAA) to regulate volatile organic compound (VOC) emissions from the use of consumer and commercial products. Pursuant to CAA section 183(e)(3), the EPA published a list of consumer and commercial products and a schedule for their regulation (60 FR 15264). The standards for consumer products are codified at 40 CFR part 59, subpart C. The information collection includes initial reports and periodic recordkeeping necessary for the EPA to ensure compliance with Federal standards for VOC in consumer products. Respondents are manufacturers, distributors, and importers of consumer products. All information submitted to the EPA for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in 40 CFR part 2, subpart B, Confidentiality of Business Information. The reports required under the standards enable the EPA to identify all consumer products manufacturers, distributors, and importers in the United States and to determine which consumer products are subject to the standards.

Form Numbers: None.

Respondents/Affected entities: Entities potentially affected by this action as respondents are manufacturers, distributors, and importers of consumer products.

Respondent's obligation to respond: Responses to the collection are mandatory under 40 CFR part 59, subpart C.

Estimated number of respondents: 300 (total).

Frequency of response: On occasion.

Total estimated burden: 16,126 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1,765,427 (per year), includes $0 annualized capital or operation and maintenance costs.

Changes in the estimates: There is a decrease of 13,487 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to adjustments to the estimated hours for each level of review. These adjustments are consistent with the assumptions used routinely in ICR renewals, and are discussed in the supporting statements for this action.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2017–13373 Filed 6–26–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL9963–84–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of New Mexico

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of New Mexico'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 27, 2017 for the State of New Mexico'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 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 May 19, 2017, the New Mexico Environment Department (NMED) submitted an application titled ''Compliance Monitoring Data Portal'' for revision to its EPA-approved drinking water program under title 40 CFR to allow new electronic reporting. EPA reviewed NMED'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 New Mexico'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**. NMED 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 New Mexico'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 New Mexico'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. 2017–13444 Filed 6–26–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9961–83–OA]

Request for Nominations of Candidates to the EPA's Clean Air Scientific Advisory Committee (CASAC) and the EPA Science Advisory Board (SAB)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations of scientific experts from a diverse range of disciplines to be considered for appointment to the Clean Air Scientific Advisory Committee (CASAC), the EPA Science Advisory Board (SAB), and six SAB committees described in this notice. Appointments will be announced by the EPA Administrator.

DATES: Nominations should be submitted in time to arrive no later than July 27, 2017.

FOR FURTHER INFORMATION CONTACT: For information about the CASAC membership appointment process and schedule, please contact Mr. Aaron Yeow, DFO, by telephone at 202–564–2050 or by email at *yeow.aaron@epa.gov.* For information about the chartered SAB membership appointment process and schedule, please contact Mr. Thomas Carpenter, DFO, by telephone at (202) 564–4885 or by email at *carpenter.thomas@epa.gov.* For all other inquiries, nominators should contact the appropriate Designated Federal Officers (DFO) for the committees, as identified below. Anyone unable to submit electronic nominations may send a paper copy to the appropriate DFO.

SUPPLEMENTARY INFORMATION:

Background: The CASAC is a chartered Federal Advisory Committee, established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to provide advice, information and recommendations to the EPA Administrator on the scientific and technical aspects of air quality criteria and National Ambient Air Quality Standards (NAAQS). The SAB is a chartered Federal Advisory Committee, established in 1978, under the authority of the Environmental Research, Development and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical peer review, consultation, advice and recommendations to the EPA Administrator on the scientific bases for EPA's actions and programs. Members of the CASAC and the SAB constitute distinguished bodies of non-EPA scientists, engineers, economists, and behavioral and social scientists who are nationally and internationally recognized experts in their respective fields. Members are appointed by the EPA Administrator for a three-year term and serve as Special Government Employees who provide independent expert advice to the agency.

Additional information about the CASAC is available at *http://www.epa.gov/casac* and information about the SAB is available at *http://www.epa.gov/sab.*

Expertise Sought for CASAC: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and NAAQS and recommend to the EPA Administrator any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The CASAC shall also: Advise the EPA Administrator of areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised NAAQS; describe the research efforts necessary to provide the required information; advise the EPA Administrator on the relative contribution to air pollution concentrations of natural as well as anthropogenic activity; and advise the EPA Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such NAAQS. As required under the CAA section 109(d), the CASAC is composed of seven members, with at least one member of the National Academy of Sciences, one physician, and one person representing state air pollution control agencies. Accordingly, the SAB Staff Office is seeking nominations of experts to serve on the CASAC who are physicians and members of the National Academy of Sciences with expertise in the health effects of air pollution. The SAB Staff Office is especially interested in scientists with expertise described above who have knowledge and experience in *air quality relating to criteria pollutants (ozone, particulate matter, carbon monoxide, nitrogen oxides, sulfur oxides, and lead).* For further information about the CASAC membership appointment process and schedule, please contact Mr. Aaron Yeow, DFO, by telephone at 202–564–2050 or by email at *yeow.aaron@epa.gov.*

Expertise Sought for the SAB: The chartered SAB provides strategic advice to the EPA Administrator on a variety of EPA science and research programs. All the work of SAB committees and panels is under the direction of the chartered SAB. The chartered SAB reviews all SAB committee and panel draft reports and determines whether they are appropriate to send to the EPA Administrator. The SAB Staff Office is seeking nominations of experts to serve on the chartered SAB in the following disciplines as they relate to human health and the environment: *analytical chemistry; benefit-cost analysis; causal inference; complex systems; ecological sciences and ecological assessment; economics; engineering; geochemistry; health sciences; hydrology; hydrogeology; medicine; microbiology; modeling; pediatrics; public health; risk assessment; social, behavioral and decision sciences; statistics; toxicology, and uncertainty analysis.*

The SAB Staff Office is especially interested in scientists in the disciplines described above who have knowledge and experience in *air quality; agricultural sciences; atmospheric sciences; benefit-cost analysis; complex systems; drinking water; energy and the environment; epidemiological risk analyses; water quality; water quantity and reuse; ecosystem services; community environmental health; sustainability; chemical safety; green chemistry; homeland security; uncertainty analysis; and waste management.*

For further information about the chartered SAB membership appointment process and schedule, please contact Mr. Thomas Carpenter, DFO, by telephone at (202) 564–4885 or by email at *carpenter.thomas@epa.gov.*

The SAB Staff Office is also seeking nominations of experts for six SAB committees: The Chemical Assessment Advisory Committee; the Drinking Water Committee; the Ecological Processes and Effects Committee; the Environmental Economics Advisory Committee; the Environmental Engineering Committee; and the Radiation Advisory Committee.

(1) The SAB Chemical Assessment Advisory Committee (CAAC) provides advice through the chartered SAB regarding selected toxicological reviews of environmental chemicals available on EPA's Integrated Risk Information System (IRIS). The SAB Staff Office is seeking nominations of experts with experience in chemical assessments. Members should have expertise in one or more of the following disciplines: *toxicology, including, developmental/reproductive toxicology, and inhalation toxicology; carcinogenesis; biostatistics; uncertainty analysis; and risk assessment.* For further information about the CAAC membership appointment process and schedule, please contact Dr. Suhair Shallal, DFO, by telephone at (202) 564–2057 or by email at *shallal.suhair@epa.gov.*

(2) The SAB Drinking Water Committee (DWC) provides advice on the scientific and technical aspects of EPA's national drinking water program. The SAB Staff Office is seeking nominations of experts with experience on drinking water issues. Members should have expertise in one or more of the following disciplines: *environmental engineering; epidemiology; microbiology; public health; uncertainty analysis; and risk assessment.* For further information about the DWC membership appointment process and schedule, please contact Mr. Thomas Carpenter, DFO, by telephone at (202) 564–4885 or by email at *carpenter.thomas@epa.gov.*

(3) The SAB Environmental Economics Advisory Committee (EEAC) provides advice on methods and analyses related to economics, costs, and benefits of EPA environmental programs. The SAB Staff Office is seeking nominations of experts in *benefit-cost analysis and environmental economics* to serve on the EEAC. For further information about the EEAC membership appointment process and schedule, please contact Dr. Holly Stallworth, DFO, by telephone at (202) 564–2073 or by email at *stallworth.holly@epa.gov.*

(4) The SAB Environmental Engineering Committee (EEC) provides advice on risk management technologies to control and prevent pollution. The SAB Staff Office is seeking nominations of experts to serve on the EEC with demonstrated expertise in the following disciplines: *environmental and water quality engineering; and remediation and technology.* For further information about the EEC membership appointment process and schedule, please contact Mr. Edward Hanlon, DFO, by telephone at (202) 564–2134 or by email at *hanlon.edward@epa.gov.*

(5) The Radiation Advisory Committee (RAC) provides advice on radiation protection, radiation science, and radiation risk assessment. The SAB Staff Office is seeking nominations of experts to serve on the RAC with demonstrated expertise in the following disciplines*: radiation carcinogenesis; radiation epidemiology; radiation exposure; radiation health and safety; radiological risk assessment; uncertainty analysis; and radionuclide fate and transport.* For further information about the RAC membership appointment process and schedule, please contact Mr. Edward Hanlon, DFO, by telephone at (202) 564–2134 or by email at *hanlon.edward@epa.gov.*

(6) The SAB Ecological Processes and Effects Committee (EPEC) provides advice through the chartered SAB on the science and research to assess, protect and restore the health of ecosystems. The SAB Staff Office is seeking nominations of experts to serve on the EPEC with demonstrated expertise in the following disciplines: *aquatic ecology; marine and estuarine ecology; ecological risk assessment; complex systems; uncertainty analysis; ecotoxicology; and systems ecology.* For further information about the EPEC membership appointment process and schedule, please contact Dr. Thomas Armitage, DFO, by telephone at (202) 564–2155 or by email at *armitage.thomas@epa.gov.*

Selection Criteria for the CASAC, SAB and the SAB Committees

Nominees are selected based on their individual qualifications. Curriculum vitae should reflect the following:

—Demonstrated scientific credentials and disciplinary expertise in relevant fields;

—Willingness to commit time to the committee and demonstrated ability to work constructively and effectively on committees; and

—Background and experiences that would help members contribute to the diversity of perspectives on the committee, *e.g.,* geographical, economic, social, cultural, educational backgrounds, professional affiliations; and other considerations.

For the committee as a whole, consideration of the collective breadth and depth of scientific expertise; and a balance of scientific perspectives is important. As these committees undertake specific advisory activities, the SAB Staff Office will consider two additional criteria for each new activity: Absence of financial conflicts of interest and absence of an appearance of a loss of impartiality.

How to Submit Nominations: Any interested person or organization may nominate qualified persons to be considered for appointment to these advisory committees. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) using the online nomination form under the ''Nomination of Experts'' category at the bottom of the SAB home page at *http://www.epa.gov/sab.* To be considered, all nominations should include the information requested

below. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of sex, race, disability or ethnicity.

Nominators are asked to identify the specific committee for which nominees are to be considered. The following information should be provided on the nomination form: Contact information for the person making the nomination; contact information for the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's *curriculum vitae;* and a biographical sketch of the nominee indicating current position, educational background; research activities; sources of research funding for the last two years; and recent service on other national advisory committees or national professional organizations. To help the agency evaluate the effectiveness of its outreach efforts, please indicate how you learned of this nomination opportunity. Persons having questions about the nomination process or the public comment process described below, or who are unable to submit nominations through the SAB Web site, should contact the DFO for the committee, as identified above. The DFO will acknowledge receipt of nominations and in that acknowledgement will invite the nominee to provide any additional information that the nominee feels would be useful in considering the nomination, such as availability to participate as a member of the committee; how the nominee's background, skills and experience would contribute to the diversity of the committee; and any questions the nominee has regarding membership. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates on the SAB Web site at *http://www.epa.gov/sab.* Public comments on each List of Candidates will be accepted for 21 days from the date the list is posted. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

Candidates invited to serve will be asked to submit the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form allows EPA to determine whether there is a statutory conflict between that person's public responsibilities as a Special Government Employee and private interests and activities, or the appearance of a loss of impartiality, as defined by Federal regulation. The form may be viewed and downloaded through the ''Ethics Requirements for Advisors'' link on the SAB home page at *http://www.epa.gov/sab.* This form should not be submitted as part of a nomination.

Dated: June 20, 2017.

Christopher S. Zarba,

Director, EPA Science Advisory Staff Office.

[FR Doc. 2017–13332 Filed 6–26–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL9963–85–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Nevada'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 27, 2017 for the State of Nevada'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 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 June 6, 2017, the Nevada Division of Environmental Protection (NDEP) submitted a revised application titled ''Compliance Monitoring Data Portal'' for revision to its EPA-approved drinking water program under title 40 CFR to allow new electronic reporting. EPA reviewed NDEP's request to revise its EPA-authorized program and, based on this review, EPA determined that the application, as revised, 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 Nevada'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**.

NDEP 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 Nevada'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 Nevada'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. 2017–13445 Filed 6–26–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0303; FRL–9963–36–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Equipment Leaks of VOC in Petroleum Refineries (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NSPS for Equipment Leaks of VOC in Petroleum Refineries, to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through June 30, 2017. Public comments were requested previously via the **Federal Register** on May 3, 2016 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before July 27, 2017.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0303, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents for this ICR (''NSPS for Equipment Leaks of VOC in Petroleum Refineries (40 CFR part 60, subparts GGG and GGGa) (Renewal); EPA ICR No. 0983.15; OMB Control No. 2060–0067), which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: Owners or operators of the affected facilities described must make one-time only notifications and are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Monitoring requirements specific to Equipment Leaks of VOC in Petroleum Refineries provide information on which components are leaking VOCs. NSPS subpart GGG references the compliance requirements of NSPS subpart VV; and NSPS subpart GGGa references the compliance requirements of NSPS subpart VVa. Periodically, owners or operators are required to record information identifying leaking equipment, repair methods used to stop the leaks, and dates of repair. The time period for this recordkeeping varies and depends on equipment type and leak history. Semiannual reports are required to measure compliance with the standards of NSPS subparts VV and VVa, as referenced by NSPS subparts GGG and GGGa. These notifications, reports, and records are essential in determining compliance and in general, are required of all sources subject to NSPS. Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least two years following the date of such measurements, maintenance reports, and records.

Form Numbers: None.

Respondents/affected entities: Petroleum Refineries.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts GGG and GGGa).

Estimated number of respondents: 116 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 183,000 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $18,900,000 (per year); there are neither annualized capital/startup nor operation & maintenance costs in this ICR.

Changes in the Estimates: The increase in burden from the most-recently approved ICR is due to adjustments in Agency's estimates. The burden has increased due to more accurate estimates for recording operation parameters and semiannual work practice reports. The most-recently approved ICR underestimated the effort required to record operating parameters and develop semiannual reports. Updated estimates for these burden items increased the total respondent burden for subpart GGG from 18,800 to 130,000 hours and for subpart GGGa from 6,120 to 53,400 hours. This ICR takes into account estimates provided by consultations with industry trade associations.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2017–13374 Filed 6–26–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[9961–61–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, Territory of U.S. Virgin Islands

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the Territory of U.S. Virgin Islands' request to revise/modify its EPA Administered Permit Programs: The National Pollutant Discharge Elimination System EPA-authorized program to allow electronic reporting.

DATES: EPA's approval is effective June 27, 2017.

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 April 25, 2017, the U.S. Virgin Islands Department of Planning & Natural Resources (VI DPNR) submitted an application titled ''National Network Discharge Monitoring Report System'' for revision to its EPA-approved program under title 40 CFR to allow new electronic reporting. EPA reviewed VI DPNR's request to revise its EPA-authorized Part 123—EPA Administered Permit Programs: The National Pollutant Discharge Elimination System 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 U.S. Virgin Islands' request to revise its Part 123—EPA Administered Permit Programs: The National Pollutant Discharge Elimination System program to allow electronic reporting under 40 CFR part 122 is being published in the **Federal Register**.

VI DPNR was notified of EPA's determination to approve its application with respect to the authorized program listed above.

Matthew Leopard,

Director, Office of Information Management.

[FR Doc. 2017–13446 Filed 6–26–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC Advisory Committee on Community Banking; Notice of Meeting

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of open meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, notice is hereby given of a meeting of the FDIC Advisory Committee on Community Banking, which will be held in Washington, DC. The Advisory Committee will provide advice and recommendations on a broad range of policy issues that have particular impact on small community banks throughout the United States and the local communities they serve, with a focus on rural areas.

DATES: Wednesday, July 12, 2017, from 9:00 a.m. to 3:00 p.m.

ADDRESSES: The meeting will be held in the FDIC Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Committee Management Officer of the FDIC, at (202) 898–7043.

SUPPLEMENTARY INFORMATION:

Agenda: The agenda will include a discussion of current issues affecting community banking. The agenda is subject to change. Any changes to the agenda will be announced at the beginning of the meeting.

Type of Meeting: The meeting will be open to the public, limited only by the space available on a first-come, first-served basis. For security reasons, members of the public will be subject to security screening procedures and must present a valid photo identification to enter the building. The FDIC will provide attendees with auxiliary aids (*e.g.,* sign language interpretation) required for this meeting. Those attendees needing such assistance should call (703) 562–6067 (Voice or TTY) at least two days before the meeting to make necessary arrangements. Written statements may be filed with the committee before or after the meeting. This Community Banking Advisory Committee meeting will be Webcast live via the Internet *http://fdic.windrosemedia.com.* Questions or troubleshooting help can be found at the same link. For optimal viewing, a high speed internet connection is recommended. The Community Banking meeting videos are made available on-demand approximately two weeks after the event.

Dated: June 22, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–13378 Filed 6–26–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, June 27, 2017 at 2:30 p.m.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEM TO BE DISCUSSED: Compliance matters pursuant to 52 U.S.C. 30109.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–13545 Filed 6–23–17; 4:15 pm]

BILLING CODE 6715–01–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 24, 2017.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Bern Bancshares, Inc.,* Bern, Kansas; to acquire up to 6.47 percent of the voting shares of UBT Bancshares, Inc., and thereby indirectly acquire shares of United Bank & Trust, both in Marysville, Kansas.

Board of Governors of the Federal Reserve System, June 22, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–13419 Filed 6–26–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

National Advisory Council for Healthcare Research and Quality: Request for Nominations for Public Members

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of request for nominations for public members.

SUMMARY: The Council advises the Secretary of HHS (Secretary) and the Director of the Agency for Healthcare Research and Quality (AHRQ) on matters related to activities of the Agency to carry out its mission. AHRQ's mission is to produce evidence to make health care safer, higher quality, more accessible, equitable, and affordable, and to work within the U.S. epartment of Health and Human Services and with other partners to make sure that the evidence is understood and used. Seven current members' terms will expire in November 2017

DATES: Nominations should be received on or before 60 days after date of publication.

ADDRESSES: Nominations should be sent to Jaime Zimmerman AHRQ, 5600 Fishers Lane, 06E37A, Rockville, Maryland 20857. Nominations may also be emailed to *NationalAdvisory Council@ahrq.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Jaime Zimmerman, AHRQ, at (301) 427–1456.

SUPPLEMENTARY INFORMATION: 42 U.S.C. 299c establishes a National Advisory Council for Healthcare Research and Quality (the Council) and provides that the Secretary shall appoint to the National Advisory Council for Healthcare Research and Quality twenty one appropriately qualified individuals. At least seventeen members shall be representatives of the public and at least one member shall be a specialist in the rural aspects of one or more of the professions or fields listed in the above summary. In addition, the Secretary designates, as ex officio members, representatives from other Federal agencies, principally agencies that conduct or support health care research, as well as Federal officials the Secretary may consider appropriate. 42 U.S.C. 299c(c)(3). Consistent with revised guidance regarding the ban on lobbyists serving as members of advisory boards and commissions, AHRQ will accept nominations for Federally registered lobbyists to serve on the Council in a representative capacity.

The Council meets in the Washington, DC, metropolitan area, generally in Rockville, Maryland, approximately three times a year to provide broad guidance to the Secretary and AHRQ's Director on the direction of and programs undertaken by AHRQ.

Seven individuals will be selected by the Secretary to serve on the Council beginning with the meeting in the spring of 2018. Members generally serve 3-year terms. Appointments are staggered to permit an orderly rotation of membership. To fill these positions, we are seeking individuals with experience and success in (1) the conduct of research, demonstration projects, and evaluations with respect to health care; (2) the fields of health care quality research or health care improvement; (3) the practice of medicine; (4) other health professions; (5) representing the private health care sector (including health plans, providers, and purchasers) or administrators of health care delivery systems; (6) the fields of health care economics, information systems, law, ethics, business, or public policy; and, (7) representing the interests of patients and consumers of health care.

Interested persons may nominate one or more qualified persons for membership on the Council. Self-nominations are accepted. Nominations shall include: (1) A copy of the nominee's resume or curriculum vitae; and (2) a statement that the nominee is willing to serve as a member of the Council. Selected candidates will be asked to provide detailed information concerning their financial interests, consultant positions and research grants and contracts, to permit evaluation of possible sources of conflict of interest. Please note that once a candidate is nominated, AHRQ may consider that nomination for future positions on the Council.

The Department seeks a broad geographic representation. In addition, AHRQ conducts and supports research concerning priority populations, which include: Low-income groups; minority groups; women; children; the elderly; and individuals with special health care needs, including individuals with disabilities and individuals who need chronic care or end-of-life health care. See 42 U.S.C. 299(c). Nominations of persons with expertise in health care for

these priority populations are encouraged.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2017–13396 Filed 6–26–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research and Quality

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

DATES: The meeting will be held on Wednesday, July 26, 2017, from 8:30 a.m. to 2:45 p.m.

ADDRESSES: The meeting will be held at AHRQ, 5600 Fishers Lane, Rockville, Maryland, 20857.

FOR FURTHER INFORMATION CONTACT: Jaime Zimmerman, Designated Management Official, at the Agency for Healthcare Research and Quality, 5600 Fishers Lane, Mail Stop 06E37A, Rockville, Maryland 20857, (301) 427–1456. For press-related information, please contact Alison Hunt at (301) 427–1244 or *Alison.Hunt@ahrq.hhs.gov.*

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact the Food and Drug Administration (FDA) Office of Equal Employment Opportunity and Diversity Management on (301) 827–4840, no later than Wednesday, July 19, 2017. The agenda, roster, and minutes will be available from Ms. Bonnie Campbell, Committee Management Officer, Agency for Healthcare Research and Quality, 5600 Fishers Lane, Rockville, Maryland 20857. Ms. Campbell's phone number is (301) 427–1554.

SUPPLEMENTARY INFORMATION:

I. Purpose

The National Advisory Council for Healthcare Research and Quality is authorized by Section 941 of the Public Health Service Act, 42 U.S.C. 299c. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director of AHRQ on matters related to AHRQ's conduct of its mission including providing guidance on (A) priorities for health care research, (B) the field of health care research including training needs and information dissemination on health care quality and (C) the role of the Agency in light of private sector activity and opportunities for public private partnerships. The Council is composed of members of the public, appointed by the Secretary, and Federal ex-officio members specified in the authorizing legislation.

II. Agenda

On Wednesday, July 26, 2017, there will be a subcommittee meeting for the National Healthcare Quality and Disparities Report scheduled to begin at 7:30 a.m. This meeting is open to the public. The Council meeting will convene at 8:30 a.m., with the call to order by the Council Chair and approval of previous Council summary notes. The meeting is open to the public and will be available via webcast at *www.webconferences.com/ahrq.* The meeting will begin with an update on AHRQ's current research, programs, and initiatives. The agenda will also include an update on AHRQ's work in learning health care systems and AHRQ's EvidenceNOW initiative, and will focus on the use of AHRQ data and analytics to answer emerging policy questions. The final agenda will be available on the AHRQ Web site at *www.AHRQ.gov* no later than Wednesday, July 19, 2017.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2017–13393 Filed 6–26–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Supplemental Evidence and Data Request on Drug Therapy for Early Rheumatoid Arthritis in Adults—An Update

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for supplemental evidence and data submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review of *Drug Therapy for Early Rheumatoid Arthritis in Adults—An Update,* which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Program. Access to published and unpublished pertinent scientific information will improve the quality of this review.

DATES: Submission Deadline on or before July 27, 2017.

ADDRESSES: *Email submissions: SEADS@epc-src.org.*

Print submissions:

Mailing Address: Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, P.O. Box 69539, Portland, OR 97239.

Shipping Address (FedEx, UPS, etc.): Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW U.S. Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

FOR FURTHER INFORMATION CONTACT: Ryan McKenna, Telephone: 503–220–8262 ext. 51723 or Email: *SEADS@epc-src.org.*

SUPPLEMENTARY INFORMATION: AHRQ is conducting this systematic review pursuant to Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a). The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Centers (EPC) Program to complete a review of the evidence for *Drug Therapy for Early Rheumatoid Arthritis in Adults—An Update.*

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (*e.g.,* details of studies conducted). We are looking for studies that report on *Drug Therapy for Early Rheumatoid Arthritis in Adults—An Update,* including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *https://effectivehealthcare.ahrq.gov/search-for-guides-reviews-and-reports/?pageaction=displayproduct&productID=2475.*

This is to notify the public that the EPC Program would find the following information on *Drug Therapy for Early Rheumatoid Arthritis in Adults—An Update* helpful:

- A list of completed studies that your organization has sponsored for this indication. In the list, please *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.*
- *For completed studies that do not have results on ClinicalTrials.gov,*

please provide a summary, including the following elements: Study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.

- *A list of ongoing studies that your organization has sponsored for this indication.* In the list, please provide the *ClinicalTrials.gov* trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.
- Description of whether the above studies constitute ALL Phase II and above clinical trials sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution will be very beneficial to the EPC Program. Materials submitted must be publicly available or able to be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *https://www.effectivehealthcare.ahrq.gov/index.cfm/join-the-email-list1/.*

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions.

The Key Questions

Key Question (KQ) 1

For patients with early Rheumatoid Arthritis (RA), do drug therapies differ in their ability to reduce disease activity, slow or limit the progression of radiographic joint damage, or induce remission?

KQ 2

For patients with early RA, do drug therapies differ in their ability to improve patient-reported symptoms, functional capacity, or quality of life?

KQ 3

For patients with early RA, do drug therapies differ in harms, tolerability, patient adherence, or adverse effects?

KQ 4

What are the comparative benefits and harms of drug therapies for early RA in subgroups of patients based on disease activity, prior therapy, demographics (*e.g.,* women in their childbearing years), concomitant therapies, and presence of other serious conditions?

Contextual Questions (CQs)

Contextual questions are not systematically reviewed and use a ''best evidence'' approach. Information about the contextual questions may be included as part of the introduction or discussion section and related as appropriate to the Systematic Review.

CQ 1

Does treatment of early RA improve disease trajectory and disease outcomes compared with the trajectory or outcomes of treatment of established RA?

CQ 2

What barriers prevent individuals with early RA from obtaining access to indicated drug therapies?

PICOTS (Populations, Interventions, Comparators, Outcomes, Timing, Settings)

Populations

Inclusion

I. *All KQs:* Adult outpatients ages 19 or older with an early RA diagnosis, defined as 1 year or less from disease diagnosis; we will include studies with mixed populations if >50% of study populations had an early RA diagnosis

II. *KQ 4 only:* Subpopulations by age, sex/gender, race/ethnicity, disease activity, prior therapies, concomitant therapies, and other serious conditions

Exclusion

Adolescents and adult patients with disease greater than 1 year from diagnosis.

Intervention/Exposure

Inclusion

I. FDA approved
- A. *Corticosteroids:* Methylprednisolone, prednisone, prednisolone
- B. *csDMARDs:* Hydroxychloroquine, leflunomide, methotrexate, sulfasalazine
- C. *TNF biologics:* Adalimumab, certolizumab pegol, etanercept, golimumab, infliximab
- D. *Non-TNF biologics:* Abatacept, rituximab, tocilizumab
- E. *tsDMARDs:* Tofacitinib
- F. *Biosimilars:* Adalimumab-atto, infliximab-dyyb, infliximab-abda, etanercept-szzs

II. Under review by FDA
- A. *Non-TNF biologics:* Sarilumab, sirukumab

Exclusion

Anakinra is excluded because, although it is approved for RA, clinically it is not used anymore for this population.

Comparator

Inclusion

I. For head-to-head RCTs, head-to-head nRCTs, and prospective, controlled cohort studies (all KQs): Any active intervention listed above

II. For additional observational studies of harms (*i.e.,* overall [KQ 3] and among subgroups [KQ 4]: Any active intervention listed above or no comparator (*e.g.,* postmarketing surveillance study of an active intervention with no comparison group)

III. For double-blinded, placebo-controlled trials for network meta-analysis (all KQs): Placebo

Exclusion

All other comparisons, including active interventions not listed above.

Outcomes

Inclusion

I. *KQs 1, 4:* Disease activity, radiographic joint damage, remission

II. *KQs 2, 4:* Functional capacity, quality of life, patient-reported symptoms

III. *KQs 3, 4:* Overall risk of harms, overall discontinuation, discontinuation because of adverse effects, risk of serious adverse effects, specific adverse effects, patient adherence

Exclusion

All other outcomes not listed.

Timing

Inclusion

All KQs: At least 3 months of treatment.

Exclusion

<3 months treatment.

Settings

Inclusion

All KQs: Outpatients.

Exclusion

Inpatients.

Country Setting

Inclusion

All KQs: Any geographic area.

Exclusion

None.

Study Designs

Inclusion

I. For all KQs (*i.e.,* benefits and harms overall [KQs 1, 2, 3] and among subgroups [KQ 4]), we will include head-to head RCTs and nRCTs; prospective, controlled cohort studies (N ≥ 100); double-blinded, placebo-controlled trials for network meta-analysis; and SRs for identification of additional references only.

II. For studies of harms (*i.e.,* overall [KQ 3] and among subgroups [KQ 4]), we will also include any other observational study (*e.g.,* cohort, case-control, large case series, post marketing surveillance) (N ≥ 100).

Exclusion

All other designs not listed.

Publication Language

Inclusion

All KQs: English.

Exclusion

Languages other than English.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2017–13395 Filed 6–26–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Supplemental Evidence and Data Request on Psychological and Pharmacological Treatments for Adults With Posttraumatic Stress Disorder (PTSD): A Systematic Review Update

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for supplemental evidence and data submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review of *Psychological and Pharmacological Treatments for Adults with Posttraumatic Stress Disorder (PTSD): A Systematic Review Update,* which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Program. Access to published and unpublished pertinent scientific information will improve the quality of this review.

DATES: *Submission Deadline* on or before July 27, 2017.

ADDRESSES:

Email submissions: SEADS@epc-src.org.

Print submissions:

Mailing Address: Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, P.O. Box 69539, Portland, OR 97239.

Shipping Address (FedEx, UPS, etc.): Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW U.S. Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

FOR FURTHER INFORMATION CONTACT: Ryan McKenna, Telephone: 503–220–8262 ext. 51723 or Email: *SEADS@epc-src.org.*

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Centers (EPC) Program to complete a review of the evidence for *Psychological and Pharmacological Treatments for Adults with Posttraumatic Stress Disorder (PTSD): A Systematic Review Update.* AHRQ is conducting this systematic review pursuant to Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a).

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (*e.g.,* details of studies conducted). We are looking for studies that report on *Psychological and Pharmacological Treatments for Adults with Posttraumatic Stress Disorder (PTSD): A Systematic Review Update,* including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *https://effectivehealthcare.ahrq.gov/index.cfm/search-for-guides-reviews-and-reports/?pageaction=displayproduct&productid=2478.*

This is to notify the public that the EPC Program would find helpful the following information on *Psychological and Pharmacological Treatments for Adults with Posttraumatic Stress Disorder (PTSD): A Systematic Review Update:*

- A list of completed studies that your organization has sponsored for this indication. In the list, please *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.*
- *For completed studies that do not have results on ClinicalTrials.gov,* please provide a summary, including the following elements: Study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.
- *A list of ongoing studies that your organization has sponsored for this indication.* In the list, please provide the *ClinicalTrials.gov* trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.
- Description of whether the above studies constitute ALL Phase II and above clinical trials sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution will be very beneficial to the EPC Program. Materials submitted must be publicly available or able to be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *https://www.effectivehealthcare.ahrq.gov/index.cfm/join-the-email-list1/.*

The systematic review will answer the following questions. This information is

provided as background. AHRQ is not requesting that the public provide answers to these questions.

The Key Questions

Key Question (KQ) 1. What is the comparative effectiveness of different psychological treatments for adults diagnosed with PTSD?

I. How does comparative effectiveness vary by patient characteristics or type of trauma experienced?

KQ 2. What is the comparative effectiveness of different pharmacological treatments for adults diagnosed with PTSD?

I. How does comparative effectiveness vary by patient characteristics or type of trauma experienced?

KQ 3. What is the comparative effectiveness of different psychological treatments and pharmacological treatments for adults diagnosed with PTSD?

I. How does comparative effectiveness vary by patient characteristics or type of trauma experienced?

KQ 4. What adverse events (AEs) are associated with treatments for adults diagnosed with PTSD?

Contextual Question (CQ)

CQ 1a. What are the components of effective psychological treatments (*e.g.,* frequency or intensity of therapy, and/or aspects of the therapeutic modality)?

CQ 1b. For psychological interventions that are effective in trial settings, what is the degree of fidelity when implemented in clinical practice settings?

PICOTS (Populations, Interventions, Comparators, Outcomes, Timing, Settings)

Populations

Inclusion

I. Adults 18 years or older with PTSD based on any DSM diagnostic criteria.

II. Subgroups of interest (KQs 1a, 2a, 3a) include those distinguished by patient characteristics (*e.g.,* gender, age, race/ethnicity, comorbid mental and physical health conditions, employment types requiring trauma exposure [for example, first responders], severity of trauma experienced, different symptoms of PTSD, dissociation, and/or psychosis, PTSD symptom chronicity or severity) or type of trauma experienced (*e.g.,* military/combat, natural disaster, war, political instability, relational [physical, emotional, or sexual abuse or exposure to domestic violence], repeat victimizations, cumulative).

Exclusion

All other.

Intervention

Inclusion

I. *Psychological interventions:* Brief eclectic psychotherapy, CBT including cognitive restructuring, cognitive processing therapy, exposure-based therapy, coping skills therapy (*e.g.,* stress inoculation therapy, assertiveness training, biofeedback, relaxation training), psychodynamic therapy, EMDR, IPT, group therapy, hypnosis or hypnotherapy, and energy psychology (including EFT).

II. *Pharmacological interventions:* SSRIs (citalopram, escitalopram, fluoxetine, fluvoxamine, paroxetine, and sertraline), SNRIs (desvenlafaxine, venlafaxine, and duloxetine), tricyclic antidepressants (imipramine, amitriptyline, and desipramine), other second-generation antidepressants (bupropion, mirtazapine, nefazodone, and trazodone), alpha blockers (prazosin), atypical antipsychotics (olanzapine, risperidone, ziprasidone, aripiprazole and quetiapine), benzodiazepines (alprazolam, diazepam, lorazepam, and clonazepam), anticonvulsants/mood stabilizers (topiramate, tiagabine, lamotrigine, carbamazepine, and divalproex).

Exclusion

I. Complementary and alternative medicine approaches.

II. Psychological or pharmacological interventions not listed as included.

Comparator

Inclusion

I. *KQ 1 (1a):* Psychological interventions listed above compared with one another, waiting list assignment, usual care (as defined by the study), no intervention, or sham.

II. *KQ 2 (2a):* Pharmacological interventions listed above compared with one another or placebo.

III. *KQ 3 (3a):* Psychological interventions listed above compared with pharmacological interventions listed above.

IV. *KQ 4:* Any intervention listed above.

Exclusion

All other comparisons

Outcomes

Inclusion

I. *KQs 1–3:* PTSD symptom reduction, prevention or reduction of comorbid medical or psychiatric conditions (*e.g.,* coronary artery disease; depressive symptoms; anxiety symptoms; suicidal ideation/plans/attempts; and substance use, abuse, or dependence), remission (*i.e.,* no longer having symptoms or loss of PTSD diagnosis), quality of life, disability or functional impairment, return to work or active duty status

II. *KQ 4:* Overall and specific AEs (*e.g.,* disturbed sleep, increased agitation, sedation, weight gain, metabolic side effects, and mortality), withdrawals due to AEs.

Exclusion

All other outcomes.

Time Frame

Inclusion

I. Studies published from 2012 to the present will be searched to identify new studies meeting the review criteria. Findings of these newly identified studies will be synthesized with those from studies included in the prior review that continue to meet the new review criteria.

II. At least 4 weeks study duration after randomization.

Exclusion

Less than 4 weeks.

Settings

Inclusion

Outpatient and inpatient primary care or specialty mental health care; community settings *e.g.,* churches, community health centers, rape crisis centers), military settings.

Exclusion

Other settings.

Study Design

Inclusion

I. *KQs 1–3:* Randomized controlled trials (RCTs) of any sample size, systematic reviews (for references).

II. *KQ 4:* AE data from trials for KQs 1–3, systematic reviews and meta-analyses (for references), nonrandomized controlled trials, prospective cohort studies with an eligible comparison group and a sample size of at least 500, case-control studies with a sample size of at least 500.

Exclusion

All other designs and studies using included designs that do not meet the sample size criterion.

Language

Inclusion

Studies published in English.

Exclusion

Studies published in languages other than English.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2017–13394 Filed 6–26–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–17–0729]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Customer Surveys Generic Clearance for the National Center for Health Statistics (0920–0729, Expiration 05/31/2017)—Reinstatement—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on ''the extent and nature of illness and disability of the population of the United States.'' This is a reinstatement request for a generic approval from OMB to conduct customer surveys over the next three years at an overall burden rate of 4000 hours.

As part of a comprehensive program, the National Center for Health Statistics (NCHS) plans to continue to assess its customers' satisfaction with the content, quality and relevance of the information it produces. NCHS will conduct voluntary customer surveys to assess strengths in agency products and services and to evaluate how well it addresses the emerging needs of its data users. Results of these surveys will be used in future planning initiatives.

The data will be collected using a combination of methodologies appropriate to each survey. These may include: Evaluation forms, mail surveys, focus groups, automated and electronic technology (*e.g.,* email, Web-based surveys), and telephone surveys. Systematic surveys of several groups will be folded into the program. Among these are Federal customers and policy makers, state and local officials who rely on NCHS data, the broader educational, research, and public health community, and other data users. Respondents may include data users who register for and/or attend NCHS sponsored conferences; persons who access the NCHS Web site and the detailed data available through it; consultants; and others. Respondent data items may include (in broad categories) information regarding respondent's gender, age, occupation, affiliation, location, etc., to be used to characterize responses only. Other questions will attempt to obtain information that will characterize the respondents' familiarity with and use of NCHS data, their assessment of data content and usefulness, general satisfaction with available services and products, and suggestions for improvement of surveys, services and products.

In order to capture anticipated additional feedback opportunities, this reinstatement request allows for the potential increase in both respondents and time per response for a total estimated annual burden total of 4,000 hours. There is no cost to respondents other than their time to participate in the survey. The resulting information will be for NCHS internal use.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (hours)
Questionnaire for conference registrants/ attendees.	Public/private researchers, Consultants, and others.	6,000	1	15/60
Focus groups	Public/private researchers, Consultants, and others.	500	1	1
Web-based	Public/private researchers, Consultants, and others.	6,000	1	15/60
Other customer surveys	Public/private researchers, Consultants, and others.	2,000	1	15/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–13414 Filed 6–26–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention—State, Tribal, Local and Territorial (STLT) Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned subcommittee:

TIME AND DATE: 8:30 a.m.–3:30 p.m., EDT, August 11, 2017.

PLACE: CDC, Building 19, Rooms 245–246, 1600 Clifton Road, NE., Atlanta, Georgia 30329. This meeting will also be held by teleconference.

STATUS: Open to the public, limited only by the space available. The meeting room accommodates approximately 20 people. The public is welcome to participate during the public comment, which is tentatively scheduled from 2:45 p.m. to 2:55 p.m., EDT. To participate on the teleconference, please dial 866–917–2712 and enter code 9418625.

PURPOSE: The Subcommittee will provide advice to the ACD on strategies, future needs, and challenges faced by State, Tribal, Local and Territorial health agencies, and will provide guidance on opportunities for CDC through the ACD.

MATTERS FOR DISCUSSION: The STLT Subcommittee members will discuss progress on implementation of ACD-adopted recommendations related to the health department of the future, other emerging challenges and how CDC can best support STLT health departments in the transforming health system.

The agenda is subject to change as priorities dictate.

CONTACT PERSON FOR MORE INFORMATION: José Montero, MD, Designated Federal Officer, STLT Subcommittee, ACD, CDC, 4770 Buford Highway, MS E70, Atlanta, GA 30341, Telephone (404) 498–0259, email: *OSTLTSDirector@cdc.gov*. Please submit comments to *OSTLTSDirector@cdc.gov* no later than August 4, 2017.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–13339 Filed 6–26–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer 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 Cancer Institute Special Emphasis Panel; Cancer Biomarkers and Bio Specimens.

Date: July 27, 2017.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W264, Bethesda, MD 20892–9750 (Telephone Conference Call).

Contact Person: Reed A. Graves, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W264, Bethesda, MD 20892–9750 240–276–6384, *gravesr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 21, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–13358 Filed 6–26–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (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 on Aging Special Emphasis Panel; ''Relationship between Delirium and Alzheimer's disease''.

Date: July 21, 2017.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 2C223, 7201 Wisconsin Ave., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Isis S. Mikhail, MD, MPH, DRPH, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7704, *Mikhaili@Mail.NIH.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: June 21, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–13360 Filed 6–26–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Disease; 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 Allergy and Infectious Diseases Special Emphasis Panel; Systems Biology: The Next Generation for Infectious Diseases (U19).

Date: July 19–20, 2017.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Salon B, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Eleazar Cohen, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G62A, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 2089–9823, (240) 669–5081, *ecohen@niaid.nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Planning Grant (R34).

Date: July 20, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 3F100 Resource Library, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Robert C. Unfer, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3F40A, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5035, *robert.unfer@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 21, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–13361 Filed 6–26–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Special Emphasis Panel; Review of PO1 Applications.

Date: June 26, 2017.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Room 3An.12N, 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lisa Dunbar, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12, Bethesda, MD 20892, 301–594–2849, *dunbarl@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: June 21, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–13362 Filed 6–26–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, June 30, 2017, 8:00 a.m. to June 30, 2017, 6:00 p.m., Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD, 20852 which was published in the **Federal Register** on May 5, 2017, 82 FR 21256.

The meeting notice is amended to change the meeting start time to 7:00 a.m. The meeting is closed to the public.

Dated: June 21, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–13359 Filed 6–26–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed 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 Neurological Disorders and Stroke Special Emphasis Panel; CREATE Device Review.

Date: July 13, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Mark Center, 5000 Seminary Road, Alexandria, VA 22311.

Contact Person: Joel Saydoff, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–9223, *joel.saydoff@nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke, Special Emphasis Panel; Program Project Grant P01.

Date: July 20, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Alexandria Old Town, 1900 Diagonal Road, Alexandria, VA 22314.

Contact Person: Ana Olariu, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–9223, *Ana.Olariu@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke, Special Emphasis Panel; Detecting Cognitive Impairment, Including Dementia, in Primary Care and Other Everyday Clinical Settings for the General Public and in Health Disparities Populations (UG3/UH3).

Date: July 24, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco, 700 F Street NW., Washington, DC 20001.

Contact Person: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 435–6033, *Rajarams@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: June 21, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–13363 Filed 6–26–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0027; OMB No. 1660–0013]

Agency Information Collection Activities: Proposed Collection; Comment Request; Exemption of State-Owned Properties Under Self-Insurance Plan

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on an extension, without change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the collection of information necessary to allow States to request an exemption from maintaining flood insurance on State-owned structures.

DATES: Comments must be submitted on or before August 28, 2017.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–XXXX–XXXX. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Suzan Krowel, Insurance Examiner, Federal Insurance and Mitigation Administration, DHS/FEMA, at (202) 701–3701. You may contact the Records Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: State-owned properties covered under an adequate State policy of self-insurance satisfactory to FEMA are not required to purchase flood insurance in accordance with Section 102(c)(1) of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4012a(c)(1)). NFIP regulations, 44 CFR part 75, establish the procedures by which a State insurance plans must meet to be found exempt from the requirement to purchase flood insurance coverage for State-owned structures and their contents. To be eligible for the exemption, State properties must be located in areas identified by the Administrator as A, AO, AH, A1–30, AE, AR, AR/A1–30, AR/AE, AR/AO, AR/AH, AR/A, A99, M, V, VO, V1–30, VE, and E zones, in which the sale of insurance has been made available.

Collection of Information

Title: Exemption of State-owned Properties Under Self-Insurance.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0013.

FEMA Forms: None.

Abstract: Application for exemption must be made by the Governor or other duly authorized official of the State accompanied by sufficient supporting documentation which certifies that the plan of self-insurance upon which the application for exemption is based meets or exceeds the standards in NFIP regulations at 44 CFR 75.11.

Affected Public: State, Local or Tribal Government.

Number of Respondents: 20.

Number of Responses: 20.

Estimated Total Annual Burden Hours: 5.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $8,547. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $3,920.10.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Dated: June 21, 2017.

Tammi Hines,

Records Management Program Chief (Acting), Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–13340 Filed 6–26–17; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0008]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Discretionary Options for Designated Spouses, Parents, and Sons and Daughters of Certain Military Personnel, Veterans, and Enlistees

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 27, 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 *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0008 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on April 17, 2017, at 82 FR 08070, allowing for a 60-day public comment period. USCIS did not receive any 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–2005–0024 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:* Discretionary Options for Designated Spouses, Parents, and Sons and Daughters of Certain Military Personnel, Veterans, and Enlistees.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G–325A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The information to be collected under the PM will be used by USCIS to determine eligibility of discretionary deferred action on a case-by-case basis, for certain family members of military personnel who currently serve on active duty or in the Selected Reserve of the Ready Reserve, military personnel who previously served on active duty or in the Selected Reserve of the Ready Reserve (who were not dishonorably discharged) whether they are living or deceased, and Delayed Entry Program (DEP) enlistees (as well as DEP enlistees themselves).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection G–325A is 250 and the estimated hour burden per response is 2.15 hours; 1.9 hours to comply with the guiding policy and .25 hours to complete the form.

(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 537.5 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $18,750.

Dated: June 22, 2017.

Jerry Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–13410 Filed 6–26–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6004–N–04]

60-Day Notice of Proposed Information Collection: Transfer and Consolidation of Public Housing Programs and Public Housing Agencies

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* August 28, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Public Housing Program—Transfer and Consolidation of Public Housing Programs and Public Housing Agencies.

OMB Approval Number: 2577–0280.

Type of Request: Extension of a currently approved collection.

Form Number: No form is used to collect this information. Forms collected with information incidental to this collection are: HUD–52190–A, HUD–53012–A, HUD 53012–B, HUD–52722, HUD–52723, HUD–51999, SF–1199A, HUD–27056, HUD–27054A, HUD–52540.

Description of the need for the information and proposed use: State legislatures or other local governing bodies may from time to time direct or agree that the public interest is best served if one public housing agency (PHA) cedes its public housing program to another PHA, or that two or more PHAs should be combined into one multijurisdictional PHA. This proposed information collection serves to protect HUD's several interests in either transaction: (1) Insuring the continued used of the property as public housing; (2) that HUD's interests are secured; and (3) that the operating and capital subsidies that HUD pays to support the operation and maintenance of public housing is properly paid to the correct PHA on behalf of the correct properties. In addition to submitting documentation to HUD, PHAs are required to make conforming changes to HUD's Public Housing Information Center (PIC).

Total Estimated Burdens:

TOTAL BURDEN HOUR ESTIMATES FOR PHAS

Number of transfer or consolidation actions	Number of respondents	Frequency of requirement*	×	Estimated Average time for requirement (hours)	=	Estimated Annual Burden (hours)
3 Transfers	6	1		120		720
2 Consolidations	4	1		200		800
Subtotals	10			320		1,520

*The frequency shown assumes that the receiving or consolidated PHA makes one submission for all other PHAs involved in either the transfer or consolidation.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: June 7, 2017.

Merrie Nichols-Dixon,

Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2017–13450 Filed 6–26–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2017–N048; FXES11130400000EA–123–FF04EF1000]

Endangered and Threatened Wildlife and Plants; Availability of Proposed Low-Effect Habitat Conservation Plan; Lakes at St. Sebastian Preserve, Brevard County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments/information.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (Act). Atlantic Coast Paladin Estates, LLC and Micco Road Investments, LLC c/o the Kelsey Group are requesting a 10-year

ITP. We request public comment on the permit application and accompanying proposed Lakes at St. Sebastian Preserve habitat conservation plan, as well as on our preliminary determination that the plan qualifies as low effect under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening form, which are also available for review.

DATES: To ensure consideration, please send your written comments by July 27, 2017.

ADDRESSES: If you wish to review the application and HCP, you may request documents by email, U.S. mail, or phone (see below). These documents are also available for public inspection by appointment during normal business hours at the office below. Send your comments or requests by any one of the following methods.

Email: northflorida@fws.gov. Use ''Attn: Permit number TE–24376C–0'' as your message subject line for Lakes at St. Sebastian Preserve.

Fax: Field Supervisor, (904) 731–3191, Attn: Permit number TE24376C–0.

U.S. mail: Field Supervisor, Jacksonville Ecological Services Field Office, Attn: Permit number TE–24376C–0, U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.

In-person drop-off: You may drop off information during regular business hours at the above office address.

FOR FURTHER INFORMATION CONTACT: Tera Baird, telephone: (904) 731–3196; email: Tera *Baird@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and our implementing Federal regulations in the Code of Federal Regulations (CFR) at 50 CFR 17 prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act as ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532). However, under limited circumstances, we issue permits to authorize incidental take—*i.e.,* take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Regulations governing incidental take permits for threatened and endangered species are at 50 CFR 17.32 and 17.22, respectively. The Act's take prohibitions do not apply to federally listed plants on private lands unless such take would violate State law. In addition to meeting other criteria, an incidental take permit's proposed actions must not jeopardize the existence of federally listed fish, wildlife, or plants.

Applicants' Proposal

Lakes at St. Sebastian Preserve

Atlantic Coast Paladin Estates, LLC and Micco Road Investments, LLC c/o the Kelsey Group are requesting take of approximately 99.85 acres of nesting and foraging habitat for the Audubon's crested caracara (*Polyborus plancus audubonii*), incidental to the construction of a residential development, and together they seek a 10-year permit. The project is located on 98 separate parcels (Tax Account Nos. 3010967–3011065), located within Section 01, Township 30 South, Range 38 East in Brevard County, Florida. The applicants propose to mitigate for impacts to the species by protecting 20 acres of Audubon's crested caracara habitat within the Allen Broussard Conservancy. The applicants will also provide a $10,000 management endowment to ensure the continued success of managing these lands for two nesting pairs of Audubon's crested caracara.

Our Preliminary Determination

We have determined that the applicants' proposal, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in the HCP. Therefore, our proposed issuance of the requested ITP qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by Department of the Interior implementing regulations in part 46 of title 43 of the Code of Federal Regulations (43 CFR 46.205, 46.210, and 46.215). A low-effect HCP is one involving (1) Minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources.

Next Steps

We will evaluate the HCP and comments we receive to determine whether the ITP application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If we determine that the application meets these requirements, we will issue ITP number TE24376C–0. We will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITP. If the requirements are met, we will issue the permit to the applicants.

Public Comments

If you wish to comment on the permit application, HCP, and associated documents, you may submit comments by any one of the methods in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: We provide this notice under section 10 of the Act and NEPA regulations (40 CFR 1506.6).

Dated: March 21, 2017.

Jay B. Herrington,

Field Supervisor, Jacksonville Field Office, Southeast Region.

[FR Doc. 2017–13404 Filed 6–26–17; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2017–N070; FXIA16720900020–167–FF09A2000]

Agency Information Collection Activities: OMB Control Number 1018–0123; International Conservation Grant Programs

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service, Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on October 31, 2017. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: To ensure that we are able to consider your comments on this IC, we must receive them by August 28, 2017.

ADDRESSES: Send your comments on the IC to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: BPHC, Falls Church, VA 22041–3803 (mail); or *info_coll@fws.gov* (email). Please include ''1018–0123'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Service Information Collection Clearance Officer, at *info_coll@fws.gov* (email) or (703) 358–2503 (telephone).

SUPPLEMENTARY INFORMATION:

I. Abstract

Some of the world's most treasured and exotic animals are dangerously close to extinction. Destruction of natural habitat, illegal poaching, and pet-trade smuggling are devastating populations of tigers, rhinos, marine turtles, great apes, elephants, and many other highly cherished species. The Division of International Conservation and Division of Scientific Authority administer competitive grant programs funded under the following authorities:

- African Elephant Conservation Act (16 U.S.C. 4201–4245).
- Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261).
- Great Apes Conservation Act of 2000 (Pub. L. 106–411).
- Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306).
- Marine Turtle Conservation Act (Pub. L. 108–266).
- Endangered Species Act (16 U.S.C. 1531 *et seq.*) (Wildlife Without Borders Programs–Africa, Mexico, Latin America and the Caribbean, Russia, Critically Endangered Species, Combatting Wildlife Trafficking, and Amphibians in Decline).

Applicants submit proposals for funding in response to Notices of Funding Opportunity published by the Service on *Grants.gov*. We collect the following information:

- Project summary and narrative.
- Letter of appropriate government endorsement.
- Brief curricula vitae for key project personnel.
- Complete Standard Forms 424 and 424b (nondomestic applicants do not submit the standard forms).

Proposals may also include, as appropriate, a copy of the organization's Negotiated Indirect Cost Rate Agreement (NICRA) and any additional documentation supporting the proposed project.

The project summary and narrative are the basis for this information collection. A panel of technical experts reviews each proposal to assess how well the project addresses the priorities identified by each program's authorizing legislation and the associated project costs. As all of the on-the-ground projects are conducted outside the United States, the letter of appropriate government endorsement ensures that the proposed activities will be supportive of locally identified priorities and needs. Brief curricula vitae for key project personnel allow the review panel to assess the qualifications of project staff to effectively carry out the project goals and objectives. As all Federal entities must honor the indirect cost rates an organization has negotiated with its cognizant agency, we require all organizations with a NICRA to submit the agreement paperwork with their proposals to verify how their rate is applied in their proposed budget.

All assistance awards under these grant programs have a maximum reporting requirement of:

- An interim report (performance report and a financial status report) as appropriate, and
- A final report (performance and financial status report and copies of all deliverables, photographic documentation of the project and products resulting from the project) due within 90 days of the end of the performance period.

II. Data

OMB Control Number: 1018–0123.

Title: International Conservation Grant Programs.

Service Form Number(s): None.

Type of Request: Extension of a currently approved collection.

Description of Respondents: Domestic and nondomestic individuals; nonprofit organizations; educational institutions; private sector entities; and State, local, and tribal governments.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Requirement	Annual number of respondents	Number of responses each	Total annual responses *	Completion time per response (hours)	Total annual burden hours *
Grant Application:					
Individuals	1	1	1	22	22
Private Sector	414	1.48	613	22	13,486
Government	7	1.28	9	33	297
Grant Reporting:					
Individuals	2	2	4	20	80
Private Sector	312	2	624	20	12,480
Government	5	2	10	20	200
Totals	741		1,261		26,565

* Rounded.

Estimated Annual Nonhour Burden Cost: The only foreseeable nonhour burden cost to respondents would be a small cost for making a telephone call or sending a facsimile. However, we do not expect that this would occur often, and any costs would be negligible.

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal

identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

IV. Authorities

The authorities for this action are the African Elephant Conservation Act (16 U.S.C. 4201–4245), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261), the Great Apes Conservation Act of 2000 (Pub. L. 106–411), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306), the Marine Turtle Conservation Act (Pub. L. 108–266), and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: June 22, 2017.

Madonna L. Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2017–13420 Filed 6–26–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

[RC0ZCUPCA0, 177R0680R1, RR.17549897.2017000.01]

Office of the Assistant Secretary—Water and Science; Notice of Termination of a Lease of Power Privilege Process for the Spanish Fork Flow Control Structure of the Central Utah Project

AGENCY: Central Utah Project Completion Act Office, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior is announcing the termination of a lease of power privilege process for the Spanish Fork Flow Control Structure of the Central Utah Project located in Utah County, Utah.

FOR FURTHER INFORMATION CONTACT: Additional information related to this **Federal Register** Notice may be obtained by contacting Mr. Lee Baxter, Program Coordinator, Central Utah Project Completion Act Office, Department of the Interior, 302 East 1860 South, Provo, Utah 84606; (801) 379–1174; *lbaxter@usbr.gov.*

SUPPLEMENTARY INFORMATION: The process for non-Federal development of hydroelectric power at the Spanish Fork Flow Control Structure was established through a **Federal Register** Notice (Notice) published May 11, 2011. The Notice announced the Department of the Interior's intent to consider proposals for non-Federal development of hydroelectric power at the Spanish Fork Flow Control Structure of the Central Utah Project. The Notice presented background information, proposal content guidelines, information concerning the selection of a non-Federal entity to develop hydroelectric power at the Spanish Fork River Flow Control Structure, and power purchasing and/or marketing considerations. The Notice also established the deadline for a potential lessee to enter into a lease with the United States as 5 years after notification of the selection of a potential lessee.

On October 13, 2011, a joint proposal from the Central Utah Water Conservancy District, Strawberry Water Users Association, and the South Valley Electric Service District was received in response to the Notice. The joint proposal was reviewed by an evaluation team comprised of specialists from the Bureau of Reclamation, Western Area Power Administration, and the Bonneville Power Administration.

Based upon the recommendation from the evaluation team, the joint proposal was selected by the Department of the Interior as the potential lessee for non-Federal power development at the Spanish Fork Flow Control Structure. The joint applicants were notified of this decision by correspondence dated March 9, 2012, and were given a deadline of March 9, 2017, to enter into a lease with the United States.

The deadline for entering into a lease has now passed and a lease was not negotiated and executed with the Department of the Interior. As a result, the Department of the Interior has rescinded the selection of Central Utah Water Conservancy District, Strawberry Water Users Association, and the South Valley Electric Service District as the successful potential joint lessee and has terminated this lease of power privilege process for the Spanish Fork Flow Control Structure.

Future non-Federal development of hydroelectric power at the Spanish Fork Flow Control Structure would be considered upon request from interested parties. However, no formal request for proposals is being made by the Department of the Interior at this time.

Dated: June 21, 2017.

Reed R. Murray,

Program Director, Department of the Interior.

[FR Doc. 2017–13403 Filed 6–26–17; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1061]

Certain Bar Code Readers, Scan Engines, Products Containing the Same, and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 23, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Honeywell International, Inc. of Morris Plains, New Jersey; Hand Held Products, Inc. d/b/a Honeywell Scanning & Mobility of Fort Mill, South Carolina; and Metrologic Instruments, Inc. d/b/a Honeywell Scanning & Mobility of Fort Mill, South Carolina. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain bar code readers, scan engines, products containing the same, and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,832,725 (''the '725 patent''); U.S. Patent No. 8,511,572 (''the '572 patent''); U.S. Patent No. 7,148,923 (''the '923 patent''); U.S. Patent No. 7,527,206 (''the '206 patent''); U.S. Patent No. 8,646,692 (''the '692 patent''); and U.S. Patent No. 9,323,969 (''the '969 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained

by accessing its Internet server at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, the Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 21, 2017, *Ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain bar code readers, scan engines, products containing the same, and components thereof by reason of infringement of one or more of claims 1 and 4–6 of the '725 patent; claims 1–4, and 6–10 of the '572 patent; claims 1–6, 8, 10–12, and 19–33 of the '923 patent; claims 1, 3, 6–11, 14, 17–20, 23, and 26–28 of the '206 patent; claims 1–3, 5, 7–12, 14, 16–20, 22, 24–27, 30, and 32 of the '692 patent; and claims 1–3, 5, 6, 8–11, and 13 of the '969 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Honeywell International, Inc., 115 Tabor Road, Morris Plains, NJ 07950.

Hand Held Products, Inc., d/b/a Honeywell Scanning & Mobility, 9680 Old Bailes Road, Fort Mill, SC 29707.

Metrologic Instruments, Inc., d/b/a Honeywell Scanning & Mobility, 9680 Old Bailes Road, Fort Mill, SC 29707.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

The Code Corporation, 12383 South Gateway Park, Suite 600, Draper, UT 84020.

Cortex Pte Ltd., 1003 Bukit Merah Central #04–36, Inno Center, Singapore 159836.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 21, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–13368 Filed 6–26–17; 8:45 am]

BILLING CODE 7020–02–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Joint Board for the Enrollment of Actuaries gives notice of a meeting of the Advisory Committee on Actuarial Examinations (portions of which will be open to the public) at the Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, on July 13–14, 2017.

DATES: Thursday, July 13, 2017, from 9:00 a.m. to 5:00 p.m., and Friday, July 14, 2017, from 8:30 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at the Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth Van Osten, Designated Federal Officer, Advisory Committee on Actuarial Examinations, (703) 414–2163.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at the Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, on Thursday, July 13, 2017, from 9:00 a.m. to 5:00 p.m., and Friday, July 14, 2017, from 8:30 a.m. to 5:00 p.m.

The purpose of the meeting is to discuss topics and questions that may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in 29 U.S.C. 1242(a)(1)(B) and to review the May 2017 Pension (EA–2L) and Basic (EA–1) Examinations in order to make recommendations relative thereto, including the minimum acceptable pass scores. Topics for inclusion on the syllabus for the Joint Board's examination program for the November 2017 Pension (EA–2F) Examination will be discussed.

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that the portions of the meeting dealing with the discussion of questions that may appear on the Joint Board's examinations and the review of the May 2017 EA–2L and EA–1 Examinations fall within the exceptions to the open meeting requirement set forth in 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such portions be closed to public participation.

The portion of the meeting dealing with the discussion of the other topics will commence at 1:00 p.m. on July 13, 2017, and will continue for as long as necessary to complete the discussion, but not beyond 3:00 p.m. Time permitting, after the close of this discussion by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements should notify the Joint Board in writing prior to the meeting in order to aid in scheduling the time available and should submit the written text, or at a minimum, an outline of comments they propose to make orally. Such comments will be limited to 10 minutes in length. All persons planning to attend the public

session should notify the Joint Board in writing to obtain building entry. Notifications of intent to make an oral statement or to attend must be sent electronically, by no later than July 6, 2017, to *nhqjbea@irs.gov.* Any interested person also may file a written statement for consideration by the Joint Board and the Committee by sending it to: Internal Revenue Service; Attn: Ms. Elizabeth Van Osten; Joint Board for the Enrollment of Actuaries SE:RPO: Park 4, Floor 4; 1111 Constitution Avenue NW., Washington, DC 20224.

Dated: June 19, 2017.

Chet Andrzejewski,

Chair, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2017–13347 Filed 6–26–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Joint Stipulation, Settlement Agreement, Order, and Final Judgment Under the Oil Pollution Act and the Clean Water Act

On June 19, 2017, the Department of Justice lodged a proposed Stipulation, Settlement Agreement, Order, and Final Judgment (''Stipulation'') with the United States District Court for the District of Connecticut in the lawsuit entitled *Evergreen Power, LLC and Asnat Realty, LLC* v. *United States, et al.,* Civil Action No. 3:14–cv–01537–WWE.

The Stipulation resolves the claims that Evergreen Power, LLC (''Evergreen'') and Asnat Realty, LLC (''Asnat'') filed against the United States, the U.S. Coast Guard, and Captain E.J. Cubanski, III; and the claims that the United States filed against Asnat, Evergreen, Uri Kaufman, and Ira Schwartz (collectively the Counterclaim Defendants''). The United States' Counterclaim seeks to impose civil penalties for violations of Section 311 of the Clean Water Act and to recover, under the Oil Pollution Act, removal costs incurred by the United States in connection with a 2014 response action at the English Station site at 510 Grand Avenue, New Haven, Connecticut. The Stipulation requires Asnat and Evergreen to pay $454,000 to fully reimburse the United States' oil removal costs, with interest, plus a $246,000 civil penalty. Under the Stipulation, the United States and the Counterclaim Defendants will dismiss their claims and provide mutual releases of liability, and the Counterclaim Defendants covenant not to sue or assert any claims against the United States in connection with the 2014 response action.

The publication of this notice opens a period for public comment on the Stipulation. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *Evergreen Power, LLC and Asnat Realty, LLC* v. *United States, et al.,* D.J. Ref. No. 90–5–1–1–11228. All comments must be submitted no later than thirty (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 Stipulation may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Stipulation upon written request and payment of reproduction costs. Please mail 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 $2.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–13333 Filed 6–26–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, no later than July 7, 2017.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than (INSERT DATE TEN DAYS AFTER PUBLICATION IN FR).

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

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

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

[352 TAA petitions instituted between 1/30/17 and 6/2/17]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
92588	Praxair, Inc. (State/One-Stop)	Leechburg, PA	01/30/17	01/26/17
92589	Faurecia Automotive Seating (State/One-Stop).	Sterling Heights, MI	01/30/17	01/27/17

APPENDIX—Continued

[352 TAA petitions instituted between 1/30/17 and 6/2/17]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
92590	MUFG Union Bank, N.A. (State/One-Stop)	Monterey Park, CA	01/30/17	01/27/17
92591	MV Metal Products & Services (Workers)	Dowagiac, MI	01/30/17	01/27/17
92592	The Button House (State/One-Stop)	New York, NY	01/30/17	01/27/17
92593	Integrated Power Services (Workers)	Washington, PA	01/30/17	01/28/17
92594	Polycom Inc. (State/One-Stop)	Westminster, CO	01/31/17	01/30/17
92595	Future Concepts LLC (State/One-Stop)	La Verne, CA	01/31/17	01/30/17
92596	Bank of America Corporation (State/One-Stop).	Utica, NY	01/31/17	01/30/17
92597	Computer Science Corporation (State/One-Stop).	Coppell, TX	02/01/17	01/31/17
92598	Verizon Wireless (Workers)	Rancho Cordova, CA	02/01/17	01/31/17
92599	M&G DuraVent (State/One-Stop)	Albany, NY	02/02/17	02/01/17
92600	IDEX MPT, Inc. (Union)	Elmhurst, IL	02/03/17	02/02/17
92601	Arrow International Inc. (Union)	Reading, PA	02/03/17	02/02/17
92602	Nordson XALOY (Union)	Pulaski, VA	02/03/17	02/02/17
92603	IEC Electronics Corporation (State/One-Stop)	Newark, NY	02/03/17	12/13/16
92604	First American Title Insurance Company (State/One-Stop).	Irvine, CA	02/03/17	02/02/17
92605	M + S US Inc (State/One-Stop)	Plano, TX	02/03/17	02/02/17
92606	Hewlett Packard Enterprise (State/One-Stop)	Cerritos, CA	02/03/17	02/02/17
92607	AIG PC Global Services, Inc. (State/One-Stop).	Olathe, KS	02/06/17	02/03/17
92608	First Advantage Background Services Corporation (Workers).	Indianapolis, IN	02/06/17	02/03/17
92609	Avantor Performance Materials (Workers)	Phillipsburg, NJ	02/06/17	02/03/17
92610	Ericsson, Inc. (Company)	Santa Clara, CA	02/06/17	02/05/17
92611	Tektronix including on-site leased wrkrs frm Adecco (State/One-Stop).	Beaverton, OR	02/06/17	02/03/17
92612	Graphic Arts Center (State/One-Stop)	Portland, OR	02/06/17	02/03/17
92613	Evonik (State/One-Stop)	Portland, OR	02/06/17	02/03/17
92614	ATI Specialty Alloys and Components, Albany Operations 34th Ave Plant (State/One-Stop).	Albany, OR	02/07/17	02/06/17
92615	MTBC Acquisition Corporation (State/One-Stop).	Somerset, NJ	02/07/17	02/06/17
92616	Sprint (State/One-Stop)	Blountville, TN	02/07/17	02/06/17
92617	Aero-Mach Labs, Inc. (State/One-Stop)	Wichita, KS	02/07/17	02/07/17
92618	Bank of America (Workers)	Plano, TX	02/07/17	01/25/17
92619	FormSolver, Inc. dba Framatic Co. (State/One-Stop).	Los Angeles, CA	02/07/17	02/06/17
92620	Novartis Pharmaceutical Corporation (Workers).	East Hanover, NJ	02/08/17	02/07/17
92621	Silverack LLC (State/One-Stop)	Brea, CA	02/08/17	02/07/17
92622	Pfizer ? Rouses Point (State/One-Stop)	Rouses Point, NY	02/08/17	02/07/17
92623	ATCO Structures & Logistics (State/One-Stop).	Pocatello, ID	02/08/17	02/07/17
92624	HUBS, Inc., Hubbell Incorporated (Delaware) (State/One-Stop).	Shelton, CT	02/08/17	02/07/17
92625	Tronc, Inc. (Company)	Chicago, IL	02/08/17	02/06/17
92626	Kaba Ilco Corp (Company)	Winston-Salem, NC	02/08/17	01/11/17
92627	Ameridial (Workers)	Spindale, NC	02/08/17	02/07/17
92628	Support.com, Inc. (State/One-Stop)	Redwood City, CA	02/08/17	02/03/17
92629	Lone Star Tubular Service, Inc. (Workers)	Lone Star, TX	02/08/17	12/21/16
92630	ITW Powertrain Components (Workers)	Mazon, IL	02/08/17	02/07/17
92631	Oceaneering International, Inc. (State/One-Stop).	Houston, TX	02/09/17	02/08/17
92632	Digital River, Inc. (State/One-Stop)	Minnetonka, MN	02/09/17	02/08/17
92633	International Business Machines Corporation (IBM) (State/One-Stop).	Lexington, KY	02/09/17	02/08/17
92634A	Seagate Technology (State/One-Stop)	Longmont, CO	02/13/17	02/10/17
92634	Seagate Technology (State/One-Stop)	Shakopee, MN	02/13/17	02/10/17
92635	Ericsson, Inc. (State/One-Stop)	San Jose, CA	02/13/17	02/10/17
92636	Verizon Wireless Call Center (State/One-Stop).	Lincoln, NE	02/13/17	02/10/17
92637	Verso Dover Woodyard (State/One-Stop)	Dover-Foxcroft, ME	02/14/17	02/14/17
92638	Sypris Technologies (Company)	Louisville, KY	02/14/17	02/13/17
92639	Jabil Circuit, Inc. (State/One-Stop)	Rochester, NY	02/14/17	02/14/17
92640	Manpower (State/One-Stop)	Phoenix, AZ	02/14/17	02/13/17
92641	NCI Group, Inc. (State/One-Stop)	Omaha, NE	02/14/17	02/13/17

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[352 TAA petitions instituted between 1/30/17 and 6/2/17]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
92642	Yanfeng Global Automotive Interiors US 1 LLC (Union).	Northwood, OH	02/14/17	01/19/17
92643	Merck Sharp & Dohme Corporation (Workers)	Rahway, NJ	02/14/17	02/08/17
92644	Luvo USA, LLC (State/One-Stop)	Schaumburg, IL	02/15/17	02/14/17
92645	Merck Sharp & Dohme Corporation (Workers)	Kenilworth, NJ	02/15/17	02/15/17
92646	International Business Machines Corporation (IBM) (State/One-Stop).	Poughkeepsie, NY	02/16/17	02/15/17
92647	Tri-Pro Forest Products, Inc. (Company)	Orofino, ID	02/16/17	02/02/17
92648	Ventra Evart, LLC (State/One-Stop)	Evart, MI	02/16/17	02/15/17
92649	Kleer Fax, Inc. (State/One-Stop)	Amityville, NY	02/16/17	02/16/17
92650	KEMET Electronics Corporation (Company)	Simpsonville, SC	02/17/17	02/16/17
92651	Verizon Wireless (State/One-Stop)	Rochester, NY	02/17/17	02/16/17
92652	Technicolor (Company)	Camarillo, CA	02/21/17	02/17/17
92653A	TAB Products Co. LLC (Workers)	Mayville, WI	02/21/17	02/17/17
92653B	TAB Products Co. LLC (Workers)	Mayville, WI	02/21/17	02/17/17
92653	TAB Products Co. LLC (Workers)	Mayville, WI	02/21/17	02/17/17
92654	Thomson Reuters (State/One-Stop)	Hauppauge, NY	02/21/17	02/17/17
92654A	Thomson Reuters (State/One-Stop)	Nutley, NJ	02/21/17	02/17/17
92655	J.C. Penney Corporation, Inc. (State/One-Stop).	Plano, TX	02/21/17	02/17/17
92656	Hyundai Rotem (Union)	Philadelphia, PA	02/21/17	02/21/17
92657	Seattle Times Company (State/One-Stop)	Seattle, WA	02/21/17	02/16/17
92658	Meadville Forging Company (CNC Division) (Company).	Cambridge Springs, PA	02/21/17	02/20/17
92659	LedVance LLC (Company)	Versailles, KY	02/21/17	02/20/17
92660	International Business Machines Corporation (IBM) (State/One-Stop).	Hillsboro, OR	02/22/17	02/21/17
92661	McFarland Cascade (State/One-Stop)	Rochester, WA	02/22/17	02/15/17
92662	TechInsights USA, Inc. (State/One-Stop)	Austin, TX	02/22/17	02/21/17
92663	Lionbridge Technologies (Company)	Bellevue, WA	02/22/17	02/16/17
92664	Corbis & Branded Entertainment Network (State/One-Stop).	New York, NY	02/23/17	02/22/17
92665	CVG Alabama, LLC (State/One-Stop)	Piedmont, AL	02/23/17	02/22/17
92666	Dickard-Widder Industries (Union)	Maspath, NY	02/23/17	01/12/17
92667	NetApp, Inc. (Workers)	Cranberry Township, PA	02/23/17	02/22/17
92668	Thomson Reuters Corporation (State/One-Stop).	Stamford, CT	02/23/17	02/21/17
92669	International Business Machines Corporation (IBM) (Workers).	Cambridge, MA	02/24/17	02/23/17
92670	International Business Machines Corporation (IBM) (State/One-Stop).	Sterling Forrest, NY	02/24/17	02/23/17
92671	MACOM (State/One-Stop)	Ithaca, NY	02/24/17	02/22/17
92672	Mayflower Vehicle Systems, LLC (Company)	Shadyside, OH	02/24/17	02/23/17
92673	Merck Sharp & Dohme Corporation (Workers)	Kenilworth, NJ	02/24/17	02/23/17
92674	Rock of Ages (State/One-Stop)	Graniteville, VT	02/24/17	02/23/17
92675	TE Connectivity (Company)	Pennsauken, NJ	02/27/17	02/15/17
92676	Suniva, Inc. (State/One-Stop)	Saginaw, MI	02/27/17	02/24/17
92677	Philips Lighting North America Corp. (State/One-Stop).	Salina, KS	02/27/17	02/24/17
92678	Burroughs Inc. (State/One-Stop)	Plymouth, MI	02/27/17	02/24/17
92679	B/E Aerospace, Inc. (State/One-Stop)	Anaheim, CA	02/27/17	02/24/17
92680	Data Listing Services dba The Connection (Company).	Olean, NY	02/27/17	02/24/17
92681	Business Health Solutions and Quality Tools & Abrasives (State/One-Stop).	Indianapolis, IN	02/27/17	02/24/17
92682	Via Christi Health, Inc. (State/One-Stop)	Wichita, KS	02/27/17	02/24/17
92682D	Via Christi Hospital Wichita, Inc. (State/One-Stop).	Wichita, KS	02/27/17	02/24/17
92682C	Via Christi Hospital Wichita, Inc. (State/One-Stop).	Wichita, KS	02/27/17	02/24/17
92682B	Via Christi Hospital Manhattan, Inc. (State/One-Stop).	Manhattan, KS	02/27/17	02/24/17
92682A	Via Christi Hospital Pittsburgh, Inc. (State/One-Stop).	Pittsburgh, KS	02/27/17	02/24/17
92683	National Oilwell Varco—IntelliServ (Workers)	Provo, UT	02/28/17	02/27/17
92684	ASG Technologies Group, Inc. (State/One-Stop).	Naples, FL	02/28/17	02/24/17
92685	Ricoh Electronics Inc (State/One-Stop)	Tustin, CA	02/28/17	02/27/17
92686	Crew Knitwear LLC (State/One-Stop)	Los Angeles, CA	03/01/17	02/28/17
92687	Mo Bio Laboratories, Inc. (State/One-Stop)	Carlsbad, CA	03/01/17	02/28/17

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[352 TAA petitions instituted between 1/30/17 and 6/2/17]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
92688	Core Pharma (State/One-Stop)	Middlesex, NJ	03/01/17	02/28/17
92689	ATC Panels, Inc. (Workers)	Franklin, VA	03/02/17	03/01/17
92690	Crown Casting (Company)	Hodges, SC	03/02/17	03/01/17
92691	International Business Machines Corporation (IBM) (State/One-Stop).	Poughkeepsie, NY	03/02/17	03/01/17
92692	Travelport, LP (State/One-Stop)	Kansas City, MO	03/02/17	03/01/17
92693	International Business Machines Corporation (IBM) (Workers).	Southbury, CT	03/03/17	03/02/17
92694	Lifescan Products LLC (Company)	Aguadilla, PR	03/03/17	03/03/17
92695	Delta Products Corporation (State/One-Stop)	Hillsboro, OR	03/06/17	03/03/17
92696	Littelfuse Inc. (Company)	Eagle Pass, TX	03/06/17	03/03/17
92697	Felchar Manufacturing Corporation (State/One-Stop).	Binghamton, NY	03/06/17	03/03/17
92698	Actronix, Inc. (State/One-Stop)	Newport, AR	03/07/17	03/06/17
92699	Mustang Survival Manufacturing, Inc. (Workers).	Spencer, WV	03/07/17	03/03/17
92700	Inteva Products (State/One-Stop)	Adrian, MI	03/07/17	03/06/17
92701	Borg Warner Thermal Systems (State/One-Stop).	Cadillac, MI	03/07/17	03/06/17
92702	First Data Resources LLC (State/One-Stop)	Omaha, NE	03/08/17	03/06/17
92703	DAYCO Products, LLC (Company)	Walterboro, SC	03/08/17	03/06/17
92704	Intri-Plex Technologies, Inc. (State/One-Stop)	Goleta, CA	03/08/17	03/07/17
92705	Manitowoc Cranes, LLC (Union)	Manitowoc, WI	03/08/17	03/07/17
92706	Continental Casualty Company (State/One-Stop).	Brea, CA	03/08/17	03/07/17
92707	Hewlett Packard Enterprise (State/One-Stop)	Conway, AR	03/08/17	03/07/17
92708	HCL America Inc. (State/One-Stop)	Mesquite, TX	03/08/17	03/07/17
92709	Stampede Forest Products, Inc. (State/One-Stop).	Omak, WA	03/09/17	03/08/17
92710	Sutherland Global (State/One-Stop)	Rochester, NY	03/09/17	03/08/17
92711	Amdocs Incorporated (Workers)	Champaign, IL	03/10/17	03/09/17
92712	KNECT365 US, INC. (State/One-Stop)	New York, NY	03/10/17	03/09/17
92713	Los Angeles Times (State/One-Stop)	Los Angeles, CA	03/10/17	03/09/17
92714	TBMC (Company)	Greenville, SC	03/10/17	03/09/17
92715	PaperWorks Industries, Inc. (Union)	Philadelphia, PA	03/10/17	03/09/17
92716	Siemens Government Technologies, Inc (State/One-Stop).	Wellsville, NY	03/10/17	03/09/17
92717	Aquion Energy (Workers)	Mont Pleasant, PA	03/13/17	03/10/17
92718	DeVry Education Group (Company)	Downers Grove, IL	03/13/17	03/10/17
92719	Burleigh Point LTD, dba RVCA (State/One-Stop).	Irvine, CA	03/13/17	03/10/17
92720	Sweda Company LLC (State/One-Stop)	City of Industry, CA	03/13/17	03/10/17
92721	Nippon Paper Industries USA, Co. Limited (Union).	Port Angeles, WA	03/13/17	03/09/17
92722	Exacq Technologies (Workers)	Fishers, IN	03/13/17	03/13/17
92723	Hexion, Inc. (Workers)	Mount Jewett, PA	03/14/17	03/13/17
92724	Intel Corporation (State/One-Stop)	Santa Clara, CA	03/14/17	03/13/17
92725	Stephens Paper (State/One-Stop)	Stephens, AR	03/14/17	03/13/17
92726	Vonage (State/One-Stop)	Holmdel, NJ	03/14/17	03/13/17
92727	Stragtegic Products and Services (State/One-Stop).	Camarillo, CA	03/15/17	03/15/17
92728	Cooper-Standard Automotive FHS, Inc. (State/One-Stop).	New Lexington, OH	03/15/17	03/14/17
92729	Avalon Laboratories, LLC (State/One-Stop)	Rancho Dominguez, CA	03/15/17	03/14/17
92730	Magna Seating Systems of America, Inc. (State/One-Stop).	Warren, OH	03/15/17	03/14/17
92731	LexisNexis (State/One-Stop)	Colorado Springs, CO	03/15/17	03/14/17
92732	Ross Mould LLC (Company)	Washington, PA	03/15/17	03/14/17
92733	Parker Hannifin Corporation (State/One-Stop)	South Gate, CA	03/15/17	03/14/17
92734	MoneyGram International (Workers)	Frisco, TX	03/15/17	03/14/17
92735	Ericsson (State/One-Stop)	Plano, TX	03/16/17	03/15/17
92736	Holland, Inc. (Company)	Holland, MI	03/16/17	03/14/17
92737	Fidelity National Information Services (State/One-Stop).	Kansas City, MO	03/17/17	03/16/17
92738	International Business Machines Corporation (IBM) (State/One-Stop).	Costa Mesa, CA	03/17/17	03/16/17
92739	Micrometals/Texas, Inc. (State/One-Stop)	Abilene, TX	03/17/17	03/16/17
92740	NSi Industries LLC (Company)	Mount Vernon, NY	03/17/17	03/16/17
92741	Pacific Gas and Electric Co. (Workers)	San Francisco, CA	03/17/17	03/16/17

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[352 TAA petitions instituted between 1/30/17 and 6/2/17]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
92742	Panasonic Appliances Company of America (Workers).	Danville, KY	03/20/17	03/18/17
92743	American Technical Ceramics Corporation (Company).	Huntington, NY	03/20/17	03/17/17
92744	Royal Ingredients (State/One-Stop)	Swedesboro, NJ	03/20/17	03/20/17
92745	Arrow International (Workers)	Reading, PA	03/21/17	03/20/17
92745A	Teleflex (Workers)	Morrisville, NC	03/21/17	03/20/17
92746	Lucerne Textiles, Inc. (Company)	Jersey City, NJ	03/21/17	03/20/17
92747	Wipro (State/One-Stop)	East Brunswick, NJ	03/21/17	03/20/17
92748	Marland Mold, Inc. (State/One-Stop)	Pittsfield, MA	03/21/17	03/16/17
92749	Aramark Cafe' (State/One-Stop)	Lincoln, NE	03/22/17	03/22/17
92750	Cooper Standard Automotive (Workers)	Goldsboro, NC	03/22/17	12/18/16
92751	Epicor Software (Workers)	Bensalem, PA	03/22/17	03/21/17
92752	Coriant Operations, Inc. (Workers)	Naperville, IL	03/22/17	03/21/17
92753	American Technical Ceramics (Company)	Jacksonville, FL	03/23/17	03/16/17
92754	Axeon Specialty Products LLC (Union)	Paulsboro, NJ	03/24/17	03/24/17
92755	Flextronics (State/One-Stop)	Austin, PA	03/24/17	03/24/17
92756	International Business Machines Corporation (IBM) (State/One-Stop).	Coppell, TX	03/24/17	03/23/17
92757	International Automotive Components (IAC) (State/One-Stop).	Huron, OH	03/24/17	03/23/17
92758	Pentair Technical Solutions (State/One-Stop)	Houston, TX	03/24/17	03/23/17
92759	Roche Diagnostics (Workers)	Indianapolis, IN	03/24/17	03/20/17
92760	Fiserv Solutions, LLC (State/One-Stop)	Hillsboro, OR	03/27/17	03/24/17
92760A	Fiserv Solutions, LLC (State/One-Stop)	Hillsboro, OR	03/27/17	03/24/17
92761	Streamline International (State/One-Stop)	Wilsonville, OR	03/27/17	03/24/17
92762	John Deere & Company (State/One-Stop)	Waterloo, IA	03/27/17	03/24/17
92763	Shoes for Crews, LLC (Workers)	West Palm Beach, FL	03/27/17	03/23/17
92764	Emerson Process Management (State/One-Stop).	Shakopee, MN	03/28/17	03/27/17
92765A	Honeywell International, Inc. (State/One-Stop)	Plymouth, MN	03/28/17	03/27/17
92765	Honeywell International, Inc. (State/One-Stop)	Golden Valley, MN	03/28/17	03/27/17
92766	Mission Solar Energy (State/One-Stop)	San Antonio, TX	03/28/17	03/27/17
92767	Ocwen Financial Corporation (State/One-Stop).	Houston, TX	03/28/17	03/27/17
92768	Pacific Gas & Electric Company (Workers)	San Francisco, CA	03/28/17	03/27/17
92769	River Steel (Company)	La Crosse, WI	03/28/17	03/14/17
92770	St. John Knits (State/One-Stop)	Irvine, CA	03/28/17	03/27/17
92771	Gloucester Seafood (State/One-Stop)	Chelsea, MA	03/29/17	03/27/17
92772	ClydeUnion Pumps, an SPXFLOW Brand (Workers).	Battle Creek, MI	03/29/17	03/28/17
92773	Freeport McMoran Oil and Gas (Workers)	Houston, TX	03/30/17	03/26/17
92774	Ernst & Young LLP (Workers)	Dallas, TX	03/30/17	03/29/17
92775	Multicare Tacoma (State/One-Stop)	Auburn, WA	03/31/17	03/29/17
92776	IHI E&C International Corporation (State/One-Stop).	Houston, TX	03/31/17	03/30/17
92777	Macy's Credit and Customer Services (Workers).	Bridgeton, MO	03/31/17	03/29/17
92778	UTC Aerospace Systems (Butler) (Workers)	Chula Vista, CA	03/31/17	03/22/17
92779	3M (Company)	Elyria, OH	03/31/17	03/31/17
92780	SV Probe (Workers)	Tempe, AZ	04/03/17	03/31/17
92781	TBC Timber, Inc. (State/One-Stop)	Libby, MT	04/03/17	03/31/17
92782	Swift Spinning, Inc.—CYD Plant (Company)	Columbus, GA	04/03/17	03/31/17
92783	Verizon, Incident Management (Workers)	Cary, NC	04/03/17	03/31/17
92784	Pall Corporation (State/One-Stop)	West Borough, MA	04/03/17	03/31/17
92785	Mitel (State/One-Stop)	Reno, NV	04/04/17	04/03/17
92786	Nevamar Company, LLC (Company)	Oshkosh, WI	04/04/17	04/03/17
92787	BCBG (State/One-Stop)	Los Angeles, CA	04/04/17	04/03/17
92788	Staples Shared Services Center, LLC (Company).	Columbia, SC	04/04/17	04/03/17
92789	United States Steel (Union)	Lorain, OH	04/04/17	03/10/17
92790	A123Systems (Workers)	Romulus, MI	04/05/17	04/04/17
92791	Alorica, Inc. (State/One-Stop)	North Sioux City, SD	04/05/17	04/04/17
92792	Avantor Performance Materials (Union)	Phillipsburg, NJ	04/06/17	04/05/17
92793	Classtex Knitting Mill (Company)	Orwigsburg, PA	04/06/17	04/05/17
92794	Diamond Materials Tech, Inc. (Company)	Colorado Springs, CO	04/06/17	04/05/17
92795	Piqua Champion Foundry (State/One-Stop)	Piqua, OH	04/06/17	04/05/17
92796	Siemens Inc.—dba Dresser-Rand (State/One-Stop).	Olean, NY	04/06/17	04/05/17
92797	AF Gloenco Company (State/One-Stop)	Greenville, SC	04/07/17	04/07/17

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[352 TAA petitions instituted between 1/30/17 and 6/2/17]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
92798	ATI Flat Rolled Products (Workers)	Washington, PA	04/07/17	04/04/17
92799	Chippewa Shoe Company LLC (State/One-Stop).	Bangor, ME	04/07/17	04/05/17
92800	Dell EMC (State/One-Stop)	Round Rock, TX	04/07/17	04/06/17
92801	Fiat Chrylser (FCA) (Union)	Sterling Heights, MI	04/07/17	04/06/17
92802	FirstSource (State/One-Stop)	Louisville, KY	04/07/17	04/06/17
92803	LMI Solutions (Workers)	Phoenix, AZ	04/07/17	04/05/17
92804	Schneider Electric (Union)	Peru, IN	04/07/17	04/06/17
92805	Nielsen (Workers)	Green Bay, WI	04/07/17	04/06/17
92806	Entergy Palisades Nuclear Power Plant (Company).	Covert, MI	04/10/17	04/07/17
92807	I T O Industries, Inc. (Company)	Bristol, WI	04/10/17	04/07/17
92808	Reddaway ? subsidiary of YRC Worldwide (State/One-Stop).	Tualatin, OR	04/10/17	04/07/17
92809	Verizon—Incident Management (Verifying if same as 92783) (Workers).	Cary, NC	04/10/17	04/07/17
92810	Avid Technology (State/One-Stop)	Burlington, MA	04/11/17	04/06/17
92811	Power Probe Inc. (State/One-Stop)	Brea, CA	04/11/17	04/10/17
92812	Sharp Laboratories of America (State/One-Stop).	Camas, WA	04/11/17	04/06/17
92813	Storm Industries (State/One-Stop)	Torrance, CA	04/11/17	04/10/17
92814	Argo Group International Holdings (Company)	San Antonio, TX	04/12/17	04/11/17
92815	Land O'Lakes (State/One-Stop)	Roseville, MN	04/12/17	04/11/17
92816	MGT Industries, Inc. (State/One-Stop)	Los Angeles, CA	04/12/17	04/11/17
92817	Swartfager Welding (State/One-Stop)	Knox, PA	04/12/17	04/11/17
92818	Crissair, Inc. (State/One-Stop)	Valencia, CA	04/13/17	04/12/17
92819	Fox Rent A Car (State/One-Stop)	Tulsa, OK	04/13/17	04/12/17
92820	International Specialty Tube, LLC (State/One-Stop).	Detroit, MI	04/13/17	04/12/17
92821	Jamestown Industries Inc. (State/One-Stop)	Youngstown, OH	04/13/17	04/12/17
92822	SAF–HOLLAND, Inc. (Company)	Holland, MI	04/13/17	04/12/17
92823	Gloucester Seafood (State/One-Stop)	Gloucester, MA	04/14/17	04/13/17
92824	Indspec (Workers)	Petrolla, PA	04/14/17	04/13/17
92825	Marmon/Keystone LLC—M/K Express (Workers).	East Butler, PA	04/14/17	04/10/17
92826	Honeywell International, Inc. (State/One-Stop)	Melville, NY	04/17/17	04/14/17
92827	Praxair, Inc. (State/One-Stop)	Leechburg, PA	04/17/17	04/03/17
92828	National Steel and Shipbuilding Company (State/One-Stop).	San Diego, CA	04/18/17	04/17/17
92829	Thomson Reuters (State/One-Stop)	New York, NY	04/18/17	04/17/17
92830	Glacier Line Logging (State/One-Stop)	Libby, MT	04/19/17	04/18/17
92831	Monsoon Inc. (State/One-Stop)	Portland, OR	04/20/17	04/19/17
92832	Finisar Corporation (Company)	Horsham, PA	04/21/17	04/20/17
92833	Jamco of America Inc. (State/One-Stop)	Everett, WA	04/21/17	04/19/17
92834	Pearson Education (State/One-Stop)	Bloomington, MN	04/21/17	04/20/17
92835	Vius (DBA Leadec-Services) (State/One-Stop).	Warren, OH	04/24/17	04/21/17
92836	Modis, LLC (Workers)	Boise, ID	04/24/17	04/21/17
92837	Hoshmann Steinberg (State/One-Stop)	Chino, CA	04/24/17	04/21/17
92838	DJO Global—New Brighton (State/One-Stop)	New Brighton, MN	04/25/17	04/24/17
92839	Dura Automotive Systems, LLC (Company)	Stockton, IL	04/26/17	04/25/17
92840	ESCO Co. LLC (Company)	Muskegon, MI	04/26/17	04/25/17
92841	Honeywell International, Inc. (State/One-Stop)	East Syracuse, NY	04/26/17	04/25/17
92842	Industrial Tube Company (State/One-Stop)	Perris, CA	04/26/17	04/25/17
92843	Majestic Wood Products, LLC (State/One-Stop).	White City, OR	04/26/17	04/25/17
92844	Teleflex/Arrow International (Company)	Asheboro, NC	04/26/17	04/24/17
92845	Diodes FabTech Inc. (State/One-Stop)	Lee's Summit, MO	04/27/17	04/26/17
92846	Ericsson Inc. (State/One-Stop)	Plano, TX	04/27/17	04/26/17
92847	Parkdale America Plant 44 (Company)	Williamston, NC	04/27/17	04/26/17
92848	Orion Fittings (State/One-Stop)	Kansas City, KS	04/27/17	04/26/17
92849	BCBG Max Azria group, LLC (Workers)	Vernon, CA	04/28/17	04/27/17
92850	Caterpillar Inc. (Company)	Houston, PA	04/28/17	04/27/17
92851	Consolidated Metco (Company)	Bryson City, NC	04/28/17	04/13/17
92852	Essentra Components (State/One-Stop)	Erie, PA	04/28/17	04/27/17
92853	International Business Machines Corporation (IBM) (State/One-Stop).	Chicago, IL	04/28/17	04/27/17
92854	PM Industries Inc. (State/One-Stop)	Beaverton, OR	04/28/17	04/27/17
92855	Pochet of America, Inc. (State/One-Stop)	Wayne, NJ	04/28/17	04/27/17
92856	Blue Cross Blue Shield (State/One-Stop)	Providence, RI	05/01/17	04/28/17

APPENDIX—Continued

[352 TAA petitions instituted between 1/30/17 and 6/2/17]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
92857	TE Connectivity/Measurement Specialties (Company).	Chatsworth, CA	05/01/17	05/01/17
92858	Emblem Health (Workers)	New York, NY	05/02/17	04/26/17
92859	Ericsson Inc. (State/One-Stop)	Plano, TX	05/02/17	05/01/17
92860	Mellanox Technologies (State/One-Stop)	Monterey Park, CA	05/02/17	04/26/17
92861	Rent-A-Center (State/One-Stop)	Plano, TX	05/02/17	05/01/17
92862	Symantec Corporation/Varitas (State/One-Stop).	Springfield, OR	05/02/17	05/01/17
92863	General Mills (State/One-Stop)	Golden Valley, MN	05/02/17	05/01/17
92864	Canam Steel Corporation (Workers)	Point of Rocks, MD	05/03/17	05/02/17
92865	Goodyear Commercial Tire & Service Centers (State/One-Stop).	Fort Smith, AR	05/03/17	05/03/17
92866	LedVance, LLC f/k/a Osram Sylvania (State/One-Stop).	St. Marys, PA	05/04/17	05/03/17
92867	White and Case LLP (State/One-Stop)	Warrenville, IL and New York, NY, NY	05/04/17	04/17/17
92868	Zebra Technologies (State/One-Stop)	Holtsville, NY	05/04/17	05/04/17
92869	Congoleum Corporation (State/One-Stop)	Trenton, NJ	05/05/17	05/04/17
92870	Mondi Akrosil, LLC (State/One-Stop)	Lancaster, OH	05/05/17	05/04/17
92871	Teradyne-Nextest (State/One-Stop)	San Jose, CA	05/05/17	05/04/17
92872	Allied Ring Corporation (Company)	St. Johns, MI	05/08/17	05/05/17
92873	Luvo USA, LLC, f/k/a Provita Cuisine LLC (State/One-Stop).	Schaumburg, IL	05/08/17	05/05/17
92874	ASG Technologies Group, Inc. (State/One-Stop).	Arlington, TX	05/09/17	05/08/17
92875	Baldor Electric (State/One-Stop)	Fort Smith, AR	05/09/17	05/08/17
92876	Medtronic-Coon Rapids & Minnetonka locations (State/One-Stop).	Coon Rapids, MN	05/09/17	05/08/17
92877	MarketSource (State/One-Stop)	Vancouver, WA	05/09/17	05/05/17
92878	Trombetta Electronics (Company)	Malden, MA	05/10/17	05/02/17
92879	Beaver-Visitec International, Inc. (Company)	Waltham, MA	05/10/17	04/28/17
92880	Nexon America, Inc. (State/One-Stop)	El Segundo, CA	05/10/17	05/09/17
92881	DME/Milacron (Workers)	Youngwood, PA	05/11/17	05/09/17
92882	Triumph Aerostructures, Vought Aircraft Division (Union).	Red Oak, TX	05/11/17	05/10/17
92883	Intel Corporation (Company)	Hillsboro, OR	05/11/17	03/16/17
92884	Med Focus (State/One-Stop)	Tigard, OR	05/12/17	05/11/17
92885	Surgical Specialties Corporation (Company)	Reading, PA	05/12/17	05/11/17
92886	Maggy London International (State/One-Stop)	New York, NY	05/15/17	05/10/17
92887	American Distribution & Warehousing Services (Workers).	Ridgeway, VA	05/16/17	05/15/17
92888	Conduent, Inc (fka Xerox Commercial Solution, LLC) (State/One-Stop).	Moosic, PA	05/16/17	05/12/17
92889	ContiTech North America, Inc. (State/One-Stop).	Truman, AR	05/16/17	05/15/17
92890	International Business Machines Corporation (IBM) (State/One-Stop).	Littleton, MA	05/16/17	05/11/17
92891	Medtronic (State/One-Stop)	Columbia Heights, MN	05/16/17	05/15/17
92892	Timex Group USA, Inc. (State/One-Stop)	North Little Rock, AR	05/16/17	05/15/17
92893	General Mills (Progresso Soup) (State/One-Stop).	Vineland, NJ	05/17/17	05/16/17
92894	Plews, Inc. Subsidiary of Basil Tree LLC. (State/One-Stop).	Dixon, IL	05/17/17	05/16/17
92895	SmashFly Technologies (State/One-Stop)	Concord, MA	05/17/17	05/16/17
92896	Altiostar (State/One-Stop)	Tewksbury, MA	05/18/17	05/16/17
92897	International Business Machines Corporation (IBM) (State/One-Stop).	Endicott, NY	05/18/17	05/16/17
92898	Duracell (Company)	Lancaster, SC	05/18/17	05/15/17
92899	EMC (State/One-Stop)	Hopkinton, MA	05/18/17	05/16/17
92900	Bank of America (Workers)	Simi Valley, CA	05/19/17	05/17/17
92901	McCain Foods (State/One-Stop)	Grand Island, NE	05/19/17	05/18/17
92902	OECO Meggitt Aerospace (State/One-Stop)	Milwaukee, OR	05/19/17	05/18/17
92903	Boeing Commercial Aircraft (Union)	Tukwila, WA	05/22/17	05/19/17
92904	Boeing Commercial Aircraft (Union)	Portland, OR	05/22/17	05/19/17
92905	Seagate Technology (State/One-Stop)	Bloomington, MN	05/22/17	05/19/17
92906	Baker Hughes International (State/One-Stop)	Houston, TX	05/23/17	05/22/17
92907	FCR/First Call Resolution (State/One-Stop)	Grants Pass, OR	05/23/17	05/22/17
92908	SolarWorld Americans Inc. (State/One-Stop)	Hillsboro, OR	05/23/17	05/22/17
92909	ZeaChem (State/One-Stop)	Boardman, OR	05/23/17	05/18/17
92910	ABB Inc. (State/One-Stop)	Cary, NC	05/24/17	05/22/17
92911	American Silk Mills (Workers)	Plains, PA	05/24/17	05/24/17

APPENDIX—Continued

[352 TAA petitions instituted between 1/30/17 and 6/2/17]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
92912	Dr. Leonard's Healthcare (State/One-Stop)	Lincoln, NE	05/24/17	05/23/17
92913	Emblem Health (State/One-Stop)	New York, NY	05/24/17	04/25/17
92914	Trostel Ltd. (Workers)	Lake Geneva, WI	05/24/17	05/17/17
92915	Bloomberg LP (Workers)	Skillman, NJ	05/25/17	05/24/17
92916	Kelvion, Inc. (Workers)	York, PA	05/25/17	05/24/17
92917	Breg, Inc. (State/One-Stop)	Grand Prairie, TX	05/26/17	05/25/17
92918	Breg, Inc. (State/One-Stop)	Plano, TX	05/26/17	05/25/17
92919	eNNOVEA, LLC dba E.G. Industries (Workers).	Erie, PA	05/31/17	05/10/17
92920	Health Care Service Corp. (State/One-Stop)	Marion, IL	05/31/17	05/30/17
92921	JP Morgan Chase (State/One-Stop)	Columbus, OH	05/31/17	05/30/17
92922	Ralph Lauren Corporation (Workers)	Lyndhurst, NJ	05/31/17	05/31/17
92923	Health Care Services Corporation (State/One-Stop).	Chicago, IL	06/01/17	05/15/17
92924	Owner Revolution (State/One-Stop)	Atlantic, IA	06/01/17	05/31/17
92925	Bruker AXS Inc (Company)	Madison, WI	06/01/17	05/31/17
92926	Android Industries—Detroit, LLC (State/One-Stop).	Detroit, MI	06/01/17	06/01/17
92927	Nordson Polymer Processing System (Union)	New Castle, PA	06/02/17	06/01/17
92928	Dell (Workers)	Round Rock, TX	06/02/17	05/22/17

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DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with the Section 223 (19 U.S.C. 2273) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) number issued during the period of *January 30, 2017 through June 2, 2017.* (This Notice primarily follows the language of the Trade Act. In some places however, changes such as the inclusion of subheadings, a reorganization of language, or ''and,'' ''or,'' or other words are added for clarification.)

Section 222(a)—Workers of a Primary Firm

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements under Section 222(a) of the Act (19 U.S.C. 2272(a)) must be met, as follows:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2272(a)(1)) is that a significant number or proportion of the workers in such workers' firm (or ''such firm'') have become totally or partially separated, or are threatened to become totally or partially separated;

AND (2(A) or 2(B) below)

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. 2272(a)(2)) may be satisfied by either (A) the Increased Imports Path, or (B) the Shift in Production or Services to a Foreign Country Path/Acquisition of Articles or Services from a Foreign Country Path, as follows:

(A) Increased Imports Path:

(i) The sales or production, or both, of such firm, have decreased absolutely;

AND (ii and iii below)

(ii) (I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased OR

(II)(aa) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased; OR

(II)(bb) imports of articles like or directly competitive with articles which are produced directly using the services supplied by such firm, have increased; OR

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

AND

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; OR

(B) Shift in Production or Services to a Foreign Country Path OR Acquisition of Articles or Services from a Foreign Country Path:

(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; OR

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm;

AND

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

Section 222(b)—Adversely Affected Secondary Workers

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(b) of the Act (19 U.S.C. 2272(b)) must be met, as follows:

(1) A significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm

have become totally or partially separated, or are threatened to become totally or partially separated;

AND

(2) the workers' firm is a supplier or downstream producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act (19 U.S.C. 2272(a)), and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection 222(c)(3) and (4) of the Act (19 U.S.C. 2272(c)(3) and (4));

AND

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm;

OR

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

Section 222(e)—Firms Identified by the International Trade Commission

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(e) of the Act (19 U.S.C. 2272(e)) must be met, by following criteria (1), (2), and (3) as follows:

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1) of the Act (19 U.S.C. 2252(b)(1));

OR

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1) of the Act (19 U.S.C. 2436(b)(1)); OR

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

AND

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) of the Trade Act (19 U.S.C. 2252(f)(1)) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3) (19 U.S.C. 2252(f)(3)); OR

(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the **Federal Register**;

AND

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); OR

(B) not withstanding section 223(b) of the Act (19 U.S.C. 2273(b)), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (Increased Imports Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
91,169	Technicolor Creative Services USA, Inc., Technicolor USA, Inc., Production Services/Media Services.	Burbank, CA	May 3, 2015.
91,169A	Accounting Principles (Formerly Ajilon Professional Staffing), Apple One Employment Services, Optimum Staffing, etc.	Burbank, CA	November 20, 2014.
91,332	Quantum Resources Recovery, Inc	Portland, OR	January 7, 2015.
91,481	Banks Lumber Company, Labor Ready	Banks, OR	February 17, 2015.
91,673	Climax Manufacturing Inc	Lowville, NY	April 6, 2015.
91,689	Warm Springs Forest Products Industries	Warm Springs, OR	April 12, 2015.
91,713	Roseburg Forest Products, Medium Density Fiberboard Division, Express Employment Professionals.	Medford, OR	April 15, 2015.
91,793	Pacific Cast Technologies, Inc., ATI Cast Products/Albany Ops, Allegheny Technologies Incorporated, etc.	Albany, OR	May 9, 2015.
91,799	Bushell Ribbon Corporation	Santa Fe Springs, CA	May 11, 2015.
91,812	Trinity Tank Car, Inc., Plant #1019, Plant #1017/1110, and Plant #1194/1200, etc.	Longview, TX	May 13, 2015.
91,812A	Trinity North American Freight Car, Inc., Trinity Rail Group, LLC, Trinity Industries, Inc., etc.	Cartersville, GA	May 13, 2015.
91,812B	Trinity Tank Car, Inc., Trinity Rail Group, LLC, Trinity Industries, Inc., etc	Oklahoma City, OK	May 13, 2015.
91,884	Kahlenberg Industries, Inc	Two Rivers, WI	June 6, 2015.
91,910	WireCo World Group	St. Joseph, MO	June 13, 2015.
91,910A	WireCo World Group	Chillicothe, MO	June 13, 2015.
92,034	TTM Technologies, Inc., ViaSystems, Forest Grove Operations, Kelly Services, Randstad.	Forest Grove, OR	July 19, 2015.
92,046	Blueprint Consulting Services	Irving, TX	July 22, 2015.
92,078	Intel Corporation, Data Center Group, Intel Security Group, Internet of Things Group, etc.	Rio Rancho, NM	August 1, 2015.
92,087	Amsted Rail Company, Inc., Kelly Services, Accountemps and Office Team, Partners Personnel, etc.	Granite City, IL	August 4, 2015.
92,116	Eaton Corporation, Vehicle Group North America, Bartech	Belmond, IA	August 9, 2015.
92,239	ArcelorMittal Steelton LLC, ArcelorMittal USA LLC, ArcelorMittal, S.A.	Steelton, PA	September 22, 2015.
92,298	Brillion Iron Works, Grede Holdings LLC, Metaldyne Performance Group Inc., Accuride Corporation.	Brillion, WI	October 5, 2015.
92,307	A G Equipment Company	Broken Arrow, OK	October 5, 2015.
92,326	Millwork Holdings Co., Inc., Oxford Collections, Li & Fung Limited	Gaffney, SC	October 14, 2015.

TA–W No.	Subject firm	Location	Impact date
92,326A	Millwork Holdings Co., Inc.,, Oxford Collections, Li & Fung Limited, Winston Staffing, 24/Seven, etc.	New York, NY	October 14, 2015.
92,365	Safelite Glass Corp., Enfield Division, Safelite Group, Inc., Action Staffing Group.	Enfield, NC	October 26, 2015.
92,426	Enervest Employee Services, LLC, EnerVest, Ltd., Primoris Energy Services ..	Sonora, TX	November 16, 2015.
92,427	John Crane, Inc., Smith Group	Cerritos, CA	November 16, 2015.
92,433	Intel Corporation, Ocotillo Campus, Acculogic Inc., Advantest America Inc., etc	Chandler, AZ	November 18, 2015.
92,435	Gardner Denver, Inc., Industrials Products	Manteca, CA	November 18, 2015.
92,438	Consolidated Metco, Inc., Aerotek	Clackamas, OR	November 21, 2015.
92,453	Garco Building Systems, NCI Group, Inc., NCI Building Systems, Inc., Manpower.	Airway Heights, WA	November 29, 2015.
92,479	The Doe Run Resources Corporation, Herculaneum Division, DR Acquisition Corp.	Herculaneum, MO	December 8, 2015.
92,500	Project place International AB, Planview, Inc	Austin, TX	December 20, 2015.
92,509	Omak Forest Products, LLC, Omak Forest Products	Omak, WA	December 23, 2015.
92,510	Magnetic Metals Corporation, Camden Division, Rowan Technologies Inc	Camden, NJ	December 28, 2015.
92,542	Ardagh Glass Inc., Ardagh Holdings (UK) Ltd	Wilson, NC	January 9, 2016.
92,571	Alliance Castings Company, LLC, Ohio Castings, America's Back Office Inc., America's Back Office Inc.	Alliance, OH	January 5, 2016.
92,572	Imperial Plastics, Inc., Express Employment	Mankato, MN	January 25, 2016.
92,578	TMCO, Inc., Express Employment Professionals	Lincoln, NE	January 26, 2016.
92,602	Nordson XALOY, Nordson Corporation, Bright Services, Manpower, and Aerotek.	Pulaski, VA	February 2, 2016.
92,647	Tri-Pro Forest Products, Inc., Integrated Personnel, Inc	Orofino, ID	February 2, 2016.
92,672	Mayflower Vehicle Systems, LLC, Commercial Vehicle Group, Inc	Shadyside, OH	February 23, 2016.
92,699	Mustang Survival Manufacturing, Inc., Mustang Survival Holdings, Inc., Manpower.	Spencer, WV	March 3, 2016.
92,732	Ross Mould LLC	Washington, PA	March 12, 2017.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (Shift in Production or Services to a Foreign Country Path or Acquisition of Articles or Services from a Foreign Country Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
90,125	Owens-Brockway Glass Container, Inc., Owens-Brockway Packaging, Inc., Owens-Illinois Group, Inc., etc.	Oakland, CA	January 1, 2014.
90,324	Embarq Management Company/United Telephone of Pennsylvania, Embarq Corporation, CenturyLink, Inc.	Carlisle, PA	January 1, 2014.
91,284	Ferus LP, Jenkins N2 Plant Division	Jenkins, KY	January 5, 2015.
91,314	Exterran Energy Solutions, L.P., Production Equipment Division, Aerotek	Youngstown, OH	January 7, 2015.
91,325	Mesabi Metallics Company LLC f/k/a Essar Steel Minnesota LLC, Essar Global Fund Limited, Express Employment Professionals, etc.	Hibbing, MN	January 11, 2015.
91,359	CA Technologies, Inc	Islandia, NY	January 15, 2015.
91,766	Berwick Offray, LLC, CSS Industries, Inc., Blumenthal Lansing Company, LLC, TASC, Inc., etc.	Lansing, IA	May 2, 2015.
91,777	UTC Aerospace Systems, United Technology Corporation, Aerotek	Cleveland, OH	May 4, 2015.
91,811	Sykes Enterprises, Incorporated, Customer Service Operations Division	Langhorne, PA	May 13, 2015.
91,814	Weatherford ALS, Weatherford International	Longview, TX	May 13, 2015.
91,819	Condor Flugdienst GmbH, Thomas Cook Group, Customer Service Division	Itasca, IL	May 17, 2015.
91,829	Jive Software, Inc., Aerotek, Secure Talent, IT Motives, Teksystems, and Vitamin T.	Portland, OR	May 19, 2015.
91,882	SPX FLOW, Inc., FKA SPX Flow Technology, Adecco, Manpower, SGF Global, Remedy Staffing, etc.	McKean, PA	June 6, 2015.
91,900	Intel Corporation, Adobe Systems Inc., Advanced Technology Group Inc., etc	Hillsboro, OR	June 9, 2015.
91,915	DST Brokerage Solutions, DST Systems, Inc., DST Technologies	Baltimore, MD	June 13, 2015.
91,915A	DST Systems, Inc	Kansas City, MO	December 13, 2015.
91,915B	Kelly Services, Working On-Site at DST Systems, Inc	Kansas City, MO	June 13, 2015.
91,934	Whirlpool Corporation, St. Joseph Tech Center	St. Joseph, MI	June 17, 2015.
91,955	ARRIS Solutions, Inc., ARRIS Enterprises, Inc., ARRIS Technologies, Inc., ARRIS Group, etc.	Beaverton, OR	June 23, 2015.
92,041	Verizon Data Services, LLC, IT Quality Assurance, MTS Specialists III and IV	Colorado Springs, CO	July 21, 2015.
92,093	Honeywell Aerospace, Aerospace Division	Phoenix, AZ	August 4, 2015.
92,093A	Honeywell Aerospace, Aerospace Division	Olathe, KS	August 4, 2015.
92,093B	Honeywell Aerospace, Aerospace Division	Albuquerque, NM	August 4, 2015.
92,093C	Honeywell Aerospace, Aerospace Division	Clearwater, FL	August 4, 2015.
92,093D	Honeywell Aerospace, Aerospace Division	Torrance, CA	August 4, 2015.
92,093E	Honeywell Aerospace, Aerospace Division	Tucson, AZ	August 4, 2015.
92,093F	Honeywell Aerospace, Aerospace Division	Urbana, OH	August 4, 2015.
92,102	Cameron, Surface Division, Elwood Staffing	Oklahoma City, OK	August 9, 2015.
92,121	NCR Corporation, Call Center, Abacus Service Corporation, Aquent LLC, etc	Duluth, GA	July 20, 2015.
92,124	PanJit Americas, Inc	Tempe, AZ	August 18, 2015.

TA–W No.	Subject firm	Location	Impact date
92,226	Hewlett Packard Enterprise Services, Service Request Management Division, Hewlett Packard Enterprise, HP, Inc.	Pontiac, MI	September 19, 2015.
92,254	Mondelez Global LLC	San Antonio, TX	September 27, 2015.
92,257	Hewlett Packard Enterprise, Sales Strategy and Operations Division, Hewlett Packard, Inc.	Conway, AR	September 27, 2015.
92,292	Hewlett Packard Enterprise, Global Real Estate	Colorado Springs, CO	October 3, 2015.
92,310	Martinrea Hot Stampings, Inc	Detroit, MI	October 3, 2015.
92,331	State Street Corporation, Global Trade Processing Group	Kansas City, MO	October 17, 2015.
92,334	State Street Corporation, Labor Analytics Group	Kansas City, MO	October 17, 2015.
92,334A	State Street Corporation, Labor Analytics Group	Boston, MA	October 17, 2015.
92,374	AdvanTec Manufacturing USA, Inc., B & M Miller Equity Holdings, Freeman Marine Equipment, Inc.	Gold Beach, OR	October 27, 2015.
92,375	Hewlett Packard Enterprise, Enterprise Storage Division, etc	Charlotte, NC	October 27, 2015.
92,391	Cambia Health Solutions, Inc., Membership Department and Claims Department.	Portland, OR	November 3, 2015.
92,397	Lumileds LLC, Royal Philips, Production and Marketing Departments	San Jose, CA	November 4, 2015.
92,397A	Adecco Working On-Site at Lumileds LLC, Royal Philips, Production and Marketing Departments.	San Jose, CA	November 4, 2015.
92,410	GM Lordstown Stamping, General Motors Company, Development Dimensions International.	Warren, OH	November 9, 2015.
92,410A	GM Lordstown Stamping, General Motors Company, Development Dimensions International.	Warren, OH	November 9, 2015.
92,428	Smith International, Inc., Schlumberger	Ponca City, OK	November 17, 2015.
92,429	CDC Corporation (also known as Conwed), Owens Corning	Ladysmith, WI	November 16, 2015.
92,431	Computer Sciences Corporation, Austin Facility, Finance and Accounting, Hire Strategy, Inc., etc.	Austin, TX	November 18, 2015.
92,432	Blue Sea Systems, Inc., Express Employment Professionals and Manpower	Bellingham, WA	November 17, 2015.
92,440	LexisNexis, Case Law Operations Division, Reed Elsevier, PLC. and RELX, Inc., Allegis.	Colorado Springs, CO	November 21, 2015.
92,444	Anthelio Healthcare Solutions, Medical Coding Services Division, Atos IT Solutions and Services, Atos.	Dallas, TX	November 14, 2015.
92,465	GE Inspection Technologies, A Division of GE Oil & Gas, Kelly Services	Lewistown, PA	December 5, 2015.
92,466	Cypress Semiconductor Corporation, Oxford Global Resources	Portland, OR	December 6, 2015.
92,471	FCR, Aerotek	Independence, OR	December 7, 2015.
92,473	International Business Machines Corporation (IBM), Global Technology Services (GTS), QRDA Department.	Armonk, NY	December 7, 2015.
92,480	Thermo Fisher Scientific, US Financial Shared Services Business Unit	West Palm Beach, FL	December 9, 2015.
92,486	Hewlett Packard Enterprise, ES Apps Delivery Services Division	Portland, OR	December 12, 2015.
92,487	Carl Zeiss Meditec, Inc., Carl Zeiss AG, Randstad, Briand Executive Search, Network Executive, etc.	Dublin, CA	November 30, 2015.
92,494A	Health Care Service Corporation, Operations Support Services Division, Small Group Service Operation, etc.	Richardson, TX	December 16, 2015.
92,496	Stanrail, Division of Roll Form Group, Inc., Samuel & Sons Company, Express, etc.	Gary, IN	December 15, 2015.
92,497	Marge Carson, Inc., LaBarge Family Trust, Protech Staffing Services, Staffmark.	Pomona, CA	December 16, 2015.
92,502	Interlectric Corporation, Nefglo Products Division, Intervestment Corporation	Warren, PA	December 21, 2015.
92,508	Thermo Fisher Scientific, Customer Channels Group (CCG) Finance Division, Adecco.	Pittsburgh, PA	December 27, 2015.
92,515	Aeroflex/Metelics, Inc., MACOM Technology Solutions Holdings, Inc., etc	Sunnyvale, CA	January 3, 2016.
92,521	Capgemini America, Inc., Infra Business Unit, Operations Group, Capgemini North America, Inc., etc.	Marlborough, MA	January 4, 2016.
92,522	Sprint Corporation, Business Wireless Billing Support	Irving, TX	January 4, 2016.
92,522A	Sprint Corporation, Business Wireless Billing Support	Atlanta, GA	January 4, 2016.
92,523	Xerox, Xerox Technology, Collections Units, Customer Care Inquiry Units, etc	Lewisville, TX	January 4, 2016.
92,524	Mattoon Lamp Plant, Division of General Electric Lighting	Mattoon, IL	January 4, 2016.
92,530	General Electric LLC, Lexington Lamp Plant, Lamp Division, GE Lighting	Lexington, KY	January 5, 2016.
92,533	GM Detroit Hamtramck Assembly and GMSM LLC, General Motors, Development Dimensions International.	Detroit, MI	January 6, 2016.
92,535	Hoffman Inc., Pentair, Staff Management	Anoka, MN	January 6, 2016.
92,536	The Timken Company, Randstand Pulaski, Staffmark, Quality Service Group, PIC, and Aerotek.	Pulaski, TN	January 6, 2016.
92,539	Weather-Rite LLC, Specified Air Solutions, Montu Staffing and Indrotec	Minneapolis, MN	January 9, 2016.
92,544	Hewlett Packard Enterprises, ES Finance Division	Colorado Springs, CO	January 10, 2016.
92,548	Daniel Measurement and Control, Inc., Emerson Electric, Inc., G.A.S. Unlimited and CDI Corporation.	Houston, TX	January 11, 2016.
92,556	HCL America, Inc., ERS Division, HCL Technologies Ltd., HCL Bermuda Ltd., and Axon Group Ltd.	Framingham, MA	January 13, 2016.
92,557	Siemens Government Technologies, Inc., D/B/A Dresser Rand, Superior Workforce Solutions, Inc.	Wellsville, NY	June 5, 2017.
92,558	New York Life Insurance Company, Technology Division, Abrams Security Group, LLC, EWG Solutions, Inc., etc.	Alpharetta, GA	January 17, 2016.
92,559	Ocwen Financial Corporation, Ocwen Loan Servicing (OLS), Kelly Vendor Management Services (KVMS).	Fort Washington, PA	January 17, 2016.

TA–W No.	Subject firm	Location	Impact date
92,560	APP USA Winddown, LLC (f/k/a American Apparel (USA), LLC), APP Winddown, LLC, American Apparel, LLC, APP Shipping Winddown, Inc., etc.	Los Angeles, CA	January 17, 2016.
92,560A	APP USA Winddown, LLC (f/k/a American Apparel (USA), LLC), APP Winddown, LLC, American Apparel, LLC, APP Shipping Winddown, Inc., etc.	Garden Grove, CA	January 17, 2016.
92,560B	APP USA Winddown, LLC (f/k/a American Apparel (USA), LLC), APP Winddown, LLC, American Apparel, LLC, APP Shipping Winddown, Inc., etc.	South Gate, CA	January 17, 2016.
92,560C	APP USA Winddown, LLC (f/k/a American Apparel (USA), LLC), APP Winddown, LLC, American Apparel, LLC, APP Shipping Winddown, Inc., etc.	La Mirada, CA	January 17, 2016.
92,560D	APP USA Winddown, LLC (f/k/a American Apparel (USA), LLC), APP Winddown, LLC, American Apparel, LLC, APP Shipping Winddown, Inc., etc.	Hawthorne, CA	January 17, 2016.
92,561	Metglas, Inc., Hitachi Metals America, Ltd., Manpower	Conway, SC	November 25, 2016.
92,562	EmblemHealth Services Company, LLC, EmblemHealth, Inc., 441 9th Avenue	New York, NY	January 19, 2016.
92,562A	EmblemHealth Services Company, LLC, EmblemHealth, Inc	Melville, NY	January 19, 2016.
92,562B	EmblemHealth Services Company, LLC, EmblemHealth, Inc	Hollywood, FL	January 19, 2016.
92,562C	EmblemHealth Services Company, LLC, EmblemHealth, Inc., 55 Water Street	New York, NY	January 19, 2016.
92,563	Mersen USA Newburyport-MA LLC, Mersen USA BN Corporation	El Paso, TX	January 20, 2016.
92,568	General Electric Lighting, Circleville Lamp Plant	Circleville, OH	January 24, 2016.
92,569	Triumph Composite Systems, Inc., A Division of Triumph Group	Spokane, WA	May 20, 2017.
92,570	The Bank of New York Mellon, Custody Reporting Department, The Bank of New York Mellon Corporation.	Brooklyn, NY	January 24, 2016.
92,573	Koos Manufacturing, Inc	South Gate, CA	January 25, 2016.
92,575	Hewlett Packard Enterprise, Human Resources Division	Colorado Springs, CO	January 25, 2016.
92,576	Surgical Specialties Puerto Rico, Inc., Angiotech Pharmaceuticals, Kelly Services.	Aguadilla, PR	June 5, 2017.
92,577	UTC Fire & Security Americas Corporation, Inc., Arden Hills Site, Aerotek, Adecco, Randstad, and HCL.	Arden Hills, MN	January 26, 2016.
92,579	Emerson & Cuming Microwave Products, Inc., Laird Technologies, Inc., Kelly Services, Benskin & Hott, and Manpower.	Randolph, MA	January 26, 2016.
92,580	Bose Corporation, Corporate Information Services (CIS), Randstad, etc	Stow, MA	January 26, 2016.
92,582	Codan US Corporation	Santa Ana, CA	January 26, 2016.
92,584	GSI Group, LLC, Grain Division, AGCO Corporation, Resource MFG, Manpower, and Aerotek.	Assumption, IL	January 26, 2016.
92,585	MediaOcean LLC, Quality Assurance Division	New York, NY	January 26, 2016.
92,586	Cargill, Inc., Strategic Sourcing & Procurement Team, SGS Consulting, etc	Blair, NE	January 26, 2016.
92,599	M&G DuraVent, M&G Group, Westaff, Manpower and Adecco	Albany, NY	February 1, 2016.
92,600	IDEX MPT, Inc., D.B.A. The Fitzpatrick Company, IDEX Corporation	Elmhurst, IL	February 2, 2016.
92,606	Hewlett Packard Enterprise, ES-Finance Operations (ESFO), Hewlett Packard	Cerritos, CA	February 2, 2016.
92,608	First Advantage Background Services Corporation, First Advantage Corporation.	Indianapolis, IN	February 3, 2016.
92,610	Ericsson, Inc., Business Unit IT Cloud Products, Fusion, HCL America, Inc., etc.	Santa Clara, CA	February 5, 2016.
92,615	MTBC Acquisition Corporation, Medical Transcription Billing Corporation, Randstad Professionals.	Somerset, NJ	February 6, 2016.
92,619	FormSolver, Inc. dba Framatic Co., MCS Industries	Los Angeles, CA	February 6, 2016.
92,620	Novartis Pharmaceutical Corporation, Novartis Institutes for Biomedical Research (NIBR) Group, etc.	East Hanover, NJ	February 7, 2016.
92,622	Pfizer? Rouses Point, Pfizer Global Supply, Atrium	Rouses Point, NY	April 17, 2017.
92,624	HUBS, Inc., Hubbell Incorporated (Delaware), Finance Department, Hubbell Incorporated, Hamilton Connections.	Shelton, CT	February 7, 2016.
92,630	ITW Powertrain Components, Powertrain Components, ITW, Kelly Services, Manpower, etc.	Mazon, IL	February 7, 2016.
92,632	Digital River, Inc., Siris Capital Group, Aeries Technology, Cybage, SITEL, and AIM Consulting.	Minnetonka, MN	February 8, 2016.
92,633	International Business Machines Corporation (IBM), XE54 and HXEA Departments, Global Technology Services (GTS) Division.	Lexington, KY	February 8, 2016.
92,634	Seagate Technology, Randstad	Shakopee, MN	February 10, 2016.
92,634A	Seagate Technology, Randstad and Tek Systems, Inc	Longmont, CO	February 10, 2016.
92,635	Ericsson, Inc., Business Unit IT & Cloud Products, Fusion, HCL America Inc., etc.	San Jose, CA	February 10, 2016.
92,639	Jabil Circuit, Inc., Nypro Inc., Fountain Group LLC, Adecco, Ortho-Clinical Diagnostics, Inc.	Rochester, NY	February 14, 2016.
92,643	Merck Sharp & Dohme Corporation, Merck & Co., Inc., Merck Research Laboratories Division, etc.	Rahway, NJ	February 8, 2016.
92,644	Luvo USA, LLC, Luvo, Inc	Schaumburg, IL	February 14, 2016.
92,645	Merck Sharp & Dohme Corporation, Merck & Co., Inc., Merck Research Laboratories Division, etc.	Kenilworth, NJ	February 15, 2016.
92,646	International Business Machines Corporation (IBM), LHHC and QZ9C Departments, Global Technology Services (GTS), etc.	Poughkeepsie, NY	February 15, 2016.
92,650	KEMET Electronics Corporation, Tantalum, KEMET Corporation, Phillips Staffing.	Simpsonville, SC	February 16, 2016.
92,652	Technicolor, Technicolor, Inc., Home Entertainment Services Division, Select Staffing.	Camarillo, CA	February 17, 2016.
92,653	TAB Products Co. LLC, Accounting, T Acquisition LP	Mayville, WI	February 17, 2016.
92,653A	TAB Products Co. LLC, California Technology Support, T Acquisition LP	Mayville, WI	February 17, 2016.

TA–W No.	Subject firm	Location	Impact date
92,653B	TAB Products Co. LLC, Human Resources, T Acquisition LP	Mayville, WI	February 17, 2016.
92,654	Thomson Reuters, Pontoon	Hauppauge, NY	February 17, 2016.
92,654A	Thomson Reuters, Pontoon	Nutley, NJ	February 17, 2016.
92,655	J.C. Penney Corporation, Inc., Information Technology Services, J.C. Penney Company, Inc., TCS.	Plano, TX	February 17, 2016.
92,659	LedVance LLC, OSRAM Sylvania Inc., Lamp Division, Remedy, Manpower and Aerotek.	Versailles, KY	February 20, 2016.
92,660	International Business Machines Corporation (IBM), TTS Department W14B, Global Technology Services (GTS) Division, etc.	Hillsboro, OR	February 21, 2016.
92,662	TechInsights USA, Inc., Teardown.Com Division, TechInsights (Holdco) Limited.	Austin, TX	February 21, 2016.
92,667	NetApp, Inc., Integrated Facilities Management & Datacenter Lab	Cranberry Township, PA.	February 22, 2016.
92,669	International Business Machines Corporation (IBM), Enterprise Automation Distributed Systems (EADS), etc.	Cambridge, MA	February 23, 2016.
92,670	International Business Machines Corporation (IBM), Security? Cross Service Line Department, Global Technology Services (GTS).	Sterling Forrest, NY	February 23, 2016.
92,671	MACOM, Adecco, Top Echelon, Express Employment Professionals	Ithaca, NY	February 22, 2016.
92,675	TE Connectivity, Tyco Electronics, Howard A. Schaevitz Technologies, Inc., etc.	Pennsauken, NJ	February 15, 2016.
92,676	Suniva, Inc., Trillium Staffing Solutions	Saginaw, MI	February 24, 2016.
92,677	Philips Lighting North America Corp., Philips Lighting	Salina, KS	February 24, 2016.
92,679	B/E Aerospace, Inc., CAS-Refrigeration Products, Kimco Staffing, AnDek Staffing Services, etc.	Anaheim, CA	February 24, 2016.
92,682	Via Christi Health, Inc., Ascension Health, Revenue Cycle, 8200 E. Thorn Drive.	Wichita, KS	February 24, 2016.
92,682A	Via Christi Hospital Pittsburgh, Inc., Via Christi Health, Inc., Revenue Cycle	Pittsburgh, KS	February 24, 2016.
92,682B	Via Christi Hospital Manhattan, Inc., Via Christi Health, Inc., Revenue Cycle	Manhattan, KS	February 24, 2016.
92,682C	Via Christi Hospital Wichita, Inc., Via Christi Health, Inc., Revenue Cycle, 3600 E. Harry.	Wichita, KS	February 24, 2016.
92,682D	Via Christi Hospital Wichita, Inc., Via Christi Health, Inc., Revenue Cycle, 929 N. St. Francis.	Wichita, KS	February 24, 2016.
92,684	ASG Technologies Group, Inc	Naples, FL	February 24, 2016.
92,687	Mo Bio Laboratories, Inc., Qiagen North America Holdings, Inc., Adecco Medical & Science, etc.	Carlsbad, CA	February 28, 2016.
92,688	Core Pharma, Impax Laboratories, Aerotek, Spectrum Staffing Services, and Volt Workforce.	Middlesex, NJ	February 28, 2016.
92,691	International Business Machines Corporation (IBM), X9LA Department, Security Services 8F Division, etc.	Poughkeepsie, NY	March 1, 2016.
92,692	Travelport, LP, Travelport Worldwide Limited, Tata Consultancy Services, GTS Staffing.	Kansas City, MO	March 1, 2016.
92,693	International Business Machines Corporation (IBM), IBM Global Engagements, Global Technology Services (GTS)/TSS.	Southbury, CT	March 2, 2016.
92,702	First Data Resources LLC, Omaha IT Technology, First Data Corporation, Accenture, Adecco, etc.	Omaha, NE	March 6, 2016.
92,703	DAYCO Products, LLC, Global Belt Operations	Walterboro, SC	March 6, 2016.
92,704	Intri-Plex Technologies, Inc., MMI Precision Technologies, Inc., Volt, Select Staffing.	Goleta, CA	March 7, 2016.
92,706	Continental Casualty Company, East Territory Clerical Ops. Claim-Financial & Operations Support, etc.	Brea, CA	March 7, 2016.
92,707	Hewlett Packard Enterprise, Sales Operations Division	Conway, AR	March 7, 2016.
92,712	KNECT365 US, INC	New York, NY	March 9, 2016.
92,714	TBMC, Megadyne America, Jason Industrial, Crown Services, and SC Vocational, etc.	Greenville, SC	March 9, 2016.
92,715	PaperWorks Industries, Inc., Aerotek, FirstPRO Inc., and The Judge Group	Philadelphia, PA	March 9, 2016.
92,720	Sweda Company LLC, Data Entry Group, Select Staffing	City of Industry, CA	March 10, 2016.
92,724	Intel Corporation, Santa Clara Campus, Sales and Marketing Information Technology (SMIT) Group.	Santa Clara, CA	March 13, 2016.
92,729	Avalon Laboratories, LLC, Avalon Holding Ltd., Nordson Corporation	Rancho Dominguez, CA.	March 14, 2016.
92,733	Parker Hannifin Corporation, Industrial Hose Products, Kimco Staffing Solutions.	South Gate, CA	March 14, 2016.
92,734	MoneyGram International, Accountemps, Agile Enterprise Solutions, Inc., Apex Systems, Inc., etc.	Frisco, TX	March 14, 2016.
92,736	Holland, Inc., Corporate Inside Sales Department, YRC Worldwide, Inc.	Holland, MI	March 14, 2016.
92,738	International Business Machines Corporation (IBM), Department QZ9A, Global Technology Services (GTS) Division, etc.	Costa Mesa, CA	March 16, 2016.
92,741	Pacific Gas and Electric Co., Information Technology Department, Agile 1	San Francisco, CA	March 16, 2016.
92,743	American Technical Ceramics Corporation, AVX Corporation	Huntington, NY	September 4, 2016.
92,745	Arrow International, Global Procurement, Teleflex Medical	Reading, PA	March 20, 2016.
92,745A	Teleflex, Global Procurement, Teleflex Medical	Morrisville, NC	March 20, 2016.
92,748	Marland Mold, Inc	Pittsfield, MA	March 16, 2016.
92,750	Cooper Standard Automotive, Goldsboro, Mega Force	Goldsboro, NC	February 22, 2016.

TA–W No.	Subject firm	Location	Impact date
92,752	Coriant Operations, Inc., Coriant North America, LLC, Tellabs DO Brasil LTDA, etc.	Naperville, IL	March 21, 2016.
92,753	American Technical Ceramics, MLC Production, Remedy Staffing Agency, Randstad USA.	Jacksonville, FL	March 16, 2016.
92,759	Roche Diagnostics, US Standardization Group	Indianapolis, IN	March 20, 2016.
92,760	Fiserv Solutions, LLC, Digital Banking Group (DBG), Fiserv, Inc., Randstad Sourceright, etc.	Hillsboro, OR	March 24, 2016.
92,760A	Fiserv Solutions, LLC, Enterprise Technology Group (ETG), Fiserv, Inc., Randstad Sourceright, etc.	Hillsboro, OR	March 24, 2016.
92,765	Honeywell International, Inc., S&PS Advanced Technology Center of Excellence.	Golden Valley, MN	March 27, 2016.
92,765A	Honeywell International, Inc., S&PS Advanced Technology Center of Excellence.	Plymouth, MN	March 27, 2016.
92,774	Ernst & Young LLP, Unemployment Insurance Claims	Dallas, TX	March 29, 2016.
92,776	IHI E&C International Corporation, IHI Inc., IHI Corporation, NES Global Talent, Orcus Fire & Risk, Inc.	Houston, TX	March 30, 2016.
92,780	SV Probe, Ellipsiz LTD, SV TCL Division, Research & Development Department.	Tempe, AZ	March 31, 2016.
92,805	Nielsen, A.C. Nielsen Company, LLC, Adecco, Insight Global	Green Bay, WI	April 6, 2016.
92,811	Power Probe Inc	Brea, CA	April 10, 2016.
92,816	MGT Industries, Inc., Pattern Making Group	Los Angeles, CA	April 11, 2016.
92,818	Crissair, Inc., ESCO Technologies Holding LLC, Amtec, Quantum Staffing, etc	Valencia, CA	April 12, 2016.
92,822	SAF–HOLLAND, Inc., Holland Operations, SAF–HOLLAND, Inc., Manpower	Holland, MI	April 12, 2016.
92,845	Diodes FabTech Inc., Diodes Incorporated, Bell & Associates, Aerotek, Elwood Staffing, etc.	Lee's Summit, MO	April 26, 2016.
92,853	International Business Machines Corporation (IBM), V88B/NC0A Astellas Project Office, Global Technology Services (GTS), etc.	Chicago, IL	April 27, 2016.
92,855	Pochet of America, Inc., Pochet SAS, Express Employment Professionals	Wayne, NJ	April 27, 2016.
92,890	International Business Machines Corporation (IBM), 1WUA NA Channel Operations, Global Markets Organization.	Littleton, MA	May 11, 2016.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
90,125	Owens-Brockway Glass Container, Inc., Owens-Brockway Packaging, Inc., Owens-Illinois Group, Inc., etc.	Oakland, CA	January 1, 2014.
90,324	Embarq Management Company/United Telephone of Pennsylvania, Embarq Corporation, CenturyLink, Inc.	Carlisle, PA	January 1, 2014.
91,284	Ferus LP, Jenkins N2 Plant Division	Jenkins, KY	January 5, 2015.
91,314	Exterran Energy Solutions, L.P., Production Equipment Division, Aerotek	Youngstown, OH	January 7, 2015.
91,325	Mesabi Metallics Company LLC f/k/a Essar Steel Minnesota LLC, Essar Global Fund Limited, Express Employment Professionals, etc.	Hibbing, MN	January 11, 2015.
91,359	CA Technologies, Inc	Islandia, NY	January 15, 2015.
91,766	Berwick Offray, LLC, CSS Industries, Inc., Blumenthal Lansing Company, LLC, TASC, Inc., etc.	Lansing, IA	May 2, 2015.
91,777	UTC Aerospace Systems, United Technology Corporation, Aerotek	Cleveland, OH	May 4, 2015.
91,811	Sykes Enterprises, Incorporated, Customer Service Operations Division	Langhorne, PA	May 13, 2015.
91,814	Weatherford ALS, Weatherford International	Longview, TX	May 13, 2015.
91,819	Condor Flugdienst GmbH, Thomas Cook Group, Customer Service Division	Itasca, IL	May 17, 2015.
91,829	Jive Software, Inc., Aerotek, Secure Talent, IT Motives, Teksystems, and Vitamin T.	Portland, OR	May 19, 2015.
91,882	SPX FLOW, Inc., FKA SPX Flow Technology, Adecco, Manpower, SGF Global, Remedy Staffing, etc.	McKean, PA	June 6, 2015.
91,900	Intel Corporation, Adobe Systems Inc., Advanced Technology Group Inc., etc	Hillsboro, OR	June 9, 2015.
91,915	DST Brokerage Solutions, DST Systems, Inc., DST Technologies	Baltimore, MD	June 13, 2015.
91,915A	DST Systems, Inc	Kansas City, MO	December 13, 2015.
91,915B	Kelly Services, Working On-Site at DST Systems, Inc	Kansas City, MO	June 13, 2015.
91,934	Whirlpool Corporation, St. Joseph Tech Center	St. Joseph, MI	June 17, 2015.
91,955	ARRIS Solutions, Inc., ARRIS Enterprises, Inc., ARRIS Technologies, Inc., ARRIS Group, etc.	Beaverton, OR	June 23, 2015.
92,041	Verizon Data Services, LLC, IT Quality Assurance, MTS Specialists III and IV	Colorado Springs, CO	July 21, 2015.
92,093	Honeywell Aerospace, Aerospace Division	Phoenix, AZ	August 4, 2015.
92,093A	Honeywell Aerospace, Aerospace Division	Olathe, KS	August 4, 2015.
92,093B	Honeywell Aerospace, Aerospace Division	Albuquerque, NM	August 4, 2015.
92,093C	Honeywell Aerospace, Aerospace Division	Clearwater, FL	August 4, 2015.
92,093D	Honeywell Aerospace, Aerospace Division	Torrance, CA	August 4, 2015.
92,093E	Honeywell Aerospace, Aerospace Division	Tucson, AZ	August 4, 2015.
92,093F	Honeywell Aerospace, Aerospace Division	Urbana, OH	August 4, 2015.
92,102	Cameron, Surface Division, Elwood Staffing	Oklahoma City, OK	August 9, 2015.

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92,121	NCR Corporation, Call Center, Abacus Service Corporation, Aquent LLC, etc	Duluth, GA	July 20, 2015.
92,124	PanJit Americas, Inc	Tempe, AZ	August 18, 2015.
92,226	Hewlett Packard Enterprise Services, Service Request Management Division, Hewlett Packard Enterprise, HP, Inc.	Pontiac, MI	September 19, 2015.
92,254	Mondelez Global LLC	San Antonio, TX	September 27, 2015.
92,257	Hewlett Packard Enterprise, Sales Strategy and Operations Division, Hewlett Packard, Inc.	Conway, AR	September 27, 2015.
92,292	Hewlett Packard Enterprise, Global Real Estate	Colorado Springs, CO	October 3, 2015.
92,310	Martinrea Hot Stampings, Inc	Detroit, MI	October 3, 2015.
92,331	State Street Corporation, Global Trade Processing Group	Kansas City, MO	October 17, 2015.
92,334	State Street Corporation, Labor Analytics Group	Kansas City, MO	October 17, 2015.
92,334A	State Street Corporation, Labor Analytics Group	Boston, MA	October 17, 2015.
92,374	AdvanTec Manufacturing USA, Inc., B & M Miller Equity Holdings, Freeman Marine Equipment, Inc.	Gold Beach, OR	October 27, 2015.
92,375	Hewlett Packard Enterprise, Enterprise Storage Division, etc	Charlotte, NC	October 27, 2015.
92,391	Cambia Health Solutions, Inc., Membership Department and Claims Department.	Portland, OR	November 3, 2015.
92,397	Lumileds LLC, Royal Philips, Production and Marketing Departments	San Jose, CA	November 4, 2015.
92,397A	Adecco Working On-Site at Lumileds LLC, Royal Philips, Production and Marketing Departments.	San Jose, CA	November 4, 2015.
92,410	GM Lordstown Stamping, General Motors Company, Development Dimensions International.	Warren, OH	November 9, 2015.
92,410A	GM Lordstown Stamping, General Motors Company, Development Dimensions International.	Warren, OH	November 9, 2015.
92,428	Smith International, Inc., Schlumberger	Ponca City, OK	November 17, 2015.
92,429	CDC Corporation (also known as Conwed), Owens Corning	Ladysmith, WI	November 16, 2015.
92,431	Computer Sciences Corporation, Austin Facility, Finance and Accounting, HireStrategy, Inc., etc.	Austin, TX	November 18, 2015.
92,432	Blue Sea Systems, Inc., Express Employment Professionals and Manpower	Bellingham, WA	November 17, 2015.
92,440	LexisNexis, Case Law Operations Division, Reed Elsevier, PLC. and RELX, Inc., Allegis.	Colorado Springs, CO	November 21, 2015.
92,444	Anthelio Healthcare Solutions, Medical Coding Services Division, Atos IT Solutions and Services, Atos.	Dallas, TX	November 14, 2015.
92,465	GE Inspection Technologies, A Division of GE Oil & Gas, Kelly Services	Lewistown, PA	December 5, 2015.
92,466	Cypress Semiconductor Corporation, Oxford Global Resources	Portland, OR	December 6, 2015.
92,471	FCR, Aerotek	Independence, OR	December 7, 2015.
92,473	International Business Machines Corporation (IBM), Global Technology Services (GTS), QRDA Department.	Armonk, NY	December 7, 2015.
92,480	Thermo Fisher Scientific, US Financial Shared Services Business Unit	West Palm Beach, FL	December 9, 2015.
92,486	Hewlett Packard Enterprise, ES Apps Delivery Services Division	Portland, OR	December 12, 2015.
92,487	Carl Zeiss Meditec, Inc., Carl Zeiss AG, Randstad, Briand Executive Search, Network Executive, etc.	Dublin, CA	November 30, 2015.
92,494A	Health Care Service Corporation, Operations Support Services Division, Small Group Service Operation, etc.	Richardson, TX	December 16, 2015.
92,496	Stanrail, Division of Roll Form Group, Inc., Samuel & Sons Company, Express, etc.	Gary, IN	December 15, 2015.
92,497	Marge Carson, Inc., LaBarge Family Trust, Protech Staffing Services, Staffmark.	Pomona, CA	December 16, 2015.
92,502	Interlectric Corporation, Nefglo Products Division, Intervestment Corporation	Warren, PA	December 21, 2015.
92,508	Thermo Fisher Scientific, Customer Channels Group (CCG) Finance Division, Adecco.	Pittsburgh, PA	December 27, 2015.
92,515	Aeroflex/Metelics, Inc., MACOM Technology Solutions Holdings, Inc., etc	Sunnyvale, CA	January 3, 2016.
92,521	Capgemini America, Inc., Infra Business Unit, Operations Group, Capgemini North America, Inc., etc.	Marlborough, MA	January 4, 2016.
92,522	Sprint Corporation, Business Wireless Billing Support	Irving, TX	January 4, 2016.
92,522A	Sprint Corporation, Business Wireless Billing Support	Atlanta, GA	January 4, 2016.
92,523	Xerox, Xerox Technology, Collections Units, Customer Care Inquiry Units, etc	Lewisville, TX	January 4, 2016.
92,524	Mattoon Lamp Plant, Division of General Electric Lighting	Mattoon, IL	January 4, 2016.
92,530	General Electric LLC, Lexington Lamp Plant, Lamp Division, GE Lighting	Lexington, KY	January 5, 2016.
92,533	GM Detroit Hamtramck Assembly and GMSM LLC, General Motors, Development Dimensions International.	Detroit, MI	January 6, 2016.
92,535	Hoffman Inc., Pentair, Staff Management	Anoka, MN	January 6, 2016.
92,536	The Timken Company, Randstand Pulaski, Staffmark, Quality Service Group, PIC, and Aerotek.	Pulaski, TN	January 6, 2016.
92,539	Weather-Rite LLC, Specified Air Solutions, Montu Staffing and Indrotec	Minneapolis, MN	January 9, 2016.
92,544	Hewlett Packard Enterprises, ES Finance Division	Colorado Springs, CO	January 10, 2016.
92,548	Daniel Measurement and Control, Inc., Emerson Electric, Inc., G.A.S. Unlimited and CDI Corporation.	Houston, TX	January 11, 2016.
92,556	HCL America, Inc., ERS Division, HCL Technologies Ltd., HCL Bermuda Ltd., and Axon Group Ltd.	Framingham, MA	January 13, 2016.
92,557	Siemens Government Technologies, Inc., D/B/A Dresser Rand, Superior Workforce Solutions, Inc.	Wellsville, NY	June 5, 2017.
92,558	New York Life Insurance Company, Technology Division, Abrams Security Group, LLC, EWG Solutions, Inc., etc.	Alpharetta, GA	January 17, 2016.

TA–W No.	Subject firm	Location	Impact date
92,559	Ocwen Financial Corporation, Ocwen Loan Servicing (OLS), Kelly Vendor Management Services (KVMS).	Fort Washington, PA	January 17, 2016.
92,560	APP USA Winddown, LLC (f/k/a American Apparel (USA), LLC), APP Winddown, LLC, American Apparel, LLC, APP Shipping Winddown, Inc., etc.	Los Angeles, CA	January 17, 2016.
92,560A	APP USA Winddown, LLC (f/k/a American Apparel (USA), LLC), APP Winddown, LLC, American Apparel, LLC, APP Shipping Winddown, Inc., etc.	Garden Grove, CA	January 17, 2016.
92,560B	APP USA Winddown, LLC (f/k/a American Apparel (USA), LLC), APP Winddown, LLC, American Apparel, LLC, APP Shipping Winddown, Inc., etc.	South Gate, CA	January 17, 2016.
92,560C	APP USA Winddown, LLC (f/k/a American Apparel (USA), LLC), APP Winddown, LLC, American Apparel, LLC, APP Shipping Winddown, Inc., etc.	La Mirada, CA	January 17, 2016.
92,560D	APP USA Winddown, LLC (f/k/a American Apparel (USA), LLC), APP Winddown, LLC, American Apparel, LLC, APP Shipping Winddown, Inc., etc.	Hawthorne, CA	January 17, 2016.
92,561	Metglas, Inc., Hitachi Metals America, Ltd., Manpower	Conway, SC	November 25, 2016.
92,562	EmblemHealth Services Company, LLC, EmblemHealth, Inc., 441 9th Avenue	New York, NY	January 19, 2016.
92,562A	EmblemHealth Services Company, LLC, EmblemHealth, Inc	Melville, NY	January 19, 2016.
92,562B	EmblemHealth Services Company, LLC, EmblemHealth, Inc	Hollywood, FL	January 19, 2016.
92,562C	EmblemHealth Services Company, LLC, EmblemHealth, Inc., 55 Water Street	New York, NY	January 19, 2016.
92,563	Mersen USA Newburyport-MA LLC, Mersen USA BN Corporation	El Paso, TX	January 20, 2016.
92,568	General Electric Lighting, Circleville Lamp Plant	Circleville, OH	January 24, 2016.
92,569	Triumph Composite Systems, Inc., A Division of Triumph Group	Spokane, WA	May 20, 2017.
92,570	The Bank of New York Mellon, Custody Reporting Department, The Bank of New York Mellon Corporation.	Brooklyn, NY	January 24, 2016.
92,573	Koos Manufacturing, Inc	South Gate, CA	January 25, 2016.
92,575	Hewlett Packard Enterprise, Human Resources Division	Colorado Springs, CO	January 25, 2016.
92,576	Surgical Specialties Puerto Rico, Inc., Angiotech Pharmaceuticals, Kelly Services.	Aguadilla, PR	June 5, 2017.
92,577	UTC Fire & Security Americas Corporation, Inc., Arden Hills Site, Aerotek, Adecco, Randstad, and HCL.	Arden Hills, MN	January 26, 2016.
92,579	Emerson & Cuming Microwave Products, Inc., Laird Technologies, Inc., Kelly Services, Benskin & Hott, and Manpower.	Randolph, MA	January 26, 2016.
92,580	Bose Corporation, Corporate Information Services (CIS), Randstad, etc	Stow, MA	January 26, 2016.
92,582	Codan US Corporation	Santa Ana, CA	January 26, 2016.
92,584	GSI Group, LLC, Grain Division, AGCO Corporation, Resource MFG, Manpower, and Aerotek.	Assumption, IL	January 26, 2016.
92,585	MediaOcean LLC, Quality Assurance Division	New York, NY	January 26, 2016.
92,586	Cargill, Inc., Strategic Sourcing & Procurement Team, SGS Consulting, etc	Blair, NE	January 26, 2016.
92,599	M&G DuraVent, M&G Group, Westaff, Manpower and Adecco	Albany, NY	February 1, 2016.
92,600	IDEX MPT, Inc., D.B.A. The Fitzpatrick Company, IDEX Corporation	Elmhurst, IL	February 2, 2016.
92,606	Hewlett Packard Enterprise, ES-Finance Operations (ESFO), Hewlett Packard	Cerritos, CA	February 2, 2016.
92,608	First Advantage Background Services Corporation, First Advantage Corporation.	Indianapolis, IN	February 3, 2016.
92,610	Ericsson, Inc., Business Unit IT Cloud Products, Fusion, HCL America, Inc., etc.	Santa Clara, CA	February 5, 2016.
92,615	MTBC Acquisition Corporation, Medical Transcription Billing Corporation, Randstad Professionals.	Somerset, NJ	February 6, 2016.
92,619	FormSolver, Inc. dba Framatic Co., MCS Industries	Los Angeles, CA	February 6, 2016.
92,620	Novartis Pharmaceutical Corporation, Novartis Institutes for Biomedical Research (NIBR) Group, etc.	East Hanover, NJ	February 7, 2016.
92,622	Pfizer? Rouses Point, Pfizer Global Supply, Atrium	Rouses Point, NY	April 17, 2017.
92,624	HUBS, Inc., Hubbell Incorporated (Delaware), Finance Department, Hubbell Incorporated, Hamilton Connections.	Shelton, CT	February 7, 2016.
92,630	ITW Powertrain Components, Powertrain Components, ITW, Kelly Services, Manpower, etc.	Mazon, IL	February 7, 2016.
92,632	Digital River, Inc., Siris Capital Group, Aeries Technology, Cybage, SITEL, and AIM Consulting.	Minnetonka, MN	February 8, 2016.
92,633	International Business Machines Corporation (IBM), XE54 and HXEA Departments, Global Technology Services (GTS) Division.	Lexington, KY	February 8, 2016.
92,634	Seagate Technology, Randstad	Shakopee, MN	February 10, 2016.
92,634A	Seagate Technology, Randstad and Tek Systems, Inc	Longmont, CO	February 10, 2016.
92,635	Ericsson, Inc., Business Unit IT & Cloud Products, Fusion, HCL America Inc., etc.	San Jose, CA	February 10, 2016.
92,639	Jabil Circuit, Inc., Nypro Inc., Fountain Group LLC, Adecco, Ortho-Clinical Diagnostics, Inc.	Rochester, NY	February 14, 2016.
92,643	Merck Sharp & Dohme Corporation, Merck & Co., Inc., Merck Research Laboratories Division, etc.	Rahway, NJ	February 8, 2016.
92,644	Luvo USA, LLC, Luvo, Inc	Schaumburg, IL	February 14, 2016.
92,645	Merck Sharp & Dohme Corporation, Merck & Co., Inc., Merck Research Laboratories Division, etc.	Kenilworth, NJ	February 15, 2016.
92,646	International Business Machines Corporation (IBM), LHHC and QZ9C Departments, Global Technology Services (GTS), etc.	Poughkeepsie, NY	February 15, 2016.
92,650	KEMET Electronics Corporation, Tantalum, KEMET Corporation, Phillips Staffing.	Simpsonville, SC	February 16, 2016.
92,652	Technicolor, Technicolor, Inc., Home Entertainment Services Division, Select Staffing.	Camarillo, CA	February 17, 2016.

TA–W No.	Subject firm	Location	Impact date
92,653	TAB Products Co. LLC, Accounting, T Acquisition LP	Mayville, WI	February 17, 2016.
92,653A	TAB Products Co. LLC, California Technology Support, T Acquisition LP	Mayville, WI	February 17, 2016.
92,653B	TAB Products Co. LLC, Human Resources, T Acquisition LP	Mayville, WI	February 17, 2016.
92,654	Thomson Reuters, Pontoon	Hauppauge, NY	February 17, 2016.
92,654A	Thomson Reuters, Pontoon	Nutley, NJ	February 17, 2016.
92,655	J.C. Penney Corporation, Inc., Information Technology Services, J.C. Penney Company, Inc., TCS.	Plano, TX	February 17, 2016.
92,659	LedVance LLC, OSRAM Sylvania Inc., Lamp Division, Remedy, Manpower and Aerotek.	Versailles, KY	February 20, 2016.
92,660	International Business Machines Corporation (IBM), TTS Department W14B, Global Technology Services (GTS) Division, etc.	Hillsboro, OR	February 21, 2016.
92,662	TechInsights USA, Inc., Teardown.Com Division, TechInsights (Holdco) Limited.	Austin, TX	February 21, 2016.
92,667	NetApp, Inc., Integrated Facilities Management & Datacenter Lab	Cranberry Township, PA.	February 22, 2016.
92,669	International Business Machines Corporation (IBM), Enterprise Automation Distributed Systems (EADS), etc.	Cambridge, MA	February 23, 2016.
92,670	International Business Machines Corporation (IBM), Security? Cross Service Line Department, Global Technology Services (GTS).	Sterling Forrest, NY	February 23, 2016.
92,671	MACOM, Adecco, Top Echelon, Express Employment Professionals	Ithaca, NY	February 22, 2016.
92,675	TE Connectivity, Tyco Electronics, Howard A. Schaevitz Technologies, Inc., etc.	Pennsauken, NJ	February 15, 2016.
92,676	Suniva, Inc., Trillium Staffing Solutions	Saginaw, MI	February 24, 2016.
92,677	Philips Lighting North America Corp., Philips Lighting	Salina, KS	February 24, 2016.
92,679	B/E Aerospace, Inc., CAS-Refrigeration Products, Kimco Staffing, AnDek Staffing Services, etc.	Anaheim, CA	February 24, 2016.
92,682	Via Christi Health, Inc., Ascension Health, Revenue Cycle, 8200 E. Thorn Drive.	Wichita, KS	February 24, 2016.
92,682A	Via Christi Hospital Pittsburgh, Inc., Via Christi Health, Inc., Revenue Cycle	Pittsburgh, KS	February 24, 2016.
92,682B	Via Christi Hospital Manhattan, Inc., Via Christi Health, Inc., Revenue Cycle	Manhattan, KS	February 24, 2016.
92,682C	Via Christi Hospital Wichita, Inc., Via Christi Health, Inc., Revenue Cycle, 3600 E. Harry.	Wichita, KS	February 24, 2016.
92,682D	Via Christi Hospital Wichita, Inc., Via Christi Health, Inc., Revenue Cycle, 929 N. St. Francis.	Wichita, KS	February 24, 2016.
92,684	ASG Technologies Group, Inc	Naples, FL	February 24, 2016.
92,687	Mo Bio Laboratories, Inc., Qiagen North America Holdings, Inc., Adecco Medical & Science, etc.	Carlsbad, CA	February 28, 2016.
92,688	Core Pharma, Impax Laboratories, Aerotek, Spectrum Staffing Services, and Volt Workforce.	Middlesex, NJ	February 28, 2016.
92,691	International Business Machines Corporation (IBM), X9LA Department, Security Services 8F Division, etc.	Poughkeepsie, NY	March 1, 2016.
92,692	Travelport, LP, Travelport Worldwide Limited, Tata Consultancy Services, GTS Staffing.	Kansas City, MO	March 1, 2016.
92,693	International Business Machines Corporation (IBM), IBM Global Engagements, Global Technology Services (GTS)/TSS.	Southbury, CT	March 2, 2016.
92,702	First Data Resources LLC, Omaha IT Technology, First Data Corporation, Accenture, Adecco, etc.	Omaha, NE	March 6, 2016.
92,703	DAYCO Products, LLC, Global Belt Operations	Walterboro, SC	March 6, 2016.
92,704	Intri-Plex Technologies, Inc., MMI Precision Technologies, Inc., Volt, Select Staffing.	Goleta, CA	March 7, 2016.
92,706	Continental Casualty Company, East Territory Clerical Ops. Claim-Financial & Operations Support, etc.	Brea, CA	March 7, 2016.
92,707	Hewlett Packard Enterprise, Sales Operations Division	Conway, AR	March 7, 2016.
92,712	KNECT365 US, INC	New York, NY	March 9, 2016.
92,714	TBMC, Megadyne America, Jason Industrial, Crown Services, and SC Vocational, etc.	Greenville, SC	March 9, 2016.
92,715	PaperWorks Industries, Inc., Aerotek, FirstPRO Inc., and The Judge Group	Philadelphia, PA	March 9, 2016.
92,720	Sweda Company LLC, Data Entry Group, Select Staffing	City of Industry, CA	March 10, 2016.
92,724	Intel Corporation, Santa Clara Campus, Sales and Marketing Information Technology (SMIT) Group.	Santa Clara, CA	March 13, 2016.
92,729	Avalon Laboratories, LLC, Avalon Holding Ltd., Nordson Corporation	Rancho Dominguez, CA.	March 14, 2016.
92,733	Parker Hannifin Corporation, Industrial Hose Products, Kimco Staffing Solutions.	South Gate, CA	March 14, 2016.
92,734	MoneyGram International, Accountemps, Agile Enterprise Solutions, Inc., Apex Systems, Inc., etc.	Frisco, TX	March 14, 2016.
92,736	Holland, Inc., Corporate Inside Sales Department, YRC Worldwide, Inc	Holland, MI	March 14, 2016.
92,738	International Business Machines Corporation (IBM), Department QZ9A, Global Technology Services (GTS) Division, etc.	Costa Mesa, CA	March 16, 2016.
92,741	Pacific Gas and Electric Co., Information Technology Department, Agile 1	San Francisco, CA	March 16, 2016.
92,743	American Technical Ceramics Corporation, AVX Corporation	Huntington, NY	September 4, 2016.
92,745	Arrow International, Global Procurement, Teleflex Medical	Reading, PA	March 20, 2016.
92,745A	Teleflex, Global Procurement, Teleflex Medical	Morrisville, NC	March 20, 2016.
92,748	Marland Mold, Inc	Pittsfield, MA	March 16, 2016.

TA–W No.	Subject firm	Location	Impact date
92,750	Cooper Standard Automotive, Goldsboro, Mega Force	Goldsboro, NC	February 22, 2016.
92,752	Coriant Operations, Inc., Coriant North America, LLC, Tellabs DO Brasil LTDA, etc.	Naperville, IL	March 21, 2016.
92,753	American Technical Ceramics, MLC Production, Remedy Staffing Agency, Randstad USA.	Jacksonville, FL	March 16, 2016.
92,759	Roche Diagnostics, US Standardization Group	Indianapolis, IN	March 20, 2016.
92,760	Fiserv Solutions, LLC, Digital Banking Group (DBG), Fiserv, Inc., Randstad Sourceright, etc.	Hillsboro, OR	March 24, 2016.
92,760A	Fiserv Solutions, LLC, Enterprise Technology Group (ETG), Fiserv, Inc., Randstad Sourceright, etc.	Hillsboro, OR	March 24, 2016.
92,765	Honeywell International, Inc., S&PS Advanced Technology Center of Excellence.	Golden Valley, MN	March 27, 2016.
92,765A	Honeywell International, Inc., S&PS Advanced Technology Center of Excellence.	Plymouth, MN	March 27, 2016.
92,774	Ernst & Young LLP, Unemployment Insurance Claims	Dallas, TX	March 29, 2016.
92,776	IHI E&C International Corporation, IHI Inc., IHI Corporation, NES Global Talent, Orcus Fire & Risk, Inc.	Houston, TX	March 30, 2016.
92,780	SV Probe, Ellipsiz LTD, SV TCL Division, Research & Development Department.	Tempe, AZ	March 31, 2016.
92,805	Nielsen, A.C. Nielsen Company, LLC, Adecco, Insight Global	Green Bay, WI	April 6, 2016.
92,811	Power Probe Inc	Brea, CA	April 10, 2016.
92,816	MGT Industries, Inc., Pattern Making Group	Los Angeles, CA	April 11, 2016.
92,818	Crissair, Inc., ESCO Technologies Holding LLC, Amtec, Quantum Staffing, etc	Valencia, CA	April 12, 2016.
92,822	SAF–HOLLAND, Inc., Holland Operations, SAF–HOLLAND, Inc., Manpower	Holland, MI	April 12, 2016.
92,845	Diodes FabTech Inc., Diodes Incorporated, Bell & Associates, Aerotek, Elwood Staffing, etc.	Lee's Summit, MO	April 26, 2016.
92,853	International Business Machines Corporation (IBM), V88B/NC0A Astellas Project Office, Global Technology Services (GTS), etc.	Chicago, IL	April 27, 2016.
92,855	Pochet of America, Inc., Pochet SAS, Express Employment Professionals	Wayne, NJ	April 27, 2016.
92,890	International Business Machines Corporation (IBM), 1WUA NA Channel Operations, Global Markets Organization.	Littleton, MA	May 11, 2016.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
91,677	VAM USA, LLC, Harry Road: Production, Field Services & R&D, Alliance Staffing, etc.	Houston, TX	April 1, 2015.
91,677A	VAM USA, LLC, Miller Road: Production, Alliance Staffing, Janus Automation, LLC, etc.	Houston, TX	April 1, 2015.
91,677B	VAM USA, LLC, Tubo North: Production, Alliance Staffing, Janus Automation, LLC, etc.	Houston, TX	April 1, 2015.
91,677C	VAM USA, LLC, Youngstown: Production and Field Services, Alliance Staffing, etc.	Youngstown, OH	April 1, 2015.
91,677D	VAM USA, LLC, Oklahoma: Field Services, Alliance Staffing, Janus Automation, LLC, etc.	Oklahoma City, OK	April 1, 2015.
91,677E	VAM USA, LLC, Broussard: Field Services, Alliance Staffing, Janus Automation, LLC, etc.	Broussard, LA	April 1, 2015.
91,677F	VAM USA, LLC, San Antonio: Field Services, Alliance Staffing, Janus Automation, LLC, etc.	San Antonio, TX	April 1, 2015.
91,677G	VAM USA, LLC, Pittsburgh: Field Services, Alliance Staffing, Janus Automation, LLC, etc.	Pittsburgh, PA	April 1, 2015.
92,488	US Textiles Corporation, Sculptz, Inc., Phillip's Staffing	Heath Springs, SC	December 13, 2015.
92,709	Stampede Forest Products, Inc	Omak, WA	March 8, 2016.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for TAA have not been met for the reasons specified.

The investigation revealed that the requirements of Trade Act section 222 (a)(1) and (b)(1) (significant worker total/partial separation or threat of total/partial separation), or (e) (firms identified by the International Trade Commission), have not been met.

TA–W No.	Subject firm	Location	Impact date
91,148	XPO Logistics, Inc., FKA Con-Way, Inc., 2055 NW 212st Avenue	Portland, OR	
91,148A	XPO Logistics CNW, Inc., FKA Con-Way, Inc., 2947 NW 127th Street	Portland, OR	
91,148B	XPO Logistics CNW, Inc., FKA Con-Way, Inc., Adtech II, 1717 NW 21st Avenue.	Portland, OR	

TA–W No.	Subject firm	Location	Impact date
91,148C	XPO Logistics, LLC, FKA Con-Way, Inc., 2055 NW Savier Street, XPO Logistics, Inc.	Portland, OR	
91,148G	XPO Logistics Freight, Inc., UBD, 2545 Builders Circle	Bend, OR	
91,148H	XPO Logistics Freight, Inc., UEO, 3030 West 7th Place	Eugene, OR	
91,148I	XPO Logistics Worldwide, Inc., 3725 Crates Way	The Dalles, OR	
91,148J	XPO Logistics Freight, Inc., UMO, 375 Ice Cream Drive	Central Point, OR	
91,148K	XPO Logistics Freight, Inc., 1770 Laurel Place	Florence, OR	
91,148L	XPO Logistics Freight, Inc., 1770 Laurel Way	Florence, OR	
91,665	BT Americas, Inc., Business to Business Network Service Group, BT United States LLC, etc.	New York, NY	
92,155	Hewlett Packard Enterprise Services, Labor Demand and Supply Services Division, HP, Inc.	Plano, TX	
92,155A	Hewlett Packard Enterprise Services, Labor Demand and Supply Services Division, HP, Inc.	Rio Rancho, NM	
92,323	Cleveland Brothers Equipment Company, Inc., Cleveland Brothers Holdings, Inc., MDT Technical, JFC Temps, and Manpower.	Pittston, PA	
92,460	Stillwater Dispatch Inc	Kalispell, MT	
92,494	Health Care Service Corporation, Benefit Booklets BPO–OK Department	Tulsa, OK	
92,518	Fifth Third Bank, Global Financial Institutions, Fifth Third Bancorp	Coral Gables, FL	
92,590	MUFG Union Bank, N.A., Operations and Process Excellent Group, Data Integrity Group, etc.	Monterey Park, CA	
92,594	Polycom Inc., Information Security Division, Kelly Services	Westminster, CO	
92,628	Support.com, Inc	Redwood City, CA	

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both),or (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
91,897	Intel Corporation, Aloha Campus	Aloha, OR	
91,899	Intel Corporation, Ronler Acres Campus	Hillsboro, OR	
91,901	Intel Corporation, Jones Farm Campus	Hillsboro, OR	
92,156	Saran Industries, LLC, Saran Holdings, LLC, Spartan Staffing and Essential Employment.	Shelbyville, IN	
92,329	Northern State Metals	Youngstown, OH	
92,346	Textron Aviation Inc., Cessna Aircraft Company, Cessna Service Direct LLC, Hawker Beechcraft, etc..	Wichita, KS	
92,369	Maxim Integrated Products, Inc., Kelly Services	Beaverton, OR	
92,394	XALT Energy, LLC, Adecco and VP Total Solutions	Midland, MI	
92,433A	Intel Corporation, Chandler Campus	Chandler, AZ	
92,448	Warn Industries, Inc., Powersystems, Automotive OEM Division, Express Professional.	Milwaukie, OR	
92,550	The Vanguard Group, Randstad	Scottsdale, AZ	
92,564	HighWire Press, Inc., Content Services Division, Faichi Solutions LLC, Agilesoft Systems.	Los Gatos, CA	
92,591	MV Metal Products & Services, Premier Tool and Die Cast	Dowagiac, MI	
92,641	NCI Group, Inc., ABC and MBCI Divisions, NCI Building Systems, Inc., Crown Staffing, etc..	Omaha, NE	

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports), (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
90,197	Legacy Measurement Solutions, Inc., Express Employment Professionals	Bristow, OK	
90,233	Miller Welding & Machine Company, 111 2nd Street, Spherion Staffing Agency.	Brookville, PA	
90,319	PPG Industries, Inc., Flat Glass Division, Belcan Tech Services and Glass Processors.	Burlington, IA	
91,102	Direct Power and Water Corp., (DPW), Preformed Line Products, Volt Management Corp., Staffing Solutions, etc.	Albuquerque, NM	
91,148D	XPO Logistics Freight, Inc., UPO, 12250 SE Ford Street, Randstad, Inc	Clackamas, OR	

TA–W No.	Subject firm	Location	Impact date
91,148E	Jacobson Warehouse Company, Inc., XPO Logistics, Inc., 7409 North Leadbetter Road.	Portland, OR	
91,148F	Jacobson Warehouse Company, Inc., XPO Logistics, Inc., 14310 North Lombard Street.	Portland, OR	
91,428	CSI Compressco Sub, Inc., TETRA Technologies, Inc., Robert Half Professional Staffing Solutions, etc.	Oklahoma City, OK	
91,663	Mississippi Tank & Manufacturing Company, Indiana Division	Hattiesburg, MS	
91,663A	Mississippi Tank & Manufacturing Company, Indiana Division	Vincennes, IN	
91,683	Pride of The Hills Manufacturing, Inc., CLC, Grace Automation	Killbuck, OH	
91,747	Beitzel Corporation, Inc., Field Construction Group	Grantsville, MD	
91,747A	Pillar Innovations, LLC, Technicians Group, Beitzel Corporation, Inc	Grantsville, MD	
91,759	Dynegy Midwest Generation, LLC, Wood River Power Plant	Alton, IL	
91,860	3M Purification Inc., 3M Company (MN), 3M Company, Aerotek	Meriden, CT	
91,872	Liberty Mutual Insurance, Auto Property Damage Adjusters	New Castle, PA	
91,992	QG Printing III Company, Quad/Graphics, Inc., OneSource Staffing Solutions and Randstad General Part.	East Greenville, PA	
92,018	Computer Sciences Corporation (CSC), Global Infrastructure Services (GIS) Division, etc.	Tysons, VA	
92,018A	Computer Sciences Corporation (CSC), Global Infrastructure Services (GIS) Division, etc.	Coppell, TX	
92,098	Caterpillar, Inc., Global Information Services Division, Accenture, VCM Consulting, etc.	East Peoria, IL	
92,127	Bank of America Corporation, Bank of America Corporation, NA	Portland, OR	
92,193	White Pine Electric Power, LLC, PM Power Group, Inc	White Pine, MI	
92,221	Wilbur-Ellis Company LLC, Agriculture Division, SelecTemp Employment, etc	Woodburn, OR	
92,241	Airgas USA, LLC, Royal Oak Facility Division, Airgas, Inc.	Royal Oak, MI	
92,246	Rowan Companies, Headquarters Division	Houston, TX	
92,253	Gulf Offshore Logistics, LLC, JNB Operating, LLC, Rec Marine Logistics, LLC, and GOL, LLC.	Raceland, LA	
92,316	Artco Group International, Inc., Artco Steel Corporation	Hannibal, OH	
92,328	Market Source, Inc., Allegis Group, Commercial, Consumer Electronic Division	Vancouver, WA	
92,339	MGM Industrial Supply Co., Inc	Ironton, OH	
92,377	Atlantic Packaging Group, LLC	Norwich, CT	
92,402	International Business Machines Corporation (IBM), Global Technology Services (GTS), 9L3E/CMT, TekSystems.	New York, NY	
92,419	Instron, Industrial Product Group, Illinois Tool Works, All Seasons Temporaries.	Grove City, PA	
92,448A	Warn Industries, Inc., Aftermarket and Commercial Products Division, Express Professionals.	Clackamas, OR	
92,452	Intel Corporation, Advanced Technology Group Inc., Axiom Global Inc., etc	DuPont, WA	
92,454	R.C. Fabricators, Inc	Hibbing, MN	
92,455	MCG Plastics Inc	Bay City, MI	
92,463	Brayton Point Energy, LLC, Dynegy Resource III, LLC, Corestaff	Somerset, MA	
92,495	Cellu Tissue Corporation—Neenah, d/b/a Clearwater Paper, Consumer Products Division.	Neenah, WI	
92,501	Paoli LLC, HNI Corporation, Pinnacle Staffing	Orleans, IN	
92,529	National Credit Adjusters, LLC, Fourth Avenue Holdings, LLC	Ottawa, KS	
92,531	Cablevision of Litchfield, Neptune Holding US Corp. dba Altice USA	Stratford, CT	
92,543	DBBuilder, Inc	Lynnwood, WA	
92,555	Qualite Sports Lighting, LLC, Elwood Staffing	Hillsdale, MI	
92,566	Regal Beloit America, Inc., Durst Division, Regal Beloit Corporation	Clinton, WI	
92,574	Truvision Services, Inc	Yorkville, IL	
92,596	Bank of America Corporation, Contact Center, Bank of America Corporation, NA.	Utica, NY	
92,603	IEC Electronics Corporation, Kelly Services and Remedy Intelligent Staffing	Newark, NY	
92,607	AIG PC Global Services, Inc., Canada and Casualty Claim Setup Division, American International Group, Inc.	Olathe, KS	
92,612	Graphic Arts Center, Cenveo Corporation	Portland, OR	
92,631	Oceaneering International, Inc., Space Systems Division, Aerotek, Arlectron, B-Squared, etc.	Houston, TX	
92,642	Yanfeng Global Automotive Interiors US 1 LLC, Adient US LLC, Manpower, Malone Staffing Solutions.	Northwood, OH	
92,689	ATC Panels, Inc., Aconcagua Holdings, Inc., Panels Services LLC	Franklin, VA	
92,705	Manitowoc Cranes, LLC, Manitowac Company, Inc., Aerotek, FlexStaff, Waterstone, etc.	Manitowoc, WI	

Determinations Terminating Investigations of Petitions for Trade Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W No.	Subject firm	Location	Impact date
91,344	Mark TK Welding	Kittanning, PA	
92,266	Rollins Narrow Fabric, Inc	Pomona, CA	
92,341	Spectrum Glass	Woodinville, WA	
92,358	Sykes	Eugene, OR	
92,451	Atlas Copco Secoroc, LLC	Grand Prairie, TX	
92,565	Pharmaceutics International, Inc	Hunt Valley, MD	
92,592	The Button House	New York, NY	
92,595	Future Concepts LLC	La Verne, CA	
92,601	Arrow International Inc., Vascular Division, Teleflex Incorporated	Reading, PA	
92,756	International Business Machines Corporation (IBM), Department W14B, Global Technology Services (GTS)/TSS.	Coppell, TX	

The following determinations terminating investigations were issued in cases where the petition regarding the investigation has been deemed invalid.

TA–W No.	Subject firm	Location	Impact date
92,588	Praxair, Inc.	Leechburg, PA	

The following determinations terminating investigations were issued because the worker group on whose behalf the petition was filed is covered under an existing certification.

TA–W No.	Subject firm	Location	Impact date
91,817	Veritas Software Corporation, Customer Support Division	Springfield, OR	
91,846	Sykes Enterprises, Incorporated, Customer Service Operations	Langhorne, PA	
92,196	Volt Management Corporation, Volt Workforce Solutions Division, Volt Information Science, Caterpillar.	Indianapolis, IN	
92,413	Hewlett Packard Enterprise, ES ITO Midrange Delivery	Tulsa, OK	
92,421	Xerox Corporation	Rosemont, IL	
92,430	Entergy Nuclear Operations, Inc., Entergy Corporation, Guidant Group, Inc., RCM Technologies, etc.,.	Vernon, VT	
92,506	Weyerhaeuser NR Company, Wood Products Division, Weyerhaeuser Co., LC Staffing Services, etc.	Columbia Falls, MT	
92,516	Print Media LLC, YP Southeast Advertising & Publishing	Tucker, GA	
92,526	Source Providers Company, Inc., Comprehensive Logistics Company, Inc	Lansing, MI	
92,534	General Motors Subsystems	Detroit, MI	
92,540	Customers Bank	New Haven, CT	
92,547	Saginaw Machine Systems, Inc	Saginaw, MI	
92,553	Mattel, Inc., Mattel Global Shared Service Solutions (MGSSS), Personnel Resources, etc.	East Aurora, NY	
92,616	Sprint, Customer Service Call Center	Blountville, TN	
92,638	Sypris Technologies	Louisville, KY	
92,665	CVG Alabama, LLC, Commercial Vehicle Group, Inc	Piedmont, AL	
92,673	Merck Sharp & Dohme Corporation, Merck & Co., Inc., Merck Research Laboratories, etc.	Kenilworth, NJ	
92,681	Business Health Solutions and Quality Tools & Abrasives, Rexnord Industries, LLC.	Indianapolis, IN	
92,731	LexisNexis	Colorado Springs, CO	
92,744	Royal Ingredients	Swedesboro, NJ	
92,758	Pentair Technical Solutions	Houston, TX	
92,768	Pacific Gas & Electric Company, Information Technology Department, Agile 1	San Francisco, CA	
92,827	Praxair, Inc	Leechburg, PA	
92,897	International Business Machines Corporation (IBM)	Endicott, NY	

The following determinations terminating investigations were issued because the petitioning group of workers is covered by an earlier petition that is the subject of an ongoing investigation for which a determination has not yet been issued.

TA–W No.	Subject firm	Location	Impact date
91,898	Intel Corporation	Aloha, OR	
91,902	Intel Corporation	Hillsboro, OR	
92,082	Epsilon Data Management	East Greenbush, NY	
92,485	Symantec Corporation, Springfield Oregon Division	Springfield, OR	
92,792	Avantor Performance Materials	Phillipsburg, NJ	

The following determinations terminating investigations were issued because the Department issued a negative determination applicable to the petitioning group of workers. No new information or change in circumstances is evident which would result in a reversal of the Department's previous determination.

TA–W No.	Subject firm	Location	Impact date
92,597	Computer Science Corporation	Coppell, TX	

I hereby certify that the aforementioned determinations were issued during the period of *January 30, 2017 through June 2, 2017.* These determinations are available on the Department's Web site *https://www.doleta.gov/tradeact/taa/taa_search_form.cfm* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington DC this 14th day of June 2017.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2017–13416 Filed 6–26–17; 8:45 am]

BILLING CODE 4510–FN–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0113]

Information Collection: NRC Form 354, Data Report on Spouse

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''NRC Form 354, Data Report on Spouse.''

DATES: Submit comments by August 28, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0113. 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.

• *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0113 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0113.

• *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.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML17122A173. The supporting statement is available in ADAMS under Accession No. ADAMS ML17067A190.

• *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.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2017–0113 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Form 354, Data Report on Spouse.

2. *OMB approval number:* 3150–0026.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* NRC Form 354.

5. *How often the collection is required or requested:* On Occasion.

6. *Who will be required or asked to respond:* NRC contactors, licensees, applicants, and other (*e.g.* intervener's) who marry or cohabitate after completing the Personnel Security Forms, or after having been granted an NRC access authorization or employment clearance.

7. *The estimated number of annual responses:* 80.

8. *The estimated number of annual respondents:* 80.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 16.

10. *Abstract:* NRC Form 354 must be completed by NRC contractors, licensees, applicants who marry or cohabitate after completing the Personnel Security Forms, or after having been granted an NRC access authorization or employment clearance. Form 354 identifies the respondent, the marriage, and data on the spouse and spouse's parents. This information permits the NRC to make initial security determinations and to assure there is no increased risk to the common defense and security.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 21st day of June 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–13334 Filed 6–26–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Northwest Medical Isotopes; Notice of Meeting

The ACRS Subcommittee on Northwest Medical Isotopes (NWMI) will hold a meeting on July 11, 2017, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Tuesday, July 11, 2017—8:30 a.m. Until 5:00 p.m.

The Subcommittee will review and comment on Northwest Medical Isotopes construction permit application preliminary safety analysis report (PSAR) and the draft NRC safety evaluation reports for a Mo99 Radioisotope Production Facility, which will include Chapters 3, 6, 7, and 8. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Kathy Weaver (Telephone 301–415–6236 or Email: *Kathy.Weaver@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016, (81 FR 71543).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: June 21, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–13451 Filed 6–26–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0039]

Information Collection: Collection of Operator Simulator Training Data

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed information collection.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on this proposed collection of information. The information collection is entitled, ''Collection of Operator Simulator Training Data.''

DATES: Submit comments by August 28, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0039. 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.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–2 F43, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0039 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0039.
- *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 supporting statement and the technical descriptions are available in ADAMS under Accession Nos. ML17125A016, ML17125A017, ML17080A074, ML17080A077, and ML17164A077.
- *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.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2017–0039 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* Collection of Operator Simulator Training Data.

2. *OMB approval number:* An OMB control number has not yet been assigned to this proposed information collection.

3. *Type of submission:* New.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* Licensees will provide a one-time response expressing their interest in participating. The NRC staff anticipates that the participating licensees would provide data six times per year.

6. *Who will be required or asked to respond:* U.S. nuclear power stations with an onsite reactor simulator.

7. *The estimated number of annual responses:* 95 (15 one-time responses + 90 annual responses).

8. *The estimated number of annual respondents:* 5.

9. *The estimated number of hours needed annually to comply with the information:* 411 hours.

10. *Abstract:* The NRC's Office of Nuclear Regulatory Research (NRC/RES) and the South Texas Project Nuclear Operating Company jointly developed the Scenario Authoring, Characterization, and Debriefing Application (SACADA) software for operator simulator training. The SACADA collects operator simulator performance information that can be used to improve simulator training and human reliability analysis. The NRC/RES is making the SACADA software available to licensees for their voluntary use. The licensees interested in participating in using the software will contact the NRC. The NRC will provide free software licenses, training, and technical support to facilitate the licensee's use of the software. The participating licensees would provide data approximately six times per year according to their training cycle to a master database currently maintained by the Idaho National Laboratory and sponsored by the NRC. The licensees would agree to let the NRC analyze the data for improving human reliability analysis techniques.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 21st day of June 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–13335 Filed 6–26–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0133]

Dedication of Commercial-Grade Items for Use in Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 0 to Regulatory Guide (RG) 1.164, ''Dedication of Commercial-Grade Items for Use in Nuclear Power Plants'' This RG provides new guidance that describes methods that the NRC staff considers acceptable in meeting regulatory requirements for dedication of commercial-grade items used in nuclear power plants.

DATES: Revision 0 to RG 1.164 is available on June 27, 2017.

ADDRESSES: Please refer to Docket ID NRC–2016–0133 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–2016–0133. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. Revision 0 to RG 1.164 and the regulatory analysis may be found in ADAMS under Accession Nos. ML17041A206 and ML15313A423, respectively.

• *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: Jonathan Ortega-Luciano, Office of New Reactors, telephone: 301–415–1159, email: *Jonathan.Ortega-Luciano@nrc.gov* and Stephen Burton, Office of Nuclear Regulatory Research, telephone: 301–415–7000, email: *Stephen.Burton@nrc.gov.* Both are staff members of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a new guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Revision 0 of RG 1.164 (ADAMS Accession No. ML17041A206) was issued with a temporary identification of Draft Regulatory Guide, DG–1292 (ADAMS Accession No. ML15313A425). This RG proposes new guidance that describes methods that the NRC staff considers acceptable in meeting regulatory requirements for dedication of commercial-grade items used in nuclear power plants.

II. Additional Information

The NRC published a notice of the availability of DG–1292 in the **Federal Register** on July 8, 2016 (81 FR 44670), for a 60-day public comment period. The public comment period closed on September 6, 2016. Public comments on DG–1292 and the staff responses to the public comments are available under ADAMS under Accession No. ML17041A202.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting and Issue Finality

Regulatory Guide 1.164, Revision 0, describes a method that the staff of the NRC considers acceptable for dedication of commercial-grade items for use in nuclear power plants. Issuance of this RG does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the ''Implementation'' section of this RG, the NRC has no current intention to impose this RG on holders of current operating licenses or combined licenses.

Dated at Rockville, Maryland, this 16th day of June 2017.

For the Nuclear Regulatory Commission.

Edward O'Donnell,

Acting Chief Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2017–13161 Filed 6–26–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2017–152 and CP2017–215; MC2017–153 and CP2017–216]

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 29, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states

concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2017–152 and CP2017–215; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 331 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* June 21, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Kenneth R. Moeller; *Comments Due:* June 29, 2017.

2. *Docket No(s).:* MC2017–153 and CP2017–216; *Filing Title:* Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contract 46 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* June 21, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Kenneth R. Moeller; *Comments Due:* June 29, 2017.

This notice will be published in the **Federal Register**.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2017–13439 Filed 6–26–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Express Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: Effective date: June 27, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 15, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Express Contract 49 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–149, CP2017–210.

Ruth B. Stevenson,

Attorney, Federal Compliance.

[FR Doc. 2017–13349 Filed 6–26–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: Effective June 27, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, (202) 268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 15, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contract 45 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–148, CP2017–209.

Ruth B. Stevenson,

Attorney, Federal Compliance.

[FR Doc. 2017–13348 Filed 6–26–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: Effective June 27, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, (202) 268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 15, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 329 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–150, CP2017–211.

Ruth B. Stevenson,

Attorney, Federal Compliance.

[FR Doc. 2017–13354 Filed 6–26–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* June 27, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 15, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 330 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–151, CP2017–212.

Ruth B. Stevenson,

Attorney, Federal Compliance.

[FR Doc. 2017–13352 Filed 6–26–17; 8:45 am]

BILLING CODE 7710–12–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

Summary: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our

ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collection of information to determine (1) the practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

Title and purpose of information collection: Representative Payee Monitoring; OMB 3220–0151.

Under Section 12 of the Railroad Retirement Act (RRA), the RRB may pay annuity benefits to a representative payee when an employee, spouse, or survivor annuitant is incompetent or a minor. The RRB is responsible for determining if direct payment to an annuitant or a representative payee would best serve the annuitant's best interest. The accountability requirements authorizing the RRB to conduct periodic monitoring of representative payees, including a written accounting of benefit payments received, are prescribed in 20 CFR 266.7. The RRB utilizes the following forms to conduct its representative payee monitoring program.

Form G–99a, *Representative Payee Report,* is used to obtain information needed to determine whether the benefit payments certified to the representative payee have been used for the annuitant's current maintenance and personal needs and whether the representative payee continues to be concerned with the annuitant's welfare. RRB Form G–99c, *Representative Payee Evaluation Report,* is used to obtain more detailed information from a representative payee who fails to complete and return Form G–99a or in situations when the returned Form G–99a indicates the possible misuse of funds by the representative payee. Form G–99c contains specific questions concerning the representative payee's performance and is used by the RRB to determine whether or not the representative payee should continue in that capacity.

In cases where the representative payee does not have custody of the annuitant, proposed Form G–106, *Statement of Care and Responsibility to Annuitant,* will be used to solicit information about the representative payee's performance and the annuitant's well-being from the custodian of the annuitant. The proposed form contains specific questions concerning the representative payee's performance, and will be used by the RRB to determine whether or not the representative payee should continue in that capacity.

Completion of the forms in this collection is required to retain benefits.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (82 FR 19396 on April 27, 2017) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Representative Payee Monitoring.

OMB Control Number: 3220–0151.

Forms submitted: G–99a, G–99c and G–106.

Type of request: Revision of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under Section 12(a) of the Railroad Retirement Act, the RRB is authorized to select, make payments to, and conduct transactions with an annuitant's relative or some other person willing to act on behalf of the annuitant as representative payee. If the representative payee does not have custody of the beneficiary, the RRB will obtain the information from the custodian for evaluation. The collection obtains information needed to determine if a representative payee is handling benefit payments in the best interest of the annuitant.

Changes proposed: The RRB proposes no changes to Forms G–99a and G–99c. However, we propose the implementation of new Form G–106 to the information collection.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–99a (legal and all other, excepting parent for child)	5,400	18	1,620
G–99c (Parts I and II)	300	24	120
G–99c (Parts I, II, and III)	120	31	62
G–106	500	10	83
Total	6,320	.....	1,885

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV.*

Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or *Brian.Foster@rrb.gov* and to the OMB Desk Officer for the RRB, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

Brian D. Foster,

Clearance Officer.

[FR Doc. 2017–13448 Filed 6–26–17; 8:45 am]

BILLING CODE 7905–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on

respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

1. Title and purpose of information collection: Financial Disclosure Statement; OMB 3220–0127.

Under Section 10 of the Railroad Retirement Act and Section 2(d) of the Railroad Unemployment Insurance Act, the RRB may recover overpayments of annuities, pensions, death benefits, unemployment benefits, and sickness benefits that were made erroneously. An overpayment may be waived if the beneficiary was not at fault in causing the overpayment and recovery would cause financial hardship. The regulations for the recovery and waiver of erroneous payments are contained in 20 CFR 255 and CFR 340.

The RRB utilizes Form DR–423, Financial Disclosure Statement, to obtain information about the overpaid beneficiary's income, debts, and expenses if that person indicates that (s)he cannot make restitution for the overpayment. The information is used to determine if the overpayment should be waived as wholly or partially uncollectible. If waiver is denied, the information is used to determine the size and frequency of installment payments. The beneficiary is made aware of the overpayment by letter and is offered a variety of methods for recovery. One response is requested of each respondent. Completion is voluntary. However, failure to provide the requested information may result in a denial of the waiver request.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (82 FR 17298 on April 10, 2017) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Financial Disclosure Statement.

OMB Control Number: 3220–0127.

Form(s) submitted: DR–423.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under the Railroad Retirement and the Railroad Unemployment Insurance Acts, the Railroad Retirement Board has authority to secure from an overpaid beneficiary a statement of the individual's assets and liabilities if waiver of the overpayment is requested.

Changes proposed: The RRB proposes no changes to Form DR–423.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
DR–423	1,200	85	1,700

2. Title and purpose of information collection: Representative Payee Parental Custody Monitoring; OMB 3220–0176.

Under Section 12(a) of the Railroad Retirement Act (RRA), the Railroad Retirement Board (RRB) is authorized to select, make payments to, and to conduct transactions with, a beneficiary's relative or some other person willing to act on behalf of the beneficiary as a representative payee. The RRB is responsible for determining if direct payment to the beneficiary or payment to a representative payee would best serve the beneficiary's interest. Inherent in the RRB's authorization to select a representative payee is the responsibility to monitor the payee to assure that the beneficiary's interests are protected. The RRB utilizes Form G–99D, Parental Custody Report, to obtain information needed to verify that a parent-for-child representative payee still has custody of the child. One response is required from each respondent.

Previous Requests for Comments: The RRB has already published the initial 60–day notice (82 FR 17298 on April 10, 2017) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Representative Payee Parental Custody Monitoring.

OMB Control Number: 3220–0176.

Form(s) submitted: G–99D.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or households.

Abstract: Under Section 12(a) of the Railroad Retirement Act, the RRB is authorized to select, make payments to, and conduct transactions with an annuitant's relative or some other person willing to act on behalf of the annuitant as a representative payee. The collection obtains information needed to verify the parent-for-child payee still retains custody of the child.

Changes proposed: The RRB proposes no changes to Form G–99D.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–99D	800	5	67

3. Title and purpose of information collection: Statement Regarding Contributions and Support of Children; OMB 3220–0195.

Section 2(d)(4) of the Railroad Retirement Act (RRA), provides, in part, that a child is deemed dependent if the conditions set forth in Section 202(d)(3), (4) and (9) of the Social Security Act are met. Section 202(d)(4) of the Social Security Act, as amended by Public Law 104–121, requires as a condition of dependency, that a child receives one-half of his or her support from the stepparent. This dependency impacts upon the entitlement of a spouse or survivor of an employee whose entitlement is based upon having a stepchild of the employee in care, or on an individual seeking a child's annuity as a stepchild of an employee. Therefore, depending on the employee for at least one-half support is a condition affecting eligibility for increasing an employee or spouse annuity under the social security overall minimum provisions on the basis of the presence of a dependent child, the employee's natural child in limited situations, adopted children, stepchildren, grandchildren, step-grandchildren and equitably adopted children. The regulations outlining

child support and dependency requirements are prescribed in 20 CFR 222.50–57.

In order to correctly determine if an applicant is entitled to a child's annuity based on actual dependency, the RRB uses Form G–139, Statement Regarding Contributions and Support of Children, to obtain financial information needed to make a comparison between the amount of support received from the railroad employee and the amount received from other sources. Completion is required to obtain a benefit. One response is required of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (82 FR 17298 on April 10, 2017) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Statement Regarding Contributions and Support of Children.

OMB Control Number: 3220–0195.

Form(s) submitted: G–139.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Dependency on the employee for at least one-half support is a condition affecting eligibility for increasing an employee or spouse annuity under the social security overall minimum provisions on the basis of the presence of a dependent child, the employee's natural child in limited situations, adopted children, stepchildren, grandchildren and step-grandchildren. The information collected solicits financial information needed to determine entitlement to a child's annuity based on actual dependency.

Changes proposed: The RRB proposes no changes to Form G–139.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–139	500	60	500

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV*.

Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or *Brian.Foster@rrb.gov* and to the OMB Desk Officer for the RRB, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

Brian D. Foster,

Clearance Officer.

[FR Doc. 2017–13370 Filed 6–26–17; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 17Ac3–1(a) and Form TA–W; SEC File No. 270–96 OMB Control No. 3235–0151.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17Ac3–1(a) (17 CFR 240.17Ac3–1(a)) and Form TA–W (17 CFR 249b.101), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Section 17A(c)(4)(B) of the Securities Exchange Act of 1934 authorizes transfer agents registered with an appropriate regulatory agency (''ARA'') to withdraw from registration by filing with the ARA a written notice of withdrawal and by agreeing to such terms and conditions as the ARA deems necessary or appropriate in the public interest, for the protection of investors, or in the furtherance of the purposes of Section 17A.

In order to implement Section 17A(c)(4)(B) of the Exchange Act, the Commission promulgated Rule 17Ac3–1(a) and accompanying Form TA–W on September 1, 1977. Rule 17Ac3–1(a) provides that notice of withdrawal of registration as a transfer agent with the Commission shall be filed on Form TA–W. Form TA–W requires the withdrawing transfer agent to provide the Commission with certain information, including: (1) The locations where transfer agent activities are or were performed; (2) the reasons for ceasing the performance of such activities; (3) disclosure of unsatisfied judgments or liens; and (4) information regarding successor transfer agents.

The Commission uses the information disclosed on Form TA–W to determine whether the registered transfer agent applying for withdrawal from registration as a transfer agent should be allowed to deregister and, if so, whether the Commission should attach to the granting of the application any terms or conditions necessary or appropriate in the public interest, for the protection of investors, or in furtherance of the purposes of Section 17A of the Exchange Act. Without Rule 17Ac3–1(a) and Form TA–W, transfer agents registered with the Commission would not have a means to voluntarily deregister it is necessary or appropriate to do so.

On average, respondents have filed approximately 17 TA–Ws with the Commission annually from 2014 to 2017. A Form TA–W filing occurs only once, when a transfer agent is seeking deregistration. Approximately 80 percent of Form TA–Ws are completed by the transfer agent or its employees and approximately 20 percent of Form TA–Ws are completed by an outside filing agent that is hired by the registrant to prepare the form and file it electronically. In view of the readily-available information requested by Form TA–W, its short and simple presentation, and the Commission's experience with the filers, we estimate that approximately 30 minutes is required to complete and file Form TA–W. For transfer agents that complete Form TA–W themselves, we estimate the internal labor cost of compliance per filing is $25 (0.5 hours × $50 average hourly rate for clerical staff time). We estimate that outside filing agents charge $100 to complete and file at TA–W on behalf of a registrant, reflecting an external labor cost to respondents. The total annual time burden to the transfer agent industry is approximately 9 hours (17 filings × 0.5 hours). The total annual external labor cost to respondents is $340 (17 annual forms × $100 × 20%).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: June 21, 2017

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–13424 Filed 6–26–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80990; File No. SR–NYSEARCA–2017–67]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Options Fee Schedule

June 21, 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 June 9, 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.

Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Options Fee Schedule (''Fee Schedule''). 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Fee Schedule to modify the criteria for achieving various credits, including by broadening the qualifying order flow and trading activity, to make the different qualifications more achievable to a variety of market participants.

Currently, the Exchange provides a number of incentives for OTP Holders and OTP Firms (collectively, ''OTPs'') designed to encourage OTPs to direct additional order flow to the Exchange to achieve more favorable pricing and higher credits. Among these incentives are enhanced posted liquidity credits based on achieving certain percentages of NYSE Arca Equity daily activity, also known as ''cross-asset pricing.'' In addition, certain of the qualifications for achieving these incentives are more tailored to specific activity (*i.e.,* posting in Penny Pilot issues only, or cross-asset pricing based only on levels of Retail Orders on the NYSE Arca Equity Market). Similarly, because the Exchange allows Order Flow Providers (''OFP''s) to aggregate their volume executed on NYSE Arca with affiliated or Appointed Market Makers, OFPs may encourage an increased level of activity from these participants to qualify for various incentives, including higher credits for Customers or Professional Customer orders. As a result, NYSE Arca becomes a more attractive venue for Customer (and Professional Customer) orders offering enhanced rebates. To further incent OFPs to direct order flow to the Exchange, the Exchange proposes to allow participants to combine their Customer activity with their Market Maker activity in an effort to achieve certain enhanced rebates.

Pursuant to the Customer and Professional Customer Monthly Posting Credit Tiers and Qualifications for Executions in Penny Pilot Issues (the ''Penny Credit Tiers''), Customer and Professional Customer orders that post liquidity and are executed on the Exchange earn a base credit of $0.25 per contract, with the ability to earn increased credits based on the participant's activity. There are currently seven Penny Credit Tiers with associated qualifications. The Exchange is not proposing any change to Penny Credit Tiers 1 through 5.

Regarding current Penny Credit Tier 6, an OTP is eligible to achieve a credit of $0.48 per contract, provided the OTP has (i) at least 0.35% of Total Industry Customer equity and ETF option ADV (''TCADV'') from Customer and Professional Customer Posted Orders in all Issues, and (ii) Executed ADV of 0.80% of U.S. Equity Market Share Posted and Executed on NYSE Arca Equity Market. The Exchange proposes to add an alternative qualification basis to Tier 6, which would enable an OTP to qualify for the $0.48 per contract credit, provided the OTP has (i) at least 0.50% of TCADV from Customer and Professional Customer Posted orders in all Issues, and (ii) at least 0.45% of TCADV from Market Maker Total Electronic Volume.

Additionally, the Exchange proposes to rename current Penny Credit Tier 7 as Tier 8, and to add a new Tier 7 with an associated credit of $0.49 per contract. As proposed, OTPs may qualify for the new Tier 7 by achieving a level of at least 0.50% of TCADV from Customer and Professional Customer Posted orders in all Issues, plus at least 0.60% of TCADV from Market Maker Total Electronic Volume.

The Exchange is also proposing a small clarifying change to the Penny Credit Tiers by replacing ''Total Industry Customer equity and ETF option average daily volume'' with ''TCADV'' and explaining the abbreviation with a note at the bottom of the table referenced by an asterisk in the table header.

Next, the Exchange proposes to modify the Customer and Professional Customer Incentive Program (the ''Incentive Program'') by replacing two of the possible incentives that are based solely on Market Maker Posted Orders with new incentives that combine a level of Market Maker Total Electronic Volume and Customer and Professional Customer volume. Specifically, the Exchange proposes to no longer provide an additional $0.01 per contract credit for OTPs that achieve an ADV from Market Maker Posted Orders equal to 0.80% of TCADV. Instead, the Exchange proposes to offer an additional $0.01 per contract credit incentive for an OTP that

achieves at least 0.50% of TCADV from Customer and Professional Customer Posted Orders in all Issues, plus an ADV from Market Maker Posted Orders in Penny Pilot Issues equal to at least 0.30% of Total Industry Customer equity and ETF option ADV. The Exchange notes that an OTP that achieves this incentive would be qualified for Penny Credit Tier 3 (which requires an OTP achieve at least 0.40% of TCADV from Customer and Professional Customer Posted Orders in all Issues).[4] The Exchange also proposes to replace the current additional $0.02 per contract rebate available under the Incentive Program, earned by achieving an ADV from Market Maker Posted Orders equal to 1.40% of TCADV, with a new $0.03 per contract rebate that is earned by achieving an ADV from Market Maker Total Electronic Volume of at least 0.60% of TCADV, plus at least 0.10% of TCADV from Customer and Professional Customer Posted Orders in non-Penny Pilot Issues. By encouraging additional activity from affiliated or Appointed Market Makers, the Exchange hopes to encourage a broader spectrum of business and, in turn, to increase liquidity and opportunities to trade on the Exchange.

The Exchange is also proposing modifications to the Customer and Professional Customer Posting Credit Tiers in Non-Penny Pilot Issues (''Non-Penny Credit Tiers'') that would enable OTPs to include volume from an affiliated or Appointed Market Maker to achieve these Tiers. There are currently four Non-Penny Tiers Credit Tiers. The Exchange is not proposing any change to Non-Penny Credit Tiers A or B. The Exchange proposes to rename current Tier C to Tier D and to add a new Tier C. As proposed, new Tier C will be achieved by meeting at least 0.50% TCADV from Customer and Professional Customer Posted Order executions in all Issues, plus an ADV from Market Maker Total Electronic Volume equal to 0.45% of TCADV. OTPs that qualify for proposed Tier C will receive a credit of $0.94 per contract. Additionally, the Exchange proposes to designate the current Non-Penny Credit Tier D as Tier F, and introduce a new Tier E. As proposed, new Tier E will be achieved by meeting at least 0.50% of TCADV from Customer and Professional Customer posted orders in all issues, plus an ADV from Market Maker Total Electronic Volume equal to 0.60% of TCADV. OTPs that qualify for proposed Tier E will receive a credit of $1.00 per contract.

The Exchange also proposes to amend endnote 8 of the Fee Schedule to clarify make clear [sic] that the Exchange is adopting the term ''Market Maker Total Electronic Volume,'' which is calculated on the same basis as Customer volumes, in that Electronic Complex Order Executions, QCC Transactions, and executions of orders routed to another market are not included. By defining long standing practice, the Exchange believes this adds clarity to the calculation of Market Maker Total Electronic Volume, and is consistent with the treatment of Customer volumes. Complex strategies carry no market making obligations beyond making markets for simple executions in the component legs of the strategy; for this reason they are not included in Total Electronic Market Maker Volume. Similarly, QCCs are negotiated transactions that neither post nor take liquidity, and therefore QCCs do not interact with Market Makers quotes. Market Maker orders routed to another market do not contribute to activity on NYSE Arca, and are therefore not included.

The Exchange is also correcting two minor typographical errors within the Fee Schedule, placing a hyphen between ''Non'' and ''Penny'' in the header of ''Customer and Professional Customer Posting Credit Tiers In Non Penny Pilot Issues'', and removing an underlined space in ''Credit Applied to Posted Electronic Customer and Professional Customer Executions in Penny Pilot Issues'', which should add clarity to the Fee Schedule.

Finally, given the proposed increase in the number of Penny Credit Tiers from seven to eight, the Exchange proposes to make clear that OTPs that achieve Tier 6, 7, or 8, (rather than just Tier 6 or 7) will be capped at $65,000 under the Firm and Broker Dealer Monthly Fee Cap.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[6] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that providing alternative qualifications for the Penny and Non-Penny Credit Tiers and the Incentive Program is reasonable, equitable, and not unfairly discriminatory because, among other things, it increases the methods of qualifying for greater credits through the inclusion of affiliated or appointed Market Maker volume. The proposed changes would also provide additional means (via the proposed new Tiers) for OTPs to qualify for credits for posting volume on the Exchange. By providing alternative methods to qualify for a Tier or an Incentive, the Exchange believes the opportunities to qualify for rebates is increased, which benefits all participants through both increased Customer (and Professional Customer) volume and increased Market Maker activity. The Exchange notes that allowing participants to aggregate volume is not new or novel.[7] To the extent that order flow which adds liquidity is increased by the proposal, market participants will increasingly compete for the opportunity to trade on the Exchange, including sending more orders to reach higher tiers or rebates. The resulting increased volume and liquidity will benefit all Exchange participants by providing more trading opportunities and tighter spreads.

The Exchange also believes the proposed changes would be available to all similarly-situated market participants on an equal and non-discriminatory basis. The Exchange believes the proposed modifications are reasonable, equitable and not unfairly discriminatory because they encourage more participants to qualify for the various incentives, including encouraging more participants to have affiliated or appointed order flow directed to the Exchange. Further, encouraging Market Makers to send higher volumes of orders to the Exchange would also contribute to the Exchange's depth of book as well as to the top of book liquidity.

The credits are also reasonable as they are within the current range of credits on posted Customer and Professional Customer orders.

Finally, the Exchange believes the proposed non-substantive changes to

[4] The Exchange notes that the qualifying OTP would be eligible to receive both the $0.45 per contract credit available for achieving Tier 3 as well as the $0.01 per contract credit available for achieving the proposed threshold in the Incentive Program.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] *See e.g.,* NASDAQ Options Market—Fees and Rebates, Section 2, *available here, http://www.nasdaqtrader.com/Micro.aspx?id=optionsPricing* (providing for qualification of tiers/rebates on the basis of customer and market maker volume); Bats BZX Options Fee Schedule, fn 1, Customer Penny Pilot Add Tiers, *available here, https://www.bats.com/us/options/membership/fee_schedule/bzx/* (same).

the Fee Schedule are reasonable, equitable, and not unfairly discriminatory because it would add clarity, transparency and internal consistency to the Fee Schedule.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[8] 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. Instead, the Exchange believes that the proposed changes would encourage competition, including by attracting additional liquidity to the Exchange, which would continue to make the Exchange a more competitive venue for, among other things, order execution and price discovery. The Exchange does not believe that the proposed change would impair the ability of any market participants or competing order execution venues to maintain their competitive standing in the financial markets. Further, the incentive would be available to all similarly-situated participants, and, as such, the proposed change would not impose a disparate burden on competition either among or between classes of market participants and may, in fact, encourage competition.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[9] of the Act and subparagraph (f)(2) of Rule 19b–4[10] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[11] 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–2017–67 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–2017–67. 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–NYSEArca–2017–67, and should be submitted on or before July 18, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–13345 Filed 6–26–17; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78f(b)(8).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(2).

[11] 15 U.S.C. 78s(b)(2)(B).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80988; File No. SR–NYSEArca–2017–68]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Commentary .02 To Rule 6.72 in Order To Extend the Penny Pilot in Options Classes in Certain Issues Through December 31, 2017

June 21, 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 June 9, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Commentary .02 to Exchange Rule 6.72 in order to extend the Penny Pilot in options classes in certain issues (''Pilot Program'') previously approved by the Securities and Exchange Commission (''Commission'') through December 31,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

2017. The Pilot Program is currently scheduled to expire on June 30, 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange hereby proposes to amend Commentary .02 to Exchange 6.72 to extend the time period of the Pilot Program, [4] which is currently scheduled to expire on June 30, 2017, through December 31, 2017. The Exchange also proposes that the dates to replace issues in the Pilot Program that have been delisted be revised to the second trading day following July 1, 2017.[5] The Exchange believes that extending the Pilot would allow for further analysis of the Pilot Program and a determination of how the Pilot Program should be structured in the future.

This filing does not propose any substantive changes to the Pilot Program: All classes currently participating will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the increase in quote traffic.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) [6] of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5),[7] 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, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system.

In particular, the proposed rule change, which extends the Penny Pilot Program for six months, allows the Exchange to continue to participate in a program that has been viewed as beneficial to traders, investors and public customers and viewed as successful by the other options exchanges participating in it. Accordingly, the Exchange believes that the proposal is consistent with the Act because it will allow the Exchange to extend the Pilot Program prior to its expiration on June 30, 2017. The Exchange notes that this proposal does not propose any new policies or provisions that are unique or unproven, but instead relates to the continuation of an existing program that operates on a pilot basis.

The Exchange believes that the Pilot Program promotes just and equitable principles of trade by enabling public customers and other market participants to express their true prices to buy and sell options to the benefit of all market participants.

The proposal to extend the Pilot Program is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system, by allowing the Exchange and the Commission additional time to analyze the impact of the Pilot Program while also allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot Program.

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. Specifically, the Exchange believes that, by extending the expiration of the Pilot Program, the proposed rule change will allow for further analysis of the Pilot Program and a determination of how the Program should be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. The Pilot Program is an industry-wide initiative supported by all other option exchanges. The Exchange believes that extending the Pilot Program will allow for continued competition between Exchange market participants trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot Program.

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 [8] and Rule 19b–4(f)(6) thereunder.[9] 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 [10] and Rule 19b–4(f)(6)(iii) thereunder.[11]

[4] *See* Securities Exchange Act Release No. 79524 (December 12, 2016), 81 FR 91220 (December 16, 2016) (SR–NYSEArca–2016–156).

[5] The month immediately preceding a replacement class's addition to the Pilot Program (*i.e.,* June) would not be used for purposes of the analysis for determining the replacement class. Thus, a replacement class to be added on the second trading day following July 1, 2017 would be identified based on The Option Clearing Corporation's trading volume data from December 1, 2016 through May 31, 2017. The Exchange will announce the replacement issues to the Exchange's membership through a Trader Update.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's 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

Continued

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.[13] However, pursuant to Rule 19b–4(f)(6)(iii),[14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. Without a waiver of 30-day operative delay, the Exchange's Pilot Program will expire before the extension of the Pilot Program is operative. The Commission believes that waiving the 30-day operative delay for the instant filing is consistent with the protection of investors and the public interest because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program and will allow the Exchange and the Commission additional time to analyze the impact of the Pilot Program. Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[15]

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–2017–68 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–2017–68. 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 20549–1090 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–2017–68 and should be submitted on or before July 18, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–13343 Filed 6–26–17; 8:45 am]

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of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a closed meeting on Thursday, June 29, 2017 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(7), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Adjudicatory matters; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: June 22, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–13492 Filed 6–23–17; 11:15 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80989; File No. SR–NYSEMKT–2017–36]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Commentary .02 to Rule 960NY in Order To Extend the Penny Pilot in Options Classes in Certain Issues

June 21, 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 June 9, 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 and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Commentary .02 to NYSE Amex Options Rule 960NY in order to extend the Penny Pilot in options classes in certain

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

issues (''Pilot Program'') previously approved by the Securities and Exchange Commission (''Commission'') through December 31, 2017. The Pilot Program is currently scheduled to expire on June 30, 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange hereby proposes to amend Commentary .02 to Exchange Rule 960NY to extend the time period of the Pilot Program,[4] which is currently scheduled to expire on June 30, 2017, through December 31, 2017. The Exchange also proposes that the dates to replace issues in the Pilot Program that have been delisted be revised to the second trading day following July 1, 2017.[5] The Exchange believes that extending the Pilot would allow for further analysis of the Pilot Program and a determination of how the Pilot Program should be structured in the future.

This filing does not propose any substantive changes to the Pilot Program: All classes currently participating will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the increase in quote traffic.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[6] of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5),[7] 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, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system.

In particular, the proposed rule change, which extends the Penny Pilot Program for six months, allows the Exchange to continue to participate in a program that has been viewed as beneficial to traders, investors and public customers and viewed as successful by the other options exchanges participating in it. Accordingly, the Exchange believes that the proposal is consistent with the Act because it will allow the Exchange to extend the Pilot Program prior to its expiration on June 30, 2017. The Exchange notes that this proposal does not propose any new policies or provisions that are unique or unproven, but instead relates to the continuation of an existing program that operates on a pilot basis.

The Exchange believes that the Pilot Program promotes just and equitable principles of trade by enabling public customers and other market participants to express their true prices to buy and sell options to the benefit of all market participants.

The proposal to extend the Pilot Program is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system, by allowing the Exchange and the Commission additional time to analyze the impact of the Pilot Program while also allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot Program.

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. Specifically, the Exchange believes that, by extending the expiration of the Pilot Program, the proposed rule change will allow for further analysis of the Pilot Program and a determination of how the Program should be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. The Pilot Program is an industry-wide initiative supported by all other option exchanges. The Exchange believes that extending the Pilot Program will allow for continued competition between NYSE Amex Options market participants trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot Program.

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[8] and Rule 19b–4(f)(6) thereunder.[9] 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[10] and Rule 19b–4(f)(6)(iii) thereunder.[11]

[4] *See* Securities Exchange Act Release No. 79525 (December 12, 2016), 81 FR 91230 (December 16, 2016) (SR–NYSEMKT–2016–111).

[5] The month immediately preceding a replacement class's addition to the Pilot Program (*i.e.,* June) would not be used for purposes of the analysis for determining the replacement class. Thus, a replacement class to be added on the second trading day following July 1, 2017 would be identified based on The Option Clearing Corporation's trading volume data from December 1, 2016 through May 31, 2017. The Exchange will announce the replacement issues to the Exchange's membership through a Trader Update.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule

Continued

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.[13] However, pursuant to Rule 19b–4(f)(6)(iii),[14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. Without a waiver of 30-day operative delay, the Exchange's Pilot Program will expire before the extension of the Pilot Program is operative. The Commission believes that waiving the 30-day operative delay for the instant filing is consistent with the protection of investors and the public interest because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program and will allow the Exchange and the Commission additional time to analyze the impact of the Pilot Program. Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[15]

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–NYSEMKT–2017–36 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–2017–36. 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 20549–1090 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–2017–36 and should be submitted on or before July 18, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–13344 Filed 6–26–17; 8:45 am]

BILLING CODE 8011–01–P

change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80994; File No. SR–NASDAQ–2017–058]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Initial and Continued Listing Standards for the Listing of Equity Investment Tracking Stocks

June 21, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 8, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt initial and continued listing standards for the listing of Equity Investment Tracking Stocks.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq proposes to adopt initial and continued listing standards for the listing of Equity Investment Tracking Stocks. An Equity Investment Tracking Stock is defined as a class of common equity securities that tracks on an unleveraged basis the performance of an investment by the issuer in the common equity securities of a single other company listed on the Exchange.[3] An Equity Investment Tracking Stock may track multiple classes of common equity securities of a single issuer, so long as all of those classes have identical economic rights and at least one of those classes is listed on the Exchange.

An Equity Investment Tracking Stock may be listed on the Nasdaq Global

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Nasdaq will determine whether a security tracks the performance of a single other company based on the facts and circumstances of the particular matter, including whether the security tracks substantial assets in addition to the other listed company. Nasdaq encourages any company considering listing a security that tracks the performance of another listed company, in whole or in part, to contact Nasdaq staff as early as possible to discuss.

Select, Global, or Capital Markets under the Rule 5300, 5400 or 5500 Series, as applicable, provided it also meets the additional requirements set forth in the proposed Rule 5222. An Equity Investment Tracking Stock is only eligible to be listed on the same tier of Nasdaq (Global Select, Global or Capital) as the equity security it tracks.

Proposed Rule 5222(a) provides that, prior to the commencement of trading of any Equity Investment Tracking Stock, Nasdaq will distribute an information circular to its members that describes any special characteristics and risks of trading the Equity Investment Tracking Stock, and lists Exchange Rules that will apply to the Equity Investment Tracking Stock including rules that require members: (A) To use reasonable diligence in regard to the opening and maintenance of every account, to know (and retain) the essential facts concerning every customer and concerning the authority of each person acting on behalf of such customer; and (B) in recommending transactions in the Equity Investment Tracking Stock to have a reasonable basis to believe that (i) the recommendation is suitable for a customer given reasonable inquiry concerning the customer's investment objectives, financial situation, needs, and any other information known by such members, and (ii) the customer can evaluate the special characteristics, and is able to bear the financial risks, of an investment in the Equity Investment Tracking Stock.

Proposed Rule 5222(b) provides that in addition to the initial listing requirements of the Rule 5300 Series,[4] the Rule 5400 Series,[5] or the Rule 5500 Series [6] applicable to all securities,[7] the issuer of the Equity Investment Tracking Stock must own (directly or indirectly) [8] at least 50% of both the economic interest and the voting power of all of the outstanding classes of common equity of the issuer whose equity is tracked by the Equity Investment Tracking Stock. Further, Nasdaq will not list an Equity Investment Tracking Stock if, at the time of the proposed listing, the issuer of the equity tracked by the Equity Investment Tracking Stock has received a Staff Delisting Determination or been notified about a deficiency, except for a corporate governance deficiency with a grace period provided under Rule 5810(c)(3)(E),[9] with respect to such security.

Proposed Rule 5222(c) provides that in addition to the continued listing requirements of the Rule 5400 Series [10] or the Rule 5500 Series,[11] as applicable, Nasdaq will also apply additional continued listing requirements. Specifically, if the listed equity security or securities whose value is tracked by the Equity Investment Tracking Stock is transferred to a different tier of Nasdaq (Global Select, Global or Capital), the Equity Investment Tracking Stock that tracks such security will be automatically transferred to the same tier of Nasdaq, provided the Equity Investment Tracking Stock meets the applicable listing standards for that tier. However, if the Equity Investment Tracking Stock does not meet the applicable listing standards for that tier, Nasdaq will determine whether the Equity Investment Tracking Stock meets an applicable initial listing standard in place at that time and will halt trading in the Equity Investment Tracking Stock and issue a Staff Delisting Determination pursuant to Rule 5810(c)(1) if it does not. Similarly, if the listed equity security or securities whose value is tracked by the Equity Investment Tracking Stock ceases to be listed on Nasdaq or is suspended pending delisting, the issuer of the Equity Investment Tracking Stock owns less than 50% of the issuer whose equity is tracked by the Equity Investment Tracking Stock, or the Equity Investment Tracking Stock ceases to track the performance of the listed equity security or securities that was tracked at the time of initial listing, Nasdaq will determine whether the Equity Investment Tracking Stock meets an applicable initial listing standard in place at that time and will halt trading in the Equity Investment Tracking Stock and issue a Staff Delisting Determination pursuant to Rule 5810(c)(1) if it does not.

Nasdaq also proposes to amend Rule 5810(c)(1) to provide that an Equity Investment Tracking Stock's failure to comply with the additional continued listing requirements in Rule 5222(c) or the issuance of a Staff Delisting Determination with respect to the security such Equity Investment Tracking Stock tracks will constitute a deficiency that will immediately result in Nasdaq issuing a Delisting Determination with regard to the Equity Investment Tracking Stock.

Proposed Rule 5222(d) imposes additional disclosure and procedural requirements on the Equity Investment Tracking Stock when a listed equity security whose value is tracked by the Equity Investment Tracking Stock is subject to deficiency procedures. These requirements are designed to provide investors in the Equity Investment Tracking Stock with notice about the potential delisting of the listed equity security or securities whose value is tracked by the Equity Investment Tracking Stock and to assure that the Equity Investment Tracking Stock is treated in the same manner as the equity security whose value it tracks during the deficiency administration process. Specifically, if the issuer of the security that the Equity Investment Tracking Stock tracks announces that it has received a deficiency notification then the issuer of the Equity Investment Tracking Stock must promptly publicly announce (either by filing a Form 8–K, where required by SEC rules, or by issuing a press release) that fact.[12]

[4] The Rule 5300 Series generally requires that for initial listing on the Nasdaq Global Select Market a security must satisfy a price, publicly held shares, market maker, ownership, market value and valuation requirement.

[5] The Rule 5400 Series generally requires that for initial listing on the Nasdaq Global Market a security must satisfy a price, publicly held shares, round lot holder, market maker, and either an income, an equity, a market value of listed securities, or a total assets and total revenue requirement.

[6] The Rule 5500 Series generally requires that for initial listing on the Nasdaq Capital Market a security must satisfy a price, publicly held shares, round lot holder, market maker, and either an equity, a market value of listed securities, or a net income requirement.

[7] In addition to meeting the quantitative requirements of the Rule 5300 Series, the Rule 5400 Series, or the Rule 5500 Series, the issuer of Equity Investment Tracking Stock must meet the requirements of the Rule 5100 Series, the disclosure obligations set forth in the Rule 5200 Series, the Corporate Governance requirements set forth in the Rule 5600 Series, and pay any applicable fees in the Rule 5900 Series.

[8] An example of an indirect ownership would be where the listed company has a 100%-owned subsidiary and that subsidiary in turn owns the stock of the company whose performance is being tracked. Another example would be where the listed company owns 100% of each of two subsidiaries, each of which owns stock in the company whose performance is being tracked.

[9] Rule 5810(c)(3)(E) provides that if a company fails to meet the majority board independence or the audit committee composition requirements due to one vacancy, or fails to meet the audit committee composition requirements because an audit committee member ceases to be independent for reasons outside her control, Nasdaq will provide the company with an automatic grace period for up to one year to regain compliance with the rule.

[10] The Rule 5400 Series generally requires that for continued listing on the Nasdaq Global Market, including the Nasdaq Global Select Market, a security must satisfy a price, publicly held shares, total holders, market maker, and either an equity, a market value of listed securities, or a total assets and total revenue requirement.

[11] The Rule 5500 Series generally requires that for continued listing on the Nasdaq Capital Market a security must satisfy a price, publicly held shares, public holders, market maker, and either an equity, a market value of listed securities, or a net income requirement.

[12] In addition, the issuer of the Equity Investment Tracking Stock that receives a notification of deficiency or Staff Delisting Determination is

Continued

In addition, proposed Rule 5222(d) provides that notwithstanding any provisions to the contrary, if the Staff Delisting Determination issued to the security such Equity Investment Tracking Stock tracks is stayed pursuant to the Rule 5800 Series, the suspension of the Equity Investment Tracking Stock also will be stayed and will remain stayed on the same terms that apply to the security such Equity Investment Tracking Stock tracks.

Nasdaq proposes to amend Rule 4120(a) governing Nasdaq's authority to initiate trading halts or pauses and Rule IM–5250–1 providing interpretive material regarding trading halts to provide that, in the event that the issuer of the common equity security tracked by an Equity Investment Tracking Stock intends to issue a material news release during the trading day and Nasdaq determines that a regulatory trading halt should be implemented, including a trading halt pending dissemination of the news, Nasdaq will also halt trading in the Equity Investment Tracking Stock simultaneously with the halt in the security it tracks and will also recommence trading at the same time. In addition, Nasdaq will halt trading in the Equity Investment Tracking Stock if the security it tracks is suspended from trading, such as while the security is pending delisting.[13]

Nasdaq proposes to amend Rules 5401 and 5501 to update the preamble to these rules and Rule 5305 to provide that an Equity Investment Tracking Stock may be listed as a primary equity security or as a secondary class of common stock, as applicable, provided it must also meet the requirements set forth in Rule 5222.

Nasdaq represents that it will monitor activity in Equity Investment Tracking Stocks to identify and deter any potential improper trading activity in such securities. The Exchange will adopt surveillance procedures, and make any enhancements necessary, sufficient to enable it to monitor Equity Investment Tracking Stocks alongside the securities whose value they track. Additionally, the Exchange will rely on its existing trading surveillances, administered by the Exchange, or the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[14]

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

Given the novel investment characteristics of Equity Investment Tracking Stocks, the Exchange will conduct a review of the trading and compliance with continued listing standards of Equity Investment Tracking Stocks and their issuers over the initial two year period for which the proposed listing standard is in operation.

The Exchange will furnish two reports to the SEC based on this review, one to be provided no later than sixty days after the first anniversary of the adoption of the proposed rule, which will cover the first year, and the second to be provided one year later, which will cover the second year. At a minimum, the reports will address the relationship between the trading prices of listed Equity Investment Tracking Stocks and those of the securities whose values they track, the liquidity of the market for the two securities, and any manipulation concerns arising in connection with the trading of securities listed under the standard and the securities whose values are being tracked. The reports will also discuss any recommendations the Exchange may have for enhancements to the listing standard based on its review.

Nasdaq proposes to make a conforming change to Rule 5950(e)(3) to allow for the renumbering of the defined terms in Rule 5005(a).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[15] in general, and furthers the objectives of Section 6(b)(5) of the Act,[16] 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, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed listing standards are designed to protect investors and the public interest by ensuring that Equity Investment Tracking Stocks listed on the Exchange meet stringent quantitative and qualitative listing standards to qualify for initial and continued listing. The Exchange notes that trading in an Equity Investment Tracking Stock will be halted and subject to delisting if it does not meet another applicable initial listing standard and (i) the equity security or securities whose value is tracked by the Equity Investment Tracking Stock ceases to be listed on the Exchange or is suspended pending delisting; (ii) the issuer of the Equity Investment Tracking Stock owns (directly or indirectly) less than 50% of either the economic interest or the voting power of all of the outstanding classes of common equity of the issuer whose equity is tracked by the Equity Investment Tracking Stock; or (iii) the Equity Investment Tracking Stock ceases to track the performance of the listed equity security that was tracked at the time of initial listing. If the security whose value is tracked by an Equity Investment Tracking Stock changes tiers (*e.g.,* from Capital Market to Global Market), Nasdaq will halt trading and initiate delisting of the Equity Investment Tracking Stock unless the Equity Investment Tracking Stock meets the applicable listing requirements for the new tier or qualifies for listing under another applicable initial listing standard.

The Equity Investment Tracking Stocks will have to meet the requirements of the proposed Listing Rule 5222 in addition to the other listing requirement applicable to equity securities. The issuer of an Equity Investment Tracking Stock must fully comply with the requirements of the Rule 5100 Series, the disclosure obligations set forth in the Rule 5200 Series, the quantitative requirements set forth in the Rule 5300 Series, the Rule 5400 Series or the Rule 5500 Series, and the Corporate Governance requirements set forth in the Rule 5600 Series, subject to applicable exemptions such as those for controlled companies.

The proposed rule change is designed to provide equivalent treatment to an Equity Investment Tracking Stock as is provided to the security or securities it tracks, and therefore it will not permit unfair discrimination between customers, issuers, brokers, or dealers.

required by Rule 5810(b) to make a public announcement disclosing receipt of the notification.

[13] If the security that an Equity Investment Tracking Stock tracks is suspended pending delisting Nasdaq would also follow the procedures in Rule 5222(c) and initiate delisting proceedings for the Equity Investment Tracking Stock unless it meets another applicable listing standard. The trading halt in the Equity Investment Tracking Stock would remain in place until the Equity Investment Tracking Stock is requalified or is suspended pending its delisting pursuant to the procedural requirements of the Rule 5800 Series.

[14] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

The Exchange notes that it is proposing to amend Rule 4120(a) governing Nasdaq's authority to initiate trading halts or pauses and Rule IM–5250–1 providing interpretive material regarding trading halts to provide that, in the event that the issuer of the common equity security tracked by an Equity Investment Tracking Stock intends to issue a material news release during the trading day and Nasdaq determines that a regulatory trading halt should be implemented pending dissemination of the news or if Nasdaq determines that any other required regulatory trading halt should be implemented, the Exchange will also halt trading in the Equity Investment Tracking Stock simultaneously with the halt in the security whose values is being tracked and will also recommence trading at the same time. The Exchange believes that this proposed amendment will protect investors and the public interest by preventing market participants from gaining an advantage in trading in an Equity Investment Tracking Stock based on their possession of material nonpublic information with respect to the company whose value is being tracked by the Equity Investment Tracking Stock. In addition, Nasdaq will halt trading in the Equity Investment Tracking Stock if the security whose value is being tracked is suspended from trading, such as while the security is pending delisting.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to provide listing standards for Equity Investment Tracking Stocks that are appropriately protective of investors and is not designed to limit the ability of the issuers of those securities to list them on any other national securities exchange. The market for listing services is extremely competitive.[17] Because issuers have a choice to list their securities on a different national securities exchange, the Exchange does not believe that the proposed listing standards impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[18] and subparagraph (f)(6) of Rule 19b–4 thereunder.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2017–058 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–NASDAQ–2017–058. 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 such 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–NASDAQ–2017–058, and should be submitted on or before July 18, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–13371 Filed 6–26–17; 8:45 am]

BILLING CODE 8011–01–P

[17] *See* Securities Exchange Act Release No. 78153 (June 24, 2016), 81 FR 42762 (June 30, 2016) (SR–NYSE–2016–22) (adopting listing standards for Equity Investment Tracking Stocks).

[18] 15 U.S.C. 78s(b)(3)(A)(iii).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15179 and #15180; Texas Disaster #TX–00481]

Administrative Declaration of a Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Texas dated 06/20/2017.

Incident: Severe Storms.

Incident Period: 05/21/2017 through 05/23/2017.

DATES: Effective 06/20/2017.

Physical Loan Application Deadline Date: 08/21/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 03/20/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Austin

Contiguous Counties:

Texas: Colorado, Fayette, Fort Bend, Waller, Washington, Wharton.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.875
Homeowners without Credit Available Elsewhere	1.938
Businesses with Credit Available Elsewhere	6.430
Businesses without Credit Available Elsewhere	3.215
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.215
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15179 B and for economic injury is 15180 0.

The State which received an EIDL Declaration # is Texas.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: June 20, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–13367 Filed 6–26–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15181 and #15182; Texas Disaster #TX–00482]

Administrative Declaration of a Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Texas dated 06/20/2017.

Incident: Severe Storms.

Incident Period: 04/17/2017 through 04/20/2017.

DATES: Effective 06/20/2017.

Physical Loan Application Deadline Date: 08/21/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 03/20/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Brazoria

Contiguous Counties:

Texas: Fort Bend, Galveston, Harris, Matagorda, Wharton.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.875
Homeowners without Credit Available Elsewhere	1.938
Businesses with Credit Available Elsewhere	6.430
Businesses without Credit Available Elsewhere	3.215
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.215
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15181 B and for economic injury is 15182 0.

The State which received an EIDL Declaration # is Texas

(Catalog of Federal Domestic Assistance Number 59008)

Dated: June 20, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–13366 Filed 6–26–17; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2017–0033]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, *Attn:* Desk Officer for SSA, *Fax:* 202–395–6974, *Email address: OIRA_Submission@omb.eop.gov*

(SSA), Social Security Administration, OLCA, *Attn:* Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235. *Fax:* 410–966–2830. *Email address: OR.Reports.Clearance@ssa.gov.*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2017–0033].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than August 28, 2017. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Public Information Campaign—0960–0544. Periodically, SSA sends various public information materials, including public service announcements; news releases; and educational tapes, to public broadcasting systems so they can inform the public about various programs and activities SSA conducts. SSA frequently sends follow-up business reply cards for these public information materials to obtain suggestions for improving them. The respondents are broadcast sources.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Radio Survey	5,000	2	1	167

2. Medical Permit Parking Application—41 CFR 102–71.20 and 102–74.305—0960–0624. SSA employees and contractors with a qualifying medical condition who park at SSA-owned and leased facilities may apply to receive a medical parking permit. SSA uses three forms for this program: (1) SSA–3192, the Application and Statement which an individual completes when first applying for the medical parking space; (2) SSA–3193, the Physician's Report, which the applicant's physician completes to verify the medical condition; and (3) SSA–3194, Renewal Certification, which medical parking permit holders complete to verify their continued need for the permit. The respondents are SSA employees and contractors seeking medical parking permits and their physicians.

Note: Because SSA employees are Federal workers exempt from the requirements of the Paperwork Reduction Act, the burden below is only for SSA contractors and physicians (of both SSA employees and contractors).

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–3192	390	1	30	195
SSA–3193	465	1	90	698
SSA–3194	82	1	5	7
Totals	937			900

3. Electronic Records Express (Third Parties)—20 CFR 404.1700–404.1715—0960–0767. Electronic Records Express (ERE) is an online system which enables medical providers and various third party representatives to download and submit disability claimant information electronically to SSA as part of the disability application process. To ensure only authorized people access ERE, SSA requires third parties to complete a unique registration process if they wish to use this system. This information collection request (ICR) includes the third-party registration process; the burden for submitting evidence to SSA is part of other, various ICRs. The respondents are third party representatives of disability applicants or recipients who want to use ERE to electronically access clients' disability files online and submit information to SSA.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
ERE—Third Parties	10,413	319	1	55,362

4. Screen Pop—20 CFR 401.45—0960–0790. Section 205(a) of the Social Security Act (Act) requires SSA to verify the identity of individuals who request a record or information pertaining to themselves, and to establish procedures for disclosing personal information. SSA established Screen Pop, an automated telephone process, to speed up verification for such individuals. Accessing Screen Pop, callers enter their Social Security number (SSN) using their telephone keypad or speech technology prior to speaking with a National 800 Number Network (N8NN) agent. The automated Screen Pop application collects the SSN and routes it to the ''Start New Call'' Customer Help and Information (CHIP) screen. Functionality for the Screen Pop application ends once the SSN connects to the CHIP screen and the SSN routes to the agent's screen. When the call connects to the N8NN agent, the agent can use the SSN to access the caller's record as needed. The respondents for this collection are individuals who contact SSA's N8NN to speak with an agent.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Screen Pop	53,394,811	1	1	889,914

5. Incoming and Outgoing Intergovernmental Personnel Act Assignment Agreement—5 CFR 334—0960–0792. The Intergovernmental Personnel Act (IPA) mobility program provides for the temporary assignment of civilian personnel between the Federal Government and State and local governments; colleges and universities; Indian tribal governments; Federally-funded research and development centers; and other eligible organizations. The Office of Personnel Management (OPM) created a generic form, the OF–69, for agencies to use as a template when collecting information for the IPA assignment. The OF–69 collects specific information about the agreement including: (1) The enrolled employee's name, Social Security number, job title, salary, classification, and address; (2) the type of assignment; (3) the reimbursement arrangement; and (4) an explanation as to how the assignment benefits both SSA and the non-federal organization involved in the exchange. OPM directs agencies to use their own forms for recording these agreements. Accordingly, SSA modified the OF–69 to meet our needs, creating the SSA–187 for incoming employees and the SSA–188 for outgoing employees. SSA collects information on the SSA–187 and SSA–188 to document the IPA assignment and to act as an agreement between the agencies. Respondents are personnel from State and local governments; colleges and universities; Indian tribal governments; Federally-funded research and development centers; and other eligible organizations who participate in the IPA exchange with SSA.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Non-Federal employee	10	1	30	5
Non-Federal employer signers	20	1	5	2
Totals	30			7

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than July 27, 2017. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. Disability Report-Appeal—20 CFR 404.1512, 416.912, 404.916(c), 416.1416(c), 422.140, 404.1713, 416.1513, 404.1740(b)(4), 416.1540(b)(4), and 405 Subpart C—0960–0144. SSA requires disability applicants who wish to appeal an unfavorable disability determination to complete Form SSA–3441–BK; the associated Electronic Disability Collect System (EDCS) interview; or the Internet application, i3441. This allows claimants to disclose any changes to their disability, or resources, which might influence SSA's unfavorable determination. We may use the information to: (1) Reconsider and review an initial disability determination; (2) review a continuing disability; and (3) evaluate a request for a hearing. This information assists the State Disability Determination Services (DDS) and administrative law judges (ALJ) in preparing for the appeals and hearings, and in issuing a determination or decision on an individual's entitlement (initial or continuing) to disability benefits. In addition, the information we collect on the SSA–3441–BK, or related modalities, facilitates SSA's collection of medical information to support the applicant's request for reconsideration; request for benefits cessation appeal; and request for a hearing before an ALJ. Respondents are individuals who appeal denial, reduction, or cessation of Social Security disability benefits and Supplemental Security Income (SSI) payments; individuals who wish to request a hearing before an ALJ; or their representatives.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–3441–BK	2,396	1	45	1,797
Electronic Disability Collect System (EDCS)	476,771	1	45	357,578
i3441 (Internet)	1,046,938	1	28	488,571
Totals	1,526,105			847,946

2. Disability Case Development Information Collections By State Disability Determination Services On Behalf of SSA—20 CFR, subpart P, 404.1503a, 404.1512, 404.1513, 404.1514, 404.1517, 404.1519; 20 CFR

subpart Q, 404.1613, 404.1614, 404.1624; 20 CFR subpart I, 416.903a, 416.912, 416.913, 416.914, 416.917, 416.919 and 20 CFR subpart J, 416.1013, 416.1014, 416.1024—0960–0555. DDSs collect the information necessary to administer the Social Security Disability Insurance and SSI programs. They collect medical evidence from consultative examination (CE) sources; credential information from CE source applicants; and medical evidence of record (MER) from claimants' medical sources. The DDSs collect information from claimants regarding medical appointments, pain, symptoms, and impairments. The respondents are medical providers, other sources of MER, and disability claimants.

Type of Request: Revision of an OMB-approved information collection.

CE Collections

There are three CE information collections: (a) Medical evidence about claimants' medical condition(s) that DDS's use to make disability determinations when the claimant's own medical sources cannot or will not provide the required information, and proof of credentials from CE providers; (b) CE appointment letters; and (c) CE claimant reports sent to claimants' doctors.

(A) Medical Evidence and Credentials From CE Providers

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
CE Paper Submissions	1,400,000	1	30	700,000
CE Electronic Submissions	296,000	1	10	49,333
CE Credentials	4,000	1	15	1,000
Totals	1,700,000			750,333

(B) CE Appointment Letters and (C) CE Claimants' Report to Medical Providers

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
(b) CE Appointment Letters	880,000	1	5	73,333
(c) CE Claimants' Report to Medical Providers	450,000	1	5	37,500
Totals	1,330,000			110,833

MER Collections

The DDS's collect MER information from the claimant's medical sources to determine a claimant's physical or mental status prior to making a disability determination.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Paper Submissions	3,150,000	1	20	1,050,000
Electronic Submissions	9,450,000	1	12	1,890,000
Totals	12,600,000			2,940,000

Pain/Other Symptoms/Impairment Information From Claimants

The DDS's use information about pain/symptoms to determine how pain/symptoms affect the claimant's ability to do work-related activities prior to making a disability determination.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Pain/Other Symptoms/Impairment Information	2,100,000	1	20	700,000

The total estimated annual burden for all categories described in this information collection is 4,501,166 hours.

3. *Authorization to Disclose Information to SSA—20 CFR 404.1512 and 416.912, 45 CFR 160 and 164—*

0960–0623. Sections 223(d)(5)(A) and 1614(a)(3)(H)(i) of the Act require claimants to provide medical and other evidence the Commissioner of Social Security may require to prove they are disabled. SSA must obtain sufficient evidence to make eligibility determinations for Title II and Title XVI payments. Therefore, the applicant must authorize release of information from various sources to SSA. The applicants use Form SSA–827, or the Internet counterpart, i827, to provide consent for the release of medical records, education records, and other information related to their ability to perform tasks. Once the applicant completes Form SSA–827, or the i827, SSA or the State DDS sends the form to the designated source(s) to obtain pertinent records. The respondents are applicants for Title II and Title XVI disability payments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
i827 with electronic signature (eAuthorization)	4,189,270	1	9	628,391
SSA–827 with wet signature (paper version)	1,055,807	1	10	175,968
Totals	5,245,077			804,359

Dated: June 21, 2017.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2017–13331 Filed 6–26–17; 8:45 am]

BILLING CODE 4191–02–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 295 (Sub-No. 9X)]

The Indiana Rail Road Company—Discontinuance of Trackage Rights Exemption—in Lawrence, Orange, Washington, Clark and Floyd Counties, Ind.

The Indiana Rail Road Company (INRD) [1] has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue approximately 71.9 miles of overhead trackage rights over a line of railroad (the Bedford-New Albany line) owned by CSXT, between milepost Q–245.8 in Bedford and milepost Q–317.7 in New Albany, in Lawrence, Orange, Washington, Clark and Floyd Counties, Ind. (the Bedford trackage rights),[2] pursuant to a letter agreement dated February 24, 2017, between INRD and CSXT. The Bedford trackage rights traverse United States Postal Service Zip Codes 47421, 47446, 47452, 47108, 47167, 47165, 47106, 47143, 47172 and 47150.

INRD has certified that (1) no local traffic has moved over the Bedford trackage for at least two years; (2) any overhead traffic can be and has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Bedford trackage (or by a state or local government entity acting on behalf of such user) regarding cessation of service on the Bedford trackage is pending either with the Board or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued rail service has been received, this exemption will be effective on July 27, 2017, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2) [3] must be filed by July 7, 2017.[4] Petitions to reopen must be filed by July 14, 2017, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to INRD's representative: Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available on our Web site at ''*WWW.STB.GOV*.''

Decided: June 22, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2017–13422 Filed 6–26–17; 8:45 am]

BILLING CODE 4915–01–P

[1] INRD is indirectly controlled by the CSX Transportation, Inc. (CSXT), but operates as an independent Class II rail carrier. *See CSX Corp. & CSX Transp.—Control—Ind. R.R.,* FD 32892 (STB served Nov. 7, 1996).

[2] The Board approved INRD's acquisition of the trackage rights in *Ind. R.R.—Acquis.—Soo Line R.R.,* FD 34783 (STB served Apr. 11, 2006). In 2010, INRD abandoned its connecting line west of Bedford. *See Ind. R.R.—Aban. Exemption—in Martin & Lawrence Ctys.,* AB 295 (Sub-No. 7) (STB served Mar. 26, 2010). According to INRD, the Bedford trackage rights have not been used since that time and are isolated from the main part of INRD's rail system. At the time of INRD's abandonment, CSXT obtained authority to discontinue service over most of the Bedford-New Albany line. *See CXS Transp.—Discontinuance of Serv. Exemption—in Clark, Floyd, Orange & Washington Ctys., Ind.,* AB 55 (Sub-No. 698X) (STB served Apr. 7, 2010). CSXT had previously obtained discontinuance and abandonment authority for the northern 6.7 miles of the Bedford-New Albany line nearest Bedford with the effectiveness as to abandonment subject to Soo's (now INRD's) discontinuing its trackage rights. *See CSX Transp.—Aban. & Discontinuance Exemption—in Lawrence Cty., Ind.,* AB 55 (Sub-No. 495X) (ICC served Jan. 27, 1995).

[3] Each OFA must be accompanied by the filing fee, which currently is set at $1,700. *See* 49 CFR 1002.2(f)(25).

[4] Because this is a discontinue proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during any further abandonment of the Bedford-New Albany line, this discontinuance does not require an environmental review.

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: May 1–31, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, 717–238–0423, ext. 1312, *joyler@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and 806.22(f) for the time period specified above:

Approvals by Rule Issued Under 18 CFR 806.22(e)

1. Archbald Energy Partners, LLC, ABR–201705001, Archbald Township, Lackawanna County, Pa.; Consumptive Use of Up to 0.3000 mgd; Approval Date: May 10, 2017.

Approvals by Rule Issued Under 18 CFR 806.22(f)

1. Cabot Oil & Gas Corporation, Pad ID: PetersenH P1, ABR–201205002.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 8, 2017.

2. Campbell Oil & Gas, Inc., Pad ID: Mid Penn Unit B Well Pad, ABR–201206017.R1, Bigler and Knox Townships, Clearfield County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 8, 2017.

3. SWEPI, LP, Pad ID: Wilson 286, ABR–201203027.R1, Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 8, 2017.

4. Cabot Oil & Gas Corporation, Pad ID: BunnellE P2, ABR–201205001.R1, Bridgewater and Dimock Townships, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 9, 2017.

5. Chief Oil & Gas, LLC, Pad ID: Mehalick Drilling Pad, ABR–201210018.R1, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 10, 2017.

6. Chesapeake Appalachia, LLC, Pad ID: Slattery, ABR–201211004.R1, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 15, 2017.

7. Chesapeake Appalachia, LLC, Pad ID: Joeguswa, ABR–201211019.R1, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 15, 2017.

8. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 293 Pad E, ABR–201207011.R1, Cummings and McHenry Townships, Lycoming County, Pa.; Consumptive Use of Up to 3.5000 mgd; Approval Date: May 17, 2017.

9. Cabot Oil & Gas Corporation, Pad ID: BusikJ P1, ABR–201206001.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 23, 2017.

10. Cabot Oil & Gas Corporation, Pad ID: WaldenbergerP P1, ABR–201206002.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 23, 2017.

11. SWN Production Company, LLC, Pad ID: Blaine Hoyd (M Pad), ABR–201207006.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 23, 2017.

12. SWN Production Company, LLC, Pad ID: Beaumont Schaunt (GU U), ABR–201207007.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: May 23, 2017.

13. SWN Production Company, LLC, Pad ID: Barnhart Well Pad, ABR–201205005.R1, Liberty Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 30, 2017.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: June 22, 2017.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2017–13400 Filed 6–26–17; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Release Certain Properties From All Terms, Conditions, Reservations and Restrictions of a Quitclaim Deed Agreement Between the City of Williston and the Federal Aviation Administration for the Williston Municipal Airport, Williston, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comment.

SUMMARY: The FAA hereby provides notice of intent to release certain airport properties 7.911 acres at the Williston Municipal Airport, Florida from the conditions, reservations, and restrictions as contained in a Quitclaim Deed agreement between the FAA and the Williston Municipal Airport, dated March 31, 1947. The City of Williston dedicated a 7.911 acre tract along 170th Avenue NE., 20th Street NE., 175th Avenue and NE., 25th Street to become a Public Right-of-Way. The Fair Market Value (FMV) of this parcel has been determined to be $44,600.00.

Documents reflecting the Sponsor's request are available, by appointment only, for inspection at the Williston Municipal and the FAA Airports District Office.

DATES: Comments are due on or before July 27, 2017.

ADDRESSES: Documents are available for review at the Williston Municipal Airport, 1800 SW. 19th Avenue, Williston, FL 32696 and the FAA Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822. Written comments on the Sponsor's request must be delivered or mailed to: Stephen Wilson, Program Manager, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822–5024.

In addition, a copy of any comments submitted to the FAA must be mailed or delivered to Mr. Scott Lippmann, City and Airport Manager, City of Williston, 50 NW. Main Street, P.O. Box Drawer 160, Williston, FL 32696–0160.

FOR FURTHER INFORMATION CONTACT: Stephen Wilson, Program Manager, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822–5024.

SUPPLEMENTARY INFORMATION: Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21) requires the FAA to provide an opportunity for public notice and comment prior to the ''waiver'' or modification'' of a sponsor's Federal

obligation to use certain airport land for non-aeronautical purposes.

Issued in Orlando, FL on June 19, 2017.

Bart Vernace,

Manager, Orlando Airports District Office Southern Region.

[FR Doc. 2017–13457 Filed 6–26–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–50]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before July 17, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0582 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy*.

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

FOR FURTHER INFORMATION CONTACT: Lynette Mitterer, ANM–113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, email *Lynette.Mitterer@faa.gov,* phone (425) 227–1047; or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, email *alphonso.pendergrass@faa.gov,* phone (202) 267–4713.

This notice is published pursuant to 14 CFR 11.85.

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

Victor Wicklund,

Manager, Transport Standards Staff.

Petition for Exemption

Docket No.: FAA–2017–0582
Petitioner: Embraer S.A.
Section of 14 CFR Affected: § 26.21(b)(2)(ii)

Description of Relief Sought: Allow Embraer to remove two maintenance actions from the Binding Schedule (Embraer Report No. 190FAA–093, Rev. 1, dated May 23, 2016) which has been approved in part for the Embraer Model ERJ–190, for compliance with § 26.21(b)(2)(ii). The subject is two widespread fatigue damage (WFD) related maintenance actions specified for WFD Susceptible Structure (WFD–SS) item 190SS12–D001 ''Aft Cargo Door Skin Under Piano Hinges'' (ref. report 190FAA–093, Rev. 1.)

[FR Doc. 2017–13440 Filed 6–26–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA PMC Program Management Committee Meeting

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

ACTION: RTCA PMC Program Management Committee meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting RTCA PMC Program Management Committee. PMC is a subcommittee to RTCA.

DATES: The meeting will be held July 13, 2017, 08:30 a.m.–10:30 a.m.

ADDRESSES: The meeting will be held at: RTCA Headquarters, 1150 18th Street NW., Suite 430, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Karan Hofmann at *khofmann@rtca.org* or 202–330–0680, or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the RTCA PMC Program Management Committee. The agenda will include the following:

Thursday, July 13, 2017 8:30 a.m.–10:30 a.m.

1. Welcome and Introductions
2. Review/Approve
   A. Meeting Summary May 31, 2017
   B. Administrative SC TOR Revisions
3. Publication Consideration/Approval
   A. Final Draft, Revision to DO–253C—*Minimum Operational Performance Standards for GPS Local Area Augmentation System Airborne Equipment,* prepared by SC–159 (Navigation Equipment Using the Global Navigation Satellite System (GNSS))
   B. Revision to DO–246D—*GNSS-Based Precision Approach Local Area Augmentation System (LAAS) Signal-in-Space Interface Control Document (ICD),* prepared by SC–159 (Navigation Equipment Using the Global Navigation Satellite System (GNSS))
   C. New Document—*Minimum Operational Performance Standards for GLONASS for L1 Only,* prepared by SC–159 (Navigation Equipment Using the Global Navigation Satellite System (GNSS))
   D. New Document—*Guidance for the Usage of Data Linked Forecast and Current Wind Information in Air Traffic Management (ATM) Operations,* prepared by SC–206 (Aeronautical Information and Metrological Data Link Services)
   E. Revision to DO–311—*Minimum Operational Performance Standards for Rechargeable Lithium Battery Systems,* prepared by SC–225 (Rechargeable Lithium Battery and Battery Systems)
   F. Revision to DO–227—*Minimum*

Operational Performance Standards for Lithium Batteries, prepared by SC–235 (Non-Rechargeable Lithium Batteries)
4. Integration and Coordination Committee (ICC)
5. Past Action Item Review
6. Discussion
7. Other Business
8. Schedule for Committee Deliverables and Next Meeting Date
9. New Action Item Summary

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC on June 22, 2017.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG–A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2017–13447 Filed 6–26–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0420]

Commercial Driver's License Standards: Application for Exemption; New Prime, Inc. (Prime)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant New Prime, Inc. (Prime) an exemption from the regulation that requires a commercial learner's permit (CLP) holder to be accompanied by a commercial driver's license (CDL) holder with the proper CDL class and endorsements, seated in the front seat of the vehicle while the CLP holder performs behind-the-wheel training on public roads or highways. Under the terms and conditions of this exemption, a CLP holder who has documentation of passing the CDL skills test may drive a commercial motor vehicle (CMV) for Prime without being accompanied by a CDL holder in the front seat of the vehicle; however, a CDL holder must be in the vehicle. The exemption enables CLP holders to drive as part of a team and have the same regulatory flexibility as Prime team drivers with CDLs. FMCSA has analyzed the exemption application and the public comments and has determined that the exemption, subject to the terms and conditions imposed, will achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

DATES: The exemption is effective from June 27, 2017 through June 27, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: (614) 942–6477. Email: *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from some of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption, and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Request for Exemption

Prime is one of the nation's largest motor carriers, with a fleet of more than 7,500 CMVs. Prime seeks an exemption from 49 CFR 383.25(a)(1) that would allow CLP holders who have successfully passed a CDL skills test and are thus eligible to receive a CDL, to drive a truck without a CDL holder being present in the front seat of the vehicle. Prime indicates that the CDL holder will remain in the vehicle at all times while the CLP holder is driving—just not in the front seat. This would allow a CLP holder to participate in a revenue-producing trip back to his or her State of domicile to obtain the CDL document, as the CDL can only be issued by the State of domicile in accordance with 49 CFR part 383. Prime advises that 2,500 to 3,500 CLP holders would operate under the terms of the exemption each year.

Prime states that 49 CFR 383.25(a)(1) creates undue burdens on the company and its CLP holders, while also contributing to the unprecedented driver shortage that continues to plague the commercial trucking industry. Presently, the constraints that Prime faces in adhering to the requirements of 49 CFR 383.25(a)(1) are exceptionally cost-intensive. Prior to the adoption of that regulation, it was not uncommon for States to issue temporary CDLs to CLP holders for the return trip to collect the CDL document from their State of domicile. During that time, CDL holders neither required logged themselves ''on duty'' when supervising the CLP holder who had a temporary CDL, nor did they always remain in the passenger seat of the CMV. Under that scenario, the productivity of the CMV, the earnings capacity of the CDL and CLP holders, and the logistics of the motor carrier's freight network were all protected. Under the current rule, however, carriers must assign a second CDL holder to the vehicle to accomplish the on-duty work that was previously performed by the CLP holder who had a temporary CDL.

Prime contends that compliance with the CDL rule leaves it with only two options. It can either: (1) Secure some mode of public transportation from the State of training to the State of domicile to allow the CLP holder to collect his or her CDL document before returning to Prime; or (2) route the team of drivers directly to the CLP holder's State of domicile, often against the natural flow of the freight network. Prime argued that securing public transit for each of the CLP holders under Option 1 entails extreme cost burdens to the company; and Option 2 is no better because routing CLP holders directly to their home States, commonly without reference to shipper demand, introduces extreme cost inefficiencies.

Other reasons cited by Prime in support of the request include: (1) CDL-issuing agencies may require many days, if not weeks, to secure the CLP holder's licensure materials. CLP holders suffer financial hardship during this waiting period. As commercial truck driving is already known for its high turnover rates, requiring such

protracted waiting periods will augment driver attrition levels; and (2) CLP holders who are sidelined for many days or weeks will experience a material diminishment in their driving skills. The exemption sought would apply only to those Prime drivers who have passed the CDL skills test and hold a valid CLP. Prime stated that granting this exemption will result in a level of safety that is equal to or greater than the level of safety of safety without the exemption.

Public Comments

On December 20, 2016, FMCSA published notice of this application and requested public comment (81 FR 92947). The Agency received 13 sets of comments from individuals/drivers in unanimous opposition to the request. The Owner-Operator Independent Driver's Association (OOIDA) also opposed the request. No one commented in support of the application.

OOIDA commented that the exemption request is not based upon increased safety, but rather upon granting an economic advantage over carriers with similar business practices who would continue to be held to the standards of 49 U.S.C. 31315(a). The claimed economic hardship which is stated, but not supported by data, is exaggerated. OOIDA commented that all of the stated hardships and claims by Prime could be avoided by producing well-trained drivers through their driving training school and compensating them accordingly, which would also lead to lower driver turnover rates.

Other reasons given in opposition include: (1) Prime's application undermines existing Federal safety regulations. Granting the exemption will result in a substantial reduction in the level of safety currently provided by the regulation; (2) while FMCSA should consider the impact its regulations have on productivity, it does not need to grant an exemption based on the desire to increase productivity at all costs. All this exemption would do is allow a large trucking company to bypass the regulations that are in place for public safety; and (3) if not on duty in the passenger seat of the CMV, how is the CDL holder supervising the unlicensed driver and seeing the road conditions, and how does an instructor who is not supervising the trainee or evaluating the road conditions help the CLP holder? Commenters state that the exemption request does not provide a sufficient answer to these questions.

FMCSA Response and Decision

The premise of respondents opposing the exemption is that CLP holders lack experience and drive more safely when observed by a CDL driver-trainer who is on duty and in the front seat of the vehicle. The fact is that CLP holders who have passed the CDL skills test are qualified and eligible to obtain a CDL. If these CLP holders had obtained their training and CLPs in their State of domicile, they could immediately obtain their CDL at the State driver licensing agency and begin driving a CMV without on-board supervision. There are no data showing that having a CDL holder accompany a CLP holder who has passed the skills test improves safety. Because these drivers have passed the CDL skills test, the only thing necessary to obtain the CDL is to visit the Department of Motor Vehicles in their State of domicile.

FMCSA has evaluated Prime's application for exemption and the public comments. The Agency believes that Prime's overall safety performance, as reflected in its ''satisfactory'' safety rating, will enable it to achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption (49 CFR 381.305(a)). The exemption is restricted to Prime's CLP holders who have documentation that they have passed the CDL skills test. The exemption will enable these drivers to operate a CMV as a team driver without requiring the accompanying CDL holder be on duty and in the front seat while the vehicle is moving.

Terms and Conditions of the Exemption

Period of the Exemption

This exemption from the requirements of 49 CFR 383.25(a)(1) is effective from June 27, 2017 through June 27, 2022.

Extent of the Exemption

The exemption is contingent upon Prime maintaining USDOT registration, minimum levels of public liability insurance, and not being subject to any ''imminent hazard'' or other out-of-service (OOS) order issued by FMCSA. Each driver covered by the exemption must maintain a valid driver's license and CLP with the required endorsements, not be subject to any OOS order or suspension of driving privileges, and meet all physical qualifications required by 49 CFR part 391.

This exemption from 49 CFR 383.25(a)(1) will allow Prime drivers who hold a CLP and have successfully passed a CDL skills test, to drive a CMV without a CDL holder being present in the front seat of the vehicle. The CDL holder must remain in the vehicle at all times while the CLP holder is driving—but not in the front seat.

Preemption

During the period this exemption is in effect, no State may enforce any law or regulation that conflicts with or is inconsistent with the exemption with respect to a person or entity operating under the exemption (49 U.S.C. 31315(d)).

FMCSA Accident Notification

Prime must notify FMCSA within 5 business days of any accidents (as defined by 49 CFR 390.5) involving the operation of any of its CMVs while utilizing this exemption. The notification must be by email to *MCPSD@DOT.GOV,* and include the following information:

a. *Exemption Identifier:* ''Prime'',

b. Date of the accident,

c. City or town, and State, in which the accident occurred, or which is closest to the scene of the accident,

d. Driver's name and driver's license number,

e. Vehicle number and State license number,

f. Number of individuals suffering physical injury,

g. Number of fatalities,

h. The police-reported cause of the accident,

i. Whether the driver was cited for violation of any traffic laws, or motor carrier safety regulations, and

j. The total driving time and the total on-duty time of the CMV driver at the time of the accident.

Termination

The FMCSA does not believe the CLP-holders covered by the exemption will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation of the exemption. The FMCSA will immediately revoke the exemption for failure to comply with its terms and conditions.

Issued on: June 15, 2017.

Daphne Y. Jefferson,

Deputy Administrator.

[FR Doc. 2017–13412 Filed 6–26–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0394]

60-Day Notice of Proposed Information Collection: Flexible Sleeper Berth Pilot Program

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: FMCSA is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, FMCSA is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment. FMCSA proposes a pilot program to allow temporary regulatory relief from the Agency's sleeper berth regulation for a limited number of commercial drivers who have a valid commercial driver's license (CDL), and who regularly use a sleeper berth to accumulate their required 10 hours of non-duty work status. During the pilot program, participating drivers would have the option to split their sleeper berth time within parameters specified by FMCSA. Driver metrics would be collected for the duration of the study, and participants' safety performance and fatigue levels would be analyzed. This pilot program seeks to produce statistically reliable evidence on the question as to whether split sleeper berth time affects driver safety performance and fatigue levels.

DATES: Comments must be received on or before August 28, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2016–0394 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations, U.S. Department of Transportation, 1200 New Jersey Ave. SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and the docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Nicole Michel, Research Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, by email at *nicole.michel@dot.gov,* or by telephone at (202) 366–4354. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Title: Flexible Sleeper Berth Pilot Program.

OMB Control Number: 2126–00XX.

Type of Request: New information collection.

Respondents: Large, medium, and small motor carriers; independent owner-operators; commercial motor vehicle (CMV) drivers.

Estimated Number of Respondents: 10 motor carrier responses; 1,000 CMV driver responses (this estimate includes responses to the online application; not all of these drivers will be eligible or selected for study participation).

Estimated Time per Response: Motor carriers: 1 hour (one-time response). Drivers: online application—15 minutes (one-time response); background questionnaire and tax form—30 minutes (one-time response); daily field study data collection—30 minutes (daily, for a maximum of 90 days); weekly phone briefings—10 minutes (once weekly, for a maximum of 13 weeks); debriefing questionnaire—15 minutes (one-time response).

Expiration Date: N/A. This is a new information collection request (ICR).

Frequency of Response: Motor carriers: One-time response. Drivers: Varies; will not exceed daily responses for 90 days (see ''Estimated Time for Response'' for more details).

Estimated Total Annual Burden: 4,423 hours (7 hours for carrier tasks and 4,416 hours for driver tasks). The total annual number of carrier responses is seven. Reviewing the study materials and granting permission for drivers to participate is estimated to take 1 hour per carrier. Participating driver burden is associated with completing the online application, background questionnaire, daily data collection during the field study period, weekly phone briefings, and debriefing questionnaire. The online application is estimated to take 15 minutes, the background questionnaire and tax form (completed together) is estimated to take 30 minutes, and the debriefing questionnaire is estimated to take 15 minutes. Daily data collection during the field study is estimated to take 30 minutes per day, for up to 90 days. Weekly phone briefings are estimated to take 10 minutes per week. It is estimated that 40 drivers will participate for 14 days, 75 drivers will participate for 30 days, 75 drivers will participate for 60 days, and 50 drivers will participate for the maximum 90 days.

I. Background

As described in 49 CFR 395.1(g)(1), a driver who operates a property-carrying CMV equipped with a sleeper berth [1] and who uses the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus a separate 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two, before returning to on-duty status.

During listening sessions for the hours-of-service (HOS) rulemaking, the

[1] A ''sleeper berth'' is a sleeping compartment installed on a CMV that complies with the specifications in 49 CFR 393.76.

Agency heard from many drivers that they would like some regulatory flexibility to be able to sleep when they get tired or as a countermeasure to traffic congestion (*i.e.,* an exemption from the requirement for consolidated sleeper berth time). FMCSA has reviewed the literature and conducted its own laboratory studies on the subject. The majority of sleep studies to date demonstrate that well-timed split sleep has either a positive or no effect on subsequent neurobehavioral performance. To determine whether split sleeper berth time affects driver safety performance and fatigue levels, FMCSA is introducing a pilot program to allow temporary regulatory relief from 49 CFR 395.1(g)(1) (the sleeper berth provision) for a limited number of commercial drivers who have valid commercial driver's licenses (CDLs) and who regularly use sleeper berths.

II. Abstract of Pilot Program

The Flexible Sleeper Berth Pilot Program requires that participating drivers be provided relief from Part 395 concerning consolidated sleeper berth time requirements. Participating drivers will be asked if they have completed the Driver Education Module of the North American Fatigue Management Program (NAFMP) prior to study enrollment. If drivers have not completed the program, they will be given information on the program and encouraged, but not required, to complete these modules prior to participation in the study. During the pilot program, participating drivers will have the option to split their sleeper berth time, within parameters specified by FMCSA (*i.e.,* participants will have exemption from the requirement for consolidated sleeper berth time). Driver metrics will be collected for the duration of the study, as discussed in Section III of this notice. Upon completion of the program, participants' safety performance and fatigue levels will be analyzed, according to provision use, using a ''within-subject and between-subject'' study design. In this analysis, drivers will be compared among themselves and against other participating drivers. This pilot program seeks to produce statistically reliable evidence of the relationship between the degree of HOS flexibility and safety outcomes.

III. Data Collection Plan

Details of the data collection plan for this pilot program are subject to change based on comments to the docket and further review by analysts. Participating drivers will drive an instrumented vehicle for up to 3 consecutive months. At a minimum, FMCSA will gather the following data during the study:

- Electronic logging device (ELD) data, to evaluate duty hours and timing, driving hours and timing, rest breaks, off-duty time, and restart breaks.
- Onboard monitoring system (OBMS) data, to evaluate driving behaviors, safety-critical events (or SCEs, which include crashes, near-crashes, and other safety-related events), reaction time, fatigue, lane deviations, and traffic density, road curvature, and speed variability.
- Roadside violation data (from carriers and drivers), including vehicle, duty status, hazardous materials, and cargo-related violations (contingent upon inspections).
- Wrist actigraphy data,[2] to evaluate total sleep time, time of day sleep was taken, sleep latency, and intermittent wakefulness.
- Psychomotor Vigilance Test (PVT) [3] data, to evaluate drivers' behavioral alertness based on reaction times.
- Subjective sleepiness ratings, using the Karolinska Sleepiness Scale (KSS),[4] to measure drivers' perceptions of their fatigue levels.
- Sleep logs, in which drivers will document when they are going to sleep, when they wake up, and whether they are using the sleeper berth. For split-sleep days, drivers will record how and why they chose to split their sleep.

Other information that may be needed, such as vehicle miles traveled (VMT), will also be collected through the participating carrier. Every effort will be made to reduce the burden on the carrier in collecting and reporting this data.

IV. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520) prohibits agencies from conducting information collection (IC) activities until they analyze the need for the collection of information and how the collected data will be managed. Agencies must also analyze whether technology could be used to reduce the burden imposed on those providing the data. The Agency must estimate the time burden required to respond to the IC requirements, such as the time required to complete a particular form. The Agency submits its IC analysis and burden estimate to OMB as a formal ICR; the Agency cannot conduct the information collection until OMB approves the ICR.

V. Request for Public Comments

FMCSA asks for comment on the IC requirements of this study. Comments can be submitted to the docket as outlined under **ADDRESSES** at the beginning of this notice. You are asked to comment on any aspect of this information collection, including:

1. Whether the proposed collection is necessary for the performance of FMCSA's functions.
2. The accuracy of the estimated burden.
3. Ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information.
4. Ways that the burden could be minimized without reducing the quality of the collected information.
5. Whether the data collection efforts proposed for carriers and drivers are burdensome enough to discourage their participation.
6. How data collection efforts should differ for team drivers.

Issued under the authority of 49 CFR 1.87 on: June 20, 2017.

Kelly Regal,

Associate Administrator, Office of Research and Information Technology.

[FR Doc. 2017–13453 Filed 6–26–17; 8:45 am]

BILLING CODE 4910–EX–P

[2] Participants will wear wrist actigraphy devices (similar to commercially available smart fitness watches) throughout their time in the study. Actigraphy is a minimally obtrusive, validated approach to assessing sleep/wake patterns.

[3] For this study, drivers will be required to complete daily iterations of a brief PVT, a 3-minute behavioral alertness test which measures drivers' alertness levels by timing their reactions to visual stimuli.

[4] The KSS is a 9-point Likert-type scale ranging from ''extremely alert'' to ''extremely sleepy'' and has been widely used in the literature as a subjective assessment of alertness.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2017–0113]

Waiver Request for Aquaculture Support Operations for the 2017 Calendar Year: SADIE JANE

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: Pursuant to a delegation of authority from the Secretary of Transportation, the Maritime Administrator is authorized to issue waivers allowing documented vessels with only registry endorsements or foreign flag vessels to be used in operations that treat aquaculture fish or protect aquaculture fish from disease, parasitic infestation, or other threats to their health when suitable vessels of the United States are not available that could perform those services. A request

for such a waiver has been received by the Maritime Administration (MARAD). This notice is being published to solicit comments intended to assist MARAD in determining whether a suitable vessel of the United States is available that could perform the required services. If no suitable U.S.-flag vessel is available, the Maritime Administrator may issue a waiver necessary to comply with USCG Aquaculture Support regulations. A brief description of the proposed aquaculture support service is listed in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before July 27, 2017.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2017–0113 by any of the following methods:

- *On-line via the Federal Electronic Portal: http://www.regulations.gov.* Search using ''MARAD–2017–0113'' and follow the instructions for submitting comments.
- *Mail/Hand-Delivery/Courier:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590. Submit comments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

Reference Materials and Docket Information: You may view the complete application, including the aquaculture support technical service requirements, and all public comments at the DOT Docket on-line via *http://www.regulations.gov.* Search using ''MARAD–2017–0113.'' All comments received will be posted without change to the docket, including any personal information provided. The Docket Management Facility is open 9:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

If you have questions on viewing the Docket, call Docket Operations, telephone: (800) 647–5527.

SUPPLEMENTARY INFORMATION: As a result of the enactment of the Coast Guard Authorization Act of 2010, codified at 46 U.S.C. 12102, the Secretary of Transportation has the discretionary authority to issue waivers allowing documented vessels with registry endorsements or foreign flag vessels to be used in operations that treat aquaculture fish for or protect aquaculture fish from disease, parasitic infestation, or other threats to their health when suitable vessels of the United States are not available that could perform those services. The Secretary has delegated this authority to the Maritime Administrator. Pursuant to this authority, MARAD is providing notice of the service requirements proposed by Cooke Aquaculture (Cooke) in order to make a U.S.-flag vessel availability determination. Specifics can be found in Cooke's application letter posted in the docket.

In order to comply with USCG Aquaculture Support regulations at 46 CFR part 106, Cooke is seeking a MARAD Aquaculture Waiver to operate the vessels SADIE JANE as follows:

Intended Commercial Use of Vessel: ''to use one highly-specialized foreign-flag vessel referred to as a ''wellboat'' (or ''live fish carrier'') to treat Cooke's swimming inventory of farmed Atlantic salmon in the company's salt-water grow-out pens off Maine's North Atlantic Coast. This treatment prevents against parasitic infestation by sea lice that is highly destructive to the salmon's health.''

Geographic Region: ''off Maine's North Atlantic Coast''.

Requested Time Period: ''2017 calendar year, from August 10, 2017 to December 31, 2017.''

Interested parties may submit comments providing detailed information relating to the availability of U.S.-flag vessels to perform the required aquaculture support services. If MARAD determines, in accordance with 46 U.S.C. 12102(d)(1) and MARAD's regulations at 46 CFR part 388, that suitable U.S.-flag vessels are available to perform the required services, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria set forth in 46 CFR 388.4.

Privacy Act

In accordance with 5 U.S.C. 553(c), MARAD solicits comments from the public to inform its process to determine the availability of suitable vessels. 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.

Authority: 49 CFR 1.93(w).

* * * * *

Dated: June 22, 2017.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–13413 Filed 6–26–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Joint notice and request for comment.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995, the OCC, the Board, and the FDIC (the ''agencies'') 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. The Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, has approved the agencies' publication for public comment of a proposal to revise the Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only and Total Assets Less Than $1 Billion (FFIEC 051), the Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only (FFIEC 041), and the Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices (FFIEC 031), which are currently approved collections of information. The Consolidated Reports of Condition and Income are commonly referred to as the Call Report.

The proposed revisions to the FFIEC 051, FFIEC 041, and FFIEC 031 Call Reports would result in an overall reduction in burden. In particular, the proposed revisions primarily relate to the deletion or consolidation of a large number of items, the raising of certain reporting thresholds, and a reduction in reporting frequency for a number of items. The proposed revisions also address the definition of ''past due'' for regulatory reporting purposes as well as changes in the accounting for equity investments. The proposed revisions would take effect as of the March 31, 2018, report date. At the end of the comment period for this notice, the comments and recommendations received will be reviewed to determine whether the FFIEC and the agencies should modify the proposed revisions to the FFIEC 051, FFIEC 041, and FFIEC 031 prior to giving final approval. As required by the PRA, the agencies will then publish a second **Federal Register** notice for a 30-day comment period and submit the final FFIEC 051, FFIEC 041, and FFIEC 031 to OMB for review and approval.

DATES: Comments must be submitted on or before August 28, 2017.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: Because paper mail in the Washington, DC, area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible, to *prainfo@occ.treas.gov.* Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: ''1557–0081, FFIEC 031, 041, and 051,'' 400 7th Street SW., Suite 3E–218, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Board: You may submit comments, which should refer to ''FFIEC 031, FFIEC 041, and FFIEC 051,'' by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at: *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include the reporting form numbers in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street NW. (between 18th and 19th Streets NW.), Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

FDIC: You may submit comments, which should refer to ''FFIEC 031, FFIEC 041, and FFIEC 051,'' by any of the following methods:

- *Agency Web site: https://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the FDIC's Web site.
- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: comments@FDIC.gov.* Include ''FFIEC 031, FFIEC 041, and FFIEC 051'' in the subject line of the message.
- *Mail:* Manuel E. Cabeza, Counsel, Attn: Comments, Room MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: All comments received will be posted without change to *https://www.fdic.gov/regulations/laws/federal/* including any personal information provided. Paper copies of public comments may be requested from the FDIC Public Information Center by telephone at (877) 275–3342 or (703) 562–2200.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For further information about the proposed revisions to the Call Report discussed in this notice, please contact any of the agency staff whose names appear below. In addition, copies of the Call Report forms can be obtained at the FFIEC's Web site (*https://www.ffiec.gov/ffiec_report_forms.htm*).

OCC: Kevin Korzeniewski, Counsel, (202) 649–5490, or for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

Board: Nuha Elmaghrabi, Federal Reserve Board Clearance Officer, (202) 452–3884, Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call (202) 263–4869.

FDIC: Manuel E. Cabeza, Counsel, (202) 898–3767, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The agencies propose revisions to data items reported on the FFIEC 051, FFIEC 041, and FFIEC 031 Call Reports.

Report Title: Consolidated Reports of Condition and Income (Call Report).

Form Numbers: FFIEC 051 (for eligible small institutions), FFIEC 041 (for banks and savings associations with domestic offices only), and FFIEC 031 (for banks and savings associations with domestic and foreign offices).

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

OCC

OMB Control No.: 1557–0081.

Estimated Number of Respondents: 1,335 national banks and federal savings associations.

Estimated Average Burden per Response: 48.52 burden hours per quarter to file.

Estimated Total Annual Burden: 259,097 burden hours to file.

Board

OMB Control No.: 7100–0036.

Estimated Number of Respondents: 830 state member banks.

Estimated Average Burden per Response: 53.11 burden hours per quarter to file.

Estimated Total Annual Burden: 176,325 burden hours to file.

FDIC

OMB Control No.: 3064–0052.

Estimated Number of Respondents: 3,743 insured state nonmember banks and state savings associations.

Estimated Average Burden per Response: 46.66 burden hours per quarter to file.

Estimated Total Annual Burden: 698,594 burden hours to file.

The proposed burden-reducing revisions are the result of an ongoing effort by the agencies to reduce the burden associated with the preparation and filing of Call Reports and, as detailed in Appendices B, C, and D, achieve burden reductions by the removal or consolidation of numerous items, the raising of certain reporting thresholds, and a reduction in reporting frequency for certain items. The proposed revision to the definition of ''past due'' for regulatory reporting purposes would promote the use of consistent standards in the industry. The proposed revisions to the reporting of equity investments are consistent with changes in the accounting standards applicable to such investments.

The estimated average burden hours, which reflect an overall reduction, collectively reflect the estimates for the FFIEC 051, the FFIEC 041, and the FFIEC 031 reports. When the estimates are calculated by type of report across the agencies, the estimated average burden hours per quarter are 39.47 (FFIEC 051), 58.37 (FFIEC 041), and 123.25 (FFIEC 031). The estimated burden per response for the quarterly filings of the Call Report is an average that varies by agency because of differences in the composition of the institutions under each agency's supervision (*e.g.,* size distribution of institutions, types of activities in which they are engaged, and existence of foreign offices).

Type of Review: Revision of currently approved collections.

General Description of Reports

These information collections are mandatory: 12 U.S.C. 161 (for national banks), 12 U.S.C. 324 (for state member banks), 12 U.S.C. 1817 (for insured state nonmember commercial and savings banks), and 12 U.S.C. 1464 (for federal and state savings associations). At present, except for selected data items and text, these information collections are not given confidential treatment.

Abstract

Institutions submit Call Report data to the agencies each quarter for the agencies' use in monitoring the condition, performance, and risk profile of individual institutions and the industry as a whole. Call Report data serve a regulatory or public policy purpose by assisting the agencies in fulfilling their missions of ensuring the safety and soundness of financial institutions and the financial system and the protection of consumer financial rights, as well as agency-specific missions affecting national and state-chartered institutions, *e.g.,* monetary policy, financial stability, and deposit insurance. Call Reports are the source of the most current statistical data available for identifying areas of focus for on-site and off-site examinations. The agencies use Call Report data in evaluating institutions' corporate applications, including, in particular, interstate merger and acquisition applications for which, as required by law, the agencies must determine whether the resulting institution would control more than 10 percent of the total amount of deposits of insured depository institutions in the United States. Call Report data also are used to calculate institutions' deposit insurance and Financing Corporation assessments and national banks' and federal savings associations' semiannual assessment fees.

Current Actions

I. Introduction

As part of an initiative launched by the FFIEC in December 2014 to identify potential opportunities to reduce burden associated with Call Report requirements for community banks, the FFIEC and the agencies have taken several actions, including: (1) The finalization in mid-2016 of a number of burden-reducing changes and other revisions to the Call Report that were implemented in September 2016 and March 2017; (2) outreach to institutions to obtain a better understanding of significant sources of reporting burden in their Call Report preparation processes; and (3) the creation of a new streamlined FFIEC 051 Call Report for eligible small institutions that took effect as of the March 31, 2017, report date.[1]

As another key part of the FFIEC's community bank burden-reduction initiative, in 2015 the agencies accelerated the start of the next statutorily mandated review of the existing Call Report data items (Full Review),[2] which otherwise would have commenced in 2017. Users of Call Report data items, who are internal staff at the FFIEC member entities, participated in a series of nine surveys conducted over a 19-month period that began in mid-July 2015 and ended in mid-February 2017. As an integral part of these surveys, users were asked to fully explain the need for each Call Report data item they deem essential, how the data item is used, the frequency with which it is needed, and the population of institutions from which it is needed. Call Report schedules were placed into nine groups and prioritized for review, generally based on the level of burden cited by banking industry representatives. Based on the results of the user surveys, the agencies are in the process of identifying data items to be considered for removal, less frequent collection, and new or revised reporting thresholds to reduce burden.

Based on the results of a portion of the user surveys, the agencies propose various burden-reducing changes in this proposal. A summary of the FFIEC member entities' uses of the data items retained in the Call Report schedules covered in this portion of the user surveys is included in Appendix A. The results of the agencies' initial reviews of the first portion of the user surveys were included in the agencies' August 2016 Call Report proposal for a new streamlined FFIEC 051 Call Report for eligible small institutions and burden-reducing revisions to the existing FFIEC 041 and FFIEC 031 versions of the Call Report, which was finalized in December 2016.[3] The agencies are analyzing the results of the final portion of the user surveys to determine any future proposed revisions to the FFIEC 051, FFIEC 041, and FFIEC 031. Burden-reducing reporting changes from this last group of surveys will be proposed in a future **Federal Register** notice with an anticipated March 31, 2018, implementation date. The schedules

[1] See 80 FR 56539 (September 18, 2015), 81 FR 45357 (July 13, 2016), 81 FR 54190 (August 15, 2016) (referred to hereafter as the ''August 2016 Call Report proposal''), and 82 FR 2444 (January 9, 2017) for further information on the actions taken under this initiative.

[2] This review is mandated by section 604 of the Financial Services Regulatory Relief Act of 2006 (12 U.S.C. 1817(a)(11)).

[3] See 81 FR 54190 (August 15, 2016) and 82 FR 2444 (January 9, 2017). A summary of the FFIEC member entities' uses of the data items retained in the Call Report schedules covered in the first portion of the user surveys was included in Appendix A of the latter notice.

reviewed in this last group primarily include schedules that collect data on complex or specialized activities, several of which were removed and replaced by indicator questions and a limited number of indicator items when the new FFIEC 051 was created. Therefore, revisions proposed in this future notice may be likely to more significantly affect schedules and data items in the FFIEC 041 and FFIEC 031.

In addition, as a framework for the actions it is undertaking, the FFIEC developed a set of guiding principles for use in evaluating potential additions and deletions of Call Report data items and other revisions to the Call Report. In general, data items collected in the Call Report must meet three guiding principles: (1) The data items serve a long-term regulatory or public policy purpose by assisting the FFIEC member entities in fulfilling their missions of ensuring the safety and soundness of financial institutions and the financial system and the protection of consumer financial rights, as well as agency-specific missions affecting national and state-chartered institutions; (2) the data items to be collected maximize practical utility and minimize, to the extent practicable and appropriate, burden on financial institutions; and (3) equivalent data items are not readily available through other means.

II. General Discussion of Proposed Call Report Revisions

As discussed above, the Call Report schedules are being reviewed as part of the Full Review, conducted through a series of nine user surveys. The results of a portion of the surveys were evaluated in the development of this proposal. In addition, the results of certain surveys were re-evaluated and further burden-reducing changes were incorporated into this proposal. In conjunction with these evaluations, the agencies also considered comments received on their August 2016 Call Report proposal, feedback and streamlining suggestions received during their banker outreach activities as part of the community bank Call Report burden-reduction initiative, and comments regarding the Call Report received during the Economic Growth and Regulatory Paperwork Reduction Act review conducted by the FFIEC and the agencies [4] (hereafter collectively referred to as ''industry comments and feedback''). The proposed revisions to the FFIEC 051, FFIEC 041, and FFIEC 031, which are based on these analyses of the survey responses and consideration of industry comments and feedback, are discussed in Sections III.A, III.B, and III.C, respectively.

The schedules reviewed in the portion of the user surveys evaluated in the development of this proposal include:

- Schedule RI–D—Income from Foreign Offices [FFIEC 031 only]
- Schedule RI–E—Explanations
- Schedule RC–B—Securities
- Schedule RC–D—Trading Assets and Liabilities [FFIEC 031 and FFIEC 041 only]
- Schedule RC–K—Quarterly Averages
- Schedule RC–L—Derivatives and Off-Balance-Sheet Items
- Schedule RC–M—Memoranda

The schedules re-evaluated in the development of this proposal include:

- Schedule RI—Income Statement
- Schedule RC—Balance Sheet
- Schedule RC–C, Part I—Loans and Leases
- Schedule RC–N—Past Due and Nonaccrual Loans, Leases, and Other Assets

Table 1 summarizes the changes already finalized as part of the FFIEC's community bank Call Report burden-reduction initiative.

TABLE 1—DATA ITEMS REVISED AS OF MARCH 31, 2017

Finalized call report revisions	051	041	031
Items Removed, Net *	967	60	68
Change in Item Frequency to Semiannual	96	.....	.....
Change in Item Frequency to Annual	10	.....	.....
Items with a New or Increased Reporting Threshold	.....	7	13

* ''Items Removed, Net'' reflects the effects of consolidating existing items, adding control totals, and, for the FFIEC 051, relocating individual items from other schedules to Schedule SU, some of which were consolidated in Schedule SU. In addition, included in this number for the FFIEC 051, approximately 300 items were items that institutions with less than $1 billion in total assets were exempt from reporting due to existing reporting thresholds in the FFIEC 041.

Table 2 summarizes the additional burden-reducing proposed revisions to data items included in this notice. The proposed revisions are discussed in Section III. Detail for each affected data item is shown in Appendix B (FFIEC 051), Appendix C (FFIEC 041), and Appendix D (FFIEC 031).

TABLE 2—PROPOSED DATA REVISIONS IN THIS NOTICE

Proposed call report revisions	051	041	031
Items Proposed to be Removed, Net *	54	106	86
Proposed Change in Item Frequency to Semiannual	17	31	31
Proposed Change in Item Frequency to Annual	26	3	3
Items with a Proposed New or Increased Reporting Threshold	26	106	178

*''Items Proposed to be Removed, Net'' reflects the effects of consolidating existing items and relocating individual items to other schedules.

The agencies are also proposing two revisions not related to the burden-reduction initiative. The first proposal would revise a method currently described in the Call Report instructions for determining past-due status for purposes of reporting certain loans and leases as past due in Schedule RC–N. The second proposal would revise portions of several Call Report schedules to incorporate the revised accounting for equity securities under

[4] See the Joint Report to Congress, Economic Growth and Regulatory Paperwork Reduction Act, March 2017, *https://www.ffiec.gov/pdf/2017_FFIEC_EGRPRA_Joint-Report_to_Congress.pdf*.

Accounting Standards Update (ASU) No. 2016–01, ''Recognition and Measurement of Financial Assets and Financial Liabilities.'' Both of these proposals are discussed in Section III.D.

The proposed Call Report revisions would take effect March 31, 2018. Additional information on timing of the proposed revisions is provided in Section IV.

III. Detail of Specific Proposed Call Report Revisions

A. Revisions to the FFIEC 051

Schedule RI

For the FFIEC 051, the agencies propose to consolidate securities brokerage and investment banking income items 5.d.(1) and 5.d.(2) into revised item 5.d.(1), consolidate insurance activities income items 5.d.(3) through 5.d.(5) into revised item 5.d.(2), remove securitization income item 5.g, and remove non-deductible interest expense Memorandum item 1 as the agencies no longer need the current level of detail provided by each of these existing items from smaller institutions eligible to file this version of the Call Report. Securitization income would be included within other noninterest income in item 5.l.

Schedule RI–B

For the FFIEC 051, the agencies propose to remove Schedule RI–B, Part II, Memorandum item 4 on allowances for credit losses on purchased credit-impaired loans, as the agencies no longer need this item from smaller institutions eligible to file this version of the Call Report.

Schedule RI–E

For the FFIEC 051, the agencies propose to remove the preprinted captions for items 1.f and 1.h, as few institutions report having these components of other noninterest income in amounts in excess of the existing reporting threshold for disclosing these components.[5] The remaining items 1.g and 1.i through 1.l would be renumbered as items 1.f through 1.j.

In addition, after reviewing the agencies' data needs along with industry comments and feedback requesting a higher threshold for disclosing components of other noninterest income and other noninterest expense in Schedule RI–E, the agencies propose to increase the percentage portion of the existing threshold for reporting other noninterest income components in items 1.a through 1.j and other noninterest expense components in items 2.a through 2.p. The proposed threshold for disclosing components of other noninterest income and other noninterest expense would be amounts greater than $100,000 that exceed seven percent of Schedule RI, item 5.l and item 7.d, respectively.[6] This percentage is currently three percent. The agencies considered alternative percentage thresholds of five percent and ten percent. Upon evaluating the impact of each percentage threshold, the agencies determined that a percentage threshold of seven percent would provide a meaningful reduction in reporting burden without a loss of data that would be necessary for supervisory or other public policy purposes.

The agencies further propose to reduce the frequency of collection for items 1.a through 1.j and 2.a through 2.p from quarterly to annually as of December 31. This proposal is based on a comment received on the agencies' August 2016 Call Report proposal recommending a reduction in the reporting frequency of these items for smaller institutions.[7] The agencies believe the new reporting frequency better balances the agencies' supervisory needs with institutions' reporting burden.

Schedule RC

For the FFIEC 051, the agencies propose to move the reporting of goodwill from existing item 10.a on the balance sheet to Schedule RC–M, item 2.b, and combine existing items 10.a and 10.b on Schedule RC into a single item 10. This would consolidate the reporting of goodwill and other intangible assets on Schedule RC into a single balance sheet item for intangible assets. This proposed revision to Schedule RC was requested by a commenter on the agencies' August 2016 Call Report proposal to facilitate institutions' reporting by making their Call Report processes more efficient and better focused.[8] While the agencies believe the reporting and disclosure of the amount of an institution's goodwill is important, the agencies are indifferent as to the location of the goodwill information in the Call Report.

Schedule RC–B

For the FFIEC 051, the agencies propose to consolidate the reporting of an institution's holdings of U.S. government agency obligations, which are currently reported in items 2.a and 2.b, into a single item 2, and to consolidate the reporting of structured financial product holdings, which are currently reported in items 5.b.(1) through 5.b.(3), into a single item 5.b, as the agencies no longer need the current level of detail for these holdings in the Call Report. Banks would still be required to report amortized cost and fair value information in columns A through D for the proposed items 2 and 5.b. The agencies also propose to reduce the reporting frequency of the data on sales and transfers of held-to-maturity securities reported in Memorandum item 3 from quarterly to semiannual (June 30 and December 31), as the agencies no longer need these data items as frequently. This proposal is consistent with industry comments and feedback recommending a shorter reporting form for two of the four quarters each year. The agencies also propose to remove Memorandum items 6.a through 6.g, which provide detail on holding of structured financial products, as smaller institutions eligible to file this version of the Call Report generally do not hold these securities.

Schedule RC–C, Part I

For the FFIEC 051, the agencies propose to reduce the reporting frequency of Memorandum items 7.a, 7.b, 8.a, and 12 (Columns A through C) from quarterly to semiannual (June 30 and December 31), as the agencies no longer need these loan data in the Call Report as frequently. This proposal is consistent with industry comments and feedback recommending a shorter reporting form for two of the four quarters each year.

Schedule RC–K

For the FFIEC 051, the agencies propose to remove item 7, average trading assets, as the agencies no longer need this quarterly average in the Call Report from institutions with domestic offices only and assets less than $1 billion.

Schedule RC–L

For the FFIEC 051, the agencies propose to remove items 1.b.(1), 1.b.(2), and 1.d, as the agencies no longer need the current level of detail for these types of unused commitments from smaller institutions eligible to file this version

[5] After these two preprinted captions have been removed, if an institution has an other noninterest income component currently disclosed in item 1.f or 1.h in an amount in excess of the reporting threshold, it would itemize and describe this component in one of the subitems of item 1 without a preprinted caption.

[6] The agencies increased the dollar portion of this reporting threshold from $25,000 to $100,000 effective September 30, 2016.

[7] See 82 FR 2444 (January 9, 2017) for discussion of the comments received on the August 2016 Call Report proposal.

[8] Id.

of the Call Report.[9] The agencies also propose to reduce the reporting frequency of merchant credit card sales data in items 11.a and 11.b from quarterly to semiannual (June 30 and December 31), as the agencies no longer need this information in the Call Report as frequently. This proposal is consistent with industry comments and feedback recommending a shorter reporting form for smaller institutions for two of the four quarters each year.

Schedule RC–M

For the FFIEC 051, the agencies propose to consolidate current items 2.b and 2.c, which provide data on certain identifiable intangible assets, into a single item 2.c,[10] and to consolidate other real estate owned items 3.c and 3.f into a single item 3.c, as the agencies no longer need the current level of detail in the Call Report that is provided in these separate items. As discussed earlier under Schedule RC, the agencies are moving the goodwill amount formerly reported in Schedule RC, item 10.a, to a recaptioned item 2.b on Schedule RC–M.

Schedule RC–N

For the FFIEC 051, the agencies propose to reduce the reporting frequency of Memorandum items 7 and 8 on nonaccrual assets and Memorandum items 9.a and 9.b on purchased credit-impaired loans from quarterly to semiannual (June 30 and December 31), as the agencies no longer need these data in the Call Report as frequently. In connection with this proposed change, Memorandum items 7 and 8 would collect data on additions to nonaccrual assets and nonaccrual asset sales, respectively, during the preceding six months rather than the preceding quarter as at present. This proposal is consistent with industry comments and feedback recommending a shorter reporting form for two of the four quarters each year.

B. Revisions to the FFIEC 041

Scope Revision

The agencies propose to revise the scope of the FFIEC 041 to require all institutions with consolidated total assets of $100 billion or more to file the FFIEC 031 instead, regardless of whether an institution has any foreign offices. The agencies are proposing this change because institutions with consolidated total assets of $100 billion or more without foreign offices are considered to have a similar degree of complexity in their activities as institutions with consolidated total assets of $100 billion or more and foreign offices that currently file the FFIEC 031. This scope revision would affect a small number of institutions. Also, modifying the scope of these two versions of the Call Report in this manner would enable the agencies to remove a number of data items from the FFIEC 041 report that they no longer need to collect from institutions with consolidated total assets less than $100 billion.

Schedule RI

For the FFIEC 041, the agencies propose to remove detail on trading revenues in Memorandum items 8.a through 8.e, as the agencies no longer need this level of detail in the Call Report from institutions with total assets less than $100 billion. The agencies would also remove Memorandum items 8.f through 8.h, which currently only apply to institutions with total assets of $100 billion or more. In addition, the agencies propose to reduce the reporting frequency of Memorandum item 12 from quarterly to semiannual (June 30 and December 31), as the agencies no longer need this data in the Call Report as frequently.

Schedule RI–E

For the FFIEC 041, the agencies propose to remove the preprinted captions for items 1.f and 1.h, as few institutions report having these components of other noninterest income in amounts in excess of the existing reporting threshold for disclosing these components.[11] The remaining items 1.g and1.i through 1.l would be renumbered as items 1.f through 1.j.

In addition, after reviewing the agencies' data needs along with industry comments and feedback requesting a higher threshold for disclosing components of other noninterest income and other noninterest expense in Schedule RI–E, the agencies propose to increase the percentage portion of the existing threshold for reporting other noninterest income components in items 1.a through 1.j and other noninterest expense components in items 2.a through 2.p. The proposed threshold for disclosing components of other noninterest income and other noninterest expense would be amounts greater than $100,000 that exceed seven percent of Schedule RI, item 5.l and item 7.d, respectively.[12] This percentage is currently three percent. The agencies considered alternative percentage thresholds of five percent and ten percent. Upon evaluating the impact of each percentage threshold, the agencies determined that a percentage threshold of seven percent would provide a meaningful reduction in reporting burden without a loss of data that would be necessary for supervisory or other public policy purposes.

Schedule RC

For the FFIEC 041, the agencies propose to move the reporting of goodwill from existing item 10.a on the balance sheet to Schedule RC–M, item 2.b, and combine existing items 10.a and 10.b on Schedule RC into a single item 10. This would consolidate the reporting of goodwill and other intangible assets on Schedule RC into a single balance sheet item for intangible assets. This proposed revision to Schedule RC was requested by a commenter on the agencies' August 2016 Call Report proposal to facilitate institutions' reporting by making their Call Report processes more efficient and better focused.[13] While the agencies believe the reporting and disclosure of the amount of an institution's goodwill detail is important, the agencies are indifferent as to the location of the information in the Call Report.

Schedule RC–B

For the FFIEC 041, the agencies propose to consolidate the reporting of an institution's holdings of U.S. government agency obligations, which are currently reported in items 2.a and 2.b, into a single item 2, and to consolidate the reporting of structured financial product holdings, which are currently reported in items 5.b.(1) through 5.b.(3), into a single item 5.b, as the agencies no longer need the current level of detail for these holdings in the Call Report. Institutions would still be required to report amortized cost and fair value information in columns A through D for the proposed items 2 and 5.b. The agencies also propose to reduce the reporting frequency of the data on sales and transfers of held-to-maturity securities reported in Memorandum

[9] Any securities underwriting commitments currently reported in item 1.d would be included as part of all other unused commitments in item 1.e.(3).

[10] As explained in the description of the proposed revisions to Schedule RC of the FFIEC 051, existing item 2.b of Schedule RC–M would be replaced by a revised item 2.b for reporting goodwill.

[11] If an institution has the component of other noninterest income currently disclosed in item 1.f or 1.h in an amount in excess of the reporting threshold, it would itemize and describe this component in one of the subitems of item 1 without a preprinted caption.

[12] The agencies increased the dollar portion of this reporting threshold from $25,000 to $100,000 effective September 30, 2016.

[13] See 82 FR 2444 (January 9, 2017) for discussion of the comments received on the August 2016 Call Report proposal.

item 3 from quarterly to semiannual (June 30 and December 31), as the agencies no longer need these data items in the Call Report as frequently. This proposal is consistent with industry comments and feedback recommending a shorter reporting form for two of the four quarters each year.[14] The agencies also propose to add a reporting threshold of $10 billion or more in total assets before institutions must complete Memorandum items 5.a though 6.g, columns A through D, as the agencies no longer need this information in the Call Report from institutions under this proposed threshold.

Schedule RC–C, Part I

For the FFIEC 041, the agencies propose to reduce the reporting frequency of Memorandum items 7.a, 7.b, 8.a, 8.b, 8.c, and 12.a through 12.d (columns A through C) from quarterly to semiannual (June 30 and December 31), as the agencies no longer need these loan data in the Call Report as frequently. This proposal is consistent with industry comments and feedback recommending a shorter reporting form for two of the four quarters each year.

Schedule RC–D

For the FFIEC 041, the agencies propose to change the reporting threshold for the overall schedule so that the schedule would be applicable to institutions with total trading assets of $10 million or more in any of the four preceding calendar quarters from the current threshold of $2 million in average trading assets over this same period. In addition, all institutions meeting the FDIC's definition of a large institution or a highly complex institution for deposit insurance assessment purposes would be required to complete Schedule RC–D. The agencies are proposing this reporting threshold change because they no longer need to collect this detailed data in the Call Report from institutions with a lesser amount of trading assets that are not large or highly complex institutions.

The agencies also propose to consolidate:

- Structured financial products in current items 5.a.(1) through 5.a.(3) into a single new item 5.a;
- Loan detail in current items 6.a.(1), 6.a.(2), 6.a.(4), and 6.a.(5) into a single new item 6.a.(2);
- Certain residential loan detail in current items 6.a.(3)(a) through 6.a.(3)(b)(2) into a single new item 6.a.(1);
- Consumer loan information in items 6.c.(1) through 6.c.(4) into a single item 6.c;
- Loan detail in current Memorandum items 1.a.(1), 1.a.(2), 1.a.(4), and 1.a.(5) into a single new Memorandum item 1.a.(2);
- Certain residential loan detail in current Memorandum items 1.a.(3)(a) through 1.a.(3)(b)(2) into a single new Memorandum item 1.a.(1); and
- Consumer loan information in Memoranda items 1.c.(1) through 1.c.(4) into a single new Memorandum item 1.c.

The agencies no longer need to collect the existing level of detail in the Call Report from those institutions that would be required to complete Schedule RC–D under its proposed revised reporting threshold. The agencies also propose to remove Memorandum items 2.a though 10, as the agencies no longer need to collect the current level of detail in the Call Report from institutions with less than $100 billion in total assets.

Schedule RC–K

For the FFIEC 041, the agencies propose to revise the reporting threshold for item 7 on average trading assets. This item would only need to be completed by institutions with $10 million or more in total trading assets in any of the four preceding calendar quarters and by all institutions meeting the FDIC's definition of a ''large institution'' or a ''highly complex institution'' for deposit insurance assessment purposes. This proposed revised reporting threshold is consistent with the proposed threshold for completing Schedule RC–D discussed above. The agencies no longer need this quarterly average in the Call Report from institutions with less than $10 million in trading assets that are not large or highly complex institutions.

Schedule RC–L

For the FFIEC 041, the agencies propose to consolidate items 1.a.(1) and 1.a.(2) into a single item 1.a.(1), as the agencies no longer need the current level of detail in the Call Report for these types of unused commitments. The agencies also propose to remove item 8 on spot foreign exchange contracts, as the agencies no longer need this information in the Call Report from all institutions with assets less than $100 billion. By removing item 8, spot foreign exchange contracts would be reported as part of an institution's all other off-balance sheet liabilities in item 9 of Schedule RC–L if the amount of such contracts exceeds 10 percent of the institution's total equity capital. Spot foreign exchange contracts would be disclosed as a component of the institution's all other off-balance sheet liabilities if the amount exceeds 25 percent of total equity capital.

The agencies also propose to remove columns B, C, and D, for items 16.a through 16.b.(8), and instead include these data on over-the-counter derivatives within column E for derivatives with all other counterparties. The agencies no longer need the separate detail in the Call Report provided by the disaggregated data on over-the-counter derivatives for monoline financial guarantors, hedge funds, and sovereign governments for institutions filing the FFIEC 041. The agencies also propose removing items 16.b.(4) though 16.b.(6) for the remaining columns A and E, and instead including the fair value of the three types of securities collateral currently reported in items 16.b.(4) through 16.b.(6) within the collateral amount reported in the respective columns of item 16.b.(7). The agencies no longer need the separate breakout of these types of collateral in the Call Report for institutions filing the FFIEC 041.

The agencies also propose to reduce the reporting frequency of items 1.b.(1), 1.b.(2), 11.a, and 11.b from quarterly to semiannual (June 30 and December 31), as the agencies no longer need these data in the Call Report as frequently. This proposal is consistent with industry comments and feedback recommending a shorter reporting form for two of the four quarters each year.

Schedule RC–M

For the FFIEC 041, the agencies propose to consolidate items 2.b and 2.c, which provide data on certain identifiable intangible assets, into a single item 2.c,[15] and to consolidate other real estate owned items 3.c and 3.f into a single item 3.c, as the agencies no longer need the current level of detail in the Call Report that is provided in these separate items. As discussed earlier under Schedule RC, the agencies are moving the goodwill amount formerly reported in Schedule RC, item 10.a, to a recaptioned item 2.b on Schedule RC–M. The agencies also propose to reduce the reporting frequency for items 9 (Web site transactional capability), 14.a (captive insurance subsidiary assets), and 14.b (captive reinsurance subsidiary assets) from quarterly to annual (December 31), as the agencies no longer

[14] See 82 FR 2444 (January 9, 2017).

[15] As explained in the description of the proposed revisions to Schedule RC of the FFIEC 041, existing item 2.b of Schedule RC–M would be replaced by a revised item 2.b for reporting goodwill.

need these data in the Call Report as frequently.

Schedule RC–N

For the FFIEC 041, the agencies propose to reduce the reporting frequency of Memorandum items 7 and 8 on nonaccrual assets and Memorandum items 9.a and 9.b (columns A through C) on purchased credit-impaired loans from quarterly to semiannual (June 30 and December 31), as the agencies no longer need these data in the Call Report as frequently. In connection with this proposed change, Memorandum items 7 and 8 would collect data on additions to nonaccrual assets and nonaccrual asset sales, respectively, during the preceding six months rather than the preceding quarter as at present. This proposal is consistent with industry comments and feedback recommending a shorter reporting form for two of the four quarters each year.

C. Revisions to the FFIEC 031

Scope Revision

The agencies propose to revise the scope of the FFIEC 031 to require all institutions with consolidated total assets of $100 billion or more to file this form, regardless of whether an institution has any foreign offices. The agencies are proposing this change because institutions with consolidated total assets of $100 billion or more without foreign offices are considered to have a similar degree of complexity in their activities as institutions of this size with foreign offices that currently file the FFIEC 031.

Schedule RI

For the FFIEC 031, the agencies propose to change the reporting threshold for reporting information on trading revenues in Memorandum items 8.a through 8.e. Currently, these items are completed by institutions that reported average trading assets of $2 million or more for any quarter of the preceding calendar year. The agencies propose to modify the reporting threshold for Memorandum items 8.a through 8.e to instruct that these items be completed by institutions that reported total trading assets of $10 million or more for any quarter of the preceding calendar year, as the agencies no longer need this level of detail in the Call Report from institutions with lower levels of trading assets. In addition, the agencies propose to reduce the reporting frequency of Memorandum item 12 from quarterly to semiannual (June 30 and December 31), as the agencies no longer need this data in the Call Report as frequently.

Schedule RI–D

For the FFIEC 031, the agencies propose to change the reporting threshold for completing this schedule. Currently, this schedule is required to be completed by an institution when its foreign office revenues, assets, or net income exceed 10 percent of consolidated total revenues, total assets, or net income. The agencies propose to add an additional threshold that an institution must have foreign office assets of $10 billion or more and also meet one of the three 10 percent tests before the schedule is required, as the agencies no longer need foreign office income data in the Call Report from institutions with a lesser amount of foreign office assets.

Schedule RI–E

For the FFIEC 031, the agencies propose to remove the preprinted captions for items 1.f and 1.h, as few institutions report having these components of other noninterest income in amounts in excess of the existing reporting threshold for disclosing these components.[16] The remaining items 1.g and 1.i through 1.l would be renumbered as items 1.f through 1.j.

In addition, after reviewing the agencies' data needs along with industry comments and feedback requesting a higher threshold for disclosing components of other noninterest income and other noninterest expense in Schedule RI–E, the agencies propose to increase the percentage portion of the existing threshold for reporting other noninterest income components in items 1.a through 1.j and other noninterest expense components in items 2.a through 2.p. The proposed threshold for disclosing components of other noninterest income and other noninterest expense would be amounts greater than $100,000 that exceed seven percent of Schedule RI, item 5.l, and item 7.d, respectively.[17] This percentage is currently three percent. The agencies considered alternative percentage thresholds of five percent and ten percent. Upon evaluating the impact of each percentage threshold, the agencies determined that a percentage threshold of seven percent would provide a meaningful reduction in reporting burden without a loss of data that would be necessary for supervisory or other public policy purposes.

Schedule RC

For the FFIEC 031, the agencies propose to move the reporting of goodwill from existing item 10.a on the balance sheet to Schedule RC–M, item 2.b (as discussed further below), and combine existing items 10.a and 10.b on Schedule RC into a single item 10. This would consolidate the reporting of goodwill and other intangible assets on Schedule RC into a single balance sheet item for intangible assets. This proposed revision to Schedule RC was requested by a commenter on the agencies' August 2016 Call Report proposal to facilitate institutions' reporting by making their Call Report processes more efficient and better focused.[18] While the agencies believe the reporting and disclosure of an institution's goodwill detail is important, the agencies are indifferent as to the location of the information in the Call Report.

Schedule RC–B

For the FFIEC 031, the agencies propose to consolidate the reporting of an institution's holdings of U.S. government agency obligations, which are currently reported in items 2.a and 2.b, into a single item 2, and to consolidate the reporting of structured financial product holdings, which are currently reported in items 5.b.(1) through 5.b.(3), into a single item 5.b, as the agencies no longer need the current level of detail in the Call Report for these holdings. Institutions would still be required to report amortized cost and fair value information in columns A through D for the proposed items 2 and 5.b. The agencies also propose to reduce the reporting frequency of the data on sales and transfers of held-to-maturity securities reported in Memorandum item 3 from quarterly to semiannual (June 30 and December 31), as the agencies no longer need these data items as frequently in the Call Report. The agencies also propose to add a reporting threshold of $10 billion or more in total assets before institutions must complete Memorandum items 5.a though 6.g, columns A through D, as the agencies no longer need this information in the Call Report from institutions under this proposed threshold.

[16] If an institution has the component of other noninterest income currently disclosed in item 1.f or 1.h in an amount in excess of the reporting threshold, it would itemize and describe this component in one of the subitems of item 1 without a preprinted caption.

[17] The agencies increased the dollar portion of this reporting threshold from $25,000 to $100,000 effective September 30, 2016.

[18] See 82 FR 2444 (January 9, 2017) for discussion of the comments received on the August 2016 Call Report proposal.

Schedule RC–C, Part I

For the FFIEC 031, the agencies propose to reduce the reporting frequency of Memorandum items 7.a, 7.b, 8.a, 8.b, 8.c, and 12.a through 12.d (columns A through C) from quarterly to semiannual (June 30 and December 31), as the agencies no longer need these loan data in the Call Report as frequently.

Schedule RC–D

For the FFIEC 031, the agencies propose to change the reporting threshold for the overall schedule so that the schedule would be applicable to institutions with total trading assets of $10 million or more in any of the four preceding calendar quarters from the current threshold of $2 million or more in average trading assets over this same period. In addition, all institutions meeting the FDIC's definition of a large institution or a highly complex institution for deposit insurance assessment purposes would be required to complete Schedule RC–D. The agencies are proposing this reporting threshold change because they no longer need to collect the existing detailed data in the Call Report from institutions with a lesser amount of trading assets that are not large or highly complex institutions.

The agencies also propose to consolidate:

- Structured financial products in items 5.a.(1) through 5.a.(3) into a single item 5.a;
- Loan detail in current items 6.a.(1), 6.a.(2), 6.a.(4), and 6.a.(5) into a single new item 6.a.(2);
- Certain residential loan detail in current items 6.a.(3)(a) through 6.a.(3)(b)(2) into a single new item 6.a.(1);
- Consumer loan information in items 6.c.(1) through 6.c.(4) into a single item 6.c;
- Loan detail in Memorandum items 1.a.(1), 1.a.(2), 1.a.(4), and 1.a.(5) into a single new Memorandum item 1.a.(2);
- Certain residential loan detail in Memorandum items 1.a.(3)(a) through 1.a.(3)(b)(2) into a single new Memorandum item 1.a.(1); and
- Consumer loan information in Memorandum items 1.c.(1) through 1.c.(4) into a single new Memorandum item 1.c.

The agencies no longer need to collect the current level of detail in the Call Report from those institutions that would be required to complete Schedule RC–D under its proposed revised reporting threshold.

The agencies also propose to remove column B (domestic offices) for all items on Schedule RC–D, except for items 12 and 15 on total trading assets and total trading liabilities in domestic offices, respectively, which will be moved to Schedule RC–H, Selected Balance Sheet Items for Domestic Offices. In addition, the agencies would replace the detailed data on loans held for trading in domestic offices that is reported in items 6.a.(1) through 6.d, column B, of Schedule RC–D with a single new item for total loans held for trading in domestic offices that would be added to Schedule RC–H. The agencies propose these changes as they no longer need separately reported data in the Call Report on assets and liabilities held for trading in domestic offices other than for the three items on total trading assets, total trading liabilities, and total loans held for trading in domestic offices that would be reported in Schedule RC–H. Institutions would continue to report amounts in Schedule RC–D only for the consolidated entity, which they currently report in column A.

In addition, the agencies propose to add a reporting threshold of $10 billion or more in total trading assets before an institution would be required to complete Memorandum items 2.a though 5.f and 7.a through 10, as the agencies no longer need this level of detail in the Call Report from institutions with a lesser amount of trading assets. The agencies also propose to remove Memorandum item 6, as the agencies no longer need this information.

Schedule RC–H

For the FFIEC 031, in connection with removing the separate detail for trading assets and liabilities in domestic offices from Schedule RC–D, the agencies propose to retain and relocate selected data items to Schedule RC–H, Selected Balance Sheet Items for Domestic Offices. As noted above, the agencies propose relocating total trading assets and total trading liabilities in domestic offices from Schedule RC–D, column B, items 12 and 15, to Schedule RC–H, new items 19 and 20, respectively. Also, the agencies propose to aggregate all loans held for trading in domestic offices currently reported on Schedule RC–D, column B, items 6.a through 6.d (including all subitems), into a single new item, Schedule RC–H, item 21. These three items would be completed by institutions that reported total trading assets of $10 million or more in any of the four preceding calendar quarters and by all institutions meeting the FDIC's definition of a large or highly complex institution for deposit insurance assessment purposes. The agencies believe relocating this data from Schedule RC–D to Schedule RC–H will improve efficiency by consolidating additional domestic office information on Schedule RC–H.

Schedule RC–K

For the FFIEC 031, the agencies propose to add a reporting threshold for item 7 on average trading assets. This item would only need to be completed by institutions with $10 million or more in total trading assets in any of the four preceding calendar quarters and by all institutions meeting the FDIC's definition of a ''large institution'' or a ''highly complex institution'' for deposit insurance assessment purposes. This proposed new reporting threshold is consistent with the proposed revised threshold for completing Schedule RC–D discussed above. The agencies no longer need this information in the Call Report each quarter from institutions with less than $10 million in trading assets that are not large or highly complex institutions.

Schedule RC–L

For the FFIEC 031, the agencies propose to consolidate items 1.a.(1) and 1.a.(2) into a single item 1.a.(1), as the agencies no longer need the current level of detail for these types of unused commitments. The agencies also propose to remove column B for items 16.a through 16.b.(8), and instead include these data on over-the-counter derivatives within column E for derivatives with all other counterparties. The agencies no longer need the separate detail in the Call Report provided by the disaggregated data on over-the-counter derivatives for monoline financial guarantors in column B. The agencies also propose to reduce the reporting frequency of items 1.b.(1), 1.b.(2), 11.a, and 11.b from quarterly to semiannual (June 30 and December 31), as the agencies no longer need these data in the Call Report as frequently.

Schedule RC–M

For the FFIEC 031, the agencies propose to consolidate items 2.b and 2.c, which provide data on certain intangible assets, into a single item 2.c,[19] and to consolidate other real estate owned items 3.c and 3.f into a single item 3.c, as the agencies no longer need the current level of detail in the Call Report that is provided in these separate items. As discussed earlier under Schedule RC, the agencies are moving the goodwill amount formerly

[19] As explained in the description of the proposed revisions to Schedule RC of the FFIEC 031, existing item 2.b of Schedule RC–M would be replaced by a revised item 2.b for reporting goodwill.

reported in Schedule RC, item 10.a, to a recaptioned item 2.b on Schedule RC–M. The agencies also propose to reduce the reporting frequency for items 9 (Web site transactional capability), 14.a (captive insurance subsidiary assets), and 14.b (captive reinsurance subsidiary assets) from quarterly to annual (December 31), as the agencies no longer need these data in the Call Report as frequently.

Schedule RC–N

For the FFIEC 031, the agencies propose to reduce the reporting frequency of Memorandum items 7 and 8 on nonaccrual assets and Memorandum items 9.a and 9.b on purchased credit-impaired loans from quarterly to semiannual (June 30 and December 31), as the agencies no longer need these data in the Call Report as frequently. In connection with this proposed change, Memorandum items 7 and 8 would collect data on additions to nonaccrual assets and nonaccrual asset sales, respectively, during the preceding six months rather than the preceding quarter as at present.

D. Additional Proposed Revisions to All Versions of the Call Report

1. Instructional Revision for the Reporting of Assets as ''Past Due''

Under the current Call Report instructions, closed-end installment loans, amortizing loans secured by real estate, and any other loans and lease financing receivables with payments scheduled monthly are to be reported as past due in Schedule RC–N, Past Due and Nonaccrual Loans, Leases, and Other Assets, when the borrower is in arrears two or more monthly payments. This has been interpreted to mean that a loan is to be reported as past due if two monthly payments have not been received by the close of business on the due date of the second monthly payment. Similarly, the Call Report instructions provide that open-end credit such as credit cards, check credit, and other revolving credit plans are to be reported as past due when the customer has not made the minimum payment for two or more billing cycles. The instructions also provide that, at an institution's option, loans and leases with payments scheduled monthly may be reported as past due when one scheduled payment is due and unpaid for 30 days or more.

The agencies note there is an existing widely used industry standard, known as the Mortgage Bankers Association (MBA) method, which provides that loans with payments scheduled monthly become 30 days past due if a monthly payment is not received by the end of the day immediately preceding the loan's next due date. The agencies understand that the MBA method is used by most major mortgage data repositories, including the three major credit bureaus and two major mortgage loan data processing service bureaus used by institutions. The MBA method is also used by reporting forums such as the MBA, McDash Analytics, and the OCC Mortgage Metrics Reports.

Therefore, to promote the use of a consistent standard in the industry and reduce the burden for certain institutions calculating past-due loans under two methods, *i.e.,* one method for Call Report purposes and a different method for other reporting purposes, the agencies propose to modify the definition of ''past due'' for regulatory reporting purposes that is currently contained in the general instructions of Schedule RC–N to align with the MBA method.[20] Specifically, closed-end installment loans, amortizing loans secured by real estate, and any other loans and lease financing receivables with payments scheduled monthly, as well as open-end credit such as credit cards, check credit, and other revolving credit plans with payments scheduled monthly, would be reported as past due in Schedule RC–N if a payment is not received by the end of the day immediately preceding the loan's next payment due date. For institutions with consolidated assets of more than $50 billion, the agencies estimate that using the MBA method to report loans as 30 through 89 day past due in the Call Report would have resulted in approximately $15 billion in additional loans being reported as past due as of December 31, 2015, compared to the amount of loans reported as past due in accordance with the current Call Report instructions.

The following are examples of the application of this proposed revised past due definition:

- A monthly loan payment is due April 1. With no payment received by the end of the day on April 30, which is the day immediately preceding the loan's next payment due date, the loan would be considered 30 days past due for reporting purposes as of April 30. With no monthly payment received by May 31, the loan would be 61 days past due as of May 31. With no monthly payment received by June 30, the loan would be 91 days past due as June 30. For the June 30 Call Report, this loan would be reported in the 90 days or more past due category (unless it had been placed in nonaccrual status).
- A monthly loan payment is due April 15. With no payment received by April 30, the loan is not a full month past due, so it would not be considered past due for regulatory reporting purposes until May 14, which is the day immediately preceding the loan's next payment due date. The loan will be 46 days past due if payment has not been received as of May 31 and 76 days past due if payment has not been received as of June 30. For the June 30 Call Report, this loan would be reported in the 30 through 89 days past due category (unless it had been placed in nonaccrual status).

The agencies believe that aligning the Call Report method for determining past due status with an accepted industry standard for determining past due status (*i.e.,* the MBA method) would lessen the burden imposed on institutions that maintain two separate processes for reporting loan delinquencies. Further, the agencies believe that consistent reporting on the past due status of loans is increasingly important as institutions plan their implementation of a new accounting standard on credit losses.

The agencies invite comment on any difficulties that institutions would encounter in applying this proposed modified past due definition beginning as of the March 31, 2018, report date.

2. Proposed Call Report Revisions To Address Changes in Accounting for Equity Investments

In January 2016, the Financial Accounting Standards Board (FASB) issued ASU 2016–01, ''Recognition and Measurement of Financial Assets and Financial Liabilities.'' In its summary of this ASU, the FASB described how one of the main provisions of the ASU differs from current U.S. generally accepted accounting principles (GAAP) as follows:

> The amendments in this Update supersede the guidance to classify equity securities with readily determinable fair values into different categories (that is, trading or available-for-sale) and require equity securities (including other ownership interests, such as partnerships, unincorporated joint ventures, and limited liability companies) to be measured at fair value with changes in the fair value recognized through net income. An entity's equity investments that are accounted for under the equity method of accounting or result in consolidation of an investee are not included within the scope of this Update.

The FASB further stated in the summary that ''an entity may choose to measure equity investments that do not

[20] Aligning the instructions with the MBA method would also remove the existing option for monthly payment loans and leases under which such loans may be reported as past due when one scheduled payment is due and unpaid for 30 days.

have readily determinable fair values at cost minus impairment, if any, plus or minus changes resulting from observable price changes in orderly transactions for the identical or a similar investment of the same issuer.''

Institutions must apply ASU 2016–01 for Call Report purposes in accordance with the effective dates set forth in the ASU. For institutions that are public business entities, as defined in U.S. GAAP, ASU 2016–01 is effective for fiscal years beginning after December 15, 2017, including interim periods within those fiscal years. For example, an institution with a calendar year fiscal year that is a public business entity must begin to apply ASU 2016–01 in its Call Report for March 31, 2018. For all other institutions, the ASU is effective for fiscal years beginning after December 15, 2018, and interim periods within fiscal years beginning after December 15, 2019. For example, an institution with a calendar year fiscal year that is not a public business entity must begin to apply ASU 2016–01 in its Call Report for December 31, 2019.

One outcome of the change in accounting for equity investments under ASU 2016–01 is the elimination of the concept of available-for-sale (AFS) equity securities, which are measured at fair value on the balance sheet with changes in fair value recognized through other comprehensive income. At present, the historical cost and fair value of AFS equity securities, *i.e.,* investments in mutual funds and other equity securities with readily determinable fair values that are not held for trading, are reported in Call Report Schedule RC–B, item 7, columns C and D, respectively. The total fair value of AFS securities, which includes both debt and equity securities, is then carried forward to the Call Report balance sheet and reported in Schedule RC, item 2.b. In the FFIEC 041 and FFIEC 031 Call Reports, the total fair value of AFS securities reported in Schedule RC, item 2.b, also is reported in item 1, column A, of Schedule RC–Q, Assets and Liabilities Measured at Fair Value on a Recurring Basis, by institutions required to complete this schedule.[21] These institutions then report in columns C, D, and E of item 1 a breakdown of their AFS debt securities by the level in the fair value hierarchy within which the fair value amounts of these securities fall (Level 1, 2, or 3). Any balance sheet netting adjustments to these fair value amounts are reported in column B of item 1.

In addition, the total fair value of AFS securities is reported in Schedule RC–R, Part II, for risk-weighting purposes under the agencies' regulatory capital rules. This fair value amount is reported in Schedule RC–R, Part II, item 2.b, column A, except for the fair value of those AFS securities that qualify as securitization exposures, which is reported in Schedule RC–R, Part II, item 9.b, column A. To the extent appropriate under the regulatory capital rules, adjustments to the fair values reported in column A of items 2.b and 9.b are reported in column B. The adjusted amount in item 2.b is then allocated to the appropriate risk-weight category in columns C through N. The adjusted amount of AFS securitization exposures in item 9.b is reported by risk-weight category in column Q or by risk-weighted asset amount in column T or U based on the risk-weighting approach or approaches applied by an institution.

At present, the accumulated balance of the unrealized gains (losses) on AFS equity securities, net of applicable income taxes, that have been recognized through other comprehensive income is included in accumulated other comprehensive income (AOCI), which is reported in the equity capital section of the Call Report balance sheet in Schedule RC, item 26.b. With the elimination of AFS equity securities on the effective date of ASU 2016–01, the net unrealized gains (losses) on these securities that had been included in AOCI will be reclassified (transferred) from AOCI into the retained earnings component of equity capital, which is reported on the Call Report balance sheet in Schedule RC, item 26.a. After the effective date, changes in the fair value of (*i.e.,* the unrealized gains and losses on) an institution's equity securities that would have been classified as AFS had the previously applicable accounting standards remained in effect will be recognized through net income rather than other comprehensive income.

The effect of the elimination of AFS equity securities as a distinct asset category upon institutions' implementation of ASU 2016–01 carries over to the agencies' regulatory capital rules. Under these rules, institutions that are eligible to and have elected to make the AOCI opt-out election deduct net unrealized losses on AFS equity securities from common equity tier 1 capital and include 45 percent of pretax net unrealized gains on AFS equity securities in tier 2 capital. For purposes of reporting regulatory capital components and ratios in the Call Report, the deduction of these net unrealized losses is currently effected through the combination of Schedule RC–R, Part I, items 9.a, ''LESS: Net unrealized gains (losses) on available-for-sale securities,'' and 9.b, ''LESS: Net unrealized loss on available-for-sale preferred stock classified as an equity security under GAAP and available-for-sale equity exposures.'' The inclusion of 45 percent of pretax net unrealized gains in tier 2 capital currently occurs through the reporting of this percentage of an institution's gains in Schedule RC–R, Part I, item 31, ''Unrealized gains on available-for-sale preferred stock classified as an equity security under GAAP and available-for-sale equity exposures includable in tier 2 capital.'' When ASU 2016–01 takes effect and the classification of equity securities as AFS is eliminated for accounting and reporting purposes under U.S. GAAP, the concept of unrealized gains and losses on AFS equity securities will likewise cease to exist.

Another outcome of the change in accounting for equity investments under ASU 2016–01 is that equity securities and other equity investments without readily determinable fair values that are within the scope of ASU 2016–01 and are not held for trading must be measured at fair value through net income, rather than at cost (less impairment, if any), unless the measurement election described above is applied to individual equity investments. In general, institutions currently report their holdings of such equity securities without readily determinable fair values as a category of other assets in Call Report Schedule RC–F, item 4. The total amount of an institution's other assets is reported on the Call Report balance sheet in Schedule RC, item 11.

At present, AFS equity securities and equity investments without readily determinable fair values are included in the quarterly averages reported in Schedule RC–K. Institutions report the quarterly average for ''All other securities'' in item 4 of this schedule and this average reflects AFS equity securities at historical cost. A quarterly average for total assets is reported in item 9 of Schedule RC–K. Among its uses, average total assets serves as the starting point for determining the denominator for the tier 1 leverage ratio under the agencies' regulatory capital rules. The quarterly average for total assets currently reflects AFS equity securities at the lower of cost or fair

[21] Schedule RC–Q is to be completed by (1) institutions that had total assets of $500 million or more as of the beginning of their fiscal year and (2) other institutions that either have elected to report financial instruments or servicing assets and liabilities at fair value under a fair value option or are required to complete Schedule RC–D, Trading Assets and Liabilities. Schedule RC–Q is not included in the FFIEC 051 Call Report.

value and equity securities without readily determinable fair values at historical cost.

Finally, institutions with foreign offices report the fair value of their AFS equity securities in domestic offices and the historical cost of their equity securities without readily determinable fair values in domestic offices in Schedule RC–H, items 16 and 18, respectively, of the FFIEC 031 Call Report. The domestic office holdings of these equity securities are components of the AFS equity securities and equity securities without readily determinable fair values reported on a consolidated basis in Schedule RC–B, item 7, and Schedule RC–F, item 4, respectively.

The agencies have considered the changes to the accounting for equity investments under ASU 2016–01 and the effect of these changes on the manner in which data on equity securities and other equity investments is currently reported in the Call Report. The agencies also note that, because of the different effective dates for ASU 2016–01 for public business entities and all other entities, as well as the varying fiscal years across the population of institutions that file Call Reports, the period over which institutions will be implementing this ASU ranges from the first quarter of 2018 through the fourth quarter of 2020. December 31, 2020, will be the first quarter-end Call Report date as of which all institutions would be required to prepare their Call Reports in accordance with ASU 2016–01. As a result, the agencies are proposing revisions to the reporting of information on equity securities and other equity investments in response to the ASU that would be introduced in the Call Report effective March 31, 2018, but would not be fully phased in until the Call Report for December 31, 2020. In developing these proposed Call Report revisions, the agencies have followed the guiding principles for evaluating potential additions and deletions of Call Report data items and other revisions to the Call Report identified in Section I above. In following these principles, the agencies have sought to limit the number of data items being added to the Call Report to address the changes in accounting for equity securities and other equity investments.

The proposed Call Report revisions related to equity securities are as follows:

(1) To provide transparency to the effect of unrealized gains and losses on equity securities not held for trading on an institution's net income during the year-to-date reporting period in Schedule RI, Income Statement, and to clearly distinguish these gains and losses from the rest of an institution's income (loss) from its continuing operations, Schedule RI, item 8, would be revised effective March 31, 2018, by creating new items 8.a, ''Income (loss) before unrealized holding gains (losses) on equity securities not held for trading, applicable income taxes, and discontinued operations,'' and 8.b, ''Unrealized holding gains (losses) on equity securities not held for trading.'' In addition to unrealized holding gains (losses) during the year-to-date reporting period on such equity securities with readily determinable fair values, institutions also would report in proposed new item 8.b the year-to-date changes in the carrying amounts of equity investments without readily determinable fair values not held for trading (*i.e.,* unrealized holding gains (losses) for those measured at fair value through earnings; impairment, if any, plus or minus changes resulting from observable price changes for those equity investments for which this measurement election is made). Existing Schedule RI, item 8, ''Income (loss) before applicable income taxes and discontinued operations,'' would be renumbered as item 8.c, and would be the sum of items 8.a and 8.b. From March 31, 2018, through September 30, 2020, the instructions for item 8.b and the reporting form for Schedule RI would include guidance stating that item 8.b is to be completed only by institutions that have adopted ASU 2016–01. Institutions that have not adopted ASU 2016–01 would leave item 8.b blank when completing Schedule RI. Finally, from March 31, 2018, through September 30, 2020, the instructions for Schedule RI, item 6.b, ''Realized gains (losses) on available-for-sale securities,'' and the reporting form for Schedule RI would include guidance stating that, for institutions that have adopted ASU 2016–01, item 6.b includes realized gains (losses) only on AFS debt securities. Effective December 31, 2020, the caption for item 6.b would be revised to ''Realized gains (losses) on available-for-sale debt securities.''

(2) On the FFIEC 031, certain institutions with foreign offices must complete Schedule RI–D, Income from Foreign Offices. As stated in the instructions for Schedule RI–D, ''[f]or the most part, the income and expense items in Schedule RI–D mirror categories of income and expense reported in Schedule RI.'' However, Schedule RI–D collects much less detail on an institution's income and expense than Schedule RI. The instructions for Schedule RI would be revised effective March 31, 2018, to indicate that, for institutions that have adopted ASU 2016–01, the amount of unrealized holding gains (losses) on equity securities not held for trading in foreign offices that is included in Schedule RI, item 8.b, should be reported in Schedule RI–D, item 5, ''Realized gains (losses) on held-to-maturity and available-for-sale securities in foreign offices.'' Effective December 31, 2020, the caption for item 5 would be revised to ''Realized gains (losses) on held-to-maturity and available-for-sale debt securities and unrealized holding gains (losses) on equity securities not held for trading in foreign offices.''

(3) In Schedule RC, Balance Sheet, a new item 2.c, ''Equity securities with readily determinable fair values not held for trading,'' would be added effective March 31, 2018. From March 31, 2018, through September 30, 2020, the instructions for item 2.c and the reporting form for Schedule RC would include guidance stating that item 2.c is to be completed only by institutions that have adopted ASU 2016–01. Institutions that have not adopted ASU 2016–01 would leave item 2.c blank. During this period, the instructions for Schedule RC, item 2.b, ''Available-for-sale securities,'' would explain that institutions that have adopted ASU 2016 01 should include only debt securities in item 2.b. Effective December 31, 2020, the caption for item 2.b would be revised to ''Available-for-sale debt securities'' and all institutions would report their holdings of equity securities with readily determinable fair values not held for trading in item 2.c.

(4) In Schedule RC–B, Securities, item 7, ''Investments in mutual funds and other equity securities with readily determinable fair values,'' would be removed effective December 31, 2020. From March 31, 2018, through September 30, 2020, the instructions for item 7 and the reporting form for Schedule RC–B would include guidance stating that item 7 is to be completed only by institutions that have not adopted ASU 2016–01. Institutions that have adopted ASU 2016–01 would leave item 2.c blank.

(5) In Schedule RC–F, Other Assets, the caption for item 4 would be changed from ''Equity securities that DO NOT have readily determinable fair values'' to ''Equity investments without readily determinable fair values'' effective March 31, 2018. The types of equity securities and other equity investments currently reported in item 4 would continue to be reported in this item. However, after the effective date of ASU 2016–01 for an institution, the securities the institution reports in item 4 would

be measured in accordance with the ASU.

(6) In Schedule RC–H, Selected Balance Sheet Items for Domestic Offices, of the FFIEC 031, item 16, ''Investments in mutual funds and other equity securities with readily determinable fair values,'' would be removed effective December 31, 2020, and the caption for item 17 would be changed from ''Total held-to-maturity and available-for-sale securities (sum of items 10 through 16)'' to ''Total held-to-maturity and available-for-sale debt securities (sum of items 10 through 15).'' From March 31, 2018, through September 30, 2020, the instructions for item 16 and the reporting form for Schedule RC–H would include guidance stating that item 16 is to be completed only by institutions that have not adopted ASU 2016–01. Institutions that have adopted ASU 2016–01 would leave item 16 blank. In addition, effective March 31, 2018, item 18, ''Equity securities that do not have readily determinable fair values,'' would be replaced by item 18.a, ''Equity securities with readily determinable fair values,'' and item 18.b, ''Equity investments without readily determinable fair values.'' From March 31, 2018, through September 30, 2020, the instructions for item 18.a and the reporting form for Schedule RC–H would include guidance stating that item 18.a is to be completed only by institutions that have adopted ASU 2016–01. Institutions that have not adopted ASU 2016–01 would leave item 18.a blank. The types of equity securities and other equity investments without readily determinable fair values that are currently reported in item 18 would be reported in item 18.b.

(7) In Schedule RC–K, Quarterly Averages, the caption for item 4, ''All other securities,'' would be changed to ''All other debt securities and equity securities with readily determinable fair values not held for trading purposes'' effective March 31, 2018. From March 31, 2018, through September 30, 2020, the instructions for item 4 and the reporting form for Schedule RC–K would include guidance indicating that, for institutions that have adopted ASU 2016–01, the quarterly average for equity securities with readily determinable fair values should be based on fair value and, for institutions that have not adopted ASU 2016–01, the quarterly average for such equity securities (*i.e.,* AFS equity securities) should be based on historical cost. Effective December 31, 2020, this guidance would indicate that the quarterly average for equity securities with readily determinable fair values not held for trading should be based on fair value, which would apply to all institutions. In addition, for Schedule RC–K, item 9, ''Total assets,'' the instructions for this item and the Schedule RC–K reporting form would include guidance from March 31, 2018, through September 30, 2020, stating that, for purposes of reporting the quarterly average for total assets:

- Institutions that have adopted ASU 2016–01 should reflect the quarterly average for equity securities with readily determinable fair values at fair value and the quarterly average for equity securities without readily determinable fair values at their balance sheet carrying amounts (*i.e.,* fair value or, if elected, cost minus impairment, if any, plus or minus changes resulting from observable price changes), and
- Institutions that have not adopted ASU 2016–01 should reflect the quarterly average for equity securities with readily determinable fair values at the lower of cost or fair value and the quarterly average for equity securities without readily determinable fair values at historical cost.

Then, effective December 31, 2020, the instructions for item 9 and the Schedule RC–K reporting form would indicate that, for equity securities not held for trading, the quarterly average for total assets should reflect such securities with readily determinable fair values at fair value and those without readily determinable fair values at their balance sheet carrying amounts.

(8) In Schedule RC–Q on the FFIEC 041 and FFIEC 031, the caption for item 1, ''Available-for-sale securities,'' would be changed to ''Available-for-sale debt securities and equity securities with readily determinable fair values not held for trading purposes'' effective March 31, 2018. From March 31, 2018, through September 30, 2020, the instructions for item 1 and the reporting form for Schedule RC–Q would include guidance stating that, for institutions that have adopted ASU 2016–01, the amount reported in item 1, column A, must equal the sum of Schedule RC, items 2.b and 2.c, and for institutions that have not adopted ASU 2016–01, the amount reported in item 1, column A, must equal Schedule RC, item 2.b. Effective December 31, 2020, this guidance would indicate that the amount reported in item 1, column A, must equal the sum of Schedule RC, items 2.b and 2.c.

(9) In Schedule RC–R, Part I, Regulatory Capital Components and Ratios, the instructions for item 9.a and the Schedule RC–R reporting form would include guidance from March 31, 2018, through September 30, 2020, stating that, for institutions that have not adopted ASU 2016–01, item 9.a should include net unrealized gains (losses) on AFS debt and equity securities and, for institutions that have adopted the ASU, item 9.a should include net unrealized gains (losses) on AFS debt securities. During this same period, the instructions for item 9.b and the Schedule RC–R reporting form would include guidance indicating that item 9.b is to be completed only by institutions that have not adopted ASU 2016–01. Effective December 31, 2020, item 9.b would be removed and the caption for item 9.a would be revised to ''LESS: Net unrealized gains (losses) on available-for-sale debt securities.'' In addition, from March 31, 2018, through September 30, 2020, the instructions for Schedule RC–R, Part I, item 31, and the Schedule RC–R reporting form would include guidance indicating that item 31 is to be completed only by institutions that have not adopted ASU 2016–01. During this period, institutions that have adopted the ASU would leave item 31 blank. Then, effective December 31, 2020, item 31 would be removed from Schedule RC–R, Part I.

(9) In Schedule RC–R, Part II, Risk-Weighted Assets, revisions would be made to item 2 that correspond to those made to Schedule RC, item 2. A new item 2.c, ''Equity securities with readily determinable fair values not held for trading,'' would be added to Schedule RC–R, Part II, effective March 31, 2018. Applicable risk weights for new item 2.c would be 100 percent, 250 percent, 300 percent, and 600 percent; amounts also could be reported in columns R and S. From March 31, 2018, through September 30, 2020, the instructions for item 2.c and the reporting form for Schedule RC–R, Part II, would include guidance stating that item 2.c is to be completed only by institutions that have adopted ASU 2016–01. During the same period, the instructions for Schedule RC–R, Part II, item 2.b, ''Available-for-sale securities,'' would explain that institutions that have adopted ASU 2016–01 should include only debt securities in this item. Effective December 31, 2020, the caption for item 2.b would be revised to ''Available-for-sale debt securities'' and the 250 percent, 300 percent, and 600 percent risk weights plus columns R and S would be removed from item 2.b.

IV. Timing

The proposed changes in this notice would be effective beginning with the March 31, 2018, Call Report. The agencies are considering whether some or all of the changes proposed in Sections III.A through III.C instead should become effective with the

December 31, 2017, Call Report to provide burden relief at an earlier date. However, the agencies recognize that it could be more burdensome for institutions to implement revisions at year-end rather than in the first quarter of the year.

For the March 31, 2018, report date or any earlier effective date, as applicable, institutions may provide reasonable estimates for any new or revised Call Report data item initially required to be reported as of that date for which the requested information is not readily available. The specific wording of the captions for the new or revised Call Report data items discussed in this proposal and the numbering of these data items should be regarded as preliminary.

V. Request for Comment

Public comment is requested on all aspects of this joint notice. Comment is specifically invited on:

(a) Whether institutions prefer the agencies' approach to implement all the revisions as of March 31, 2018, or whether institutions would prefer an earlier implementation date for some or all of the revisions proposed in Sections III.A through III.C of this notice;

(b) Whether the proposed revisions to the collections of information that are the subject of this notice are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(c) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

(d) Ways to enhance the quality, utility, and clarity of the information to be collected;

(e) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(f) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this joint notice will be shared among the agencies. All comments will become a matter of public record.

Appendix A

Summary of the FFIEC Member Entities' Uses of the Data Items in the Call Report Schedules in the Portion of the User Surveys Evaluated in the Development of This Proposal

Schedule RI–D (Income from Foreign Offices) [FFIEC 031 only]

Schedule RI–D collects data on income from foreign offices. Collectively, the data are used in country and currency risk analyses to monitor the level, trend, quality and sustainability of the income component of foreign offices. These data help support a variety of examination activities that include, but are not limited to, earnings and yield analysis, asset securitizations, core assessment, price risk, and trading. Quarterly data also improve the offsite monitoring of trading and asset management activities. Data on investment banking, advisory, brokerage, and underwriting fees and commissions are used to track the global asset management activities of institutions with foreign offices. The global presence of these activities adds to the complexity of the asset management business conducted by financial institutions and this information is continually monitored to detect potential shifts in business models. It also serves as one component of measurement of the degree of global interconnectedness and systemic risk.

Schedule RI–E (Explanations)

Schedule RI–E collects explanations for items that significantly contribute to the total amounts reported for other noninterest income and other noninterest expense. Since other noninterest income makes up almost half of total noninterest income and other noninterest expense makes up approximately 40 percent of noninterest expense on an aggregate basis for all filers of the Call Report, data on the composition of each of these income statement data items is essential to understanding what is driving the level of and changes over time in these data items at individual institutions. The stratification of the information in this schedule allows for identification of potential unusual sources of changes in earnings that affect trend analyses. This information is particularly important for identifying losses of an unusual or nonrecurring nature when an institution is in a stressed condition, which was evident during the recent financial crisis. This stratified noninterest income and expense information continues to be critical in understanding the causes of swings in an institution's profitability.

Schedule RI–E also collects descriptive information on discontinued operations, significant adjustments to the allowance for loan and lease losses (ALLL), accounting changes and error corrections, and certain capital transactions with stockholders. These data items provide the agencies and their examiners better insight on factors driving changes in net income and the ALLL (due to sources other than provisions, charge-offs, and recoveries), along with nonrecurring types of changes in institutions' equity capital.

The detailed breakdown of components of other noninterest income in excess of the Schedule RI–E reporting threshold is essential to the Consumer Financial Protection Bureau's (CFPB) understanding of the viability of institutions' offerings of consumer services regulated by the CFPB. This information provides unique insights into institutions' reliance on key revenue streams that can impact consumer access to and the availability of services. These streams include bank and credit card interchange, income and fees from automated teller machines, and institution-described components of other noninterest income. This information also helps the CFPB monitor trends in the consumer marketplace. Similarly, the detailed breakdown of other noninterest expense facilitates the CFPB's ability to conduct statutorily-required cost analyses for rulemakings and other policy endeavors.

Schedule RC–B (Securities)

Information collected on Schedule RC–B is essential for assessment of liquidity risk, market risk, interest rate risk, and credit risk. Specifically, information on held-to-maturity, available-for-sale, and pledged securities is critical for analysis of the institution's ability to manage short-term financial obligations without negatively impacting capital or income (liquidity risk), and risk of loss due to market movements (market risk). Maturity and repricing information on debt securities collected in the Memorandum items on Schedule RC–B, together with the maturity and repricing information collected in other schedules for other types of assets and liabilities, is critical for the assessment of the risk to an institution from changes in interest rates (interest rate risk), and also contributes to the evaluation of liquidity. Thus, the maturity and repricing information collected throughout the Call Report also aids in evaluating the strategies institutions take to mitigate liquidity and interest rate risks. Liquidity and interest rate risk indicators that are calculated by agency models from an institution's Call Report data and exceed specified parameters or change significantly between examinations are red flags that call for timely examiner off-site review.

In this regard, the reported amount of debt securities with a remaining maturity of one year or less is a key input into the calculation of an institution's short-term assets that, when analyzed in conjunction with non-core funding data, can indicate the extent to which the institution is relying on short-term funding to fund longer-term assets, which presents an exposure to liquidity risk. Further, liquidity risk inputs into agency models that vary by type of security provide examiners the ability to customize and apply liquidity stress tests. Extensive back testing has shown that the liquidity risk inputs for securities contain substantial forward-looking information by which to ascertain the likelihood that an institution would be able to avoid significant liquidity problems in a stressed environment.

As another example, agency models that consider both the amortized cost and fair value of held-to-maturity and available-for-sale securities reported in Schedule RC–B are used for off-site monitoring of interest rate risk to identify individual institutions that

may be significantly exposed to rising interest rates. Individual types of securities from Schedule RC–B are grouped into major categories for purposes of performing duration-based analyses of potential investment portfolio depreciation for both severe and more moderate interest rate increases. The Schedule RC–B data for these groupings of securities, together with Call Report data for other types of balance sheet assets and liabilities, also serve as inputs to quarterly duration-based estimates of potential changes in fair values for the overall balance sheet in response to various forecasted interest rate changes. Outlier institutions identified by these models are the subject of prompt supervisory follow-up to address their interest rate risk exposure.

The institution's risk profile in these areas is considered during pre-examination planning to determine the appropriate scoping and staffing for examinations. For example, the quarterly reporting of the Call Report information on held-to-maturity and available-for-sale securities also aids in the identification of low-risk areas prior to on-site examinations, allowing the agencies to improve the allocation of their supervisory resources and increase the efficiency of supervisory assessments, which reduces the scope of examinations in these areas, thereby reducing regulatory burden.

Information on the amortized cost and fair value of the securities portfolio allows for measurement of depreciation/appreciation, which is important for assessing the potential impact that unrealized gains and losses may have on earnings and liquidity. Unrealized gains and losses on available-for-sale equity securities and, for certain institutions, unrealized gains and losses on available-for-sale debt securities are an integral input into regulatory capital calculations. Furthermore, because the amount of unrealized gains and losses on both held-to-maturity and available-for-sale debt securities is an indicator of risk in the debt securities portfolio, it also is a key factor in examiners' qualitative assessments of capital adequacy.

Data showing significant depreciation in specific types of securities not issued or guaranteed by the U.S. government or its agencies can signal an institution's failure to properly evaluate the existence of other-than-temporary impairments arising from credit losses and other factors. Similarly, data on year-to-date sales and transfers of held-to-maturity securities is a basis for off-site or on-site follow-up by examiners to determine whether the reasons for these transactions are acceptable under U.S. GAAP or have resulted in the tainting of this securities portfolio. In addition, the reporting of debt securities by security type is important to identify concentrations in higher risk types of investments, which may have greater liquidity and/or credit risk than other types of securities. Information on investments in securities issued by states and political subdivisions in the United States is used by many state regulatory agencies as a starting point for monitoring compliance with certain state municipal investment regulations. The amortized cost and fair value of held-to-maturity and available-for-sale debt securities, respectively, for certain types of securities as well as the fair value of all U.S. Treasury and Government agency securities are used in the risk-based premium deposit insurance pricing methodology for large institutions and highly complex institutions.

Schedule RC–D (Trading Assets and Liabilities) [FFIEC 031 and FFIEC 041 only]

Schedule RC–D collects information on trading activity from institutions with more than a limited amount of trading assets in recent quarters. Trading assets are segmented into detailed securities and loan categories. Trading liabilities separately cover liability for short positions and other trading liabilities. The schedule's Memorandum items request additional information, including the unpaid principal balance of loans and the fair value of structured financial products and asset-backed securities held for trading purposes.

The information contained in Schedule RC–D is used to assess the overall composition of the institution's trading portfolio and also provides detailed information to evaluate the liquidity, credit, and interest rate risk within the trading portfolio, which impacts the overall risk profile of the institution. Data on the types of trading assets held by an institution—such as U.S. Treasury securities versus structured financial products versus commercial and industrial loans, for example—serve as a barometer of the relative levels of these risks in the trading portfolio. Regarding liquidity risk, the higher the level of more liquid assets an institution has within its trading portfolio, the more financial flexibility it has if faced with uncertainties or unfavorable market conditions. If an institution has a low level of liquid assets within its trading portfolio, this impacts its ability to rapidly adjust its holdings in response to adverse market movements. Information on the volume and composition of trading assets and how it has changed over recent quarters also can provide insight into an institution's trading strategies and its views on market trends. The assessment of trading portfolio composition and risks enters into pre-examination planning to determine the appropriate scoping and staffing for examinations of institutions engaged in trading activities.

Furthermore, data on securities and loans held for trading are combined with data on securities and loans held for investment, as reported in Schedule RC–B and Schedule RC–C, Part I, to benchmark weekly loan and security data collected by the Board from a sample of both small and large institutions. These weekly data are used to estimate weekly measures of extension of credit for the banking sector as a whole to provide a more timely input for purposes of monitoring the macroeconomy.

Information on mortgage-backed securities and mortgage loans held for trading assisted the CFPB's efforts to develop required estimates for various Title XIV mortgage reform rulemakings under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203). Going forward, data items from this schedule and Schedules RC–B and RC–C, Part I, are critical for continuous monitoring of the mortgage market. The CFPB uses these items to understand the intricacies of the mortgage market that are essential to assessing institutional participation in regulated consumer financial services markets and to assess regulatory impact associated with recent and proposed policies, as required by that agency's statutory mandate.

Schedule RC–K (Quarterly Averages)

Average quarterly asset and liability information is essential to the ability of the FFIEC member entities to more appropriately evaluate the performance of individual institutions. Quarterly average data from Schedule RC–K also provide important information at the industry level for policy review at FFIEC member entities.

The average data reported in Schedule RC–K are used in conjunction with income and expense information from Schedule RI to calculate yields and costs for the corresponding categories of assets and liabilities. These ratios are presented in the Uniform Bank Performance Report (UBPR) where they are used as a tool by examiners, both on- and off-site, to monitor and evaluate trends related to an institution's earnings and capital. These ratios also help the agencies identify trends across the banking industry. Important ratios derived from quarterly average data include, but are not limited to, earnings ratios (*e.g.,* return on average assets, overhead ratio, and net interest margin) and the leverage capital ratio.

The granularity of the data in Schedule RC–K assists in analyzing performance within a bank's asset and liability portfolios. Quarterly average balances allow for better analyses of trends in the composition of an institution's assets and liabilities than is possible from comparisons of quarter-end data, which may be affected by fluctuations related to seasonality or abnormal levels of activity at period-end. The detailed average data used to calculate the yield on specific types of interest-earning assets helps examination teams understand the impact of credit quality on the earnings performance of particular loan portfolios. Where an institution's yields on particular types of loans exceed those of its peers, this warrants examiner scrutiny to determine whether this outcome is a result of the institution's origination or purchase of lower credit quality loans. In addition, the data on the cost of funds by funding type is important in assessing the funding mix at the institution level for oversight purposes. Higher costs for particular types of deposits or other liabilities compared to these costs at an institution's peers also warrants examiner review to determine whether the institution is making greater use of more volatile non-core funding sources. The yield on interest-earning assets and cost of funds also gives insight into the effectiveness of an institution's plans and initiatives related to asset/liability mix, liquidity, and interest rate risk strategies and their resulting impact on earnings. These performance ratios are essential to the consideration of an institution's earnings during pre-examination planning to determine the appropriate scoping of this area, particularly because earnings is

evaluated and rated as part of the CAMELS rating system.[22]

Schedule RC–L (Derivatives and Off-Balance-Sheet Items)

Schedule RC–L provides data on off-balance sheet assets and liabilities as well as derivatives contracts. The quarterly reporting of all off-balance sheet items in the Call Report is required by law (12 U.S.C. 1831n(a)(3)(C)). The most recent financial crisis emphasized the importance of identifying and monitoring significant exposures arising from any contingent or off-balance sheet liabilities and the effect of these exposures on an institution's overall risk profile. The granular data on components of off-balance sheet items, as well as derivatives data, assist the banking agencies in ensuring the safety and soundness of financial institutions through both off-site and on-site monitoring of a variety of potential risks. These risks include, but are not limited to, liquidity risk, credit risk, interest rate risk (IRR), and foreign exchange risk. The data on Schedule RC–L also is essential for the examination scoping process, which begins during pre-examination planning. The data offer insight into outliers and exceptions, which provide information to examiners on areas on which to focus during their on-site examinations.

The data on Schedule RC–L on the FFIEC 031 and FFIEC 041 is useful in determining an institution's potential exposure to losses from derivatives activities. It is also useful in identifying the extent to which an institution may be engaging in hedging strategies that will affect its future earnings prospects. An excessive and/or inappropriate credit derivative position could have a substantial and immediate detrimental impact to an institution's liquidity, interest rate risk, earnings, or capital adequacy. For institutions with material volumes of derivatives as reported on Schedule RC–L, examiners can assess whether the institution's management has the appropriate expertise and policies in place to manage and control the risks associated with its derivatives activities and whether the institution's capital levels are commensurate with its risk exposure. This is particularly true with respect interest rate derivatives, which are the most widely held derivatives, and are commonly used in the management of interest rate risk. Schedule RC–L provides a granular perspective about the types of interest rate contracts an institution has entered into, which helps an examiner focus on assessing how effectively management uses the various types of interest rate contracts in its derivatives portfolio to hedge its exposure to interest rate risk. Also, examiners investigate fluctuations in the fair values of an institution's holdings of derivatives to determine if there are changes in the institution's risk appetite as set by the board of directors and implemented by management.

The unused commitments information on Schedule RC–L is essential to examiners, especially during periods of financial distress when borrowers rely increasingly on drawing down their lines of credit and unused commitments as a source of funding. The unused commitments data enables examiners to identify whether growth in unused commitments over time is at a manageable level and permit assessments of the potential impact, if such commitments are funded, on the credit quality of the related loan categories, as well as on the liquidity and on the capital position of an institution. Also, institutions may have a concentration in a particular loan category, which may not be readily apparent from balance sheet data until unused commitments to borrowers in this category are actually funded, which dictates that examiners consider the reported amounts on unused commitments by loan category to ensure they identify and assess the concentration risk. Financial and performance standby letters of credit also present liquidity and credit risk considerations for examiners, which also may be greater during periods of financial distress when the counterparties may be more likely to fail to perform as required under the terms of the underlying contract.

The derivatives information on Schedule RC–L is also one of the primary sources that feeds into a derivatives quarterly report that is used to report on bank trading and derivative activities. This public report issued by the OCC helps the banking agencies' on-site examiners at the largest banks to continuously evaluate the credit, market, operational, reputation, and compliance risks of bank derivative activities.

Schedule RC–M (Memoranda)

Schedule RC–M collects various types of information. Section 7(k) of the Federal Deposit Insurance Act (12 U.S.C. 1817(k)) authorizes the federal banking agencies to require the reporting and public disclosure of information concerning extensions of credit by an institution to its executive officers and principal shareholders and their related interests. Federal Reserve Board Regulation O (12 CFR 215), which has been made applicable to all institutions, imposes an aggregate lending limit on extensions of credit to insiders (executive officers, directors, principal shareholders, and their related interests) and, in general, requires an institution to make available the names of its executive officers and principal shareholders to whom the institution had outstanding as of the end of the latest previous quarter aggregate extensions of credit that, when aggregated with all other outstanding extensions of credit to such person and their related interests, equaled or exceeded the lesser of 5 percent of capital and unimpaired surplus or $500,000. The data collected in Schedule RC–M on extensions of credit to the reporting institution's insiders generally aligns with these requirements and assists the agencies in monitoring compliance with the insider lending regulations between examinations and determining whether supervisory follow-up is warranted when material increases in insider lending are identified.

Because identifiable intangible assets are deducted from regulatory capital or are subject to regulatory capital limits and deducted amounts are not risk weighted, the reporting of these amounts aids in validating an institution's regulatory capital calculations in Schedule RC–R. In addition to their treatment under the regulatory capital rules, mortgage servicing assets in particular are complex in nature and present liquidity risk and interest rate risk and their value is affected by the credit risk of the underlying serviced assets. Mortgage servicing assets also contribute to the level of an institution's mortgage prepayment exposure. When the level of this exposure rises above a specified benchmark at an individual institution, this exposure may warrant additional attention by examiners between examinations and necessitate greater scrutiny of management's prepayment assumptions in its own interest rate risk model during examinations or visitations.

The components of other real estate owned are needed to monitor asset quality trends at individual institutions and industry-wide, including when coupled with the past due and nonaccrual data for loans secured by the same type of property from Schedule RC–N. The component information may provide insight into the market conditions affecting the segments of the real estate market in the institution's trade area, including possible deteriorating conditions.

Maturity and repricing information on other borrowed money, together with the maturity and repricing information collected in other schedules for other types of assets and liabilities, is needed to evaluate liquidity and interest rate risk to the institution, and to aid in evaluating the strategies institutions take to mitigate these risks. Liquidity and interest rate risk indicators that are calculated by agency models from an institution's Call Report data and exceed specified parameters or change significantly between examinations are red flags that call for timely examiner attention. Data on certain secured liabilities also is used in the assessment of institutions' liquidity positions because increases in the relative volume of secured versus unsecured liabilities may signal that an institution is encountering difficulties in rolling over unsecured borrowings due to deterioration in its condition, which would call for supervisory follow-up when identified between examinations.

Information on mutual funds and annuities, bank Web sites with transactional capability, certain trustee and custodial activities, and captive insurance subsidiaries, is used to identify institutions engaged in these activities, some of which are not typical activities for community banks. If an institution begins to report that it engages in one or more of these activities or reports a significant increase in assets tied to an activity between examinations, this may indicate the need for examiner follow-up to assess the institution's expertise and management of these activities. An institution's involvement in these activities

[22] CAMELS is an acronym that represents the ratings from six essential components of an institution's financial condition and operations: Capital adequacy, asset quality, management, earnings, liquidity, and sensitivity to market risk. These components represent the primary areas evaluated by examiners during examinations of institutions.

may also affect the staffing and scoping of examinations, particularly for activities for which compliance with applicable laws and regulations must be evaluated during examinations. The reporting of an institution's internet Web sites and trade names supports the FDIC's ability to serve as an information resource for insured institutions by responding to inquiries from the public with the most current information concerning the insured status of the institution behind an internet Web site or a physical branch office that uses a trade name.

For Qualified Thrift Lenders (QTL) subject to 12 U.S.C. 1467a(c), reporting of QTL test information assists the agencies in timely identifying thrift institutions that need to take action to remain in compliance, or that fail to comply and become subject to certain restrictions. International remittance transfers data by type is needed annually to monitor compliance with regulatory requirements (12 CFR 1005.30, et seq). Different types of transfers pose different consumer protection concerns and information of transfer activity aids in the monitoring of the evolution of this market, and how institutions diversify remittance offerings beyond wire transfers.

Schedule RC–R (Regulatory Capital)

Schedule RC–R collects information about an institution's capital. Part I (Regulatory Capital Components and Ratios) collects information about the types and amounts of capital instruments and the leverage and risk-based capital ratios. Part II (Risk-Weighted Assets) collects additional information about types of assets on an institution's balance sheet and certain off-balance sheet items to use in computing the risk-based capital ratios.

The Federal banking agencies are required to establish a leverage limit and risk-based capital requirement for insured depository institutions under 12 U.S.C. 1831o and to monitor compliance with those requirements. The agencies implemented the capital requirements in their regulatory capital rules (12 CFR part 3 for OCC; 12 CFR part 217 for the Board; 12 CFR part 324 for the FDIC) and the compliance requirements in their prompt corrective action rules (12 CFR part 6 for OCC; 12 CFR part 208, subpart D for the Board; 12 CFR 324, subpart H for the FDIC). The capital rules recognize three types of capital instruments: Common Equity Tier 1, Additional Tier 1, and Tier 2 capital. The total of each type on Schedule RC–R, Part I, includes all potential adjustments to each component as allowed under the capital rules. The capital rules also provide for a calculation of risk-weighted assets, which consists of assigning a risk weight to every asset on an institution's balance sheet that is not deducted from capital, as well as to certain off-balance sheet items. Schedule RC–R, Part II, includes all of the fields necessary to properly calculate an institution's risk-weighted asset amount. Finally, the results of the calculation of capital instrument amounts and risk-weighted assets are used to calculate risk-based and leverage capital ratios on Schedule RC–R, Part I. The agencies need to be able to monitor compliance with the capital rules and prompt corrective action provisions no less frequently than quarterly.

In addition to using the resulting capital ratios to determine an institution's status under 12 U.S.C. 1831o and the banking agencies' prompt corrective action regulations, the FFIEC member entities use the regulatory capital information for other purposes. The calculation of Tier 1 capital at quarter-end flows into the amount of average tangible equity for the calendar quarter that institutions report in Schedule RC–O, which is used in the measurement of institutions' assessment bases for deposit insurance purposes. The Tier 1 leverage ratio is one of the inputs into the calculation of deposit insurance assessment rates for small institutions and Tier 1 capital is a commonly used input when calculating these rates for large and highly complex institutions. Capital adequacy is rated in an institution's on-site examination as the C of the CAMELS component ratings, and the information provided on Schedule RC–R helps examiners evaluate and rate that component. It is also used in the off-site monitoring process, and is important in reviewing the risk profile and viability of a financial institution. For example, the ratio of risk-weighted assets to unweighted assets has been found to provide an informative forward-looking signal regarding an institution's risk posture. The information provided on Schedule RC–R also is used in deciding whether to approve an 18-month examination cycle for a specific institution and in reviewing merger applications.

Information on specific sub-components of regulatory capital is useful as well. For example, the amounts of unrealized gains and losses on securities that flow into regulatory capital provide an indication of an institution's interest rate and market risk. Information on the risk weighting of assets and off-balance sheet items provides insight into management's risk tolerance and the institution's risk to the deposit insurance fund. The risk-weighted asset composition information and risk-based capital ratios that flow into the UBPR are helpful to examiners when reviewing Reports of Examination and to establish a peer group average for comparison when evaluating changes in these items. The risk-weighted asset composition information also assists examiners in evaluating the reasons for changes in total risk-weighted assets over time at individual institutions. The derivatives exposure items reported in the Memoranda section of Schedule RC–R, Part II, provide a key insight into the notional principal amounts of both cleared and over-the-counter derivatives in the banking system, in addition to being inputs into the calculation for risk-weighted assets.

Appendix B

FFIEC 051: To Be Completed by Banks With Domestic Offices Only and Total Assets Less Than $1 Billion

Data Items Removed, Other Impacts to Data Items, Reduction in Reporting Frequency, or Increase in Reporting Threshold

DATA ITEMS REMOVED

Schedule	Item	Item name	MDRM No.
RI	5.d.(1)	Fees and commissions from securities brokerage	RIADC886
RI	5.d.(2)	Investment banking, advisory, and underwriting fees and commissions. *Note:* Items 5.d.(1) and 5.d.(2) of Schedule RI will be combined into one data item.	RIADC888
RI	5.d.(3)	Fees and commissions from annuity sales	RIADC887
RI	5.d.(4)	Underwriting income from insurance and reinsurance activities	RIADC386
RI	5.d.(5)	Income from other insurance activities. *Note:* Items 5.d.(3), 5.d.(4), and 5.d.(5) of Schedule RI will be combined into one data item.	RIADC387
RI	5.g	Net securitization income	RIADB493
RI	M1	Interest expense incurred to carry tax-exempt securities, loans, and leases acquired after August 7, 1986, that is not deductible for federal income tax purposes.	RIAD4513
RI–B, Part II	M4	Amount of allowance for post-acquisition credit losses on purchased credit-impaired loans accounted for in accordance with FASB ASC 310–30 (former AICPA Statement of Position 03–3).	RIADC781
RI–E	1.f	Net change in the fair values of financial instruments accounted for under a fair value option.	RIADF229
RI–E	1.h	Gains on bargain purchases	RIADJ447

DATA ITEMS REMOVED—Continued

Schedule	Item	Item name	MDRM No.
RC	10.a	Goodwill. *Note:* Schedule RC, item 10.a will be moved to Schedule RC–M, new item 2.b.	RCON3163
RC	10.b	Other intangible assets (from Schedule RC–M). *Note:* Items 10.a and 10.b of Schedule RC will be combined into one data item.	RCON0426
RC–B	2.a	U.S. Government agency obligations (exclude mortgage-backed securities): Issued by U.S. Government agencies (Columns A through D).	RCON1289, RCON1290, RCON1291, RCON1293
RC–B	2.b	U.S. Government agency obligations (exclude mortgage-backed securities): Issued by U.S. Government-sponsored agencies (Columns A through D). *Note:* Items 2.a and 2.b of Schedule RC–B will be combined into one data item (Columns A through D).	RCON1294, RCON1295, RCON1297, RCON1298
RC–B	5.b.(1)	Structured financial products: Cash (Columns A through D)	RCONG336, RCONG337, RCONG338, RCONG339
RC–B	5.b.(2)	Structured financial products: Synthetic (Columns A through D)	RCONG340, RCONG341, RCONG342, RCONG343
RC–B	5.b.(3)	Structured financial products: Hybrid (Columns A through D). *Note:* Items 5.b.(1), 5.b.(2), and 5.b.(3) of Schedule RC–B will be combined into one line item (Columns A through D).	RCONG344, RCONG345, RCONG346, RCONG347
RC–B	M6.a	Structured financial products by underlying collateral or reference assets: Trust preferred securities issued by financial institutions (Columns A through D).	RCONG348, RCONG349, RCONG350, RCONG351
RC–B	M6.b	Structured financial products by underlying collateral or reference assets: Trust preferred securities issued by real estate investment trusts (Columns A through D).	RCONG352, RCONG353, RCONG354, RCONG355
RC–B	M6.c	Structured financial products by underlying collateral or reference assets: Corporate and similar loans (Columns A through D).	RCONG356, RCONG357, RCONG358, RCONG359
RC–B	M6.d	Structured financial products by underlying collateral or reference assets: 1–4 family residential MBS issued or guaranteed by U.S. Government-sponsored enterprises (GSEs) (Columns A through D).	RCONG360, RCONG361, RCONG362, RCONG363
RC–B	M6.e	Structured financial products by underlying collateral or reference assets: 1–4 family residential MBS not issued or guaranteed by GSEs (Columns A through D).	RCONG364, RCONG365, RCONG366, RCONG367
RC–B	M6.f	Structured financial products by underlying collateral or reference assets: Diversified (mixed) pools of structured financial products (Columns A through D).	RCONG368, RCONG369, RCONG370, RCONG371
RC–B	M6.g	Structured financial products by underlying collateral or reference assets: Other collateral or reference assets (Columns A through D).	RCONG372, RCONG373, RCONG374, RCONG375
RC–K	7	Trading assets	RCON3401
RC–L	1.b.(1)	Unused consumer credit card lines	RCONJ455
RC–L	1.b.(2)	Other unused credit card lines	RCONJ456
RC–L	1.d	Unused commitments: Securities underwriting	RCON3817
RC–M	2.b	Purchased credit card relationships and nonmortgage servicing assets. *Note:* Amounts reported in item 2.b will be included in item 2.c, All other identifiable intangible assets.	RCONB026
RC–M	3.f	Foreclosed properties from ''GNMA loans''. *Note:* Amounts reported in item 3.f will be included in item 3.c, Other real estate owned: 1–4 family residential properties.	RCONC979

OTHER IMPACTS TO DATA ITEMS

Schedule	Item	Item name	MDRM No.
RI	5.d.(1) (New)	Fees and commissions from securities brokerage, investment banking, advisory, and underwriting activities. *Note:* Items 5.d.(1) and 5.d.(2) of Schedule RI removed above will be combined into this data item.	To be determined (TBD)
RI	5.d.(2) (New)	Income from other insurance activities (includes underwriting income from insurance and reinsurance activities). *Note:* Items 5.d.(3), 5.d.(4), and 5.d.(5) of Schedule RI removed above will be combined into this data item.	TBD
RC	10 (New)	Intangible assets (from Schedule RC–M). *Note:* Items 10.a and 10.b of Schedule RC removed above will be combined into this data item.	RCON2143
RC–B	2 (New)	U.S. Government agency obligations (exclude mortgage-backed securities (Columns A through D). *Note:* Items 2.a and 2.b of Schedule RC–B removed above will be combined into this data item (Columns A through D).	TBD (4 MDRMs)

OTHER IMPACTS TO DATA ITEMS—Continued

Schedule	Item	Item name	MDRM No.
RC–B	5.b (New)	Structured financial products (Columns A through D). *Note:* Items 5.b.(1), 5.b.(2), and 5.b.(3) of Schedule RC–B removed above will be combined into this line item (Columns A through D).	TBD (4 MDRMs)
RC–M	2.b (Re-mapping)	Goodwill. *Note:* Schedule RC, item 10.a will be moved to Schedule RC–M, new item 2.b., and the phrase ''other than goodwill'' will be removed from the caption for Schedule RC–M, item 2.	RCON3163

DATA ITEMS WITH A REDUCTION IN FREQUENCY OF COLLECTION
SEMIANNUAL REPORTING (JUNE 30 AND DECEMBER 31)

Schedule	Item	Item name	MDRM No.
RC–B	M3	Amortized cost of held-to-maturity securities sold or transferred to available-for-sale or trading securities during the calendar year-to-date.	RCON1778
RC–C, Part I	M7.a	Purchased credit-impaired loans held for investment accounted for in accordance with FASB ASC 310–30: Outstanding balance.	RCONC779
RC–C, Part I	M7.b	Purchased credit-impaired loans held for investment accounted for in accordance with FASB ASC 310–30: Amount included in Schedule RC–C, Part I, items 1 through 9.	RCONC780
RC–C, Part I	M8.a	Total amount of closed-end loans with negative amortization features secured by 1–4 family residential properties.	RCONF230
RC–C, Part I	M12	Loans (not subject to the requirements of FASB ASC 310–30 (former AICPA Statement of Position 03–3)) and leases held for investment that were acquired in business combinations with acquisition dates in the current calendar year (Columns A through C).	RCONGW45, RCONGW46, RCONGW47
RC–L	11.a	Year-to-date merchant credit card sales volume: Sales for which the reporting bank is the acquiring bank.	RCONC223
RC–L	11.b	Year-to-date merchant credit card sales volume: Sales for which the reporting bank is the agent bank with risk.	RCONC224
RC–N	M7	Additions to nonaccrual assets during the quarter. *Note:* This caption would be revised to ''Additions to nonaccrual assets during the last 6 months''.	RCONC410
RC–N	M8	Nonaccrual assets sold during the quarter. *Note:* This caption would be revised to ''Nonaccrual assets sold during the last 6 months''.	RCONC411
RC–N	M9.a	Purchased credit-impaired loans accounted for in accordance with FASB ASC 310–30 (former AICPA Statement of Position 03–3): Outstanding balance (Columns A through C).	RCONL183, RCONL184, RCONL185
RC–N	M9.b	Purchased credit-impaired loans accounted for in accordance with FASB ASC 310–30 (former AICPA Statement of Position 03–3): Amount included in Schedule RC–N, items 1 through 7, above (Columns A through C).	RCONL186, RCONL187, RCONL188

ANNUAL REPORTING (DECEMBER 31)

Schedule	Item	Item name	MDRM No.
RI–E	1.a through 1.l	Other noninterest income (from Schedule RI, item 5.l)	RIADC013, RIADC014, RIADC016, RIAD4042, RIADC015, RIADF555, RIADT047, RIAD4461, RIAD4462, RIAD4463
RI–E	2.a through 2.p	Other noninterest expense (from Schedule RI, item 7.d)	RIADC017, RIAD0497, RIAD4136, RIADC018, RIAD8403, RIAD4141, RIAD4146, RIADF556, RIADF557, RIADF558, RIADF559, RIADY923, RIADY924, RIAD4464, RIAD4467, RIAD4468

DATA ITEMS WITH AN INCREASE IN REPORTING THRESHOLD

Schedule	Item	Item name	MDRM No.
To be completed by banks with components of other noninterest income in amounts greater than $100,000 that exceed 7 percent of Schedule RI, item 5.l			
RI–E	1.a through 1.l	Other noninterest income (from Schedule RI, item 5.l)	RIADC013, RIADC014, RIADC016, RIAD4042, RIADC015, RIADF555, RIADT047, RIAD4461, RIAD4462, RIAD4463
To be completed by banks with components of other noninterest expense in amounts greater than $100,000 that exceed 7 percent of Schedule RI, item 7.d			
RI–E	2.a through 2.p	Other noninterest expense (from Schedule RI, item 7.d)	RIADC017, RIAD0497, RIAD4136, RIADC018, RIAD8403, RIAD4141, RIAD4146, RIADF556, RIADF557, RIADF558, RIADF559, RIADY923, RIADY924, RIAD4464, RIAD4467, RIAD4468

Appendix C

FFIEC 041: To Be Completed by Banks With Domestic Offices Only and Consolidated Total Assets Less Than $100 Billion

Data Items Removed, Other Impacts to Data Items, Reduction in Reporting Frequency, or Increase in Reporting Threshold

DATA ITEMS REMOVED

Schedule	Item	Item name	MDRM No.
RI	M8.a	Trading revenue from interest rate exposures	RIAD8757
RI	M8.b	Trading revenue from foreign exchange exposures	RIAD8758
RI	M8.c	Trading revenue from equity security and index exposures	RIAD8759
RI	M8.d	Trading revenue from commodity and other exposures	RIAD8760
RI	M8.e	Trading revenue from credit exposures	RIADF186
RI	M8.f.(1)	Impact on trading revenue of changes in the creditworthiness of the bank's derivatives counterparties on the bank's derivative assets: Gross credit valuation adjustment (CVA).	RIADFT36
RI	M8.f.(2)	Impact on trading revenue of changes in the creditworthiness of the bank's derivatives counterparties on the bank's derivative assets: CVA hedge.	RIADFT37
RI	M8.g.(1)	Impact on trading revenue of changes in the creditworthiness of the bank on the bank's derivative liabilities: Gross debit valuation adjustment (DVA).	RIADFT38
RI	M8.g.(2)	Impact on trading revenue of changes in the creditworthiness of the bank on the bank's derivative liabilities: DVA hedge.	RIADFT39
RI	M8.h	Gross trading revenue before including positive or negative net CVA and net DVA.	RIADFT40
RI–E	1.f	Net change in the fair values of financial instruments accounted for under a fair value option.	RIADF229
RI–E	1.h	Gains on bargain purchases	RIADJ447
RC	10.a	Goodwill. *Note:* Schedule RC, item 10.a will be moved to Schedule RC–M, new item 2.b.	RCON3163
RC	10.b	Other intangible assets (from Schedule RC–M). *Note:* Items 10.a and 10.b of Schedule RC will be combined into one data item.	RCON0426
RC–B	2.a	U.S. Government agency obligations (exclude mortgage-backed securities): Issued by U.S. Government agencies (Columns A through D).	RCON1289, RCON1290, RCON1291, RCON1293
RC–B	2.b	U.S. Government agency obligations (exclude mortgage-backed securities): Issued by U.S. Government-sponsored agencies (Columns A through D). *Note:* Items 2.a and 2.b of Schedule RC–B will be combined into one data item (Columns A through D).	RCON1294, RCON1295, RCON1297, RCON1298
RC–B	5.b.(1)	Structured financial products: Cash (Columns A through D)	RCONG336, RCONG337, RCONG338, RCONG339

DATA ITEMS REMOVED—Continued

Schedule	Item	Item name	MDRM No.
RC–B	5.b.(2)	Structured financial products: Synthetic (Columns A through D)	RCONG340, RCONG341, RCONG342, RCONG343
RC–B	5.b.(3)	Structured financial products: Hybrid (Columns A through D) ..... Note: Items 5.b.(1), 5.b.(2), and 5.b.(3) of Schedule RC–B will be combined into one data item.	RCONG344, RCONG345, RCONG346, RCONG347
RC–D	5.a.(1)	Structured financial products: Cash	RCONG383
RC–D	5.a.(2)	Structured financial products: Synthetic	RCONG384
RC–D	5.a.(3)	Structured financial products: Hybrid. *Note:* Items 5.a.(1), 5.a.(2), and 5.a.(3) of Schedule RC–D will be combined into one data item.	RCONG385
RC–D	6.a.(1)	Construction, land development, and other land loans	RCONF604
RC–D	6.a.(2)	Loans secured by farmland	RCONF605
RC–D	6.a.(3)(a)	Revolving, open-end loans secured by 1–4 family residential properties and extended under lines of credit.	RCONF606
RC–D	6.a.(3)(b)(1)	Closed-end loans secured by 1–4 family residential properties: Secured by first liens.	RCONF607
RC–D	6.a.(3)(b)(2)	Closed-end loans secured by 1–4 family residential properties: Secured by junior liens.	RCONF611
RC–D	6.a.(4)	Loans secured by multifamily (5 or more) residential properties ..	RCONF612
RC–D	6.a.(5)	Loans secured by nonfarm nonresidential properties. *Note:* Items 6.a.(1), 6.a.(2), 6.a.(3)(a), 6.a.(3)(b)(1), 6.a.(3)(b)(2), 6.a.(4), and 6.a.(5) of Schedule RC–D will be replaced by two data items: (1) Loans secured by 1–4 family residential properties, and (2) All other loans secured by real estate.	RCONF613
RC–D	6.c.(1)	Loans to individuals for household, family, and other personal expenditures: Credit cards.	RCONF615
RC–D	6.c.(2)	Loans to individuals for household, family, and other personal expenditures: Other revolving credit plans.	RCONF616
RC–D	6.c.(3)	Loans to individuals for household, family, and other personal expenditures: Automobile loans.	RCONK199
RC–D	6.c.(4)	Loans to individuals for household, family, and other personal expenditures: Other consumer loans. *Note:* Items 6.c.(1), 6.c.(2), 6.c.(3), and 6.c.(4) of Schedule RC–D will be combined into one data item.	RCONK210
RC–D	M1.a.(1)	Unpaid principal balance of loans measured at fair value: Construction, land development, and other land loans.	RCONF625
RC–D	M1.a.(2)	Unpaid principal balance of loans measured at fair value: Loans secured by farmland.	RCONF626
RC–D	M1.a.(3)(a)	Unpaid principal balance of loans measured at fair value: Revolving, open-end loans secured by 1–4 family residential properties and extended under lines of credit.	RCONF627
RC–D	M1.a.(3)(b)(1)	Unpaid principal balance of loans measured at fair value: Closed-end loans secured by 1–4 family residential properties: Secured by first liens.	RCONF628
RC–D	M1.a.(3)(b)(2)	Unpaid principal balance of loans measured at fair value: Closed-end loans secured by 1–4 family residential properties: Secured by junior liens.	RCONF629
RC–D	M1.a.(4)	Unpaid principal balance of loans measured at fair value: Loans secured by multifamily (5 or more) residential properties.	RCONF630
RC–D	M1.a.(5)	Unpaid principal balance of loans measured at fair value: Loans secured by nonfarm nonresidential properties. *Note:* Items M1.a.(1), M1.a.(2), M1.a.(3)(a), M1.a.(3)(b)(1), M1.a.(3)(b)(2), M1.a.(4), and M1.a.(5) of Schedule RC–D will be replaced by two data items: (1) Unpaid principal balance of loans measured at fair value: Loans secured by 1–4 family residential properties, and (2) Unpaid principal balance of loans measured at fair value: All other loans secured by real estate.	RCONF631
RC–D	M1.c.(1)	Unpaid principal balance of loans measured at fair value: Loans to individuals for household, family, and other personal expenditures: Credit cards.	RCONF633
RC–D	M1.c.(2)	Unpaid principal balance of loans measured at fair value: Loans to individuals for household, family, and other personal expenditures: Other revolving credit plans.	RCONF634
RC–D	M1.c.(3)	Unpaid principal balance of loans measured at fair value: Loans to individuals for household, family, and other personal expenditures: Automobile loans.	RCONK200
RC–D	M1.c.(4)	Unpaid principal balance of loans measured at fair value: Loans to individuals for household, family, and other personal expenditures: Other consumer loans. *Note:* Items M1.c.(1), M1.c.(2), M1.c.(3), and M1.c.(4) of Schedule RC–D will be combined into one data item.	RCONK211

DATA ITEMS REMOVED—Continued

Schedule	Item	Item name	MDRM No.
RC–D	M2.a	Loans measured at fair value that are past due 90 days or more: Fair value.	RCONF639
RC–D	M2.b	Loans measured at fair value that are past due 90 days or more: Unpaid principal balance.	RCONF640
RC–D	M3.a	Structured financial products by underlying collateral or reference assets: Trust preferred securities issued by financial institutions.	RCONG299
RC–D	M3.b	Structured financial products by underlying collateral or reference assets: Trust preferred securities issued by real estate investment trusts.	RCONG332
RC–D	M3.c	Structured financial products by underlying collateral or reference assets: Corporate and similar loans.	RCONG333
RC–D	M3.d	Structured financial products by underlying collateral or reference assets: 1–4 family residential MBS issued or guaranteed by U.S. Government-sponsored enterprises (GSEs).	RCONG334
RC–D	M3.e	Structured financial products by underlying collateral or reference assets: 1–4 family residential MBS not issued or guaranteed by GSEs.	RCONG335
RC–D	M3.f	Structured financial products by underlying collateral or reference assets: Diversified (mixed) pools of structured financial products.	RCONG651
RC–D	M3.g	Structured financial products by underlying collateral or reference assets: Other collateral or reference assets.	RCONG652
RC–D	M4.a	Pledged trading assets: Pledged securities	RCONG387
RC–D	M4.b	Pledged trading assets: Pledged loans	RCONG388
RC–D	M5.a	Asset-backed securities: Credit card receivables	RCONF643
RC–D	M5.b	Asset-backed securities: Home equity lines	RCONF644
RC–D	M5.c	Asset-backed securities: Automobile loans	RCONF645
RC–D	M5.d	Asset-backed securities: Other consumer loans	RCONF646
RC–D	M5.e	Asset-backed securities: Commercial and industrial loans	RCONF647
RC–D	M5.f	Asset-backed securities: Other	RCONF648
RC–D	M6	Retained beneficial interests in securitizations	RCONF651
RC–D	M7.a	Equity securities: Readily determinable fair values	RCONF652
RC–D	M7.b	Equity securities: Other	RCONF653
RC–D	M8	Loans pending securitization	RCONF654
RC–D	M9	Other trading assets	RCONF655, RCONF656, RCONF657
RC–D	M10	Other trading liabilities	RCONF658, RCONF659, RCONF660
RC–L	1.a.(1)	Unused commitments for Home Equity Conversion Mortgage (HECM) reverse mortgages outstanding that are held for investment.	RCONJ477
RC–L	1.a.(2)	Unused commitments for proprietary reverse mortgages outstanding that are held for investment. *Note:* Items 1.a.(1) and 1.a.(2) of Schedule RC–L will be combined into one data item.	RCONJ478
RC–L	8	Spot foreign exchange contracts	RCON8765
RC–L	16.a	Over-the-counter derivatives: Net current credit exposure (Columns B, C, and D).	RCONG419, RCONG420, RCONG421
RC–L	16.b.(1)	Over-the-counter derivatives: Fair value of collateral: Cash—U.S. dollar (Columns B, C, and D).	RCONG424, RCONG425, RCONG426
RC–L	16.b.(2)	Over-the-counter derivatives: Fair value of collateral: Cash—Other currencies (Columns B, C, and D).	RCONG429, RCONG430, RCONG431
RC–L	16.b.(3)	Over-the-counter derivatives: Fair value of collateral: U.S. Treasury securities (Columns B, C, and D).	RCONG434, RCONG435, RCONG436
RC–L	16.b.(4)	Over-the-counter derivatives: Fair value of collateral: U.S. Government agency and U.S. Government-sponsored agency debt securities (Columns A, B, C, D, and E).	RCONG438, RCONG439, RCONG440, RCONG441, RCONG442
RC–L	16.b.(5)	Over-the-counter derivatives: Fair value of collateral: Corporate bonds (Columns A, B, C, D, and E).	RCONG443, RCONG444, RCONG445, RCONG446, RCONG447
RC–L	16.b.(6)	Over-the-counter derivatives: Fair value of collateral: Equity securities (Columns A, B, C, D, and E).	RCONG448, RCONG449, RCONG450, RCONG451, RCONG452
RC–L	16.b.(7)	Over-the-counter derivatives: Fair value of collateral: All other collateral (Columns B, C, and D). *Note:* Amounts reported in items 16.b.(4), 16.b.(5), and 16.b.(6), Columns A and E, will be included in item 16.b.(7), Columns A and E.	RCONG454, RCONG455, RCONG456

DATA ITEMS REMOVED—Continued

Schedule	Item	Item name	MDRM No.
RC–L	16.b.(8)	Over-the-counter derivatives: Fair value of collateral: Total fair value of collateral (Columns B, C, and D). *Note:* Amounts reported in items 16.a, 16.b.(1), 16.b.(2), 16.b.(3), 16.b.(4), 16.b.(5), 16.b.(6), and 16.b.(7), Columns B, C, and D, will be included in items 16.a, 16.b.(1), 16.b.(2), 16.b.(3), and 16.b.(7), Column E.	RCONG459, RCONG460, RCONG461
RC–M	2.b	Purchased credit card relationships and nonmortgage servicing assets. *Note:* Amounts reported in item 2.b will be included in item 2.c, All other identifiable intangible assets.	RCONB026
RC–M	3.f	Foreclosed properties from ''GNMA loans.'' *Note:* Amounts reported in item 3.f will be included in item 3.c, Other real estate owned: 1–4 family residential properties.	RCONC979

OTHER IMPACTS TO DATA ITEMS

Schedule	Item	Item name	MDRM No.
RC	10 (New)	Intangible assets. *Note:* Items 10.a and 10.b of Schedule RC will be combined into this data item.	RCON2143
RC–B	2 (New)	U.S. Government agency obligations (exclude mortgage-backed securities (Columns A through D). *Note:* Items 2.a and 2.b of Schedule RC–B removed above will be combined into this data item (Columns A through D).	To be determined (TBD) (4 MDRMs)
RC–B	5.b (New)	Structured financial products (Columns A through D). *Note:* Items 5.b.(1), 5.b.(2), and 5.b.(3) of Schedule RC–B removed above will be combined into this data item (Columns A through D).	TBD (4 MDRMs)
RC–D	5.a (New)	Structured financial products. *Note:* Items 5.a.(1), 5.a.(2), and 5.a.(3) of Schedule RC–D removed above will be combined into this data item.	TBD
RC–D	6.a.(1) (New)	Loans secured by 1–4 family residential properties. *Note:* Items 6.a.(3)(a), 6.a.(3)(b)(1), and 6.a.(3)(b)(2) of Schedule RC–D removed above will be combined into this data item.	TBD
RC–D	6.a.(2) (New)	All other loans secured by real estate. *Note:* Items 6.a.(1), 6.a.(2), 6.a.(4), and 6.a.(5) of Schedule RC–D removed above will be combined into this data item.	TBD
RC–D	6.c (New)	Loans to individuals for household, family and other personal expenditures (i.e., consumer loans) (includes purchased paper). *Note:* Items 6.c.(1), 6.c.(2), 6.c.(3), and 6.c.(4) of Schedule RC–D removed above will be combined into this data item.	TBD
RC–D	M1.a.(1) (New)	Unpaid principal balance of loans measured at fair value: Loans secured by 1–4 family residential properties. *Note:* Items M1.a.(3)(a), M1.a.(3)(b)(1), and M1.a.(3)(b)(2) of Schedule RC–D removed above will be combined into this data item.	TBD
RC–D	M1.a.(2) (New)	Unpaid principal balance of loans measured at fair value: All other loans secured by real estate. *Note:* Items M1.a.(1), M1.a.(2), M1.a.(4), and M1.a.(5) of Schedule RC–D removed above will be combined into this data item.	TBD
RC–D	M1.c (New)	Unpaid principal balance of loans measured at fair value: Loans to individuals for household, family, and other personal expenditures. *Note:* Items M1.c.(1), M1.c.(2), M1.c.(3), and M1.c.(4) of Schedule RC–D removed above will be combined into this data item.	TBD
RC–L	1.a.(1) (New)	Unused commitments for reverse mortgages outstanding that are held for investment. *Note:* Items 1.a.(1) and 1.a.(2) of Schedule RC–L removed above will be combined into this data item.	TBD
RC–M	2.b (Re-mapping)	Goodwill. *Note:* Schedule RC, item 10.a will be moved to Schedule RC–M, new item 2.b., and the phrase ''other than goodwill'' will be removed from the caption for Schedule RC–M, item 2.	RCON3163

DATA ITEMS WITH A REDUCTION IN FREQUENCY OF COLLECTION SEMIANNUAL REPORTING (JUNE 30 AND DECEMBER 31)

Schedule	Item	Item name	MDRM No.
RI	M12	Noncash income from negative amortization on closed-end loans secured by 1–4 family residential properties.	RIADF228

DATA ITEMS WITH A REDUCTION IN FREQUENCY OF COLLECTION—Continued
SEMIANNUAL REPORTING (JUNE 30 AND DECEMBER 31)

Schedule	Item	Item name	MDRM No.
RC–B	M3	Amortized cost of held-to-maturity securities sold or transferred to available-for-sale or trading securities during the calendar year-to-date.	RCON1778
RC–C, Part I	M7.a	Purchased credit-impaired loans held for investment accounted for in accordance with FASB ASC 310–30: Outstanding balance.	RCONC779
RC–C, Part I	M7.b	Purchased credit-impaired loans held for investment accounted for in accordance with FASB ASC 310–30: Amount included in Schedule RC–C, Part I, items 1 through 9.	RCONC780
RC–C, Part I	M8.a	Total amount of closed-end loans with negative amortization features secured by 1–4 family residential properties.	RCONF230
RC–C, Part I	M8.b	Total maximum remaining amount of negative amortization contractually permitted on closed-end loans secured by 1–4 family residential properties.	RCONF231
RC–C, Part I	M8.c	Total amount of negative amortization on closed-end loans secured by 1–4 family residential properties included in the amount reported in Memorandum item 8.a above.	RCONF232
RC–C, Part I	M12.a	Loans (not subject to the requirements of FASB ASC 310–30 (former AICPA Statement of Position 03–3)) and leases held for investment that were acquired in business combinations with acquisition dates in the current calendar year: Loans secured by real estate (Columns A through C).	RCONG091, RCONG092, RCONG093
RC–C, Part I	M12.b	Loans (not subject to the requirements of FASB ASC 310–30 (former AICPA Statement of Position 03–3)) and leases held for investment that were acquired in business combinations with acquisition dates in the current calendar year: Commercial and industrial loans (Columns A through C).	RCONG094, RCONG095, RCONG096
RC–C, Part I	M12.c	Loans (not subject to the requirements of FASB ASC 310–30 (former AICPA Statement of Position 03–3)) and leases held for investment that were acquired in business combinations with acquisition dates in the current calendar year: Loans to individuals for household, family, and other personal expenditures (Columns A through C).	RCONG097, RCONG098, RCONG099
RC–C, Part I	M12.d	Loans (not subject to the requirements of FASB ASC 310–30 (former AICPA Statement of Position 03–3)) and leases held for investment that were acquired in business combinations with acquisition dates in the current calendar year: All other loans and all leases (Columns A through C).	RCONG100, RCONG101, RCONG102
RC–L	1.b.(1)	Unused consumer credit card lines	RCONJ455
RC–L	1.b.(2)	Other unused credit card lines	RCONJ456
RC–L	11.a	Year-to-date merchant credit card sales volume: Sales for which the reporting bank is the acquiring bank.	RCONC223
RC–L	11.b	Year-to-date merchant credit card sales volume: Sales for which the reporting bank is the agent bank with risk.	RCONC224
RC–N	M7	Additions to nonaccrual assets during the quarter. *Note:* This caption would be revised to "Additions to nonaccrual assets during the last 6 months.".	RCONC410
RC–N	M8	Nonaccrual assets sold during the quarter. *Note:* This caption would be revised to ''Nonaccrual assets sold during the last 6 months''.	RCONC411
RC–N	M9.a	Purchased credit-impaired loans accounted for in accordance with FASB ASC 310–30 (former AICPA Statement of Position 03–3): Outstanding balance (Columns A through C).	RCONL183, RCONL184, RCONL185
RC–N	M9.b	Purchased credit-impaired loans accounted for in accordance with FASB ASC 310–30 (former AICPA Statement of Position 03–3): Amount included in Schedule RC–N, items 1 through 7, above (Columns A through C).	RCONL186, RCONL187, RCONL188

ANNUAL REPORTING (DECEMBER)

Schedule	Item	Item name	MDRM No.
RC–M	9	Do any of the bank's Internet websites have transactional capability, i.e., allow the bank's customers to execute transactions on their accounts through the website?	RCON4088
RC–M	14.a	Total assets of captive insurance subsidiaries	RCONK193
RC–M	14.b	Total assets of captive reinsurance subsidiaries	RCONK194

DATA ITEMS WITH AN INCREASE IN REPORTING THRESHOLD

[Schedule RC–D is to be completed by banks that reported total trading assets of $10 million or more in any of the four preceding calendar quarters and all banks meeting the FDIC's definition of a large or highly complex institution for deposit insurance assessment purposes.]

Schedule	Item	Item name	MDRM No.
To be completed by banks with $10 billion or more in total assets			
RC–B	M5.a	Asset-backed securities: Credit card receivables (Columns A, B, C, and D).	RCONB838, RCONB839, RCONB840, RCONB841
RC–B	M5.b	Asset-backed securities: Home equity lines (Columns A, B, C, and D).	RCONB842, RCONB843, RCONB844, RCONB845
RC–B	M5.c	Asset-backed securities: Automobile loans (Columns A, B, C, and D).	RCONB846, RCONB847, RCONB848, RCONB849
RC–B	M5.d	Asset-backed securities: Other consumer loans (Columns A, B, C, and D).	RCONB850, RCONB851, RCONB852, RCONB853
RC–B	M5.e	Asset-backed securities: Commercial and industrial loans (Columns A, B, C, and D).	RCONB854, RCONB855, RCONB856, RCONB857
RC–B	M5.f	Asset-backed securities: Other (Columns A, B, C, and D)	RCONB858, RCONB859, RCONB860, RCONB861
RC–B	M6.a	Structured financial products by underlying collateral or reference assets: Trust preferred securities issued by financial institutions (Columns A through D).	RCONG348, RCONG349, RCONG350, RCONG351
RC–B	M6.b	Structured financial products by underlying collateral or reference assets: Trust preferred securities issued by real estate investment trusts (Columns A through D).	RCONG352, RCONG353, RCONG354, RCONG355
RC–B	M6.c	Structured financial products by underlying collateral or reference assets: Corporate and similar loans (Columns A through D).	RCONG356, RCONG357, RCONG358, RCONG359
RC–B	M6.d	Structured financial products by underlying collateral or reference assets: 1–4 family residential MBS issued or guaranteed by U.S. Government-sponsored enterprises (GSEs) (Columns A through D).	RCONG360, RCONG361, RCONG362, RCONG363
RC–B	M6.e	Structured financial products by underlying collateral or reference assets: 1–4 family residential MBS not issued or guaranteed by GSEs (Columns A through D).	RCONG364, RCONG365, RCONG366, RCONG367
RC–B	M6.f	Structured financial products by underlying collateral or reference assets: Diversified (mixed) pools of structured financial products (Columns A through D).	RCONG368, RCONG369, RCONG370, RCONG371
RC–B	M6.g	Structured financial products by underlying collateral or reference assets: Other collateral or reference assets (Columns A through D).	RCONG372, RCONG373, RCONG374, RCONG375
To be completed by banks with components of other noninterest income in amounts greater than $100,000 that exceed 7 percent of Schedule RI, item 5.l			
RI–E	1.a through 1.l	Other noninterest income (from Schedule RI, item 5.l)	RIADC013, RIADC014, RIADC016, RIAD4042, RIADC015, RIADF555, RIADT047, RIAD4461, RIAD4462, RIAD4463
To be completed by banks with components of other noninterest expense in amounts greater than $100,000 that exceed 7 percent of Schedule RI, item 7.d			
RI–E	2.a through 2.p	Other noninterest expense (from Schedule RI, item 7.d)	RIADC017, RIAD0497, RIAD4136, RIADC018, RIAD8403, RIAD4141, RIAD4146, RIADF556, RIADF557, RIADF558, RIADF559, RIADY923, RIADY924, RIAD4464, RIAD4467, RIAD4468
To be completed by banks with total trading assets of $10 million or more in any of the four preceding calendar quarters and all banks meeting the FDIC's definition of a large or highly complex institution for deposit insurance assessment purposes.			
RC–K	7	Trading assets	RCON3401

Appendix D

FFIEC 031: To Be Completed by Banks With Domestic and Foreign Offices and Banks With Domestic Offices Only and Consolidated Total Assets of $100 Billion or More

Data Items Removed, Other Impacts to Data Items, Reduction in Reporting Frequency, or Increase in Reporting Threshold

DATA ITEMS REMOVED

Schedule	Item	Item name	MDRM No.
RI–E	1.f	Net change in the fair values of financial instruments accounted for under a fair value option.	RIADF229
RI–E	1.h	Gains on bargain purchases	RIADJ447
RC	10.a	Goodwill. *Note:* Schedule RC, item 10.a will be moved to Schedule RC–M, new item 2.b.	RCFD3163
RC	10.b	Other intangible assets. *Note:* Items 10.a and 10.b of Schedule RC will be combined into one data item.	RCFD0426
RC–B	2.a	U.S. Government agency obligations (exclude mortgage-backed securities): Issued by U.S. Government agencies (Columns A through D).	RCFD1289, RCFD1290, RCFD1291, RCFD1293
RC–B	2.b	U.S. Government agency obligations (exclude mortgage-backed securities): Issued by U.S. Government-sponsored agencies (Columns A through D). *Note:* Items 2.a and 2.b of Schedule RC–B will be combined into one data item.	RCFD1294, RCFD1295, RCFD1297, RCFD1298
RC–B	5.b.(1)	Structured financial products: Cash (Columns A through D)	RCFDG336, RCFDG337, RCFDG338, RCFDG339
RC–B	5.b.(2)	Structured financial products: Synthetic (Columns A through D)	RCFDG340, RCFDG341, RCFDG342, RCFDG343
RC–B	5.b.(3)	Structured financial products: Hybrid (Columns A through D). *Note:* Items 5.b.(1), 5.b.(2), and 5.b.(3) of Schedule RC–B will be combined into one data item.	RCFDG344, RCFDG345, RCFDG346, RCFDG347
RC–D	All data items reported in Column B, ''Domestic offices''.	Column B, ''Domestic offices.'' *Note:* Data items 6.a.(1) through 6.a.(5), Column B, will be combined into two data items to be collected for the consolidated bank in Column A, which will replace data item 6.a, Column A. In addition, data items M1.a.(1) through M1.a.(5), Column B, will be combined into two data items to be collected for the consolidated bank in Column A, which will replace data item M.1.a, Column A. Data items 12 and 15, Column B, will be moved to Schedule RC–H, new items 19 and 20. Data items 6.a.(1) through 6.d, Column B, will be combined into one data item and moved to Schedule RC–H, new item 21.	RCON3531, RCON3532, RCON3533, RCONG379, RCONG380, RCONG381, RCONK197, RCONK198, RCONG383, RCONG384, RCONG385, RCONG386, RCONF604, RCONF605, RCONF606, RCONF607, RCONF611, RCONF612, RCONF613, RCONF614, RCONF615, RCONF616, RCONK199, RCONK210, RCONF618, RCON3541, RCON3543, RCON3545, RCON3546, RCONF624, RCON3547, RCON3548, RCONF625, RCONF626, RCONF627, RCONF628, RCONF629, RCONF630, RCONF631, RCONF632, RCONF633, RCONF634, RCONK200, RCONK211, RCONF636, RCONF639, RCONF640, RCONG299, RCONG332, RCONG333, RCONG334, RCONG335, RCONG651, RCONG652, RCONG387, RCONG388
RC–D	5.a.(1)	Structured financial products: Cash (Column A)	RCFDG383
RC–D	5.a.(2)	Structured financial products: Synthetic (Column A)	RCFDG384
RC–D	5.a.(3)	Structured financial products: Hybrid (Column A). *Note:* Items 5.a.(1), 5.a.(2), and 5.a.(3) of Schedule RC–D, Column A, will be combined into one data item.	RCFDG385
RC–D	6.a	Loans secured by real estate (Column A)	RCFDF610
RC–D	6.c.(1)	Loans to individuals for household, family, and other personal expenditures: Credit cards (Column A).	RCFDF615
RC–D	6.c.(2)	Loans to individuals for household, family, and other personal expenditures: Other revolving credit plans (Column A).	RCFDF616

DATA ITEMS REMOVED—Continued

Schedule	Item	Item name	MDRM No.
RC–D	6.c.(3)	Loans to individuals for household, family, and other personal expenditures: Automobile loans (Column A).	RCFDK199
RC–D	6.c.(4)	Loans to individuals for household, family, and other personal expenditures: Other consumer loans. *Note:* Items 6.c.(1), 6.c.(2), 6.c.(3), and 6.c.(4) of Schedule RC–D, Column A, will be combined into one data item.	RCFDK210
RC–D	M1.a	Unpaid principal balance of loans measured at fair value: Loans secured by real estate (Column A).	RCFDF790
RC–D	M1.c.(1)	Unpaid principal balance of loans measured at fair value: Loans to individuals for household, family, and other personal expenditures: Credit cards (Column A).	RCFDF633
RC–D	M1.c.(2)	Unpaid principal balance of loans measured at fair value: Loans to individuals for household, family, and other personal expenditures: Other revolving credit plans (Column A).	RCFDF634
RC–D	M1.c.(3)	Unpaid principal balance of loans measured at fair value: Loans to individuals for household, family, and other personal expenditures: Automobile loans (Column A).	RCFDK200
RC–D	M1.c.(4)	Unpaid principal balance of loans measured at fair value: Loans to individuals for household, family, and other personal expenditures: Other consumer loans (Column A). *Note:* Items M1.c.(1), M1.c.(2), M1.c.(3), and M1.c.(4) of Schedule RC–D, Column A, will be combined into one data item.	RCFDK211
RC–D	M6	Retained beneficial interests in securitizations	RCFDF651
RC–L	1.a.(1)	Unused commitments for Home Equity Conversion Mortgage (HECM) reverse mortgages outstanding that are held for investment.	RCONJ477
RC–L	1.a.(2)	Unused commitments for proprietary reverse mortgages outstanding that are held for investment. *Note:* Items 1.a.(1) and 1.a.(2) of Schedule RC–L will be combined into one data item.	RCONJ478
RC–L	16.a	Over-the-counter derivatives: Net current credit exposure (Column B).	RCFDG419
RC–L	16.b.(1)	Over-the-counter derivatives: Fair value of collateral: Cash—U.S. dollar (Column B).	RCFDG424
RC–L	16.b.(2)	Over-the-counter derivatives: Fair value of collateral: Cash—Other currencies (Column B).	RCFDG429
RC–L	16.b.(3)	Over-the-counter derivatives: Fair value of collateral: U.S. Treasury securities (Column B).	RCFDG434
RC–L	16.b.(4)	Over-the-counter derivatives: Fair value of collateral: U.S. Government agency and U.S. Government-sponsored agency debt securities (Column B).	RCFDG439
RC–L	16.b.(5)	Over-the-counter derivatives: Fair value of collateral: Corporate bonds (Column B).	RCFDG444
RC–L	16.b.(6)	Over-the-counter derivatives: Fair value of collateral: Equity securities (Column B).	RCFDG449
RC–L	16.b.(7)	Over-the-counter derivatives: Fair value of collateral: All other collateral (Column B).	RCFDG454
RC–L	16.b.(8)	Over-the-counter derivatives: Fair value of collateral: Total fair value of collateral (Column B). *Note:* Amounts reported in items 16.a, 16.b.(1), 16.b.(2), 16.b.(3), 16.b.(4), 16.b.(5), 16.b.(6), 16.b.(7), and 16.b.(8), Column B, will be included in items 16.a, 16.b.(1), 16.b.(2), 16.b.(3), 16.b.(4), 16.b.(5), 16.b.(6), 16.b.(7), and 16.b.(8), Column E.	RCFDG459
RC–M	2.b	Purchased credit card relationships and nonmortgage servicing assets. *Note:* Amounts reported in item 2.b will be included in item 2.c, All other identifiable intangible assets.	RCFDB026
RC–M	3.f	Foreclosed properties from ''GNMA loans.'' *Note:* Amounts reported in item 3.f will be included in item 3.c, Other real estate owned: 1–4 family residential properties.	RCONC979

OTHER IMPACTS TO DATA ITEMS

Schedule	Item	Item name	MDRM No.
RC	10 (New)	Intangible assets. *Note:* Items 10.a and 10.b of Schedule RC will be combined into this data item.	RCFD2143
RC–B	2 (New)	U.S. Government agency obligations (exclude mortgage-backed securities (Columns A through D). *Note:* Items 2.a and 2.b of Schedule RC–B removed above will be combined into this data item (Columns A through D).	To be determined (TBD) (4 MDRMs)

OTHER IMPACTS TO DATA ITEMS—Continued

Schedule	Item	Item name	MDRM No.
RC–B	5.b (New)	Structured financial products (Columns A through D). *Note:* Items 5.b.(1), 5.b.(2), and 5.b.(3) of Schedule RC–B removed above will be combined into this data item (Columns A through D).	TBD (4 MDRMs)
RC–D	5.a (New)	Structured financial products. *Note:* Items 5.a.(1), 5.a.(2), and 5.a.(3) of Schedule RC–D, Column A, removed above will be combined into this data item.	TBD
RC–D	6.a.(1) (New)	Loans secured by 1–4 family residential properties. *Note:* Items 6.a.(3)(a), 6.a.(3)(b)(1), and 6.a.(3)(b)(2) of Schedule RC–D, Column B, removed above will be combined into this data item for the consolidated bank in Column A, which will partially replace item 6.a, Column A.	TBD
RC–D	6.a.(2) (New)	All other loans secured by real estate. *Note:* Items 6.a.(1), 6.a.(2), 6.a.(4), and 6.a.(5) of Schedule RC–D, Column B, removed above will be combined into this data item for the consolidated bank in Column A, which will partially replace item 6.a, Column A.	TBD
RC–D	6.c (New)	Loans to individuals for household, family and other personal expenditures (i.e., consumer loans) (includes purchased paper). *Note:* Items 6.c.(1), 6.c.(2), 6.c.(3), and 6.c.(4) of Schedule RC–D removed above will be combined into this data item.	TBD
RC–D	M1.a.(1) (New)	Unpaid principal balance of loans measured at fair value: Loans secured by 1–4 family residential properties. *Note:* Items M1.a.(3)(a), M1.a.(3)(b)(1), and M1.a.(3)(b)(2) of Schedule RC–D, Column B, removed above will be combined into this data item for the consolidated bank in Column A, which will partially replace item M.1.a, Column A.	TBD
RC–D	M1.a.(2) (New)	Unpaid principal balance of loans measured at fair value: All other loans secured by real estate. *Note:* Items M1.a.(1), M1.a.(2), M1.a.(4), and M1.a.(5) of Schedule RC–D, Column B, removed above will be combined into this data item for the consolidated bank in Column A, which will partially replace item M.1.a, Column A.	TBD
RC–D	M1.c (New)	Unpaid principal balance of loans measured at fair value: Loans to individuals for household, family, and other personal expenditures (i.e., consumer loans) (includes purchased paper). *Note:* Items M1.c.(1), M1.c.(2), M1.c.(3), and M1.c.(4) of Schedule RC–D, Column A, removed above will be combined into this data item.	TBD
RC–H	19 (Re-mapping)	Total trading assets. *Note:* Schedule RC–D, item 12, Column B, will be moved to Schedule RC–H, item 19. The proposed threshold change applicable to Schedule RC–D applies to this item.	RCON3545
RC–H	20 (Re-mapping)	Total trading liabilities. *Note:* Schedule RC–D, item 15, Column B, will be moved to Schedule RC–H, item 20. The proposed threshold change applicable to Schedule RC–D applies to this item.	RCON3548
RC–H	21 (New)	Total loans held for trading. *Note:* The proposed threshold change applicable to Schedule RC–D applies to this item.	TBD
RC–L	1.a (New)	Unused commitments for reverse mortgages outstanding that are held for investment. *Note:* Items 1.a.(1) and 1.a.(2) of Schedule RC–L removed above will be combined into this data item.	TBD
RC–M	2.b (Re-mapping)	Goodwill. *Note:* Schedule RC, item 10.a will be moved to Schedule RC–M, new item 2.b., and the phrase ''other than goodwill'' will be removed from the caption for Schedule RC–M, item 2.	RCFD3163

DATA ITEMS WITH A REDUCTION IN FREQUENCY OF COLLECTION SEMIANNUAL REPORTING (JUNE 30 AND DECEMBER 31)

Schedule	Item	Item name	MDRM No.
RI	M12	Noncash income from negative amortization on closed-end loans secured by 1–4 family residential properties.	RIADF228
RC–B	M3	Amortized cost of held-to-maturity securities sold or transferred to available-for-sale or trading securities during the calendar year-to-date.	RCFD1778

DATA ITEMS WITH A REDUCTION IN FREQUENCY OF COLLECTION—Continued
SEMIANNUAL REPORTING (JUNE 30 AND DECEMBER 31)

Schedule	Item	Item name	MDRM No.
RC–C, Part I	M7.a	Purchased credit-impaired loans held for investment accounted for in accordance with FASB ASC 310–30: Outstanding balance.	RCFDC779
RC–C, Part I	M7.b	Purchased credit-impaired loans held for investment accounted for in accordance with FASB ASC 310–30: Amount included in Schedule RC–C, Part I, items 1 through 9.	RCFDC780
RC–C, Part I	M8.a	Total amount of closed-end loans with negative amortization features secured by 1–4 family residential properties.	RCONF230
RC–C, Part I	M8.b	Total maximum remaining amount of negative amortization contractually permitted on closed-end loans secured by 1–4 family residential properties.	RCONF231
RC–C, Part I	M8.c	Total amount of negative amortization on closed-end loans secured by 1–4 family residential properties included in the amount reported in Memorandum item 8.a above.	RCONF232
RC–C, Part I	M12.a	Loans (not subject to the requirements of FASB ASC 310–30 (former AICPA Statement of Position 03–3)) and leases held for investment that were acquired in business combinations with acquisition dates in the current calendar year: Loans secured by real estate (Columns A through C).	RCFDG091, RCFDG092, RCFDG093
RC–C, Part I	M12.b	Loans (not subject to the requirements of FASB ASC 310–30 (former AICPA Statement of Position 03–3)) and leases held for investment that were acquired in business combinations with acquisition dates in the current calendar year: Commercial and industrial loans (Columns A through C).	RCFDG094, RCFDG095, RCFDG096
RC–C, Part I	M12.c	Loans (not subject to the requirements of FASB ASC 310–30 (former AICPA Statement of Position 03–3)) and leases held for investment that were acquired in business combinations with acquisition dates in the current calendar year: Loans to individuals for household, family, and other personal expenditures (Columns A through C).	RCFDG097, RCFDG098, RCFDG099
RC–C, Part I	M12.d	Loans (not subject to the requirements of FASB ASC 310–30 (former AICPA Statement of Position 03–3)) and leases held for investment that were acquired in business combinations with acquisition dates in the current calendar year: All other loans and all leases (Columns A through C).	RCFDG100, RCFDG101, RCFDG102
RC–L	1.b.(1)	Unused consumer credit card lines	RCFDJ455
RC–L	1.b.(2)	Other unused credit card lines	RCFDJ456
RC–L	11.a	Year-to-date merchant credit card sales volume: Sales for which the reporting bank is the acquiring bank.	RCFDC223
RC–L	11.b	Year-to-date merchant credit card sales volume: Sales for which the reporting bank is the agent bank with risk.	RCFDC224
RC–N	M7	Additions to nonaccrual assets during the quarter. *Note:* This caption would be revised to ''Additions to nonaccrual assets during the last 6 months.''	RCFDC410
RC–N	M8	Nonaccrual assets sold during the quarter. *Note:* This caption would be revised to ''Nonaccrual assets sold during the last 6 months.''	RCFDC411
RC–N	M9.a	Purchased credit-impaired loans accounted for in accordance with FASB ASC 310–30 (former AICPA Statement of Position 03–3): Outstanding balance (Columns A through C).	RCFDL183, RCFDL184, RCFDL185
RC–N	M9.b	Purchased credit-impaired loans accounted for in accordance with FASB ASC 310–30 (former AICPA Statement of Position 03–3): Amount included in Schedule RC–N, items 1 through 7, above (Columns A through C).	RCFDL186, RCFDL187, RCFDL188

ANNUAL REPORTING (DECEMBER)

Schedule	Item	Item name	MDRM No.
RC–M	9	Do any of the bank's Internet websites have transactional capability, i.e., allow the bank's customers to execute transactions on their accounts through the website?	RCFD4088
RC–M	14.a	Total assets of captive insurance subsidiaries	RCFDK193
RC–M	14.b	Total assets of captive reinsurance subsidiaries	RCFDK194

DATA ITEMS WITH AN INCREASE IN REPORTING THRESHOLD

[Schedule RI–D is to be completed by banks with foreign offices (including Edge or Agreement subsidiaries and IBFs) *and* $10 billion or more in total assets where foreign office revenues, assets, or net income exceed 10 percent of consolidated total revenues, total assets, or net income.]

[Schedule RC–D is to be completed by banks that reported total trading assets of *$10 million* or more in any of the four preceding calendar quarters and all banks meeting the FDIC's definition of a large or highly complex institution for deposit insurance assessment purposes.]

Schedule	Item	Item name	MDRM No.
To be completed by banks with $10 billion or more in total assets			
RC–B	M5.a	Asset-backed securities: Credit card receivables (Columns A, B, C, and D).	RCFDB838, RCFDB839, RCFDB840, RCFDB841
RC–B	M5.b	Asset-backed securities: Home equity lines (Columns A, B, C, and D).	RCFDB842, RCFDB843, RCFDB844, RCFDB845
RC–B	M5.c	Asset-backed securities: Automobile loans (Columns A, B, C, and D).	RCFDB846, RCFDB847, RCFDB848, RCFDB849
RC–B	M5.d	Asset-backed securities: Other consumer loans (Columns A, B, C, and D).	RCFDB850, RCFDB851, RCFDB852, RCFDB853
RC–B	M5.e	Asset-backed securities: Commercial and industrial loans (Columns A, B, C, and D).	RCFDB854, RCFDB855, RCFDB856, RCFDB857
RC–B	M5.f	Asset-backed securities: Other (Columns A, B, C, and D)	RCFDB858, RCFDB859, RCFDB860, RCFDB861
RC–B	M6.a	Structured financial products by underlying collateral or reference assets: Trust preferred securities issued by financial institutions (Columns A through D).	RCFDG348, RCFDG349, RCFDG350, RCFDG351
RC–B	M6.b	Structured financial products by underlying collateral or reference assets: Trust preferred securities issued by real estate investment trusts (Columns A through D).	RCFDG352, RCFDG353, RCFDG354, RCFDG355
RC–B	M6.c	Structured financial products by underlying collateral or reference assets: Corporate and similar loans (Columns A through D).	RCFDG356, RCFDG357, RCFDG358, RCFDG359
RC–B	M6.d	Structured financial products by underlying collateral or reference assets: 1–4 family residential MBS issued or guaranteed by U.S. Government-sponsored enterprises (GSEs) (Columns A through D).	RCFDG360, RCFDG361, RCFDG362, RCFDG363
RC–B	M6.e	Structured financial products by underlying collateral or reference assets: 1–4 family residential MBS not issued or guaranteed by GSEs (Columns A through D).	RCFDG364, RCFDG365, RCFDG366, RCFDG367
RC–B	M6.f	Structured financial products by underlying collateral or reference assets: Diversified (mixed) pools of structured financial products (Columns A through D).	RCFDG368, RCFDG369, RCFDG370, RCFDG371
RC–B	M6.g	Structured financial products by underlying collateral or reference assets: Other collateral or reference assets (Columns A through D).	RCFDG372, RCFDG373, RCFDG374, RCFDG375
To be completed by banks with $10 billion or more in total trading assets			
RC–D	M2.a	Loans measured at fair value that are past due 90 days or more: Fair value (Column A).	RCFDF639
RC–D	M2.b	Loans measured at fair value that are past due 90 days or more: Unpaid principal balance (Column A).	RCFDF640
RC–D	M3.a	Structured financial products by underlying collateral or reference assets: Trust preferred securities issued by financial institutions (Column A).	RCFDG299
RC–D	M3.b	Structured financial products by underlying collateral or reference assets: Trust preferred securities issued by real estate investment trusts (Column A).	RCFDG332
RC–D	M3.c	Structured financial products by underlying collateral or reference assets: Corporate and similar loans (Column A).	RCFDG333
RC–D	M3.d	Structured financial products by underlying collateral or reference assets: 1–4 family residential MBS issued or guaranteed by U.S. Government-sponsored enterprises (GSEs) (Column A).	RCFDG334
RC–D	M3.e	Structured financial products by underlying collateral or reference assets: 1–4 family residential MBS not issued or guaranteed by GSEs (Column A).	RCFDG335
RC–D	M3.f	Structured financial products by underlying collateral or reference assets: Diversified (mixed) pools of structured financial products (Column A).	RCFDG651
RC–D	M3.g	Structured financial products by underlying collateral or reference assets: Other collateral or reference assets (Column A).	RCFDG652
RC–D	M4.a	Pledged trading assets: Pledged securities (Column A)	RCFDG387
RC–D	M4.b	Pledged trading assets: Pledged loans (Column A)	RCFDG388
RC–D	M5.a	Asset-backed securities: Credit card receivables	RCFDF643
RC–D	M5.b	Asset-backed securities: Home equity lines	RCFDF644

DATA ITEMS WITH AN INCREASE IN REPORTING THRESHOLD—Continued

[Schedule RI–D is to be completed by banks with foreign offices (including Edge or Agreement subsidiaries and IBFs) *and* $10 billion or more in total assets where foreign office revenues, assets, or net income exceed 10 percent of consolidated total revenues, total assets, or net income.]

[Schedule RC–D is to be completed by banks that reported total trading assets of *$10 million* or more in any of the four preceding calendar quarters and all banks meeting the FDIC's definition of a large or highly complex institution for deposit insurance assessment purposes.]

Schedule	Item	Item name	MDRM No.
RC–D	M5.c	Asset-backed securities: Automobile loans	RCFDF645
RC–D	M5.d	Asset-backed securities: Other consumer loans	RCFDF646
RC–D	M5.e	Asset-backed securities: Commercial and industrial loans	RCFDF647
RC–D	M5.f	Asset-backed securities: Other	RCFDF648
RC–D	M7.a	Equity securities: Readily determinable fair values	RCFDF652
RC–D	M7.b	Equity securities: Other	RCFDF653
RC–D	M8	Loans pending securitization	RCFDF654
RC–D	M9	Other trading assets	RCFDF655, RCFDF656, RCFDF657
RC–D	M10	Other trading liabilities	RCFDF658, RCFDF659, RCFDF660
To be completed by banks with total trading assets of $10 million or more for any quarter of the preceding calendar year			
RI	M8.a	Trading revenue: Interest rate exposures	RIAD8757
RI	M8.b	Trading revenue: Foreign exchange exposures	RIAD8758
RI	M8.c	Trading revenue: Equity security and index exposures	RIAD8759
RI	M8.d	Trading revenue: Commodity and other exposures	RIAD8760
RI	M8.e	Trading revenue: Credit exposures	RIADF186
To be completed by banks with components of other noninterest income in amounts greater than $100,000 that exceed 7 percent of Schedule RI, item 5.l			
RI–E	1.a through 1.l	Other noninterest income (from Schedule RI, item 5.l)	RIADC013, RIADC014, RIADC016, RIAD4042, RIADC015, RIADF555, RIADT047, RIAD4461, RIAD4462, RIAD4463
To be completed by banks with components of other noninterest expense in amounts greater than $100,000 that exceed 7 percent of Schedule RI, item 7.d			
RI–E	2.a through 2.p	Other noninterest expense (from Schedule RI, item 7.d)	RIADC017, RIAD0497, RIAD4136, RIADC018, RIAD8403, RIAD4141, RIAD4146, RIADF556, RIADF557, RIADF558, RIADF559, RIADY923, RIADY924, RIAD4464, RIAD4467, RIAD4468
To be completed by banks with total trading assets of $10 million or more in any of the four preceding calendar quarters and all banks meeting the FDIC's definition of a large or highly complex institution for deposit insurance assessment purposes.			
RC–K	7	Trading assets	RCFD3401

Dated: June 21, 2017.

Karen Solomon,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, June 21, 2017.

Ann E. Misback,

Secretary of the Board.

Dated at Washington, DC, this 21st day of June, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–13442 Filed 6–26–17; 8:45 am]

BILLING CODE 4810–33–P 6210–01–P 6714–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulations Associated With Miscellaneous Elections

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: The Internal Revenue Service (IRS), in accordance with the Paperwork Reduction Act of 1995 (PRA 95), provides the general public and Federal agencies with an opportunity to comment on continuing collections of information. The IRS is soliciting comments concerning regulations relating to the time and manner of Making Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988, and the Redesignation of Certain Other Temporary Elections Regulations. These regulations provide guidance to persons making these elections.

DATES: Written comments should be received on or before August 28, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the regulation should be directed to Taquesha Cain, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Taquesha.R.Cain@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988 and the Redesignation of Certain Other Temporary Elections Regulations.

OMB Number: 1545–1112.

Regulation Project Number: TD 8435 (Reg–301.9100–8).

Abstract: Regulation section 301.9100–8 provides final income, estate and gift, and employment tax regulations relating to elections made under the Technical and Miscellaneous Revenue Act of 1988. This regulation enables taxpayers to take advantage of various benefits provided by the Internal Revenue Code.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and state, local, or tribal governments.

Estimated Number of Respondents: 24,105.

Estimated Time per Respondent: 17 minutes.

Estimated Total Annual Burden Hours: 6,661.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 19, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–13346 Filed 6–26–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning exclusions from gross income of foreign corporations.

DATES: Written comments should be received on or before August 28, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to Sara Covington, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Exclusions From Gross Income of Foreign Corporations.

OMB Number: 1545–1677.

Regulation Project Number: TD 9502.

Abstract: This regulation contains rules implementing the portions of section 883(a) and (c) of the Internal Revenue Code that relate to income derived by foreign corporations from the international operation of a ship or ships or aircraft. The rules provide, in general, that a foreign corporation organized in a qualified foreign country and engaged in the international operation of ships or aircraft shall exclude qualified income from gross income for purposes of United States Federal income taxation, provided that the corporation can satisfy certain ownership and related documentation requirements.

Current Actions: There are no changes being made to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit and not-for-profit institutions and individuals or households.

Estimated Number of Respondents: 16,400.

Estimated Time per Respondent: 1 hr., 27 min.

Estimated Total Annual Burden Hours: 23,900.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 19, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–13341 Filed 6–26–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Rehabilitation Research and Development Service Scientific Merit Review Board; Notice of Meetings

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the subcommittees of the Rehabilitation Research and Development Service Scientific Merit Review Board will meet from 8:00 a.m. to 5:00 p.m. on the dates indicated below:

Subcommittee	Date(s)	Location
Research Career Scientists	July 31, 2017	VA Central Office.*
Regenerative Medicine	August 1, 2017	VHA National Conference Center.
Sensory Systems/Communication Disorders	August 1, 2017	VHA National Conference Center.
Brain Injury: TBI & Stroke	August 1–2, 2017	VHA National Conference Center.
Psychological Health & Social Reintegration	August 1–2, 2017	VHA National Conference Center.
Rehabilitation Engineering & Prosthetics/Orthotics	August 2, 2017	VHA National Conference Center.
Aging & Neurodegenerative Disease	August 3, 2017	VHA National Conference Center.
Spinal Cord Injury	August 3, 2017	VHA National Conference Center.
Career Development Award Program	August 3–4, 2017	VHA National Conference Center.
Musculoskeletal/Orthopedic	August 3–4, 2017	VHA National Conference Center.
Center and Research Enhancement Award Program	September 13, 2017	Courtyard Arlington Crystal City/ Regan National Airport.

The addresses of the meeting sites are: (*Teleconference). VA Central Office, 1100 First Street NE., Washington, DC 20002.

VHA National Conference Center, 2011 Crystal Drive, Arlington, VA 22202.

The purpose of the Board is to review rehabilitation research and development applications and advise the Director, Rehabilitation Research and Development Service, and the Chief Research and Development Officer on the scientific and technical merit, the mission relevance, and the protection of human and animal subjects.

The subcommittee meetings will be open to the public for approximately one-half hour at the start of each meeting to cover administrative matters and to discuss the general status of the program. Members of the public who wish to attend the open portion of the teleconference sessions may dial 1 (800) 767–1750, participant code 35847. The remaining portion of each subcommittee meeting will be closed to the public for the discussion, examination, reference to, and oral review of the research applications and critiques. During the closed portion of each subcommittee meeting, discussion and recommendations will include qualifications of the personnel conducting the studies (the disclosure of which would constitute a clearly unwarranted invasion of personal privacy), as well as research information (the premature disclosure of which would likely compromise significantly the implementation of proposed agency action regarding such research projects). As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing the meeting is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

No oral or written comments will be accepted from the public for either portion of the meetings. Those who plan to attend (by phone or in person) the open portion of a subcommittee meeting must contact Tiffany Asqueri, Designated Federal Officer, Rehabilitation Research and Development Service, at Department of Veterans Affairs (10P9R), 810 Vermont Avenue NW., Washington, DC 20420, or email *tiffany.asqueri@va.gov* at least 5 days before the meeting. For further information, please call Mrs. Asqueri at (202) 443–5757.

Dated: June 22, 2017.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–13441 Filed 6–26–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 82 Tuesday,
No. 122 June 27, 2017

Part II

Department of Labor

Occupational Safety and Health Administration

29 CFR Parts 1915 and 1926
Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyard Sectors; Proposed Rule

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1915 and 1926

[Docket No. OSHA–H005C–2006–0870]

RIN 1218–AB76

Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyard Sectors

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: The Occupational Safety and Health Administration (OSHA) proposes to revoke the ancillary provisions for the construction and the shipyard sectors that OSHA adopted on January 9, 2017 but retain the new lower permissible exposure limit (PEL) of 0.2 μg/m^3 and the short term exposure limit (STEL) of 2.0 μg/m^3 for each sector. OSHA will not enforce the January 9, 2017 shipyard and construction standards without further notice while this new rulemaking is underway. This proposal does not affect the general industry beryllium standard published on January 9, 2017.

DATES: *Written comments.* Written comments, including comments on the information collection determination described in Section VII of the preamble (OMB Review under the Paperwork Reduction Act of 1995), must be submitted (postmarked, sent, or received) by August 28, 2017.

Informal public hearings. The Agency will schedule an informal public hearing on the proposed rule if requested during the comment period. The location and date of the hearing, procedures for interested parties to notify the Agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the **Federal Register** if a hearing is requested.

ADDRESSES: *Written comments.* You may submit comments, identified by Docket No. OSHA–H005C–2006–0870, by any of the following methods:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal e-Rulemaking Portal. Follow the instructions on-line for making electronic submissions. When uploading multiple attachments into *Regulations.gov*, please number all of your attachments because *www.Regulations.gov* will not automatically number the attachments. This will be very useful in identifying all attachments in the beryllium rule. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document, etc. Specific instructions for uploading documents are found in the Frequently Asked Questions portion and the commenter check list on *Regulations.gov*.

Fax: If your submissions, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: You may submit your comments to the OSHA Docket Office, Docket No. OSHA–H005C–2006–0870, Room N–3653, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, telephone (202) 693–2350 (OSHA's TTY number is (877) 889–5627). OSHA's Docket Office accepts deliveries (hand deliveries, express mail, and messenger/courier service) from 10 a.m. to 3 p.m. e.t., weekdays.

Instructions: All submissions must include the Agency name and the docket number for this rulemaking (Docket No. OSHA–H005C–2006–0870). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at *http://www.regulations.gov.* Therefore, OSHA cautions you about submitting personal information such as Social Security numbers and birthdates.

Docket: To read or download comments and materials submitted in response to this **Federal Register** notice, go to Docket No. OSHA–H005C–2006–0870 at *http://www.regulations.gov,* or to the OSHA Docket Office at the address above. All comments and submissions are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through that Web site. All comments and submissions are available for inspection at the OSHA Docket Office.

Electronic copies of this **Federal Register** document are available at *http://www.regulations.gov.* Copies also are available from the OSHA Office of Publications, Room N–3101, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1888. This document, as well as news releases and other relevant information, is also available at OSHA's Web site at *http://www.osha.gov.*

FOR FURTHER INFORMATION CONTACT: *For general information and press inquiries, contact* Frank Meilinger, Director, Office of Communications, Room N–3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov. For technical inquiries, contact:* William Perry or Maureen Ruskin, Directorate of Standards and Guidance, Room N–3718, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1955 or fax (202) 693–1678; email: *ruskin.maureen@dol.gov.*

SUPPLEMENTARY INFORMATION: The preamble to this proposed rule on occupational exposure to beryllium and beryllium compounds follows this outline:

I. Executive Summary and Regulatory Issues
II. Pertinent Legal Authority
III. Events Leading to the Proposal
IV. Technological Feasibility Summary
V. Preliminary Economic Analysis
VI. Economic Feasibility and Regulatory Flexibility Certification
VII. OMB Review Under the Paperwork Reduction Act of 1995
VIII. Federalism
IX. State-Plan States
X. Unfunded Mandates Reform Act
XI. Protecting Children From Environmental Health and Safety Risks
XII. Environmental Impacts
XIII. Consultation and Coordination With Indian Tribal Governments
XIV. Public Participation
XV. Summary and Explanation of the Proposal
Authority and Signature
Amendments to Standards

I. Executive Summary and Regulatory Issues

On January 9, 2017, OSHA published its final rule *Occupational Exposure to Beryllium and Beryllium Compounds* in the **Federal Register** (82 FR 2470). OSHA concluded that employees exposed to beryllium and beryllium compounds at the preceding permissible exposure limits (PELs) were at significant risk of material impairment of health, specifically chronic beryllium disease and lung cancer. OSHA concluded that the new 8-hour time-weighted average (TWA) PEL of 0.2 μg/m^3 reduced this significant risk to the maximum extent feasible.

Based on information submitted to the record, in the final rule OSHA issued three separate standards—for general industry, for shipyards, and for construction. In addition to the revised PEL, the final rule established a new short-term exposure limit (STEL) of 2.0 μg/m^3 over a 15-minute sampling period and an action level of 0.1 μg/m^3 as an

8-hour TWA, along with a number of ancillary provisions intended to provide additional protections to employees, such as requirements for exposure assessment, methods for controlling exposure, respiratory protection, personal protective clothing and equipment, housekeeping, medical surveillance, hazard communication, and recordkeeping similar to those found in other OSHA health standards.

On March 21, 2017 OSHA published a delay of the effective date for the final beryllium rule to May 20, 2017 in the **Federal Register** (82 FR 14439). This action was based on comments received on OSHA's proposed delay of effective date for the final rule in the **Federal Register** (82 FR 12318). OSHA proposed this delay in accordance with the January 20, 2017 Presidential directive from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review'' (82 FR 8346 (1/24/17)) that directed agencies to consider further delaying the effective date for regulations beyond the initial 60-day period.

After a further review of the comments received on the proposed extension, as well as a review of the applicability of existing OSHA standards, OSHA is proposing to revoke the ancillary provisions applicable to the construction and shipyard sectors, but to retain the new lower PEL of 0.2 μg/m^3 and the STEL of 2.0 μg/m^3 for those sectors. In the final rule, OSHA reviewed the exposure data for abrasive blasting in construction and shipyards and welding in shipyards and determined that there is a significant risk of chronic beryllium disease (CBD) and lung cancer to workers in construction and shipyards based on the exposure levels observed. Because OSHA determined that there is significant risk of material impairment of health at the new lower PEL of 0.2 μg/m^3, the Agency continues to believe that it is necessary to protect workers exposed at this level. However, OSHA is now reconsidering the need for ancillary provisions in the construction and shipyards sectors. OSHA has evidence that beryllium exposure in these sectors is limited to the following operations: Abrasive blasting in construction, abrasive blasting in shipyards, and welding in shipyards. OSHA has a number of standards already applicable to these operations, including ventilation (29 CFR 1926.57) and mechanical paint removers (29 CFR 1915.34). In addition, this proposal provides stakeholders with an additional opportunity to offer comments on the protections needed for workers exposed to beryllium in the construction and shipyard sectors, including the need for the ancillary provisions in the January 9, 2017 construction and shipyard beryllium standards. This will give OSHA additional information as it further considers the January 9, 2017 final rule's provisions for these sectors.

While the new beryllium rule went into effect on May 20, 2017, compliance obligations do not begin until March 12, 2018. Moreover, OSHA will not enforce the January 9, 2017 shipyard and construction standards without further notice while this new rulemaking is underway.

OSHA requests feedback on issues associated with the proposed regulatory action and requests information that would help the Agency craft the final rule. The Agency welcomes comments concerning all aspects of this proposal. However, OSHA is especially interested in responses, supported by evidence and reasons, to the following questions:

1. OSHA has proposed revoking the ancillary provisions for the construction and shipyard sectors while retaining the new (lower) PEL of 0.2 μg/m^3 and STEL of 2.0 μg/m^3 for those sectors. Does this provide adequate protection to the workers in construction and shipyard sectors considering the other standards that apply? Should OSHA keep any or all of the ancillary provisions of the January 9, 2017 final rule for construction and shipyards? If so, which ones?

2. In particular, what is the incremental benefit if OSHA keeps the medical surveillance requirements for construction and shipyards described in the January 9, 2017 final rule, but revokes the other ancillary provisions? Alternatively, should OSHA keep some of the medical surveillance requirements for construction and shipyards but not others? Which medical surveillance requirements are most appropriate for beryllium-exposed workers in these sectors, if any? For more information, see Regulatory Alternative #21a, PELs plus medical surveillance (lowering the PEL and requiring medical surveillance when exposed above the PEL for operations outside the scope of the proposed rule), in the 2015 NPRM (80 FR 47565 (8/7/15)). OSHA's estimates of the medical surveillance costs changed between the NPRM and final rule because of a change of the medical surveillance trigger from the action level to the PEL; updated exposure data and hire rates; and revised unit costs in response to comments and conversion from 2010 to 2015 dollars.

3. In addition to the proposal in this notice, OSHA is considering extending the compliance dates in the January 9, 2017 final rule by a year for the construction and shipyard standards. This would give affected employers additional time to come into compliance with its requirements, which could be warranted by the uncertainty created by this proposal.

In the January 9, 2017 final rule, OSHA analyzed the technological and economic feasibility of complying with the rule for the construction and shipyard sectors and found that the rule was technologically and economically feasible for these sectors. Since the changes we propose today will retain the new PELs and eliminate the ancillary provisions, these changes will not affect the feasibility findings. The technological and economic feasibility of the January 9, 2017 final rule is established in the FEA, which is summarized in Sections IV and VI of this preamble.

Table I–1, which is based on the material presented in the 2016 FEA with updated assumptions, provides OSHA's best estimate of the cost savings to shipyard and construction establishments in all affected application groups as a result of this proposal to remove all of the ancillary provision requirements in those sectors. OSHA is proposing to remove the following ancillary provisions: Exposure monitoring, regulated areas (and competent person in construction), a written exposure control plan, protective equipment and work clothing, hygiene areas and practices, housekeeping, medical surveillance, medical removal, and worker training. Note that, because OSHA is not proposing to change the January 9, 2017 PELs and STELs in this proposal, OSHA has not estimated any cost savings related to engineering controls or respirators. Note also that, although not a requirement in the January 9, 2017 beryllium standards, OSHA estimated costs there for rule familiarization. Since some employers may have already incurred familiarization costs in reviewing those published standards, OSHA views them as sunk costs and has not included them in the estimated cost savings. Furthermore, OSHA has added some modest costs in this proposal to reflect the fact that construction and shipyard employers would be expected to devote some time becoming familiar with the revocation of the January 9, 2017 ancillary provisions.

TABLE I–1—TOTAL ANNUALIZED COST SAVINGS, BY SECTOR AND SIX-DIGIT NAICS INDUSTRY, FOR ENTITIES AFFECTED BY THE BERYLLIUM PROPOSAL; RESULTS SHOWN BY SIZE CATEGORY

[3 percent discount rate, 2016 dollars]

Application group/NAICS	Industry	All establishments	Small entities (SBA-defined)	Very small entities (<20 Employees)
Abrasive Blasting—Construction				
238320	Painting and Wall Covering Contractors	$4,087,412	$3,445,984	$2,420,659
238990	All Other Specialty Trade Contractors	3,787,418	2,916,925	1,998,054
Abrasive Blasting—Shipyards				
336611a	Ship Building and Repairing	3,081,907	990,140	524,187
Welding in Shipyards				
336611b	Ship Building and Repairing	34,217	11,283	6,421
Total				
Construction Subtotal		7,874,830	6,362,909	4,418,712
Maritime Subtotal		3,116,125	1,001,423	530,608
Total, All Industries		10,990,954	7,364,331	4,949,321

Notes: Figures in rows may not add to totals due to rounding.
* Employers in application group Abrasive Blasting—Shipyards are shipyards employing abrasive blasters that use mineral slag abrasives to etch the surfaces of boats and ships.
** Employers in application group Welding in Shipyards employ welders in shipyards. Some of these employers may do both welding and abrasive blasting.
Source: US DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.

The remainder of this preamble presents the legal requirements of the Occupational Safety and Health Act (OSH Act) (Section II, Pertinent Legal Authority); a summary of the events leading to the proposal (Section III); the technological feasibility summary (Section IV); the preliminary economic analysis for the proposal (Section V); the preliminary economic feasibility findings and the regulatory flexibility certification for the proposal (Section VI); a summary of the analysis of this proposal under the Paperwork Reduction Act of 1995 (Section VII); analyses under various executive orders and a description of the implications for State-Plan States (Sections VIII–XIII); instructions for public participation (Section XIV); and the summary and explanation of OSHA's proposal to maintain the TWA PEL of 0.2 μg/m^3 and STEL of 2 μg/m^3 for operations in construction and shipyards while revoking the January 9, 2017 ancillary provisions for these sectors (Section XV).

II. Pertinent Legal Authority

The purpose of the Occupational Safety and Health Act of 1970 (''the OSH Act'' or ''the Act''), 29 U.S.C. 651 *et al.,* is ''to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources.'' 29 U.S.C. 651(b). To achieve this goal, Congress authorized the Secretary of Labor to promulgate occupational safety and health standards pursuant to notice and comment. *See* 29 U.S.C. 655(b).

An occupational safety or health standard is a standard ''which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.'' 29 U.S.C. 652(8).

The Act provides that in promulgating health standards dealing with toxic materials or harmful physical agents, such as the January 9, 2017 final rule regulating occupational exposure to beryllium,

> [t]he Secretary . . . shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life.

29 U.S.C. 655(b)(5). The Supreme Court has held that before the Secretary can promulgate any permanent health or safety standard, he must make a threshold finding that significant risk is present and that such risk can be eliminated or lessened by a change in practices. *See Industrial Union Dept., AFL–CIO* v. *Am. Petroleum Inst.,* 448 U.S. 607, 641–42 (1980) (plurality opinion) (''*Benzene*''). Thus, section 6(b)(5) of the Act requires health standards to reduce significant risk to the extent feasible. *See id.*

The Court further observed that what constitutes ''significant risk'' is ''not a mathematical straitjacket'' and must be ''based largely on policy considerations.'' *Id.* at 655, 655 n.62. OSHA retains

> great discretion . . . under Section 3(8) [of the Act], especially in an area where scientific certainty is impossible. In the first instance, it is the agency itself that determines the existence of a ''significant'' risk . . . In making the difficult judgment as to what level of harm is unacceptable, the agency may rely on its own sound ''considerations of policy'' as well as hard factual data . . .

United Steelworkers v. *Marshall,* 647 F.2d 1189, 1248 (D.C. Cir. 1980) (''*Lead I*'') (internal citations omitted). When evaluating such considerations, OSHA exercises its discretion and its ''delegated power to make within certain limits decisions that Congress normally makes itself.'' *Industrial Union Dept., AFL–CIO* v. *Hodgson,* 499 F.2d 467, 475 (D.C. Cir. 1974). Accordingly, OSHA's discretionary authority under the Act is broad. *See Lead I,* 647 F.2d at 1230. Indeed, ''[a] number of terms of the statute give OSHA almost unlimited discretion to devise means to achieve the congressionally mandated goal'' of ensuring worker safety and health. *Id.* (citation omitted). Once OSHA makes its significant risk finding, the standard

must be ''reasonably necessary or appropriate'' to reduce or eliminate that risk within the meaning of section 3(8) of the Act (29 U.S.C. 652(8)) and *Benzene* (448 U.S. at 642). *See Bldg. and Constr. Trades Dep't* v. *Brock,* 838 F.2d 1258, 1269 (D.C. Cir. 1988) (''*Asbestos II*''). In choosing among regulatory alternatives, however, ''[t]he determination that [one standard] is appropriate, as opposed to a marginally [more or less protective] standard, is a technical decision entrusted to the expertise of the agency.'' *Nat'l Mining Ass'n* v. *Mine Safety and Health Admin.,* 116 F.3d 520, 528 (D.C. Cir. 1997) (analyzing a Mine Safety and Health Administration standard under the *Benzene* significant risk standard). Where there is significant risk below the PEL, OSHA should use its regulatory authority to impose additional requirements on employers when those requirements will result in a greater than de minimis incremental benefit to workers' health. *See Asbestos II,* 838 F.2d at 1274.

The Act also authorizes the Secretary to ''modify'' or ''revoke'' any occupational safety or health standard. 29 U.S.C. 655(b). The Supreme Court has acknowledged that regulatory agencies do not establish rules of conduct to last forever, and agencies may revise their rules if supported by a reasoned analysis for the change. *See Motor Vehicle Mfrs. Ass'n* v. *State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29, 42 (1983). ''While the removal of a regulation may not entail the monetary expenditures and other costs of enacting a new standard, and accordingly, it may be easier for an agency to justify a deregulatory action, the direction in which an agency chooses to move does not alter the standard of judicial review established by law.'' *Id.* at 43.

OSHA is required to set standards ''on the basis of the best available evidence,'' 29 U.S.C. 655(b)(5), and its determinations are ''conclusive'' if supported by ''substantial evidence in the record considered as a whole,'' 29 U.S.C. 655(f). As noted above, the Supreme Court, in *Benzene,* explained that OSHA must look to ''a body of reputable scientific thought'' in making its determinations, while noting that a reviewing court must ''give OSHA some leeway where its findings must be made on the frontiers of scientific knowledge.'' 448 U.S. at 656. When there is disputed scientific evidence in the record, OSHA must review the evidence on both sides and ''reasonably resolve'' the dispute. *Pub. Citizen Health Research Grp.* v. *Tyson,* 796 F.2d 1479, 1500 (D.C. Cir. 1986). As the D.C. Circuit has noted, where ''OSHA has the expertise we lack and it has exercised that expertise by carefully reviewing the scientific data,'' a dispute within the scientific community is not occasion for the reviewing court to take sides about which view is correct. *Id.*

OSHA standards must be both technologically and economically feasible. *See Lead I,* 647 F.2d at 1264. The Supreme Court has defined feasibility as ''capable of being done.'' *Am. Textile Mfrs. Inst.* v. *Donovan,* 452 U.S. 490, 509–10 (1981) (''*Cotton Dust*''*).* The courts have further clarified that a standard is technologically feasible if OSHA proves a reasonable possibility, ''within the limits of the best available evidence, . . . that the typical firm will be able to develop and install engineering and work practice controls that can meet the PEL in most of its operations.'' *Lead I,* 647 F.2d at 1272.

With respect to economic feasibility, the courts have held that ''a standard is feasible if it does not threaten massive dislocation to or imperil the existence of the industry.'' *Id.* at 1265 (internal quotation marks and citations omitted). A court must examine the cost of compliance with an OSHA standard

> in relation to the financial health and profitability of the industry and the likely effect of such costs on unit consumer prices. . . . [T]he practical question is whether the standard threatens the competitive stability of an industry, . . . or whether any intra-industry or inter-industry discrimination in the standard might wreck such stability or lead to undue concentration.

Id. (internal citations omitted). The courts have further observed that granting companies reasonable time to comply with new PELs may enhance economic feasibility. *See id.*

Because section 6(b)(5) of the Act explicitly imposes the ''to the extent feasible'' limitation on the setting of health standards, OSHA is not permitted to use cost-benefit analysis to make its standards-setting decisions. 29 U.S.C. 655(b)(5). An OSHA standard must be cost effective, which means that the protective measures it requires are the least costly of the available alternatives that achieve the same level of protection, but OSHA cannot choose an alternative that provides a lower level of protection because it is less costly. *See Int'l Union, UAW* v. *OSHA,* 37 F.3d 655, 668 (D.C. Cir. 1994); *see also Cotton Dust,* 452 U.S. at 514 n.32.

> Congress itself defined the basic relationship between costs and benefits, by placing the ''benefit'' of worker health above all other considerations save those making attainment of this ''benefit'' unachievable. Any standard based on a balancing of costs and benefits by the Secretary that strikes a different balance than that struck by Congress would be inconsistent with the command set forth in § 6(b)(5).

Cotton Dust, 452 U.S. at 509. Thus, while OSHA estimates the costs and benefits of its proposed and final rules, in part to ensure compliance with requirements such as those in Executive Orders 12866 and 13771, these calculations do not form the basis for the Agency's regulatory decisions.

III. Events Leading to the Proposal

The first occupational exposure limit for beryllium was set in 1949 by the Atomic Energy Commission (AEC), which required that beryllium exposure in the workplaces under its jurisdiction be limited to 2 μg/m^3 as an 8-hour time-weighted average (TWA), and 25 μg/m^3 as a peak exposure never to be exceeded (Document ID 1323). These exposure limits were adopted by all AEC installations handling beryllium, and were binding on all AEC contractors involved in the handling of beryllium.

In 1956, the American Industrial Hygiene Association (AIHA) published a Hygienic Guide which supported the AEC exposure limits. In 1959, the American Conference of Governmental Industrial Hygienists (ACGIH®) also adopted a Threshold Limit Value (TLV®) of 2 μg/m^3 as an 8-hour TWA (Document ID 0498). In 1970, the American National Standards Institute (ANSI) issued a national consensus standard for beryllium and beryllium compounds (ANSI Z37.29–1970). The standard set a permissible exposure limit (PEL) for beryllium and beryllium compounds at 2 μg/m^3 as an 8-hour TWA; 5 μg/m^3 as an acceptable ceiling concentration; and 25 μg/m^3 as an acceptable maximum peak above the acceptable ceiling concentration for a maximum duration of 30 minutes in an 8-hour shift (Document ID 1303).

In 1971, OSHA adopted, under Section 6(a) of the Occupational Safety and Health Act of 1970, and made applicable to general industry, the ANSI standard (Document ID 1303). Section 6(a) provided that in the first two years after the effective date of the Act, OSHA was to promulgate ''start-up'' standards, on an expedited basis and without public hearing or comment, based on national consensus or established Federal standards that improved employee safety or health. Pursuant to that authority, in 1971, OSHA promulgated approximately 425 PELs for air contaminants, including beryllium, derived principally from Federal standards applicable to government contractors under the Walsh-Healey Public Contracts Act, 41 U.S.C. 35, and the Contract Work Hours and Safety Standards Act (commonly

known as the Construction Safety Act), 40 U.S.C. 333. The Walsh-Healey Act and Construction Safety Act standards, in turn, had been adopted primarily from ACGIH®'s TLV®s as well as several from United States of America Standards Institute (USASI) (later the American National Standards Institute (ANSI)).

The National Institute for Occupational Safety and Health (NIOSH) issued a document entitled Criteria for a Recommended Standard: Occupational Exposure to Beryllium (Criteria Document) in June 1972 with Recommended Exposure Limits (RELs) of 2 μg/m³ as an 8-hour TWA and 25 μg/m³ as an acceptable maximum peak above the acceptable ceiling concentration for a maximum duration of 30 minutes in an 8-hour shift (Document ID 1324). OSHA reviewed the findings and recommendations contained in the Criteria Document along with the AEC control requirements for beryllium exposure. OSHA also considered existing data from animal and epidemiological studies, and studies of industrial processes of beryllium extraction, refinement, fabrication, and machining. In 1975, OSHA asked NIOSH to update the evaluation of the existing data pertaining to the carcinogenic potential of beryllium. In response to OSHA's request, the Director of NIOSH stated that, based on animal data and through all possible routes of exposure including inhalation, ''beryllium in all likelihood represents a carcinogenic risk to man.''

In October 1975, OSHA proposed a new beryllium standard for all industries based on information from studies finding that beryllium caused cancer in animals (40 FR 48814 (10/17/75)). Adoption of this proposal would have lowered the 8-hour TWA exposure limit from 2 μg/m³ to 1 μg/m³. In addition, the proposal included ancillary provisions for such topics as exposure monitoring, hygiene facilities, medical surveillance, and training related to the health hazards from beryllium exposure. The rulemaking was never completed.

In 1977, NIOSH recommended an exposure limit of 0.5 μg/m³ and identified beryllium as a potential occupational carcinogen. In December 1998, ACGIH published a Notice of Intended Change for its beryllium exposure limit. The notice proposed a lower TLV of 0.2 μg/m³ over an 8-hour TWA based on evidence of CBD and sensitization in exposed workers. Then in 2009, ACGIH adopted a revised TLV for beryllium that lowered the 8-hour TWA to 0.05 μg/m³ (inhalable) (see Document ID 1755, Tr. 136).

In 1999, the Department of Energy (DOE) issued a Chronic Beryllium Disease Prevention Program (CBDPP) Final Rule for employees exposed to beryllium in its facilities (Document ID 1323). The DOE rule set an action level of 0.2 μg/m³, and adopted OSHA's PEL of 2 μg/m³ or any more stringent PEL OSHA might adopt in the future (10 CFR 850.22; 64 FR 68873 and 68906, Dec. 8, 1999).

Also in 1999, OSHA was petitioned by the Paper, Allied-Industrial, Chemical and Energy Workers International Union (PACE) (Document ID 0069) and by Dr. Lee Newman and Ms. Margaret Mroz, from the National Jewish Health (NJH) (Document ID 0069), to promulgate an Emergency Temporary Standard (ETS) for beryllium in the workplace. In 2001, OSHA was petitioned for an ETS by Public Citizen Health Research Group and again by PACE (Document ID 0069). In order to promulgate an ETS, the Secretary of Labor must prove (1) that employees are exposed to grave danger from exposure to a hazard, and (2) that such an emergency standard is necessary to protect employees from such danger (29 U.S.C. 655(c) [section 6(c)]). The burden of proof is on the Department and because of the difficulty of meeting this burden, the Department usually proceeds when appropriate with ordinary notice and comment [section 6(b)] rulemaking rather than a section 6(c) ETS. Thus, instead of granting the ETS requests, OSHA instructed staff to further collect and analyze research regarding the harmful effects of beryllium in preparation for possible section 6(b) rulemaking.

On November 26, 2002, OSHA published a Request for Information (RFI) for ''Occupational Exposure to Beryllium'' (Document ID 1242). The RFI contained questions on employee exposure, health effects, risk assessment, exposure assessment and monitoring methods, control measures and technological feasibility, training, medical surveillance, and impact on small business entities. In the RFI, OSHA expressed concerns about health effects such as chronic beryllium disease (CBD), lung cancer, and beryllium sensitization. OSHA pointed to studies indicating that even short-term exposures below OSHA's PEL of 2 μg/m³ could lead to CBD. The RFI also cited studies describing the relationship between beryllium sensitization and CBD (67 FR at 70708). In addition, OSHA stated that beryllium had been identified as a carcinogen by organizations such as NIOSH, the International Agency for Research on Cancer (IARC), and the Environmental Protection Agency (EPA); and cancer had been evidenced in animal studies (67 FR at 70709).

On November 15, 2007, OSHA convened a Small Business Advocacy Review Panel to review a draft proposed standard for occupational exposure to beryllium. OSHA convened this panel under Section 609(b) of the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (5 U.S.C. 601 *et seq.*). The Panel included representatives from OSHA, the Solicitor's Office of the Department of Labor, the Office of Advocacy within the Small Business Administration, and the Office of Information and Regulatory Affairs of the Office of Management and Budget. Small Entity Representatives (SERs) made oral and written comments on the draft rule and submitted them to the panel.

The SBREFA Panel issued a report on January 15, 2008 which included the SERs' comments. SERs expressed concerns about the impact of the ancillary requirements such as exposure monitoring and medical surveillance. Their comments addressed potential costs associated with compliance with the draft standard, and possible impacts of the standard on market conditions, among other issues. In addition, many SERs sought clarification of some of the ancillary requirements such as the meaning of ''routine'' contact or ''contaminated surfaces.''

OSHA then developed a draft preliminary beryllium health effects evaluation (Document ID 1271) and a draft preliminary beryllium risk assessment (Document ID 1272), and in 2010, OSHA hired a contractor to oversee an independent scientific peer review of these documents. The contractor identified experts familiar with beryllium health effects research and ensured that these experts had no conflict of interest or apparent bias in performing the review. The contractor selected five experts with expertise in such areas as pulmonary and occupational medicine, CBD, beryllium sensitization, the Beryllium Lymphocyte Proliferation Test (BeLPT), beryllium toxicity and carcinogenicity, and medical surveillance. Other areas of expertise included animal modeling, occupational epidemiology, biostatistics, risk and exposure assessment, exposure-response modeling, beryllium exposure assessment, industrial hygiene, and occupational/environmental health engineering.

Regarding the preliminary health effects evaluation, the peer reviewers

concluded that the health effect studies were described accurately and in sufficient detail, and OSHA's conclusions based on the studies were reasonable (Document ID 1210). The reviewers agreed that the OSHA document covered the significant health endpoints related to occupational beryllium exposure. Peer reviewers considered the preliminary conclusions regarding beryllium sensitization and CBD to be reasonable and well presented in the draft health evaluation section. All reviewers agreed that the scientific evidence supports sensitization as a necessary condition in the development of CBD. In response to reviewers' comments, OSHA made revisions to more clearly describe certain sections of the health effects evaluation. In addition, OSHA expanded its discussion regarding the BeLPT.

Regarding the preliminary risk assessment, the peer reviewers were highly supportive of OSHA's approach and major conclusions (Document ID 1210). The peer reviewers stated that the key studies were appropriate and their selection clearly explained in the document. They regarded the preliminary analysis of these studies to be reasonable and scientifically sound. The reviewers supported OSHA's conclusion that substantial risk of sensitization and CBD were observed in facilities where the highest exposure-generating processes had median full-shift exposures around 0.2 μg/m^3 or higher, and that the greatest reduction in risk was achieved when exposures for all processes were lowered to 0.1 μg/m^3 or below.

In February 2012, OSHA received for consideration a draft recommended standard for beryllium (Materion and USW, 2012, Document ID 0754). This draft standard was the product of a joint effort between two stakeholders: Materion Corporation, a leading producer of beryllium and beryllium products in the United States, and the United Steelworkers, an international labor union representing workers who manufacture beryllium alloys and beryllium-containing products in a number of industries. They sought to craft an OSHA-like model beryllium standard that would have support from both labor and industry. OSHA considered this draft standard along with other information submitted during the development of the Notice of Proposed Rulemaking (NPRM) for beryllium published in 2015. As described in greater detail in the Introduction to the Summary and Explanation of the final rule, there was substantial agreement between the submitted joint draft standard and the OSHA proposed standard.

On August 7, 2015, OSHA published its NPRM in the **Federal Register** (80 FR 47565 (8/7/15)). In the NPRM, OSHA made a preliminary determination that employees exposed to beryllium and beryllium compounds at the preceding PEL face a significant risk to their health and that promulgating the proposed standard would substantially reduce that risk. The NPRM (Section XVIII) also responded to the SBREFA Panel recommendations, which OSHA carefully considered, and clarified the requirements about which SERs expressed confusion. OSHA also discussed the regulatory alternatives recommended by the SBREFA Panel in NPRM, Section XVIII, and in the PEA (Document ID 0426).

The NPRM invited interested stakeholders to submit comments on a variety of issues and indicated that OSHA would schedule a public hearing upon request. Commenters submitted information and suggestions on a variety of topics. In addition, in response to a request from the Non-Ferrous Founders' Society, OSHA scheduled an informal public hearing on the proposed rule. OSHA invited interested persons to participate by providing oral testimony and documentary evidence at the hearing. OSHA also welcomed presentation of data and documentary evidence that would provide the Agency with evidence to use in determining whether to develop a final rule.

The public hearing was held in Washington, DC on March 21 and 22, 2016. Administrative Law Judge William Colwell presided over the hearing. OSHA heard testimony from several organizations, such as public health groups, the Non-Ferrous Founders' Society, other industry representatives, and labor unions. Following the hearing, participants who had filed notices of intent to appear were allowed 30 days—until April 21, 2016—to submit additional evidence and data, and an additional 15 days—until May 6, 2016—to submit final briefs, arguments, and summations (Document ID 1756, Tr. 326). In all, the OSHA rulemaking record contained over 1,900 documents, including all the studies OSHA relied on in its preliminary health effects and risk assessment analyses, the hearing transcript and submitted testimonies, the joint Materion-USW draft proposed standard, and the pre- and post-hearing comments and briefs.

In 2016, in an action parallel to OSHA's rulemaking, DOE proposed to update its action level to 0.05 μg/m^3 (81 FR 36704–36759, June 7, 2016). The DOE action level triggers workplace precautions and control measures such as periodic monitoring, exposure reduction or minimization, regulated areas, hygiene facilities and practices, respiratory protection, protective clothing and equipment, and warning signs (Document ID 1323; 10 CFR 850.23(b)). Unlike OSHA's PEL, however, DOE's selection of an action level is not required to meet statutory requirements of technological and economic feasibility.

On January 9, 2017, OSHA published its final rule *Occupational Exposure to Beryllium and Beryllium Compounds* in the **Federal Register** (82:2470–2757 (1/9/17)). Based on the entire rulemaking record, OSHA concluded that employees exposed to beryllium and beryllium compounds at the preceding PELs were at significant risk of material impairment of health, specifically chronic beryllium disease and lung cancer. OSHA concluded that the new PEL of 0.2 μg/m^3 reduced this significant risk to the maximum extent that is technologically and economically feasible. The final rule also included ancillary provisions to protect employees, such as requirements for exposure assessment, methods for controlling exposure, respiratory protection, personal protective clothing and equipment, housekeeping, medical surveillance, hazard communication, and recordkeeping.

In a change from the NPRM, OSHA included the construction and shipyard industries in the beryllium final rule. OSHA's decision was based on supportive testimony and comments from stakeholders along with exposure data in the record indicating the potential for exposures above the action level for abrasive blasting using coal and copper slags (Document ID 1756; 1782; 1790). OSHA issued three separate standards for general industry, construction, and shipyards in an attempt to tailor requirements to each sector. The final rule also included other changes from the NPRM that were based on OSHA's analysis of the record. These included changes in the scope of the standards, exposure assessment requirements, beryllium work areas, personal protective clothing and equipment, medical surveillance requirements, and compliance dates.

On February 1, 2017, OSHA published a delay of the effective date for the final rule in the **Federal Register** (82:8901 (2/1/17)). OSHA implemented this action based on the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze

Pending Review'' (82 FR 8346 (January 24, 2017)). That memorandum directed the heads of Executive Departments and Agencies to temporarily postpone for 60 days from the date of the memorandum the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect. OSHA therefore delayed the effective date for the final rule *Occupational Exposure to Beryllium and Beryllium Compounds* to March 21, 2017.

On March 2, 2017, OSHA published a proposed delay of effective date for the final rule in the **Federal Register** (82 FR 12318 (3/2/17)). OSHA proposed this further delay in accordance with the January 20, 2017 Presidential directive from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review'' (82 FR 8346 (January 24, 2017)) that directed agencies to consider further delaying the effective date for regulations beyond the initial 60-day period. OSHA preliminarily determined that it would be appropriate to further delay the effective date of the final rule to give the new administration time to review questions of fact, law, and policy raised therein. OSHA therefore proposed extending the effective date to May 20, 2017 and sought comment on its proposal to extend the effective date by an additional 60 days. OSHA received twenty-five unique comments on this proposal with many of the commenters supporting the delay considering the ongoing transition to a new administration. Some of these commenters also requested that OSHA further review the impact of the rule on entities that would be affected by changes from the proposed beryllium rule. Several commenters opposed the proposed delay of the effective date.

On March 21, 2017, after considering all the comments received, OSHA finalized the delay of the effective date for the final beryllium rule in the **Federal Register** (82 FR 14439 (2/21/17)). This action extended the effective date to May 20, 2017 and provided OSHA with additional time to conduct a further review of the final rule, including consideration of concerns raised by interested parties. After careful consideration, and for reasons explained fully in the Summary and Explanation of this preamble, OSHA is proposing to revoke the ancillary provisions for both construction and shipyards adopted in the January 9, 2017 final rule and retain the new lower PEL of 0.2 μg/m^3 and STEL of 2.0 μg/m^3 for those sectors (see Section XV, Summary and Explanation of the Proposal).

IV. Technological Feasibility Summary

Exposure Profile

This section summarizes the basis for OSHA's technological feasibility findings made in the 2016 Final Economic Analysis (FEA) for the January 9, 2017 beryllium final rule (*see* Docket ID 2042, FEA Chapter IV—Technological Feasibility). It is presented here for informational purposes only. The information in this section is drawn entirely from the 2016 FEA and contains no new information or assessment.

Abrasive Blasting in Construction and Shipyards

The primary abrasive blasting job categories include the abrasive blasting operator (blaster) and pot tender (blaster's helper or assistant) during open blasting projects. Support personnel such as pot tenders or abrasive media cleanup workers might also be employed to clean up (*e.g.,* by vacuuming or sweeping) and recycle spent abrasive and to set up, dismantle, and move containment systems and supplies (NIOSH, 1976, Document ID 0779; NIOSH, 1993, 0777; NIOSH, 1995, 0773; NIOSH, 2007, 0770; Flynn and Susi, 2004, 1608; Meeker *et al.,* 2005, 0699).

Section 15 of Chapter IV of the 2016 Final Economic Analysis (FEA) for the January 9, 2017 final beryllium rule included a detailed discussion of exposure data and analysis for the development of the exposure profile for workers in abrasive blasting operations. Because OSHA addressed general industry abrasive blasting operations in other general industry sections where appropriate, such as in the nonferrous foundries industry, the exposure profile in Section 15 addressed only exposure data from construction and shipyard tasks. The exposure profile for abrasive blasters, pot tenders/helpers, and abrasive media cleanup workers was based on two National Institute for Occupational Safety and Health (NIOSH) evaluations of beryllium exposure from abrasive blasting with coal slag, unpublished sampling results for abrasive blasting operations from four U.S. shipyards, and data submitted by the U.S. Navy (NIOSH, 1983, Document ID 0696; NIOSH, 2007, 0770; OSHA, 2005, 1166; U.S. Navy, 2003, 0145).

TABLE IV.1—EXPOSURE PROFILE FOR ABRASIVE BLASTING WORKERS

	Number of full-shift PBZ sample results in range (μg/m^3)						Total number of samples
	<0.1	≥0.1 to ≤0.2	>0.2 to ≤0.5	>0.5 to ≤1.0	>1.0 to ≤2.0	>2.0	
Abrasive Blasters	45	38	22	7	8	28	148
	30.4%	25.7%	14.8%	4.7%	5.4%	18.9%	100%
Pot Tender	9	7	0	0	0	0	16
	56.2%	43.8%	0%	0%	0%	0%	100%
Cleanup	20	8	0	0	1	1	30
	66.6%	26.7%	0%	0%	3.3%	3.3%	100%
Totals	74	53	22	7	9	29	194
	38.1%	27.3%	11.2%	3.6%	4.6%	15%	100%

Sources: Document ID 0145; OSHA 2005, Document ID 1166; NIOSH 1983, 0696; NIOSH 2007. 0770.

Notes: Sample results are expressed as eight-hour time-weighted averages and include sampling durations of 240 minutes or longer.

Non-detected shipyard results are incorporated into the exposure profile by assigning the detection limit value to each result reported as less than the sample limit of detection.

Excludes four results where garnet was used as the abrasive due to high nondetectable reporting limits.

Welding in Shipyards

Similar to the profile for abrasive blasting activities, OSHA used exposure data from the 2016 FEA to develop the exposure profile for welding in shipyards. OSHA used the exposure data from Chapter IV–10 Appendices 2 and 3 and combined the aluminum base metal and non-aluminum or unknown base material data. OSHA removed shorter duration samples that appeared in Appendix 3 of FEA Chapter IV–10. Seven maritime welding samples from Appendix 3, Table IV–10.6 with sampling durations of 240 minutes or greater were used in this profile to represent the 8-hour TWA samples.

IV.2—WELDING IN SHIPYARDS—BERYLLIUM 8-HOUR TWA EXPOSURE PROFILE

Number of beryllium samples in range (μg/m³) and percent of total in range

Range	<0.1	>0.1 to ≤0.2	>0.2 to ≤0.5	>0.5 to ≤1.0	>1.0 to ≤2.0	>2.0	Total
Aluminum Base Material	4	0	0	2	1	0	7
Percent	57%	0%	0%	28.6%	14.3%	0%	100%
Base Material Not Aluminum or Unknown	123	2	0	2	0	0	127
Percent	96.9%	21.6%	0%	1.6%	0%	0%	100%
Totals	127	2	0	4	1	0	134
	94.8%	1.5%	0%	3.0%	0.7%	0%	100%

Sources: OSHA Shipyards, 2005, Document ID 1166; U.S. Navy, 2003, Document ID 0145.
Beryllium samples below the limit of detection are recast as 0 μg/m³ to reflect likely absence of beryllium in the work materials.
Data includes samples collected over periods of 240 minutes or longer, to avoid samples with elevated limits of detection that cannot be meaningfully interpreted.

Technological Feasibility Determination

Overall, based on the information discussed in Chapter IV of Final Economic Analysis of the January 9, 2017 final beryllium rule, OSHA determined that the majority of the exposures in construction and shipyards are either already at or below the new final PEL, or can be adequately controlled to levels below the final PEL through the implementation of additional engineering and work practice controls for most operations most of the time. The one exception is that OSHA determined that workers who perform open-air abrasive blasting using mineral grit (*i.e.,* coal slag) will routinely be exposed to levels above the final PEL even after the installation of feasible engineering and work practice controls, and therefore, these workers will also be required to wear respiratory protection. Therefore, OSHA concluded in the January 9, 2017 final rule that the final PEL of 0.2 μg/m³ is technologically feasible in abrasive blasting in construction and shipyards and in welding in shipyards.

V. Preliminary Economic Analysis

A. Introduction

This Preliminary Economic Analysis (PEA) addresses issues related to the profile of affected application groups, establishments, and employees, the cost savings, and the health effects of OSHA's proposal to revoke both the construction and shipyard ancillary provisions and make no changes to the January 9, 2017 final rule's PEL and STEL for the shipyard and construction industries.

The proposed actions are not ''economically significant regulatory actions'' under Executive Order 12866 or UMRA, nor are they ''major rules'' under the Congressional Review Act (5 U.S.C. 801 *et seq.*). Neither the benefits nor the costs of these proposed actions exceed $100 million. In addition, they do not meet any of the other criteria specified by UMRA for a significant regulatory action or the Congressional Review Act for a major rule. However, these actions have been determined to be ''significant'' under Executive Order 12866.

Under this proposal, employers in shipyards and construction would no longer be required to implement the ancillary provisions adopted by the January 9, 2017 final rule. The nine ancillary provisions being removed by this proposal are: (1) Assess employees' exposure to airborne beryllium, (2) establish regulated areas or a competent person, (3) develop a written exposure control plan, (4) provide personal protective work clothing and equipment, (5) establish hygiene areas and practices, (6) implement housekeeping measures, (7) provide medical surveillance, (8) provide medical removal for employees who have developed CBD or been confirmed positive for beryllium sensitization, and (9) provide appropriate training. OSHA assumes that these employers have already incurred the costs of familiarizing themselves with the ancillary provisions in the final rule. In addition, the proposal would retain the new PEL and STEL through revisions of the Z Table in 29 CFR 1915.1000 in shipyards and Appendix A to 29 CFR 1926.55 in construction. The changes to these tables are a technical correction, given the proposed changes, and will not affect the PEL and STEL requirements of the final rule. While OSHA still welcomes comment on the applicability of existing standards to the operations covered by this proposal, this PEA provides OSHA's preliminary assessment of how those standards impact the costs, benefits, and baseline compliance associated with the beryllium rule.

This Introduction to the PEA is followed by:

- Section B: Profile of Affected Application Groups, Establishments, and Employees
- Section C: Cost Savings
- Section D: Health Benefits

B. Profile of Affected Application Groups, Establishments, and Employees

Introduction

In this section, OSHA presents the preliminary profile of industries affected by this proposal to revoke the ancillary provisions for the shipyard and construction sectors (82 FR 2470–2757, 1/9/2017) while retaining the revised PEL and STEL for those sectors. The profile data in this section are drawn from the industry profiles in Chapter III and exposure profiles and data in Chapter IV of the Final Economic Analysis supporting the new beryllium standards (''2016 FEA''; Document ID 2042).

As a first step, OSHA identifies the North American Industrial Classification System (NAICS) industries, both in the shipyard and construction sectors, with potential

worker exposure to beryllium. Next, OSHA provides statistical information on the affected industries, including the number of affected entities and establishments, the number of workers whose exposure to beryllium could result in disease or death (''at-risk workers''), and the average revenue and profits for affected entities and establishments by six-digit NAICS industry.[1] This information is provided for each affected industry as a whole, as well as for small entities, as defined by the Small Business Administration (SBA), and for ''very small'' entities, defined by OSHA as those with fewer than 20 employees, in each affected industry (U.S. Census Bureau, 2014).

For each industry sector identified, the Agency describes the uses of beryllium and estimates the number of establishments and employees that may be affected by this rulemaking. Employee exposure to beryllium can also occur as a result of certain processes (such as welding) that are found in many industries. This analysis will use the term ''application group'' to refer to a cross-industry group with a common process.

Beryllium is rarely used by all establishments in any particular industry because of its unique properties and relatively high cost. In Chapter III of the 2016 FEA, OSHA described each application group; identified the processes and occupations with beryllium exposure, including available sampling exposure measurements; and explained how OSHA estimated the number of establishments working with beryllium and the number of employees exposed to beryllium. Those estimates and the new exposure profile for abrasive blasting in construction and shipyards and welding in shipyards are presented in this preamble, along with a brief description of the application groups and an explanation of the derivation of the new exposure profiles. For additional information about these data and the application groups, please see Chapter III of the 2016 FEA.[2] Finally, the Agency discusses wage data, the hire rate, and current industry practices.

All costs are estimated in 2016 dollars. Costs reported in 2016 dollars were applied directly in this PEA; wage data were updated to 2016 dollars using BLS data; all other costs reported for years earlier than 2016 were updated to 2016 dollars using the GDP implicit price deflator (OSHA, 2017).

Affected Application Groups

OSHA's 2016 FEA identified one affected application group in the construction sector and two application groups in the shipyard sector. Both the shipyard and construction sectors have employees in the abrasive blasting application group, and the shipyard sector has employees in the welding application group.

In the following sections, OSHA describes the application groups in construction and shipyards that will be affected by this proposal.

Abrasive Blasting

Abrasive blasting involves the use of hand-held or automatic equipment to direct a stream of abrasive material at high speed against a surface to clean, abrade, etch, or otherwise change the original appearance or condition of the surface (WorkSafe, 2000, Document ID 0692). Surfaces commonly treated by abrasive blasting techniques include iron, steel, aluminum, brass, copper, glass, masonry (brick, concrete, stone, etc.), sand castings, plastic, and wood (NIOSH, 1976, Document ID 0779). In construction and shipyards, abrasive blasting is primarily used for two purposes:

- Cleaning surfaces by removing unwanted paint, rust, scale, dirt, salts, grease, and flux in preparation for painting, anodizing, welding, or other processes requiring a clean surface.
- Producing a desired matte or decorative finish.

Abrasive blasting systems generally include an abrasive container or blasting pot, a propelling device, and an abrasive blasting nozzle. The three main propelling methods are air pressure, water pressure, and centrifugal force provided by the use of wheels. Air blasting systems use compressed air to propel the abrasive (dry blasting), water blasting systems use either compressed air (wet blasting) or high pressure water (hydroblasting), and centrifugal wheel systems use centrifugal and inertial forces (EPA, 1997, Document ID 0784).

Abrasive blasting can generate large quantities of dust that contains a variety of metals and toxic air contaminants. Workers can have exposures to multiple air contaminants from both the abrasive and the surface being blasted. The source of the air contaminants includes the base material being blasted, the surface coating(s) being removed, the abrasive being used, and any abrasive contamination from previous blasting operations (Burgess 1991, Document ID 0907). Potential air contaminants that might be associated with abrasive blasting and their sources are listed in Table IV.65 in Chapter IV of the FEA in support of the new beryllium standards.

Abrasives

A number of different types of abrasives containing beryllium in trace amounts can be used for blasting media depending on the application. The most commonly used abrasives in the construction industry (*e.g.,* to etch the surfaces of outdoor structures, such as bridges, prior to painting) include coal slag and steel grit (Meeker *et al.,* 2006, Document ID 0698). Copper slag produced as by-product at copper smelters can also be used as an abrasive. Shipyards are large users of mineral slag abrasives. In a survey of 26 U.S. shipyards and boatyards about abrasive media usage conducted for the Navy, the use of coal slag abrasives accounted for 68 percent and copper slag accounted for 20 percent (NSRP, 1999, Document ID 0767). Workers who perform abrasive blasting using either coal or copper slag abrasives are potentially exposed to beryllium (Greskevitch, 2000, Document ID 0701). OSHA requests updates on this assessment of commonly used abrasive blasting media in construction and shipyards.

Affected Job Categories

Abrasive blasting is mainly used in construction and shipyard operations by painting contractors and welders. (NIOSH, 1976, Document ID 0779).

The primary abrasive blasting job categories in construction and shipyards include the abrasive blasting operator (blaster) and the pot tender. Support personnel (cleanup helper) might also be employed to clean up (*e.g.,* by vacuuming or sweeping) and recycle spent abrasive, and to set up, dismantle, and move containment systems and supplies (NIOSH, 1995, Document ID 0773).

As explained in its 2016 FEA, OSHA estimated that 80 percent of all shipyard blasting operations and 75 percent of construction blasting operations generate potential beryllium exposures.

[1] The Census Bureau defines an establishment as a single physical location at which business is conducted or services or industrial operations are performed. The Census Bureau defines a business firm or entity as a business organization consisting of one or more domestic establishments in the same state and industry that are specified under common ownership or control. The firm and the establishment are the same for single-establishment firms. For each multi-establishment firm, establishments in the same industry within a state will be counted as one firm; the firm employment and annual payroll are summed from the associated establishments. (U.S. Census Bureau, Statistics of U.S. Businesses, Glossary, 2017, *https://www.census.gov/programs-surveys/susb/about/glossary.html* (Accessed March 3, 2017).

[2] OSHA contractor Eastern Research Group (ERG) provided support for the 2016 FEA. References to ERG's analytical work appear throughout this PEA.

OSHA has maintained the same assumption here and invites comment on these estimates.

As was estimated in OSHA's industry profile for the 2016 FEA, for this PEA OSHA estimated there was one pot tender for each at-risk abrasive blaster and one abrasive media cleanup worker for every two abrasive blasters. The Agency invites comment on these estimates.

Final Estimate of Populations at Risk in Abrasive Blasting

In the 2016 FEA, OSHA developed final estimates of the numbers of workers who perform abrasive blasting. These at-risk populations include workers in the construction sector engaged in blasting building exteriors or blasting ancillary to painting of bridges, tunnels, and related highways; ships; and other non-building construction. Shipyard workers might perform blasting as part of ship surface cleaning and preparation prior to painting or other surface coating. In the 2016 FEA, based on the BLS description of broad occupational classifications, OSHA's estimates grouped these workers in the categories ''painters, construction, and maintenance'' or ''painters, transportation equipment.'' [3] The same grouping is applied in this PEA.

Below in Tables V–1 and V–2, OSHA presents its estimate of affected blasters and blasting support personnel in construction and shipyards; this estimate, reported in the 2016 FEA, is now the Agency's preliminary estimate for this NPRM. OSHA requests public comment on the estimate as well as the methodology, described in Chapter III of the 2016 FEA, for estimating affected abrasive blasters and abrasive blasting support personnel in construction and shipyards.

TABLE V–1—PRELIMINARY PROFILE OF ESTABLISHMENTS AND EMPLOYEES IN ABRASIVE BLASTING-CONSTRUCTION AFFECTED BY OSHA'S PROPOSED DEREGULATORY ACTION ON BERYLLIUM

NAICS	Industry/job category	Establishments	Employees	Affected establishments	Affected employees
238320	Painting and Wall Covering Contractors	31,376	163,073	1,090	4,360
	Abrasive Blaster				1,744
	Pot Tender				1,744
	Cleanup				872
238990	All Other Specialty Trade Contractors	29,072	193,631	1,010	4,040
	Abrasive Blaster				1,616
	Pot Tender				1,616
	Cleanup				808
Total		60,448	356,704	2,100	8,400

Note: Data in columns may not sum to totals due to rounding.
Sources: U.S. Census Bureau, 2014; US DOL, Directorate of Standards and Guidance, Office of Regulatory Analysis (2017).

TABLE V–2—PRELIMINARY PROFILE OF ESTABLISHMENTS AND EMPLOYEES IN ABRASIVE BLASTING-SHIPYARDS AFFECTED BY OSHA'S PROPOSED DEREGULATORY ACTION ON BERYLLIUM

NAICS	Industry	Establishments	Employees	Affected establishments	Affected employees
336611a	Ship Building and Repairing	689	108,311	689	3,060
	Abrasive Blaster				1,224
	Pot Tender				1,224
	Cleanup				612
Total		689	108,311	689	3,060

Note: Data in columns may not sum to totals due to rounding.
Sources: U.S. Census Bureau, 2014; US DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis (2017).

Welding

Beryllium exposures can occur in arc and gas welding operations when welding on base materials containing beryllium and when using equipment with electrodes that include beryllium (hereafter generally referred to simply as ''welding''). Note that ''gas welding'' in this context also involves use of electrodes; the gas used is to protect the weld from the atmosphere.

Beryllium exposures during welding are not common and, when observed, are low (see Chapter IV: Section 10 of the 2016 FEA in support of the new beryllium standards for an extended discussion of welding). For this preliminary profile, only arc and gas welding would be affected by the proposed deregulatory action.[4]

The principal area of welding exposures is among workers welding beryllium or beryllium-alloy products (*see* Chapter IV: Section 10 of the FEA in support of the new beryllium standards).

Welding in Shipyards

In its 2016 FEA, OSHA included NAICS 336611: Ship Building and Repairing, in the set of industries in the Welding application group affected by the final rule. The number of establishments and employees in this shipyard industry affected by the final

[3] In the Bureau of Labor Statistics' Occupational Outlook Handbook (BLS, 2017b), the description of the duties of construction and maintenance painters includes the following: A few painters—mainly industrial—use special safety equipment. For example, painting in confined spaces, such as the inside of a large storage tank, requires workers to wear self-contained suits to avoid inhaling toxic fumes. On some projects they may operate abrasive blasters to remove old coatings, which may require the use of additional clothing and protective eyewear. (See *https://www.bls.gov/ooh/construction-and-extraction/painters-construction-and-maintenance.htm#tab-2,* accessed April 5, 2017.)

[4] The other common type of welding, resistance welding, does not typically generate beryllium exposure.

rule, and therefore affected by this proposal, is displayed in Table V–3. As shown in the table, based on 2015 BLS Occupational Employment Statistics data, OSHA estimates that 28 percent of establishments in NAICS 336611: Ship Building and Repairing conduct arc and gas welding. Based on analysis by ERG of customer summary data submitted in a comment by Materion, OSHA further estimates that 3.4 percent of these establishments weld beryllium or beryllium alloy products (ERG, 2015, Document ID 0385, Workbook #8; Kolanz, 2001, Document ID 0091).

OSHA requests public comment on the estimates shown in Table V–3.

TABLE V–3—PRELIMINARY PROFILE OF ESTABLISHMENTS AND EMPLOYEES IN SHIPYARDS (SHIP BUILDING AND REPAIRING) AFFECTED BY OSHA'S PROPOSED DEREGULATORY ACTION ON BERYLLIUM

NAICS code	Industry [a]	Total establishments [b]	Total employees [b]	Percent of establishments conducting arc and gas welding [c]	Welding establishments	All employees in welding establishments [d]	Number of welding establishments using beryllium [e]	Welders working on beryllium alloys [f]
336611b	Ship Building and Repairing.	689.0	108,311.0	28%	192.9	30,327.1	6.6	26.4

Sources: U.S. Census Bureau, 2014; BLS, 2016; US DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis (2017).
[a] Based on industries with the largest number of positive beryllium samples for welders in the IMIS database (OSHA, 2004). These industries account for over 60 percent of the positive general industry samples for welders.
[b] U.S. Census Bureau, 2014.
[c] BLS, 2016.
[d] Based on average industry size.
[e] Estimated as the total number of establishments in the industry (689), multiplied by the percentage of establishments employing welders (28%), and further multiplied by the percentage of establishments welding on beryllium alloys (3.4 percent). (Kolanz, 2001, Document ID 0091).
[f] Based on an ERG estimate of 500 establishments with an average of 4 workers that perform welding on beryllium alloys, or 2.4 percent of establishments with welding. The ERG estimate was derived from Brush Wellman Inc. data reporting approximately 2,000 welders performing welding on beryllium alloys (Kolanz, 2001, Document ID 0091).

Summary of Affected Establishments and Employers

As shown in Table V–4, OSHA estimates that a total of 11,486 workers in 2,796 establishments will be affected by this proposal. Also shown are the estimated annual revenues for these entities. Table V–5 presents the Agency's preliminary estimate of affected entities defined as small by the Small Business Administration (SBA); Table V–6 presents OSHA's preliminary estimate of affected establishments and employees by NAICS industries for the subset of small entities with fewer than 20 employees.[5] For the tables showing the characteristics of small and very small entities, OSHA generally assumed that beryllium-using small entities and very small entities would be the same proportion of overall small and very small entities as the proportion of beryllium-using entities to all entities as a whole in a NAICS industry.

OSHA requests public comment on the profile data presented in Tables V–4, V–5, and V–6.

TABLE V–4—CHARACTERISTICS OF INDUSTRIES AFFECTED BY OSHA'S PROPOSED DEREGULATORY ACTION FOR BERYLLIUM—ALL ENTITIES

Application group	NAICS	Industry	Total entities [a]	Total establishments [a]	Total employees [a]	Affected entities [b]	Affected establishments [b]	Affected employees [b]	Total revenues ($1,000) [a]	Revenues/ entity	Revenues/ establishment
Abrasive Blasting—Construction											
Abrasive Blasting—Construction.	238320 ...	Painting and Wall Covering Contractors.	31,317.0	31,376.0	163,073.0	1,088.0	1,090.0	4,360.0	$19,595,278	$625,707	$624,531
Abrasive Blasting—Construction.	238990 ...	All Other Specialty Trade Contractors.	28,734.0	29,072.0	193,631.0	998.3	1,010.0	4,040.0	39,396,242	1,371,067	1,355,127
Abrasive Blasting—Shipyards*											
Abrasive Blasting—Shipyards.	336611a	Ship Building and Repairing.	604.0	689.0	108,311.0	604.0	689.0	3,060.0	26,136,187	43,271,832	37,933,508
Welding in Shipyards**											
Welding in Shipyards.	336611b	Ship Building and Repairing.	604.0	689.0	108,311.0	5.8	6.6	26.4	26,136,187	43,271,832	37,933,508

[5] Tables V–5 and V–6 indicate that small entities affected by the proposed rule contain 2,714 affected establishments affiliated with entities that are small by SBA standards and 2,365 affected establishments affiliated with entities that employ fewer than 20 employees.

However, the small and very small entity figures in Tables V–5 and V–6 were not used to prepare the cost savings estimates in Section D of this PEA. For costing purposes in Section D, OSHA included small establishments owned by larger entities in the figures in Tables V–5 and V–6 because such establishments do not qualify as ''small entities'' for the purposes of a Regulatory Flexibility Analysis. To see the difference in the number of affected establishments by size for costing purpose, consider the example of a ''large entity'' with 500 employees, consisting of 50 ten-employee establishments. In Section B., each of these 50 establishments would be excluded from Tables V–5 and V–6 because they are part of a ''large entity''; in Section D., where all establishments are included because there is no filter for entity size, each would be considered a small establishment.

Thus, for purposes of Section D., there are 2,399 affected establishments with fewer than 20 employees, 369 affected establishments with between 20 and 499 employees, and 28 establishments with more than 500 employees; these estimates were derived in the cost spreadsheet by NAICS industry and in total (see, for example, Columns TK through TM in the ''Rule'' tab as developed for familiarization cost savings; the totals are in cells TK5 through TM5) (OSHA, 2017). While not shown in the tables or used in the analysis, Census (2015) Statistics of US Businesses data suggest there are also a total of 3,464 establishments affiliated with entities in construction and shipyards employing between 20 and 499 employees, of which approximately 157 would be affected by the rule.

TABLE V–4—CHARACTERISTICS OF INDUSTRIES AFFECTED BY OSHA'S PROPOSED DEREGULATORY ACTION FOR BERYLLIUM—ALL ENTITIES—Continued

Application group	NAICS	Industry	Total entities [a]	Total establishments [a]	Total employees [a]	Affected entities [b]	Affected establishments [b]	Affected employees [b]	Total revenues ($1,000) [a]	Revenues/ entity	Revenues/ establishment
Total											
Construction Subtotal.	.....	.....	60,051.0	60,448.0	356,704.0	2,086.2	2,100.0	8,400.0	58,991,519	982,357	975,905
Shipyard Subtotal ..	.....	.....	1,208.0	1,378.0	216,622.0	609.8	695.6	3,086.4	52,272,373	43,271,832	37,933,508
Total, All Industries	.....	.....	61,259.0	61,826.0	573,326.0	2,696.0	2,795.6	11,486.4	111,263,893	1,816,286	1,799,629

[a] U.S. Census Bureau, Statistics of U.S. Businesses: 2012, Document ID 2034.

[b] OSHA estimates of employees potentially exposed to beryllium and associated entities and establishments. Affected entities and establishments constrained to be less than or equal to the number of affected employees. Within each NAICS industry, the number of affected entities was calculated as the product of total number of entities for that industry and the ratio of the number of affected establishments to the number of total establishments.

* Employers in application group Abrasive Blasting—Shipyards are shipyards employing abrasive blasters that use mineral slag abrasives to etch the surfaces of boats and ships.

** Employers in application group Welding in Shipyards employ welders in shipyards. Some of these employers may do both welding and abrasive blasting.

Source: U.S. Dept. of Labor, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.

TABLE V–5—CHARACTERISTICS OF INDUSTRIES AFFECTED BY OSHA'S FINAL STANDARD FOR BERYLLIUM—SMALL ENTITIES

Application group	NAICS	Industry	SBA small business classification (employees) [a]	Small business entities [b]	Establishments for small entities [b]	Small entity employees [b]	Affected small business entities [c]	Affected small establishments [c]	Affected employees for small entities [c]	Total revenues for small entities ($1,000) [b]	Revenues per small entity	Revenues per small business establishment
Abrasive Blasting—Construction												
Abrasive Blasting—Construction	238320	Painting and Wall Covering Contractors.	100	31,221.0	31,243.0	133,864.0	1,084.6	1,085.4	3,579.1	$16,552,251	$530,164	$529,791
Abrasive Blasting—Construction	238990	All Other Specialty Trade Contractors.	100	28,537.0	28,605.0	143,112.0	991.4	993.8	2,985.9	29,789,492	1,043,890	1,041,409
Abrasive Blasting—Shipyards *												
Abrasive Blasting—Shipyards	336611a	Ship Building and Repairing	1,250	585.0	629.0	27,170.0	585.0	629.0	960	6,043,893	10,331,440	9,608,732
Welding in Shipyards **												
Welding in Shipyards	336611b	Ship Building and Repairing	1,250	585.0	629.0	27,170.0	5.6	6.0	6.6	6,043,893	10,331,440	9,608,732
Total												
Construction Subtotal				59,758.0	59,848.0	276,976.0	2,076.0	2,079.2	6,565.0	46,341,743	775,490	774,324
Shipyard Subtotal				1,170.0	1,258.0	54,340.0	590.6	635.0	774.2	12,087,785	10,331,440	9,608,732
Total, All Industries				60,928.0	61,106.0	331,316.0	2,666.6	2,714.2	7,339.2	58,429,529	958,993	956,200

Data may not sum to totals due to rounding.

[a] SBA Size Standards, 2016 (Document ID 2026). Data were not available specifically for small entities with more than 500 employees. For SBA small business classifications specifying 750 or more employees, OSHA used data for all entities in the industry.

[b] U.S. Census Bureau, Statistics of US Businesses: 2012 (Document ID 2034).

[c] OSHA estimates of employees potentially exposed to beryllium and associated entities and establishments. Affected entities and establishments constrained to be less than or equal to the number of affected employees.

* Employers in application group Abrasive Blasting—Shipyards are shipyards employing abrasive blasters that use mineral slag abrasives to etch the surfaces of boats and ships.

** Employers in application group Welding in Shipyards employ welders in shipyards. Some of these employers may do both welding and abrasive blasting.

Source: U.S. Dept. of Labor, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.

TABLE V–6—CHARACTERISTICS OF INDUSTRIES AFFECTED BY OSHA'S FINAL STANDARD FOR BERYLLIUM—ENTITIES WITH FEWER THAN 20 EMPLOYEES

Application group	NAICS	Industry	Entities with <20 employees [a]	Establishments for entities with <20 employees [a]	Employees for entities with <20 employees [a]	Affected entities with <20 employees [b]	Affected establishments for entities with <20 employees [b]	Affected employees for entities with <20 employees [b]	Total revenues for entities with <20 employees ($1,000) [a]	Revenues per entity with <20 employees	Revenue per estab. for entities with <20 employees
Abrasive Blasting—Construction											
Abrasive Blasting—Construction.	238320	Painting and Wall Covering Contractors.	29,953.0	29,957.0	87,984.0	1,040.6	1,040.7	2,352.4	$10,632,006	$354,956	$354,909
Abrasive Blasting—Construction.	238990	All Other Specialty Trade Contractors.	27,026.0	27,041.0	90,822.0	938.9	939.4	1,894.9	19,232,052	711,613	711,218
Abrasive Blasting—Shipyards*											
Abrasive Blasting—Shipyards.	336611a ...	Ship Building and Repairing.	380.0	381.0	2,215.0	380.0	381.0	381.0	547,749	1,441,445	1,437,661
Welding in Shipyards**											
Welding in Shipyards.	336611b ...	Ship Building and Repairing.	380.0	381.0	2,215.0	3.6	3.6	3.6	547,749	1,441,445	1,437,661
Total											
Construction Subtotal.	.....	.....	56,979.0	56,998.0	178,806.0	1,979.5	1,980.1	4,247.3	29,864,058	524,124	523,949
Shipyard Subtotal ...	.....	.....	760.0	762.0	4,430.0	383.6	384.6	384.6	1,095,498	1,441,445	1,437,661
Total, All Industries	.....	.....	57,739.0	57,760.0	183,236.0	2,363.1	2,364.8	4,632.0	30,959,556	536,198	536,003

Data may not sum to totals due to rounding.
[a] U.S. Census Bureau, Statistics of US Businesses: 2012 (Document ID 2034).
[b] OSHA estimates of employees potentially exposed to beryllium and associated entities and establishments. Affected entities and establishments constrained to be less than or equal to the number of affected employees.
* Employers in application group Abrasive Blasting—Shipyards are shipyards employing abrasive blasters that use mineral slag abrasives to etch the surfaces of boats and ships.
** Employers in application group Welding in Shipyards employ welders in shipyards. Some of these employers may do both welding and abrasive blasting.
Source: U.S. Dept. of Labor, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.

Beryllium Exposure Profile of At-Risk Workers

The exposure profiles for abrasive blasting presented here were taken directly from Chapter IV of the 2016 FEA, and are more fully summarized in Section IV of this preamble. The exposure profile for welding in shipyards, however, is based on data presented in appendices 2 and 3 of Section 10.6 of Chapter IV, and again is more fully summarized in Section IV. Those data measure exposures of shipyard based welders, and OSHA has preliminarily determined that it is a more suitable data set on which to base the exposure profile of welders in shipyards than the data used in the 2016 FEA, which were based on general industry welding exposures.[6] Exposure profiles, by job category, were developed from individual exposure measurements that were judged to be substantial and to contain sufficient accompanying description to allow interpretation of the circumstances of each measurement. The resulting exposure profiles show the job categories with current exposures to beryllium above the new PEL and, thus, the workers for whom beryllium controls would be implemented under the final beryllium standard.

Tables V–7 and V–8 summarize, from the exposure profiles, the number of workers at risk of beryllium exposure and the distribution of 8-hour TWA beryllium exposures by affected application group and job category. Exposures are grouped into ranges (*e.g.,* >0.05 μg/m^3 and <0.1 μg/m^3) that represent the percentages of employees in each job category and sector currently exposed at levels within the indicated range.

Table V–9 presents data by NAICS code on the estimated number of workers currently at risk of beryllium exposure for each of the same exposure ranges. As shown, an estimated 2,167 (after rounding) workers currently have beryllium exposures above the final PEL of 0.2 μg/m^3. OSHA requests public comment on the exposure profile shown in Tables V–7, V–8, and V–9.

TABLE V–7—DISTRIBUTION OF BERYLLIUM EXPOSURES BY APPLICATION GROUP AND JOB CATEGORY OR ACTIVITY

Job category/activity	Exposure range (μg/m^3)								
	0 to ≤0.0.5 [a] (%)	>0.05 to ≤0.1 [a] (%)	>0.1 to ≤0.2 (%)	>0.2 to ≤0.25 (%)	>0.25 to ≤0.5 (%)	>0.5 to ≤1.0 (%)	>1.0 to ≤2.0 (%)	>2.0 (%)	Total (%)
Abrasive Blasting—Construction & Shipyards*									
Abrasive Blaster	15.2	15.2	25.7	2.5	12.4	4.7	5.4	18.9	100.0
Pot Tender	28.1	28.1	43.8	0.0	0.0	0.0	0.0	0.0	100.0
Cleanup	33.3	33.3	26.7	0.0	0.0	0.0	3.3	3.3	100.0
Welding—Shipyards**									
Welder	47.4	47.4	1.5	0.0	0.0	3.0	0.7	0.0	100.0

Note: Data may not sum to totals due to rounding.

[6] The use of the general industry exposure profile for shipyard welders was inadvertent, and the differences between the exposure monitoring data from the general industry and these welding data are not significantly different (*e.g.,* the exposure data for the shipyard welders show 94.8 percent of the exposures occurring below 0.1 ug/m^3, while the general industry estimates show 56.8 percent of the exposures occurring below 0.1 ug/m^3) and do not materially change the exposure assessment assumptions.

[a] The lowest exposure range in OSHA's technological feasibility analysis is ≤0.1 μg/m³ (see Chapter IV–02, Limits of Detection for Beryllium Data, in the FEA (Document ID 2042) in support of the new beryllium standards). Because OSHA lacked information on the distribution of worker exposures in this range, the Agency evenly divided the workforce exposed at or below 0.1 μg/m³ into the two categories shown in this table and in the columns with identical headers in Tables V–8 and V–9. OSHA recognizes that this simplifying assumption may overestimate exposure in these lower exposure ranges; the Agency requests comment as to whether members of the public share this observation.

* Employers in application group Abrasive Blasting—Shipyards are shipyards employing abrasive blasters that use mineral slag abrasives to etch the surfaces of boats and ships.

** Employers in application group Welding in Shipyards employ welders in shipyards. Some of these employers may do both welding and abrasive blasting.

Source: U.S. DOL, OSHA, Directorate of Standards and Guidance, Office of Technological Feasibility.

TABLE V–8—NUMBER OF WORKERS EXPOSED TO BERYLLIUM BY AFFECTED APPLICATION GROUP, JOB CATEGORY, AND EXPOSURE RANGE

[μg/m³]

Application group/job category	Exposure level (μg/m³)								
	0 to ≤0.05	>0.05 to ≤0.1	>0.1 to ≤0.2	>0.2 to ≤0.25	>0.25 to ≤0.5	>0.5 to ≤1.0	>1.0 to ≤2.0	>2.0	Total
Abrasive Blasting—Construction									
Abrasive Blaster	510.8	510.8	862.7	83.2	416.2	158.9	181.6	635.7	3,360.0
Pot Tender	945.0	945.0	1,470.0	0.0	0.0	0.0	0.0	0.0	3,360.0
Cleanup	560.0	560.0	448.0	0.0	0.0	0.0	56.0	56.0	1,680.0
Abrasive Blasting—Shipyards*									
Abrasive Blaster	186.1	186.1	314.3	30.3	151.6	57.9	66.2	231.6	1,224.0
Pot Tender	344.3	344.3	535.5	0.0	0.0	0.0	0.0	0.0	1,224.0
Cleanup	204.0	204.0	163.2	0.0	0.0	0.0	20.4	20.4	612.0
Welding—Shipyards**									
Welder	12.5	12.5	0.4	0.0	0.0	0.8	0.2	0.0	26.4
Total									
Construction Subtotal	2,015.8	2,015.8	2,780.7	83.2	416.2	158.9	237.6	691.7	8,400.0
Shipyard Subtotal	746.8	746.8	1,013.4	30.3	151.6	58.7	86.8	252.0	3,086.4
Total, All Industries	2,762.7	2,762.7	3,794.1	113.6	567.8	217.6	324.4	943.6	11,486.4

Note: Data may not sum to totals due to rounding.

* Employers in application group Abrasive Blasting—Shipyards are shipyards employing abrasive blasters that use mineral slag abrasives to etch the surfaces of boats and ships.

** Employers in application group Welding in Shipyards employ welders in shipyards. Some of these employers may do both welding and abrasive blasting.

Sources: U.S. DOL, OSHA, Directorate of Standards and Guidance, Office of Technological Feasibility and Office of Regulatory Analysis-Health.

TABLE V–9—NUMBER OF WORKERS EXPOSED TO BERYLLIUM BY AFFECTED INDUSTRY AND EXPOSURE RANGE

[μg/m³]

Application group/ NAICS	Industry	Exposure level (μg/m³)								
		0 to ≤0.05	>0.05 to ≤0.1	>0.1 to ≤0.2	>0.2 to ≤0.25	>0.25 to ≤0.5	>0.5 to ≤1.0	>1.0 to ≤2.0	>2.0	Total
Abrasive Blasting—Construction										
238320	Painting and Wall Covering Contractors.	1,046.3	1,046.3	1,443.3	43.2	216.0	82.5	123.3	359.0	4,360.0
238990	All Other Specialty Trade Contractors.	969.5	969.5	1,337.4	40.0	200.2	76.4	114.3	332.7	4,040.0
Abrasive Blasting—Shipyards*										
336611a	Ship Building and Repairing.	734.3	734.3	1,013.0	30.3	151.6	57.9	86.6	252.0	3,060.0
Welding in Shipyards**										
336611b	Ship Building and Repairing.	12.5	12.5	0.4	0.0	0.0	0.8	0.2	0.0	26.4
Total										
Construction Subtotal		2,015.8	2,015.8	2,780.7	83.2	416.2	158.9	237.6	691.7	8,400.0
Shipyard Subtotal		746.8	746.8	1,013.4	30.3	151.6	58.7	86.8	252.0	3,086.4
Total, All Industries		2,762.7	2,762.7	3,794.1	113.6	567.8	217.6	324.4	943.6	11,486.4

Note: Data may not sum to totals due to rounding.

* Employers in application group Abrasive Blasting—Shipyards are shipyards employing abrasive blasters that use mineral slag abrasives to etch the surfaces of boats and ships.

** Employers in application group Welding in Shipyards employ welders in shipyards. Some of these employers may do both welding and abrasive blasting.

Sources: U.S. DOL, OSHA, Directorate of Standards and Guidance, Office of Technological Feasibility and Office of Regulatory Analysis-Health.

Loaded Wages and New Hire Rate

For this PEA, OSHA updated the 2016 FEA wage estimates from 2015 to 2016 levels using data for base wages by Standard Occupational Classification (SOC) from the March 2017 Occupational Employment Statistics survey of the Bureau of Labor Statistics. OSHA applied a fringe markup (loading factor) of 46.0 percent of base wages (BLS, 2016c, Document ID 1980); [7] loaded hourly wages by application group and SOC are shown in Table V–10.

OSHA also updated the new hire rate for manufacturing from its 2016 FEA

[7] A fringe markup (loading factor) of 46.0 percent was calculated in the following way. Employer costs for employee compensation for civilian workers averaged $33.94 per hour worked in March 2016. Wages and salaries averaged $23.25 per hour worked and accounted for 68.5 percent of these costs, while benefits averaged $10.70 and accounted for the remaining 31.5 percent. Therefore, the fringe markup (loading factor) is $10.70/$23.25, or 45.6 percent. Total employer compensation costs for private industry workers averaged $32.06 per hour worked in March 2016 (BLS, 2016c, Document ID 1980).

estimate of 27.2 percent to a final estimate of 23.9 percent (BLS, 2016b, Document ID 1977). The Agency applied the updated rate (23.9 percent) in this preliminary profile and requests public comment on the preliminary wage and hire rates shown in Table V–10.

Baseline Industry Practices and Existing Regulatory Requirements (''Current Compliance'') On Hazard Controls and Ancillary Provisions

Table V–11 reflects OSHA's estimate of current industry compliance rates, by application group and job category, for each of the ancillary provisions that, under the January 9, 2017 final rule, would affect the establishments that are subject to this preliminary deregulatory action. See Chapter III of the 2016 FEA for additional discussion of the current baseline compliance rates for each provision, which were estimated based on site visits, industry contacts, published literature, and the Final Report of the Small Business Advocacy Review (SBAR) Panel (SBAR, 2008, Document ID 0345). Note that the compliance rate is typically the same for all jobs in a given sector, except for administrative workers, who generally have zero percent compliance with hygiene requirements and 100 percent compliance with PPE (because they are not expected to need PPE during work assignments).

In the 2016 FEA, OSHA estimated that abrasive blasters in construction and shipyards had a 75 percent compliance rate with the PPE requirements in the beryllium standards. However, upon further review of existing OSHA standards, OSHA is revising that estimate to 100 percent compliance for the purpose of this preliminary economic analysis. In construction, OSHA standard 29 CFR 1926.57(f)(5)(v) requires abrasive blasting operators to wear full PPE, including respirators, gloves, safety shoes, and eye protection. Similarly, 29 CFR 1915.34(c)(3) requires full PPE for abrasive blaster operators performing mechanical paint removal in shipyards. Because it would not be appropriate to claim cost savings for withdrawing a rule when existing rules already have the same requirements, for the purpose of calculating cost savings and foregone benefits in this proposal, OSHA preliminarily estimates that withdrawing the beryllium rule's PPE requirements for abrasive blaster operators in construction and shipyards would have no effect on PPE compliance because those workers are already required to wear full PPE. In addition, OSHA also found, after a review of shipyard personal protective equipment requirements, that gloves are required under 1915.157(a) to protect workers from hazards faced by welders, such as thermal burns.[8] Therefore, for the purpose of calculating cost savings and foregone benefits in this proposal, the Agency now preliminarily estimates that abrasive blasting operators in shipyards and construction and welders in shipyards are already equipped with full personal protective equipment 100 percent of the time when exposed to beryllium.

Additionally, upon review, OSHA has preliminarily determined that relevant PPE is required by the existing Personal Protective Equipment standard (1926.95) and the existing Hand and Body Protection standard (1915.157) to protect blasting helpers in construction and shipyards, respectively, from dermal exposure to beryllium dust. Therefore, the Agency now preliminarily estimates that all affected employees are already required to be equipped with PPE 100 percent of the time when exposed to beryllium, and uses this preliminary determination in calculating proposed cost savings and foregone benefits.

OSHA requests public comment on this revised approach and on the other preliminary baseline compliance estimates shown in Table V–11, as well as the methodology behind them as set forth in Chapter III of the 2016 FEA.

OSHA also reviewed existing housekeeping requirements and found that some housekeeping is also already required for abrasive blasting operations in construction and shipyards. CFR 1926.57(f)(7) requires that dust not be allowed to accumulate and that spills be cleaned up promptly. The general industry Ventilation standard requires the same in abrasive blasting in shipyards (*see* 29 CFR 1910.94(a)(7), 1910.5(c)). 29 CFR 1926.57(f)(3) and (f)(4) also require exhaust ventilation and dust collection and removal systems in abrasive blasting operations in construction. Therefore, compliance with 1926.57(f) and 1910.94(a)(7) already ensures that employers take some steps during the blasting operations to prevent accumulations of dust sufficient to create exposures exceeding the PEL in clean-up after blasting operations are completed.[9] For these reasons, in this proposal, OSHA is only taking a cost savings for housekeeping in abrasive blasting operations in construction and shipyards for the cost of HEPA-filtered vacuums and similar equipment.

In Table V–11, where current labor compliance rates are 100 percent, OSHA indicates that removal of the ancillary provision in question would have no effect on labor compliance rates.

OSHA welcomes comments on the baseline compliance estimates shown in Table V–11, particularly with respect to PPE and housekeeping.

As a final point on baseline industry practices, OSHA acknowledges the possibility of a future decline in the use of coal slag abrasive materials and welcomes comment and information on this issue. To the extent that coal slag abrasives are replaced by other blasting materials which do not have the potential for beryllium exposures of concern, the costs and benefits of the PELs for abrasive blasting operations would also decrease.

[8] In fact, the 0 percent baseline compliance rate for PPE in shipyard welding in the 2016 FEA was simply a mistake insofar as baseline compliance rate for PPE in general industry was 100 percent in the same document. For a discussion of existing welding requirements, see the discussion in Section V.C, Costs, in this preamble.

[9] As explained in the Abrasive Blasting section of the Technological Feasibility chapter of the FEA, abrasive blasting cleanup workers are those who are ''responsible for cleaning up spent abrasive (*e.g.,* by vacuuming or sweeping) at the end of the day's blasting.'' Of the 30 cleanup workers in the exposure profile of the FEA, two had exposures over the new PEL of 0.2 μg/m^3. One cleanup worker had an 8-hour TWA sample result of 1.1 μg/m^3, but blasting took place in the area during this worker's cleanup task and it is likely that the nearby abrasive blasting contributed to the sample result. The other cleanup worker had a sample result of 7.4 μg/m^3, but that worker's exposure appears to be associated with the use of compressed air for cleaning in conjunction with nearby abrasive blasting.

TABLE V–10—LOADED HOURLY WAGES AND HIRE RATE FOR OCCUPATIONS (JOBS) EXPOSED TO BERYLLIUM AND AFFECTED BY OSHA'S PROPOSED ACTION

Provision in the standard	Job	NAICS	SOC [a]	Occupation	Median hourly wage	Fringe markup percentage, total [b]	Loaded hourly (or daily [d]) wage
Monitoring [c]	Industrial Hygienist Consultant.	N/A	N/A	N/A	N/A	N/A	$164.81
Monitoring [d]	IH Technician—Initial						[d] 2,642.59
	IH Technician—Additional and Periodic.						[d] 1,321.30
Regulated Area/Job Briefing [e].	Production Worker	31–33	51–0000	Production Occupations	$16.55	46	24.16
Medical Surveillance [e]	Human Resources Manager	31–33	11–3121	Human Resources Managers.	49.61	46	72.42
Exposure Control Plan, Medical Surveillance, and Medical Removal [e].	Clerical	31–33	43–4071	File Clerks	15.43	46	22.53
Training [e]	Training Instructor	31–33	13–1151	Training and Development Specialists.	28.32	46	41.34
Medical Surveillance [e]	Physician (Employers' Physician).	31–33	29–1062	Family and General Practitioners.	90.96	46	132.79
Multiple Provisions [f]	First Line Supervisor	Various	51–1011	First-Line Supervisors of Production and Operating Workers.	28.14	46	41.08

Sources: U.S. Dept. of Labor, OSHA, Directorate of Standards and Guidance.
[a] 2010 Standard Occupational Classification System. Bureau of Labor Statistics. *http://www.bls.gov/soc/classification.htm.*
[b] BLS, 2016c, Document ID 1980.
[c] ERG estimates based on discussions with affected industries, and inflated to 2016 dollars (BEA, 2017).
[d] Wages used in the economic analysis for the Silica final rule, inflated to 2016 dollars. Wage rates shown are estimated daily remuneration for industrial hygiene services.
[e] BLS, 2017a.
[f] BLS, 2017a; Weighted average for SOC 51–1011 in NAICS 313000, 314000, 315000, 316000, 321000, 322000, 323000, 324000, 325000, 326000, 327000, 335000, 336000, 337000, and 339000.

TABLE V–11—ESTIMATED CURRENT COMPLIANCE RATES FOR INDUSTRY SECTORS AFFECTED BY OSHA'S PROPOSED DEREGULATORY ACTION ON BERYLLIUM

Application group	Job	Exposure monitoring (%)	Beryllium work areas (%)	Regulated areas (%)	Medical surveillance [a] (%)	Medical removal (%)	Exposure control plan (%)	PPE	Hygiene		Training (%)	Housekeeping labor	Vacuum, bags, labels (%)
									Employee (%)	Establishment (%)			
Abrasive Blasting Construction.	All												
Blasting Construction	Abrasive Blaster	0	75	75	75	0	75	100% No Effect	75	75	75	100% No Effect	0
Blasting Construction	Pot Tender	0	75	75	75	0	75	100% No Effect	75	75	75	100% No Effect	0
Blasting Construction	Cleanup	0	75	75	75	0	75	100% No Effect	75	75	75	100% No Effect	0
Blasting Shipyards*	All												
Blasting Shipyards	Abrasive Blaster	0	75	75	75	0	75	100% No Effect	75	75	75	100% No Effect	0
Blasting Shipyards	Pot Tender	0	75	75	75	0	75	100% No Effect	75	75	75	100% No Effect	0
Blasting Shipyards	Cleanup	0	75	75	75	0	75	100% No Effect	75	75	75	100% No Effect	0
Welding Shipyard**	All												
Welding Shipyard	Welder	0	0	0	0	0	0	100% No Effect	0	0	0	0%	0

Source: U.S. DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis (OSHA, 2016).

[a] Estimated compliance rates for medical surveillance do not include medical referrals. OSHA estimates that baseline compliance rates for medical referrals are zero percent for all application groups shown in the table.

* Employers in application group Abrasive Blasting—Shipyards are shipyards employing abrasive blasters that use mineral slag abrasives to etch the surfaces of boats and ships.

** Employers in application group Welding in Shipyards employ welders in shipyards. Some of these employers may do both welding and abrasive blasting.

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C. Costs of Compliance

Introduction

In this section, OSHA estimates the cost savings to shipyard and construction establishments in all affected application groups as a result of this proposal to revoke the ancillary

provisions in the new shipyard and construction beryllium standards. These ancillary provisions to be revoked encompass the following: exposure assessment, beryllium regulated areas (and competent persons in construction), a written exposure control plan, protective work clothing, hygiene areas and practices, housekeeping, medical surveillance, medical removal, and worker training. However, affected employers are estimated to incur a small additional cost to familiarize themselves with the changes to the ancillary provisions in the final rule as a result of this proposal. These cost savings incorporate OSHA's preliminary updated baseline compliance estimates described in section V.B, on which OSHA seeks comment.

These estimates of cost savings are largely based on the cost estimates presented for Regulatory Alternative 2a in the preamble for the new beryllium standards (82 FR 2470, 2612–2615 (January 9, 2017)), which were in turn derived from the Costs of Compliance chapter (Chapter V) of the supporting Final Economic Analysis (''2016 FEA''; Document ID 2042). Note that, as OSHA has not proposed changing the permissible exposure limit (PEL) or short-term exposure limit (STEL) set forth in the new beryllium standards, OSHA has not estimated any cost savings related to engineering controls or respirators. OSHA retained the same calculation methodology from the 2016 FEA and has updated the wages and unit costs from 2015 to 2016 dollars.

OSHA estimates that this proposal would yield a total annualized cost savings of $11.0 million using a 3 percent discount rate across the shipyard and construction sectors. All cost savings in this section are expressed in 2016 dollars and were annualized using discount rates of 3 percent and 7 percent, as required by OMB.[10] Costs in the 2016 FEA were expressed in 2015 dollars. Cost savings for this proposal have been updated to 2016 dollars. Unit costs developed in this section were multiplied by the number of workers who would have to comply with the provisions, as identified in Section B of this PEA (Profile of Affected Application Groups, Establishments, and Employees). The estimated number of affected workers depends on what level of exposure triggers a particular provision and the percentage of those workers estimated to already be in compliance. In a few cases, costs were calculated based on the number of firms.

The cost methodology is detailed in Chapter V of the 2016 FEA. A discussion of affected workers is presented in Section B of this PEA. Complete calculations are available in the OSHA spreadsheet in support of this PEA (OSHA, 2017). Annualization periods for expenditures on equipment are based on equipment life, and one-time costs are annualized over a 10-year period.[11]

Table V–12 shows, by affected application group and six-digit NAICS code, annualized compliance cost savings for all establishments, for all small entities (as defined by the Small Business Act and the Small Business Administration's (SBA's) implementing regulations; see 15 U.S.C. 632 and 13 CFR 121.201), and for all very small entities (defined by OSHA as those with fewer than 20 employees).

The Agency notes that it did not include an overhead labor cost either in the FEA in support of the January 9, 2017 final standards or in the primary analysis of this PEA. It is important to note that there is not one broadly accepted overhead rate and that the use of overhead to estimate the marginal costs of labor raises a number of issues that should be addressed before applying overhead costs to analyze the costs of any specific regulation. There are several approaches to look at the cost elements that fit the definition of *overhead* and there are a range of overhead estimates currently used within the federal government—for example, the Environmental Protection Agency has used 17 percent,[12] and government contractors have been reported to use an average of 77 percent.[13,14] Some overhead costs, such as advertising and marketing, vary with output rather than with labor costs. Other overhead costs vary with the number of new employees. For example, rent or payroll processing costs may change little with the addition of 1 employee in a 500-employee firm, but those costs may change substantially with the addition of 100 employees. If an employer is able to rearrange current employees' duties to implement a rule, then the marginal share of overhead costs such as rent, insurance, and major office equipment (*e.g.,* computers, printers, copiers) would be very difficult to measure with accuracy (*e.g.,* computer use costs associated with 2 hours for rule familiarization by an existing employee).

If OSHA had included an overhead rate when estimating the marginal cost of labor, without further analyzing an appropriate quantitative adjustment, and adopted for these purposes an overhead rate of 17 percent on base wages, as was done in a sensitivity analysis in the FEA in support of OSHA's 2016 final rule on Occupational Exposure to Respirable Crystalline Silica, the base wages would increase cost savings by approximately $238,000 per year, or approximately 2.2 percent above the primary estimate of cost savings.[15]

[10] See OMB Memo M–17–21 (April 5, 2017). OSHA included the 3 percent rate in its primary analysis, but Appendix V–A of this PEA also presents costs by NAICS industry and establishment size categories using, as alternatives, a 7 percent discount rate—shown in Table V–22—and a 0 percent discount rate—shown in Table V–23.

[11] Executive Order 13563 directs agencies ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' In addition, OMB Circular A–4 suggests that analysis should include all future costs and benefits using a ''rule of reason'' to consider for how long it can reasonably predict the future and limit its analysis to this time period. Annualization should not be confused with depreciation or amortization for tax purposes. Annualization spreads costs out evenly over the time period (similar to the payments on a mortgage) to facilitate comparison of costs and benefits across different years. In cases where costs occur on an annual basis, but do not change between years, annualization is not necessary, and OSHA may refer simply to ''annual'' costs.

[12] Cody Rice, U.S. Environmental Protection Agency, ''Wage Rates for Economic Analyses of the Toxics Release Inventory Program,'' June 10, 2002.

[13] Grant Thornton LLP, *2015 Government Contractor Survey.* (*https://www.grantthornton.com/~/media/content-page-files/public-sector/pdfs/surveys/2015/Gov-Contractor-Survey.ashx*).

[14] For a further example of overhead cost estimates, please see the Employee Benefits Security Administration's guidance at *https://www.dol.gov/sites/default/files/ebsa/laws-and-regulations/rules-and-regulations/technical-appendices/labor-cost-inputs-used-in-ebsa-opr-ria-and-pra-burden-calculations-august-2016.pdf.*

[15] OSHA is reluctant to make changes to the primary estimates in this proposal that create cost savings greater than the original costs estimated for the beryllium final rule.

V–12—TOTAL ANNUALIZED COST SAVINGS, BY SECTOR AND SIX-DIGIT NAICS INDUSTRY, FOR ENTITIES AFFECTED BY THE PROPOSED SHIPYARD AND CONSTRUCTION BERYLLIUM STANDARDS; RESULTS SHOWN BY SIZE CATEGORY (3 PERCENT DISCOUNT RATE, 2016 DOLLARS)

Application group/NAICS	Industry	All establishments	Small entities (SBA-defined)	Very small entities (<20 employees)
Abrasive Blasting—Construction				
238320	Painting and Wall Covering Contractors	$4,087,412	$3,445,984	$2,420,659
238990	All Other Specialty Trade Contractors	3,787,418	2,916,925	1,998,054
Abrasive Blasting—Shipyards*				
336611a	Ship Building and Repairing	3,081,907	990,140	524,187
Welding in Shipyards**				
336611b	Ship Building and Repairing	34,217	11,283	6,421
Total				
Construction Subtotal		7,874,830	6,362,909	4,418,712
Shipyard Subtotal		3,116,125	1,001,423	530,608
Total, All Industries		10,990,954	7,364,331	4,949,321

Notes: Figures in rows may not add to totals due to rounding.
* Employers in application group Abrasive Blasting—Shipyards are shipyards employing abrasive blasters that use mineral slag abrasives to etch the surfaces of boats and ships.
** Employers in application group Welding in Shipyards employ welders in shipyards. Some of these employers may do both welding and abrasive blasting.
Source: US DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.

Estimated baseline compliance rates were presented in Table V–11 in Section B of this preamble. The estimated costs for the new beryllium standards represented the additional costs necessary for employers to achieve full compliance. The cost of complying with the new beryllium standards' program requirements therefore depended on the extent to which OSHA believed employers in affected application groups had already undertaken some of the required actions. For example, paragraph (e)(1) of the new beryllium standard for shipyards required employers to provide regulated areas if employee exposures cannot be reduced below the final PEL by using engineering and work practice controls. If all employers in an industry have already provided regulated areas, perhaps by physically isolating high exposure processes and restricting access, then the industry's compliance rate for that requirement would be 100 percent, and that industry would incur no new costs for this provision under the new beryllium standard for shipyards. Similarly, if all employers in shipyards have already provided regulated areas, cost savings from removing this requirement would not include the avoidance of costs already incurred by employers in shipyards prior to enactment of the new beryllium standards.

Throughout this section, OSHA presents cost-saving formulas in the text, usually in parentheses, to help explain the derivation of cost-saving estimates for the individual provisions. Because the values used in the formulas shown in the text are shown only to the second decimal place, while the spreadsheets supporting the text are not limited to two decimal places, the calculation using the presented formula will sometimes differ slightly from the totals presented in the tables.

Program Cost Savings and Definitions of Affected Worker Populations

This subsection presents OSHA's estimated cost savings from this proposal due to revoking the ancillary provisions in the new beryllium standards for shipyards and construction. The ancillary provisions contained in the new beryllium standards encompass the following nine employer duties, whose removal would each provide potential cost savings: (1) Assess employees' exposure to airborne beryllium, (2) establish beryllium regulated areas (and competent person in construction), (3) develop a written exposure control plan, (4) provide personal protective work clothing and equipment, (5) establish hygiene areas and practices, (6) implement housekeeping measures, (7) provide medical surveillance, (8) provide medical removal for employees who have developed CBD or been confirmed positive for beryllium sensitization, and (9) provide appropriate training. In addition, OSHA has estimated that employers would incur a modest cost to familiarize themselves with the changes to the ancillary provisions in the final rule as a result of this proposal.

The affected worker population varies by each program element, as discussed in each subsection below. For example, in the 2016 FEA the regulated area program requirements triggered by the final PEL of 0.2 $\mu g/m^3$ would apply to a subset of shipyard workers: those for whom feasible engineering controls and work practices are not adequate. In this PEA, OSHA tracks the cost reductions in the same way and would remove those costs.

Cost savings for each removed program requirement are aggregated by employment and by industry. For the most part, unit cost savings do not vary by industry, and any variations are specifically noted.

Exposure Assessment

Overview of Regulatory Requirements in the New Beryllium Standards

Under the new beryllium standards, the employer must assess the exposure of each employee who is, or who may reasonably be expected to be, exposed to airborne beryllium under either a

performance option or a scheduled monitoring option.

The employer must reassess exposures whenever a change in the production, process, control equipment, personnel, or work practices may reasonably be expected to result in new or additional exposures at or above the action level, or when the employer has any reason to believe that new or additional exposures at or above the action level have occurred.

Proposal Cost-Savings Estimates

V–13 shows the unit cost savings for avoided initial monitoring and subsequent monitoring. These savings are identical to the unit costs identified in the 2016 FEA when adjusted to 2016 dollars.

TABLE V–13—EXPOSURE MONITORING UNIT COST SAVINGS

Item	Initial monitoring	Subsequent monitoring
Industrial hygienist daily rate	$2,642.59	$1,321.30
Total samples collected per day [1]	6	6
Industrial hygienist cost per sample	$440.43	$220.22
Laboratory cost to process sample	$150.79	$150.79
Total direct cost per time weighted average sample [2]	$591.22	$371.01
Total direct cost for two STEL samples [3]	$1,182.44	$742.01
Worker productivity loss per sample [4]	$4.03	$4.03
HR recordkeeping per sample (includes employee notification) [4]	$6.04	$6.04
Total cost savings per time weighted average sample	$601.28	$381.07
Total cost savings for two STEL samples	$1,202.57	$762.14

Notes:
[1] Assumes two workers sampled per day and three samples (one TWA sample and two STEL samples) taken per worker.
[2] Includes the cost for one TWA sample plus laboratory cost to process sample.
[3] Includes the cost for two short-term samples plus laboratory costs to process samples.
[4] Includes the prorated cost for a single sample from a combination of one TWA and two short-term samples.
Sources: OSHA, 2016 (Document ID 2044); BEA, 2016 (Document ID 1970); OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.

OSHA estimates that the total annualized exposure assessment cost savings would be $5,359,520 for all affected industries.[16] These cost savings, along with the cost savings for each affected NAICS industry, are shown in Table V–18 at the end of this program cost-savings section.

Beryllium Regulated Areas (and Competent Persons in Construction)

Overview of Regulatory Requirements in the New Beryllium Standards

The new beryllium standard for shipyards requires the employer to establish and maintain a regulated area wherever an employee's airborne exposure exceeds, or can reasonably be expected to exceed, either the time-weighted average (TWA) permissible exposure limit (PEL) or short term exposure limit (STEL). A regulated area can include temporary work areas where maintenance or non-routine tasks are performed. There is no regulated area requirement for construction.

Employers with employees in regulated areas must comply with specific provisions that both limit employee exposure within the boundaries of the regulated area and curb the migration of beryllium outside the area.

The new beryllium standard for the construction industry requires that, wherever employees are, or can reasonably be expected to be, exposed to airborne beryllium at levels above the TWA PEL or STEL, the employer designate a competent person to make frequent and regular inspections of job sites, materials, and equipment to implement the written exposure control plan.

OSHA assumed that, in restricting access in construction, employers would use the briefing option half of the time and direct access control the other half.

Cost Savings Estimates

Based on OSHA's cost estimates in the 2016 FEA (adjusted to 2016 dollars), the cost savings involved in removing the requirements of setting up the regulated area in shipyards include initial set-up time by a supervisor ($329), tape to demarcate the regulated area ($29 annually), and the one-time cost of warning signs to mark the regulated area ($144). There is also the annual cost for daily use of disposable clothing and two disposable respirators by authorized persons who might need to enter the area in the course of their job duties ($6,900). The annual total regulated area cost savings in shipyards for the tape, clothing, and respirators is therefore $6,929, and annualized cost savings is $55 (including the annualized value of the one-time labor and sign costs of $329 and $144).

In the new beryllium construction standard, a competent person must implement the written exposure control plan to limit access to work areas and ensure that employees use respiratory protection and personal protective clothing and equipment. A competent person may implement the written exposure control plan either by using the briefing option or the direct access control option.

As shown in Table V–14,[17] the annual cost savings of the briefing option are $90.16 per at-risk worker. These costs savings are drawn directly from the costs in the 2016 FEA, beginning on page V–169, with the adjustments previously described in this document. The labor cost savings for the supervisor to plan and communicate the plan per job ($10.27 and $4.11, respectively), plus the labor cost savings per job for the production worker to be briefed ($9.66) provides a total job briefing cost savings per job of $24.04. Assuming an average of 15 jobs per year (= 150 working days ÷ 10 day average job length), this equates to a job briefing cost savings per year of ($360.63 = $24.04 cost savings per job briefing × 15 jobs per year). If the average number of workers per crew is 4 workers, then the annual cost savings per worker is

[16] The exposure monitoring cost savings are calculated in the cost spreadsheet in the 'Rule' tab in column BL through CY. Initial monitoring cost savings begin in column BT, additional monitoring cost savings begin in column CC, and periodic monitoring cost savings begin in column CI. The annualized cost savings are calculated at 7, 3 and 0 percent in columns CQ through CY.

[17] Note that numbers may not add due to rounding.

($90.16 = $360.63 cost savings per year ÷ 4 workers).

As shown in Table V–14, the annualized cost savings of the direct access control option is $80.45 per at-risk crew member. This cost savings per at-risk crew member includes the avoided supervisor time to set up the area per job ($10.27) which, assuming 15 jobs per year, equals $154.05 per year. Dividing the annual cost savings ($154.05) by the average number of workers per crew (4) equals the per worker cost savings for the avoided supervisor time to set up the area ($38.51). The other unit cost savings are the annualized hazard tape cost savings per worker ($35.55 = $9.48 hazard tape cost savings per job × 15 jobs per year ÷ 4 workers per crew). The annualized warning sign cost savings per worker ($6.38 = $25.54 warning signs cost savings per year ÷ 4 workers per crew), which total an annualized materials cost savings per worker of $41.94. Adding the annualized cost savings per worker to identify and set up the controlled access area ($38.51) to the annualized materials cost savings per worker ($41.94) equals the total cost savings of the direct access control option per worker per year ($80.45). Consequently, as shown in Table V–14, the annualized cost savings of competent persons restricting access to work areas is $85.30 per at-risk crew member (average of $90.16 and $80.45).

V–14—UNIT COST SAVINGS FOR NOT IMPLEMENTING WRITTEN EXPOSURE CONTROL PLAN IN CONSTRUCTION

Item	Value			
Job Frequency and Crew Size Assumptions				
Average crew size (workers)	4			
Average job length (days)	10			
Working days per year	150			
Percentage choosing Option 1	50%			
Option 1: Job Briefing				
Item	Hour burden	Labor cost	Materials cost	Total unit cost
Supervisor time to revise plan per job	0.25	$10.27	N/A	$10.27
Supervisor and worker time for briefing per job	0.10	13.77	N/A	13.77
Total per job	0.35	24.04	N/A	24.04
Total cost savings per worker per year	1.31	90.16	N/A	90.16
Option 2: Direct Access Control				
Supervisor time to identify and set up work area per job	0.25	10.27	N/A	10.27
Supervisor time to identify and set up work area per worker per year	0.94	38.51	N/A	38.51
Hazard tape cost savings per job (100 ft.)	N/A	N/A	$9.48	9.48
Hazard tape cost savings per worker per year	N/A	N/A	35.55	35.55
One-time warning signs cost savings (3 signs)	N/A	N/A	72.23	72.23
Annualized warning sign cost savings (3%, 3 years)	N/A	N/A	25.54	25.54
Annualized warning sign cost savings per worker	N/A	N/A	6.38	6.38
Total annualized materials cost savings per worker	N/A	N/A	41.94	41.94
Total cost savings per worker per year	N/A	38.51	41.94	80.45
Weighted Average Annual Unit Cost Savings per Worker				
Average annual unit cost savings per worker	N/A	N/A	N/A	85.30

Source: US DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis
Note: Figures in rows may not add to totals due to rounding.

OSHA estimates the total annualized cost savings of regulated areas and competent person requirements is $261,099 for all affected shipyard and construction industries, with competent person requirements accounting for $8,464 of the total.[18] The cost savings for each affected NAICS industry is shown in Table V–18 at the end of this program cost-savings section.

[18] The regulated area cost savings are calculated in the cost spreadsheet in the 'Rule' tab in column CZ through FS. The annualized cost savings are calculated at 7, 3, and 0 percent in columns FK through FS.

Written Exposure Control Plan

Overview of Regulatory Requirements in the New Beryllium Standards

Under the new beryllium standards, employers are required, for tasks generating airborne beryllium exposure above the action level, to establish and maintain a written exposure control plan.

Further, employers must update the exposure control plan when:

(A) Any change in production processes, materials, equipment, personnel, work practices, or control methods results or can reasonably be expected to result in new or additional airborne exposures to beryllium;

(B) The employer becomes aware that an employee has a beryllium-related health effect or symptom; or

(C) The employer has any reason to believe that new or additional airborne exposures are occurring or will occur.

Finally, the employer must make a copy of the written exposure control plan accessible to each employee who is, or can reasonably be expected to be, exposed to airborne beryllium.

Cost Savings Estimates

The estimated cost savings *per establishment* for an average-sized firm to develop the initial written exposure control plan is $579.39—based on a manager spending 8 hours, at an hourly wage of $72.42 (Human Resources

Managers, SOC: 11–3121), to develop the plan—for an annualized cost of $67.92.

In addition, because larger firms with more affected workers will need to develop more complicated written control plans, OSHA estimated that the development of a plan would require an extra thirty minutes of a manager's time per affected employee. The cost for an extra thirty minutes of a manager's time per affected employee to develop a more complicated plan is $36.21 (0.5 × $72.42) per affected employee in this PEA, for an annualized cost of $4.50 per employee.

Because of various triggers under which the employer would have to update the plan annually after the first year, the Agency further estimated that, on average, managers would need 12 minutes (0.2 hours) per affected employee per quarter—or 48 minutes (4 × 12), which equals 0.8 hours, per affected employee per year—to review and update the plan. Thus, the cost for managers to review and update the plan would be $57.94 (0.8 × $72.42 per affected employee for years 2–10.

Finally, each year, 5 minutes of clerical time for providing each employee with a copy of the written exposure control plan, at a clerical wage of $22.53 per hour (File Clerks SOC 43–4071), comes to an annual cost of $1.88 per employee.

OSHA estimates that the total annualized cost savings for removing the requirements for development, implementation, distribution, and update of a written exposure control plan is $233,032 for all affected industries in shipyards and construction.[19] These cost savings, along with the cost savings for each affected NAICS industry, are shown in Table V–18 at the end of this program cost-savings section.

Personal Protective Clothing and Equipment

Overview of Regulatory Requirements in the New Beryllium Standards

Under the new beryllium standards, personal protective clothing and equipment are required for workers in shipyards and construction:

1. Whose airborne exposure exceeds, or can reasonably be expected to exceed, the TWA PEL or STEL; or

2. Where employees' skin can reasonably be expected to be exposed to beryllium.

For the most part, the cost savings for PPE follow the cost estimates in the 2016 FEA. However, there are two exceptions. First, the new beryllium standards require shipyard welders to wear gloves because it is reasonable to expect that their skin will be exposed to beryllium. In the 2016 FEA OSHA listed the shipyard welders' compliance rate with this PPE requirement at 0 percent, inadvertently suggesting that shipyard welders were not already wearing gloves when, in fact, all shipyard welders are already required to wear gloves. In preparing this proposal, OSHA reviewed its compliance rates and discovered the oversight.[20] As a result of this review, OSHA has preliminarily adjusted estimated shipyard welding compliance rates with the PPE requirement from 0 percent in the FEA to 100 percent for this proposal and calculated proposed cost savings using this preliminary estimate.

Second, for the same reason as with welders, the beryllium standards also require abrasive blasters in shipyards and construction to wear gloves as PPE. In the 2016 FEA, OSHA estimated that abrasive blasters in construction and shipyards had a 75 percent compliance rate with the PPE requirements in the beryllium standard. However, upon review, OSHA has preliminarily revised this estimate because the 2016 FEA inadvertantly did not take account of the fact that relevant PPE was actually already required by other OSHA standards for abrasive blasters in construction and shipyards. See 1915.34(c)(3)(iv); 1926.57(f)(5)(v). Additionally, OSHA has determined that relevant PPE is required by the existing Personal Protective Equipment standard (1926.95) and the existing Hand and Body Protection standard (1915.157) to protect blasting helpers in construction and shipyards, respectively, from dermal exposure to beryllium dust. Therefore, for the purpose of calculating cost savings, the Agency now preliminarily estimates that all affected employees are already required to be equipped with PPE 100 percent of the time when exposed to beryllium.

Cost Savings Estimates

As discussed above, given the existing PPE requirements, OSHA estimates that there are no estimated cost savings as a result of revoking the PPE requirements for construction and shipyard employers in the beryllium final rule.

Hygiene Areas and Practices

Overview of Regulatory Requirements in the New Beryllium Standards

The new beryllium standards require affected shipyard and construction employers to provide readily accessible washing facilities to remove beryllium from the hands, face, and neck of each employee exposed to beryllium. The employer must also provide a designated change room in workplaces where employees would have to remove their personal clothing and don the employer-provided protective clothing. The employer must ensure that each employee exposed to beryllium uses these facilities when necessary.

Cost Savings Estimates

The Agency included in the 2016 FEA no additional cost for readily accessible washing facilities, under the expectation that employers already have such facilities in place. OSHA notes that employers of abrasive blasters exposed to beryllium in shipyards and construction work are typically already required to provide readily accessible washing facilities to comply with other OSHA standards.[21] Therefore, OSHA is estimating no cost savings from washing facilities due to this proposal.

The Agency is, however, including cost savings for the removal of requirements to add a change room and segregated lockers. OSHA included these costs in the 2016 FEA for acquisition of portable structures, for employers who would need to add these. OSHA estimates that portable structures, adequate for 10 workers per establishment, could be rented annually for $3,579 (adjusted from Lerch, 2003) and that lockers could be procured for a capital cost of $448—or $53 annualized—per establishment (adjusted from Lab Safety, 2004). This results in an annualized cost of $4,027 ($3,579 + $448) per facility for a portable change room with lockers.

OSHA estimated in the 2016 FEA that 10 percent of affected establishments will be unable to meet the final TWA PEL and will, therefore, require change

[19] The written exposure control plan cost savings are calculated in the cost spreadsheet in the 'Rule' tab in column LG through ML. The annualized cost savings are calculated at 7, 3 and 0 percent in columns MA through ML.

[20] Upon review, the Agency now realizes that, under 1915.157(a) for PPE (as well as under OSHA guidance for shipyards during welding), employers must provide gloves to protect against burns. In addition, OSHA now understands that gloves for shipyard welders are standard industry practice.

[21] OSHA's shipyard standard at 29 CFR 1915.58(e) requires handwashing facilities ''at or adjacent to each toilet facility'' and ''equipped with . . . running water and soap, or with waterless skin-cleansing agents that are capable of . . . neutralizing the contaminants to which the employee may be exposed.'' OSHA's construction standard at 29 CFR 1926.51(f)(1) requires ''adequate washing facilities for employees engaged in . . . operations where contaminants may be harmful to the employees. Such facilities shall be in near proximity to the worksite and shall be so equipped as to enable employees to remove such substances.''

rooms. The Agency expected that, in many cases, a worker will simply be adding, and later removing, a layer of clothing (such as a lab coat, coverall, or shoe covers) at work, which might involve no more than a couple of minutes a day. However, in other cases, a worker may need a full clothing change. Taking all these factors into account, OSHA estimated that a worker using a change room would need 5 minutes per day to change clothes. The annual cost per employee to change clothes (in a change room) is $480.54. This cost was based on a production worker earning $24.16 an hour (Production Occupation, SOC: 51–0000) and taking 5 minutes per day to change clothes for 250 days per year ((5/60) × $24.16 × 250).

The Agency estimates the total annualized cost savings of removing the provision on hygiene areas and practices to be $1,573,230 for all affected establishments.[22] The breakdown of these cost savings by NAICS code can be seen in Table V–18 at the end of this program cost-savings section.

Housekeeping

Overview of Regulatory Requirements in the New Beryllium Standards

Housekeeping includes following the written exposure control plan, promptly cleaning up all spills and emergency releases of beryllium, and, when cleaning, using methods such as HEPA-filtered vacuuming. The new beryllium standards prohibits cleaning methods that could cause dust to be airborne, such as dry sweeping or compressed air without adequate LEV, unless proper respiratory equipment is worn. All methods must be in accordance with the written exposure control plan. When a shipyard or construction employer transfers materials containing beryllium to another party for use or disposal, the employer must provide the recipient with a copy of the warning label language.

Cost-Savings Estimates

OSHA estimated the following costs in the 2016 FEA in shipyards (amounts adjusted for 2016 dollars): A one-time annualized cost per worker of a HEPA-filtered vacuum ($614); the annual cost per worker of the additional time needed to perform housekeeping ($503); and the annual cost of the warning labels per worker ($5). The total annual per-employee cost was $509, updated to 2016 dollars. Upon further review, OSHA preliminarily determined that affected employers in construction are already required to minimize dust accumulations through compliance with 29 CFR 1926.57(f)(7), which requires that dust not be allowed to accumulate and that spills be cleaned up promptly, and 29 CFR 1926.57(f)(3) and (f)(4), which require exhaust ventilation and dust collection and removal systems in abrasive blasting operations in construction. Similarly, the general industry Ventilation standard requires that dust not be allowed to accumulate and that spills be cleaned up promptly in abrasive blasting in shipyards (*see* 29 CFR 1910.94(a)(7), 1910.5(c)). For these reasons, OSHA preliminarily determined that affected employers would already have to perform some housekeeping, and for the purpose of the cost savings estimates in this proposal, OSHA is only including a cost savings for housekeeping in abrasive blasting operations in construction and shipyards for the cost of HEPA-filtered vacuums and similar equipment.

The Agency estimates that there are 11,460 total affected employees in blasting in construction and shipyards, as well as 26 affected employees in shipyard welding, and that the total annualized cost savings in this proposal of removing this ancillary provision is $901,335.[23] Of this, $886,008 is attributed to blasting in construction and shipyards and encompasses only the cost savings for HEPA vacuums and associated equipment. As shown in Table V–11 above, OSHA preliminarily determined that employers in these operations are already fully compliant with any labor requirements due to existing requirements. The Agency has preliminarily determined that the shipyard welding operation would not already be compliant with any labor requirements; thus, the $15,327 estimated cost savings in this sector is attributed to both labor and equipment. The breakdown of these cost savings by NAICS code is shown in Table V–18 at the end of this program cost-savings section.

Medical Surveillance

Overview of Regulatory Requirements in the New Beryllium Standards

The new beryllium standards require affected employers in shipyards and construction to make medical surveillance available at a reasonable time and place, and at no cost, to the following employees:

1. Employees who have been, or are reasonably expected to be, exposed at or above the action level for more than 30 days in the last 12 months;
2. Employees who show signs or symptoms of chronic beryllium disease (CBD) or signs or symptoms of other beryllium-related health effects, such as rashes;
3. Employees exposed to beryllium during an emergency; and
4. Employees whose most recent written medical opinion required by this standard recommends periodic medical surveillance.

Cost Savings Estimates

OSHA previously identified the fees and other medical expenses that employers would incur to comply fully with the medical surveillance requirements in the new standards. Those costs would be saved under this proposal and are expressed as cost savings in the tables that follow.

Unit Cost Savings for Medical Surveillance

Table V–15 below lists the direct unit cost savings for removing initial medical surveillance activities including: Work and medical history, physical examination, pulmonary function test, BeLPT, LDCT scan, and additional tests.

TABLE V–15—DIRECT UNIT COST SAVINGS FOR THE MEDICAL SURVEILLANCE PROGRAM

Item	Value
Initial Medical Costs	
Work and medical history	$42.83
Physical examination (skin and respiratory tract)	$128.48

[22] The hygiene areas and practices cost savings are calculated in the cost spreadsheet in the 'Rule' tab in column NO through OU. The annualized cost savings are calculated at 7, 3 and 0 percent in columns OJ through OU.

[23] The housekeeping cost savings are calculated in the cost spreadsheet in the 'Rule' tab in column OV through PW. The annualized cost savings are calculated at 7, 3 and 0 percent in columns PO through PW.

TABLE V–15—DIRECT UNIT COST SAVINGS FOR THE MEDICAL SURVEILLANCE PROGRAM—Continued

Item	Value
Pulmonary function test	$60.21
Cost Savings of additional tests deemed appropriate by PLHCP	$220.19
Percent of workers requiring additional tests	10%
Total initial medical cost savings per worker	$253.54
Lost Work Time	
Employee hours	2.08
Employee wage	$24.16
HR manager hours	0.25
HR manager wage	$72.42
Supervisor hours	0.33
Supervisor wage	$41.08
Cost Savings of Lost work time	$82.13
Total Medical and Lost Work Time Cost Savings per Employee	
Total cost savings per employee	$335.68
Annualized total cost savings per employee	$211.50
BeLPT	
BeLPT	$313.77
Employee hours	0.08
Employee wage	$24.16
Cost Savings of Lost work time	$2.01
Unit BeLPT cost savings per employee	$315.78
Annualized per employee cost savings of biennial BeLPTs for 10 years [1]	$198.97
LDCT Scan	
LDCT scan	$847.74
Review LDCT Scan with specialist	$275.24
Employee hours	3.50
Employee wage	$24.16
Cost Savings of Lost work time	$84.56
Unit LDCT scan cost savings per employee	$1,207.54
Annualized per employee cost savings of biennial LDCT scan for 10 years [2]	$612.69
Total Annualized cost savings per employee	
Total	$1,023.17

Notes:
[1] Calculated as the annualized discounted present value of $1,640 for biennial BeLPTs. See following discussion for more detail.
[2] Calculated as the annualized discounted present value of $3,363 for bi-annual CT scans. See following discussion for more detail.
Sources: National Jewish Medical Center, 2005 (Document ID 2001); Intellimed International, 2003, (Document ID 2012); Cost Helper, 2010; (Document ID 1990); BLS, 2017a; BLS, 2017c; BLS, 2016c (Document ID 1980) ; BEA, 2017 (Document ID 1970); US DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.

Biennial Examination and Testing and BeLPT Testing

The fees, in 2016 dollars, for the total unit annual cost savings for the avoided medical examinations and tests (excluding the BeLPT test) and the time required for both the employee and the supervisor is $335.68. The total unit annual cost savings for the avoided BeLPT costs is $315.78. Because the required medical examination and the BeLPT would each typically occur only every two years, OSHA calculates the annualized cost savings of removing that examination and the BeLPT test as follows: taking the present value (PV) of the costs over 10 years and then annualizing them over 10 years at 3 percent. Using this methodology, the unit annualized biennial exam cost savings are $211.50 and the unit annualized BeLPT cost savings are $198.97.

LDCT Scans

The new beryllium standards require that a low-dose computed tomography (LDCT scan) be offered to employees eligible for medical surveillance whenever recommended by the licensed physician.

As it did with the 2016 FEA costs for LDCT scans, OSHA has based its cost saving estimates on the eligible employees receiving LDCTs every two years.

The total yearly cost savings for biennial LDCT scans consists of avoided medical costs totaling $1,122.98, comprised of an $847.74 fee for the scan (CT-scan, 2012, Document ID 0568) and the cost of a specialist to review the results, which OSHA estimates would cost $275.24. The Agency estimates an additional cost savings of $84.56 of lost work time,[24] for a total of $1,207.54 ($1,122.98 + $84.56). The annualized cost savings for avoided biennial CT scans is $364.00. The annualized total

[24] Time cost is calculated using a wage rate of $23.87 (Production Worker, SOC 51–0000) and a total of 3.5 hours lost: 60 minutes to travel to and from the appointment, 60 minutes to administer the scan, 60 minutes to travel to and from a meeting with a specialist to review the results and 30 minutes to review the results with the specialist (updated from ERG, 2013) (Document ID 1781).

cost savings per employee is $612.69 ($430.13 + $139.65 + $42.91).[25]

Number of Workers Requiring LDCT Scans

In the 2016 FEA, OSHA estimated that the number of workers that the physician recommends to receive LDCT scans would be 25 percent of workers who are exposed above 0.2 in the exposure profile. The estimate of 25 percent was based on the fact that roughly this percentage of workers has 15+ years of job tenure in the durable manufacturing sector (BLS, 2013, Document ID 0672) and that all those with 15+ years of job tenure and current exposure over 0.2 would have had at least 5 years of such exposure in the past. OSHA uses the same estimate in calculating the cost savings in this PEA.

CBD Diagnostic Center Referrals and Evaluations

For purposes of costing this consultation, OSHA used the marginal costs of a physician's time (wages plus fringe benefits) of $132.79 per hour (Physicians and Surgeons, All Other, SOC: 29–1069); the physician's cost for the 15 minute consultation is therefore $33.20 ((15/60) × $132.79). Similarly the worker's time for this consultation, with a production worker's hourly wage of $24.16 (updated from Production Occupations, SOC: 51–0000), results in a cost for the employee's time of $6.04 ((15/60) × $24.16). Hence the total employer cost savings of avoiding this consultation is $39.24 ($33.20 + $6.04). These cost savings are included in Table V–16 below.

Table V–16 also lists the direct unit cost savings for a clinical evaluation with a specialist at a CBD diagnostic center.

TABLE V–16—UNIT COST SAVINGS FOR MEDICAL EVALUATION AND TESTING PER WORKER REFERRED TO A CBD DIAGNOSTIC CENTER

Item	Value
All Workers	
Referral examination for new patients [1]	$6,456.80
Employer physician hours	0.25
Employer physician wage	$132.79
Travelling Workers	
Employee hours	24.25
Employee wage	$24.16
Lost work time [2]	$619.09
Cost-savings of travel & living expenses per employee [3]	$620.71
Total cost savings per travelling employee	$7,696.60
Workers Tested Locally	
Employee hours	4.25
Employee wage	$24.16
Lost work time [4]	$135.88
Total cost savings per non-travelling employee	$6,592.68
Weighted Average—All Workers	
Average cost-savings per employee	$7,420.62

[1] Includes an exam with a specialist, blood tests, plethysmography, a pulmonary stress test, bronchoscopy with lung biopsy, and a chest CT scan. The unit costs of the components of the evaluation are considered confidential by Healthcare Facility A.

[2] For ¾ of eligible workers, assumes three 8-hour work days for the employee at $24.16/hour as well as a 15 minute discussion between the employee and the physician at $132.79/hour. See following discussion for more detail.

[3] Includes out-of-town travel costs and $53/day living expenses for ¾ of workers. See following discussion for more detail.

[4] For ¼ of eligible workers, assumes four hours for the employee at $24.16/hour as well as a 15 minute discussion between the employee and the physician at $132.79/hour. See following discussion for more detail.

Sources: Healthcare Facility A, 2014 (Document ID 2044): U.S. DOT, 2012 (PEA) (Document ID 2031); OSHA Estimate (PEA) (Document ID 0385); BLS, 2016a (Document ID 1978); BLS, 2016 (Document ID 1980); BEA, 2016 (Document ID 1970): U.S. DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.

In addition, as shown in Table V–16, there are cost savings for avoided lost productivity and travel.

The total cost of a clinical evaluation with a specialist at a CBD diagnostic center is equal to the cost of the examination plus the cost of lost work-time and the cost for the employee to travel to the CBD diagnostic center. For the two latter types of costs, 75 percent were based on out-of-town travel to a CBD diagnostic center and 25 percent were based on a local CBD diagnostic center. The resulting weighted-average cost-saving estimates of $7,420.62 for testing at a CBD diagnostic center are presented in Table V–16.

Employees who are not already diagnosed with CBD can be referred to a CBD diagnostic center if the employee is confirmed positive (sensitized to beryllium). OSHA estimated in the 2016 FEA that during the first year that the medical surveillance provisions are in effect 14.0 percent of the 640 workers who are tested for beryllium sensitization will be confirmed positive for sensitization (through BeLPT tests) and referred to a CBD diagnostic center.

[25] The components represent the annualized unit cost-saving elements of the LDCT scan, reviewing the LDCT scan with a specialist, and lost work time.

Based on these unit costs and the number of employees requiring medical surveillance estimated above, OSHA estimated that the removal by this proposal of the medical surveillance and referral provisions would result in an annualized total cost savings of $1,414,112.[26] These cost savings by NAICS code are shown in Table V–18 at the end of the program cost-savings section.

Medical Removal Provision

Overview of Regulatory Requirements in the New Beryllium Standards

For affected construction and shipyard establishments, if an employee works in a job with airborne exposure at or above the action level, is diagnosed with CBD or confirmed positive, and provides documentation of the employee's diagnosis of CBD or confirmed positive status to the employer, that employee is eligible for medical removal and has two choices:

i. Removal from the current job, or

ii. Remain in a job with airborne exposure at or above the action level while wearing a respirator in accordance with paragraph (g) of the standards.

If the employee chooses removal, the employee must accept comparable work if such work is available. If comparable work is not available the employer must offer the employee paid leave for six months or until such time as comparable work becomes available, whichever comes first. During that six-month period, whether the employee is re-assigned or placed on paid leave, the employer must continue to maintain the employee's base earnings, seniority and other rights and benefits that existed at the time of removal.

Cost Savings Estimates

Revoking the medical removal provision would provide cost savings due to workers no longer being eligible for medical removal. OSHA estimated that, under the January 2017 final standards for construction and shipyards, 332 workers would be eligible for medical removal in the first year and 26 workers each year would be eligible in subsequent years. OSHA estimated an average medical removal cost per worker assuming that 75 percent of firms would be able to find the employee an alternate job, and the remaining 25 percent of firms would not. With updated hourly wages for a production worker of $24.16 (Production Occupations, SOC: 51–0000) and for a clerical worker of $22.53 (File Clerks, SOC: 43–4071), the weighted average of these costs is $7,266 per worker ($0.75 \times \$1,363 + \$273$[27]) + $0.25 \times (\$24,161)$.

Based on the above unit costs, OSHA estimates that revoking the medical removal provision in this proposal would result in an annualized total cost savings of $471,601.[28] The breakdown of these cost savings by NAICS code can be seen in Table V–18 at the end of this program cost section.

Familiarization Costs

Overview of Regulatory Requirements in the New Beryllium Standards

In the new beryllium standards, OSHA included familiarization costs to account for employers' time to understand the ancillary provisions and the other new and revised components of the applicable new standard.

Cost Estimates

As some employers may already have been reviewing the 2016 FEA, in an effort to be conservative, OSHA has not assumed any familiarization cost savings. In the 2016 FEA, the amount of familiarization time required depended, in part, on the range of beryllium-related operations. As the focus of this proposal is on removing the ancillary requirements, this variability of required familiarization time has been largely eliminated. Employers would thus only need to spend a brief amount of time reviewing this proposal (if it became final) to look at the changes from the 2016 FEA. Therefore, OSHA expects that if this proposal is adopted, employers would spend one-tenth of one hour per firm (or 6 minutes) reviewing its changed requirements.

Table V–17 shows the unit costs, by establishment size, of reviewing the changes in this proposal as a result of removing the ancillary provisions. These costs will likely be one-time costs incurred during the first year in which this PEA becomes final, but the aggregate costs are annualized for consistency with the other estimates for this proposal. Based on the unit familiarization (negative) cost savings in Table V–17, the total annualized familiarization costs of this proposal are estimated to be $1,346.[29] The breakdown of these costs by NAICS code can be seen in Table V–18 at the end of this program cost-savings section.

TABLE V–17—FAMILIARIZATION—CONSTRUCTION AND SHIPYARDS ASSUMPTIONS AND UNIT COST SAVINGS

	Small (<20)	Medium (20–499)	Large (500+)
Hours per establishment	0.1	0.1	0.1
Total cost savings per establishment	($4.11)	($4.11)	($4.11)
Annualized cost savings	($0.48)	($0.48)	($0.48)

Note: Based on supervisor wage of $41.08, inclusive of benefits (BLS, 2016) (Document ID 1980).
Source: U.S. DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis, based on OSHA (2017) (Document ID 2044).

Training

Overview of Regulatory Requirements in the New Beryllium Standards

As specified in both the new shipyard and construction beryllium standards and the existing OSHA standard 29 CFR 1910.1200 on hazard communication, the employer must provide initial training and repeat annual training for each employee who is, or who can reasonably be expected to be, exposed to airborne beryllium. The initial training is required by the time of initial assignment, and will be applicable to affected shipyard and construction employers.

[26] The medical surveillance cost savings are calculated in the cost spreadsheet in the 'Rule' tab in column FT through KK. The annualized cost savings are calculated at 7, 3 and 0 percent in columns JT through KK.

[27] The cost of the salary differential for 6 months of work in a job with exposures less than the AL plus one month of re-training.

[28] The medical removal cost savings are calculated in the cost spreadsheet in the 'Rule' tab in column KL through LF. The annualized cost savings are calculated at 7, 3 and 0 percent in columns KX through LF.

[29] The familiarization cost savings are calculated in the cost spreadsheet in the 'Rule' tab in column TP through UZ. The annualized cost savings are calculated at 7, 3 and 0 percent in columns UF through UZ.

Cost Savings Estimates

The cost savings track the training costs in the 2016 FEA to educate employees about the new requirements of beryllium standards. This additional training would not be necessary if the only impact on construction and shipyards is a change to the PEL. In the 2016 FEA, OSHA determined that training, which includes hazard communication training, will likely be conducted by in-house safety or supervisory staff with the use of training modules and videos. It is estimated that this training will last, on average, eight hours. (Note that this estimate does not include the time taken for hazard communication training that is already required by 29 CFR 1910.1200.) The Agency anticipated that establishments will be able to purchase sufficient training materials at an average cost of $2.12 per worker, encompassing the cost of handouts, video presentations, and training manuals and exercises. For initial and periodic training, OSHA estimated an average class size of five workers (each at a wage of $24.16 (updated from Production Occupations, SOC: 51–0000)) with one instructor (at a wage of $41.34 (Median Wage for Training and Development Specialists, SOC: 13–1151)) over an eight hour period. The estimated per-worker cost of initial training is $259.43 (= (8 × $24.16) + (8 × $41.34/5) + $2.12).[30]

Annual retraining of workers is also required by the new beryllium standards. OSHA estimated the same unit costs as for initial training, so retraining would require the same per-worker cost of $259.43.

Finally, using these calculations, as well as accounting for industry-specific baseline compliance rates (from Section V.B. of this PEA), and based on a 25.7 percent new hire rate (BLS 2016a, annual manufacturing new hire rate),[31] OSHA preliminarily estimates that the removal of the training requirements in this proposal would result in an annualized total cost savings of $778,371.[32] The breakdown of these cost savings by NAICS code is presented in Table V–18 below.

[30] Note that wages are rounded and may not total exactly.

[31] OSHA used the same hire rate for abrasive blasters in construction, judging that abrasive blasters in construction are more like skilled production workers (including abrasive blasters) in manufacturing and shipyard than day laborers in construction.

[32] The training cost savings are calculated in the cost spreadsheet in the 'Rule' tab in column PX through QO. The annualized cost savings are calculated at 7, 3 and 0 percent in columns QJ through QO.

TABLE V–18—ANNUALIZED COST SAVINGS OF PROGRAM REQUIREMENTS FOR INDUSTRIES AFFECTED BY THE PROPOSED BERYLLIUM STANDARD BY SECTOR AND SIX-DIGIT NAICS INDUSTRY
[In 2016 dollars using a 3 percent discount rate]

Application group/NAICS	Industry	Rule familiarization	Exposure assessment	Regulated areas	Beryllium work areas ***	Medical surveillance	Medical removal provision	Written exposure control plan	Protective work clothing & equipment ****	Hygiene areas and practices	House-keeping	Training	Total program cost savings
Abrasive Blasting—Construction													
238320	Painting and Wall Covering Contractors.	−$525	$2,037,910	$4,393	$0	$536,953	$179,409	$88,335	$0	$610,420	$337,085	$293,431	$4,087,412
238990	All Other Specialty Trade Contractors.	−486	1,888,339	4,071	0	497,544	166,241	81,852	0	565,618	312,345	271,895	3,787,418
Abrasive Blasting—Shipyards *													
336611a	Ship Building and Repairing	−332	1,430,277	252,463	0	376,852	125,915	60,706	0	393,508	236,578	205,940	3,081,907
Welding—Shipyards **													
336611b	Ship Building and Repairing	−3	2,994	172	0	2,762	36	2,139	0	3,684	15,327	7,106	34,217
Total													
Construction Subtotal		−1,011	3,926,250	8,464	0	1,034,497	345,650	170,187	0	1,176,038	649,430	565,325	7,874,830
Shipyard Subtotal		−335	1,433,271	252,635	0	379,615	125,951	62,845	0	397,192	251,905	213,046	3,116,125
Total, All Industries		−1,346	5,359,520	261,099	0	1,414,112	471,601	233,032	0	1,573,230	901,335	778,371	10,990,954

Note: Totals may not sum due to rounding.
Source: U.S. DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.
*Employers in application group Abrasive Blasting—Shipyards are shipyards employing abrasive blasters that use mineral slag abrasives to etch the surfaces of boats and ships.
**Employers in application group Welding in Shipyards employ welders in shipyards. Some of these employers may do both welding and abrasive blasting.
***The 2016 FEA also included a requirement for beryllium work areas. As that provision only applied to general industry, it is not relevant, nor discussed, in this proposal, and all references show a zero-dollar cost savings.

Total Annualized Cost Savings

As shown in Table V–19, the total annualized cost savings of this proposal, using a 3 percent discount rate, is estimated to be about $11.0 million.

TABLE V–19—ANNUALIZED COST SAVINGS TO INDUSTRIES AFFECTED BY THE PROPOSED BERYLLIUM STANDARD, BY SECTOR AND SIX-DIGIT NAICS INDUSTRY

[In 2016 dollars using a 3 percent discount rate]

Application group/NAICS	Industry	Engineering controls and work practices	Respirator costs	Program costs savings	Total cost savings
Abrasive Blasting—Construction					
238320	Painting and Wall Covering Contractors	$0	$0	$4,087,412	$4,087,412
238990	All Other Specialty Trade Contractors	0	0	3,787,418	3,787,418
Abrasive Blasting—Shipyards					
336611a	Ship Building and Repairing	0	0	3,081,907	3,081,907
Welding—Shipyards					
336611b	Ship Building and Repairing	0	0	34,217	34,217
Total					
Construction Subtotal		0	0	7,874,830	7,874,830
Shipyard Subtotal		0	0	3,116,125	3,116,125
Total, All Industries		0	0	10,990,954	10,990,954

Note: Figures in rows may not add to totals due to rounding.
Source: U.S. DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.

Time Distribution of Costs

OSHA analyzed the stream of (un-annualized) compliance costs for the first ten years after the rule would take effect. As shown in Table V–20, compliance cost savings are expected to decline from year 1 to year 2 by more than half after the initial set of capital and program start-up expenditures has been incurred. Costs are then essentially flat with relatively small variations for the following years.

TABLE V–20—DISTRIBUTION OF UNDISCOUNTED COMPLIANCE COST SAVINGS BY YEAR

[2016 Dollars]

Year	Program cost savings	Respirators	Engineering	Rule familiarization	Total
1	$24,009,232	$0	$0	−$11,484	$23,997,748
2	8,173,911	0	0	0	8,173,911
3	8,951,304	0	0	0	8,951,304
4	8,332,508	0	0	0	8,332,508
5	8,834,132	0	0	0	8,834,132
6	8,418,670	0	0	0	8,418,670
7	8,770,344	0	0	0	8,770,344
8	8,466,731	0	0	0	8,466,731
9	8,733,739	0	0	0	8,733,739
10	8,494,159	0	0	0	8,494,159

Note: Figures in rows may not add to totals due to rounding.
Source: U.S. DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.

Table V–21 breaks out total costs by each application group for the first ten years. Each application group follows the same pattern of a sharp decrease in compliance costs between years 1 and 2, and then remains relatively flat for the remaining years.

TABLE V–21—TOTAL UNDISCOUNTED COST SAVINGS OF THE NEW BERYLLIUM STANDARDS BY YEAR
[2016 Dollars]

Application group	Year									
	1	2	3	4	5	6	7	8	9	10
Abrasive Blasting—Construction	$17,383,709	$5,814,352	$6,382,594	$5,930,492	$6,296,968	$5,993,216	$6,250,595	$6,028,337	$6,223,603	$6,048,622
Abrasive Blasting—Shipyards	6,547,501	2,331,174	2,538,176	2,373,155	2,506,984	2,396,331	2,489,764	2,409,125	2,480,258	2,416,188
Welding—Shipyards	66,538	28,385	30,533	28,861	30,180	29,123	29,985	29,268	29,877	29,348
Total	23,997,748	8,173,911	8,951,304	8,332,508	8,834,132	8,418,670	8,770,344	8,466,731	8,733,739	8,494,159

Note: Figures in rows may not add to totals due to rounding.
Source: U.S. DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.

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Appendix V–A

Summary of Annualized Costs by Entity Size Under Alternative Discount Rates

In addition to using a 3 percent discount rate in its cost analysis, OSHA estimated compliance cost savings using alternative discount rates of 7 percent and 0 percent. Tables V–22 and V–23 present—for 7 percent and 0 percent discount rates, respectively—total annualized cost savings for affected employers by NAICS industry code and employment size class (all establishments, small entities, and very small entities).

As shown in these tables, the choice of discount rate has only a minor effect on total annualized compliance costs—for example, annualized costs for all establishments increase from $11.0 million using a 3 percent discount rate to $11.5 million using a 7 percent discount rate, and decline to $10.8 million using a 0 percent discount rate.

V–22—TOTAL ANNUALIZED COST SAVINGS, FOR ENTITIES AFFECTED BY THE NEW BERYLLIUM STANDARDS; RESULTS SHOWN BY SIZE CATEGORY, BY SECTOR, AND BY SIX-DIGIT NAICS INDUSTRY
[7 percent discount rate, in 2016 dollars]

Application group/NAICS	Industry	All establishments	Small entities (SBA-defined)	Very small entities (<20 employees)
Abrasive Blasting—Construction				
238320	Painting and Wall Covering Contractors	$4,280,908	$3,605,768	$2,527,303
238990	All Other Specialty Trade Contractors	3,966,713	3,050,668	2,084,462
Abrasive Blasting—Shipyards*				
336611a	Ship Building and Repairing	3,217,754	1,026,481	542,567
Welding—Shipyards**				
336611b	Ship Building and Repairing	35,196	11,599	6,601
Total				
Construction Subtotal		8,247,620	6,656,436	4,611,766
Shipyard Subtotal		3,252,950	1,038,080	549,167
Total, All Industries		11,500,570	7,694,516	5,160,933

Notes: Figures in rows may not add to totals due to rounding.
''NA'' indicates not applicable because OSHA determined there were no affected entities in a particular industry of a particular size.
Source: U.S. DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.
* Employers in application group Abrasive Blasting—Shipyards are shipyards employing abrasive blasters that use mineral slag abrasives to etch the surfaces of boats and ships.
** Employers in application group Welding in Shipyards employ welders in shipyards. Some of these employers may do both welding and abrasive blasting.

TABLE V–23—TOTAL ANNUALIZED COST SAVINGS, FOR ENTITIES AFFECTED BY THE NEW BERYLLIUM STANDARDS; RESULTS SHOWN BY SIZE CATEGORY, BY SECTOR, AND BY SIX-DIGIT NAICS INDUSTRY

[0 percent discount rate, in 2016 dollars]

Application group/NAICS	Industry	All establishments	Small entities (SBA-defined)	Very small entities (<20 employees)
Abrasive Blasting—Construction				
238320	Painting and Wall Covering Contractors	$4,002,659	$3,375,763	$2,373,392
238990	All Other Specialty Trade Contractors	3,708,886	2,858,041	1,959,635
Abrasive Blasting—Shipyards*				
336611a	Ship Building and Repairing	3,021,057	973,324	515,607
Welding—Shipyards**				
336611b	Ship Building and Repairing	33,823	11,135	6,336
Total				
Construction Subtotal		7,711,545	6,233,805	4,333,027
Shipyard Subtotal		3,054,880	984,460	521,943
Total, All Industries		10,766,425	7,218,264	4,854,970

Notes: Figures in rows may not add to totals due to rounding.
"NA" indicates not applicable because OSHA determined there were no affected entities in a particular industry of a particular size.
Source: U.S. DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.
* Employers in application group Abrasive Blasting—Shipyards are shipyards employing abrasive blasters that use mineral slag abrasives to etch the surfaces of boats and ships.
** Employers in application group Welding in Shipyards employ welders in shipyards. Some of these employers may do both welding and abrasive blasting.

Appendix V–B

Summary of Annualized Cost Savings by Cost Type Under Alternative Discount Rates

In addition to using a 3 percent discount rate in its cost analysis, OSHA estimated compliance cost savings using alternative discount rates of 7 percent and 0 percent. Tables V–24 and V–25 present—for 7 percent and 0 percent discount rates, respectively—total annualized cost savings for affected employers by NAICS industry code and type of cost savings.

TABLE V–24—ANNUALIZED COMPLIANCE COST SAVINGS FOR EMPLOYERS AFFECTED BY THE NEW BERYLLIUM STANDARDS BY SECTOR AND SIX-DIGIT NAICS INDUSTRY

[7 percent discount rate, in 2016 dollars]

Application group/NAICS	Industry	Engineering controls and work practices	Respirator costs	Program costs	Total costs
Abrasive Blasting—Construction					
238320	Painting and Wall Covering Contractors	$0	$0	$4,280,908	$4,280,908
238990	All Other Specialty Trade Contractors	0	0	3,966,713	3,966,713
Abrasive Blasting—Shipyards*					
336611a	Ship Building and Repairing	0	0	3,217,754	3,217,754
Welding—Shipyards**					
336611b	Ship Building and Repairing	0	0	35,196	35,196
Total					
Construction Subtotal		0	0	8,247,620	8,247,620
Shipyard Subtotal		0	0	3,252,950	3,252,950
Total, All Industries		0	0	11,500,570	11,500,570

Note: Figures in rows may not add to totals due to rounding.
Source: U.S. DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.
* Employers in application group Abrasive Blasting—Shipyards are shipyards employing abrasive blasters that use mineral slag abrasives to etch the surfaces of boats and ships.
** Employers in application group Welding in Shipyards employ welders in shipyards. Some of these employers may do both welding and abrasive blasting.

TABLE V–25—ANNUALIZED COMPLIANCE COST SAVINGS FOR EMPLOYERS AFFECTED BY THE NEW BERYLLIUM STANDARDS BY SECTOR AND SIX-DIGIT NAICS INDUSTRY

[0 percent discount rate, in 2016 dollars]

Application group/NAICS	Industry	Engineering controls and work practices	Respirator costs	Program costs	Total costs
Abrasive Blasting—Construction					
238320	Painting and Wall Covering Contractors	$0	$0	$4,002,659	$4,002,659
238990	All Other Specialty Trade Contractors	0	0	3,708,886	3,708,886
Abrasive Blasting—Shipyards*					
336611a	Ship Building and Repairing	0	0	3,021,057	3,021,057
Welding—Shipyards**					
336611b	Ship Building and Repairing	0	0	33,823	33,823
Total					
Construction Subtotal		0	0	7,711,545	7,711,545
Shipyard Subtotal		0	0	3,054,880	3,054,880
Total, All Industries		0	0	10,766,425	10,766,425

Note: Figures in rows may not add to totals due to rounding.
Source: U.S. DOL, OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.
* Employers in application group Abrasive Blasting—Shipyards are shipyards employing abrasive blasters that use mineral slag abrasives to etch the surfaces of boats and ships.
** Employers in application group Welding in Shipyards employ welders in shipyards. Some of these employers may do both welding and abrasive blasting.

D. Foregone Benefits

Estimated Foregone Benefits and Net Benefits by Construction and Shipyards for the Final Standards for Occupational Exposure to Beryllium

In the 2016 FEA, OSHA estimated that, in addition to other health benefits, the rule would, at the final steady state after a gradual 45-year phase in period, prevent 86 cases of fatal Chronic Beryllium Disease, 46 cases of non-fatal CBD morbidity, and 4 fatal cases of lung cancer annually, the large majority of these cases falling within General Industry (*see* FEA Chapter VII, Benefits and Net Benefits in Document ID 2042). OSHA estimated the net benefits for the rule as a whole would be worth $487 million ($561 million in benefits minus $74 million in costs). These estimates were midpoints of a very wide range of estimates. Factors contributing to the range included varying risk models, varying approaches to occupational tenure, and widely varying estimates of the effects of ancillary provisions. The construction and shipyard sectors were only a small fraction of this total. Specifically, as indicated in Table VIII–12 in the preamble to the January 9, 2017 final rule (82 FR 2613), the Agency estimated, using the mid-point of a range of benefits, that the rule would prevent 4 cases of fatal and 2 cases of non-fatal CBD annually in these two sectors. Almost all of these estimated benefits were the result of the ancillary provisions. Given uncertainties about possible benefits from lowering the PEL, the FEA attributed no benefits to implementing the PEL alone for abrasive blasting operations.[33] These sectors accounted for an estimated $11.9 million in costs, or 16.1 percent of the costs of the final rule, and an estimated $27.6 million in benefits, or 4.9 percent of the total benefits of the final rule. Without the benefits derived from the construction and shipyards sectors, the net benefit of the rulemaking was reduced by $15.7 million, or 3.2 percent of the total net benefits of the rule.

This distribution was due both to the much larger number of workers exposed in general industry, compared to construction and shipyards, and uncertainties about how many residual benefits would remain in abrasive blasting operations after existing regulatory requirements were taken into account. In short, the net benefits attributable to these sectors were both small and uncertain.

Review of FEA Benefits Analysis

In the FEA, OSHA expressed uncertainty about whether there would be benefits from reduced airborne exposure related to abrasive blasting operations in both shipyards and construction, as well as a limited number of welders in the shipyards sector.[34] OSHA noted that abrasive blasting operators in construction are already required to wear respirators and assumed that additional engineering and work-practice controls for the operators were infeasible. As explained in this proposal, abrasive blasters in shipyards are often required to wear respirators under the requirements of the Mechanical paint removers standard, 29 CFR 1915.34. However, these standards do not necessarily cover pot tenders or clean-up workers, and may not have required some pot tenders or clean-up workers exposed above the revised PEL of 0.2 μg/m^3 to wear respirators. The exposure data show some pot tenders or clean-up workers are exposed above the revised PEL, but the data do not show whether any of these pot tenders or clean-up workers exposed above the revised PEL were wearing respirators. This uncertainty about baseline respirator use led OSHA to take a conservative approach in the 2016 FEA: In the benefits analysis, OSHA assumed no new benefits from the PEL requirements (thereby potentially underestimating benefits related to the lower PEL), but in the cost analysis, to err on the side of overestimating costs, OSHA assumed

[33] See footnote 3 on p. VII–10 of Chapter VII, Benefits, for the FEA for the final beryllium standards. This footnote states: ''Given uncertainties about the level of existing respirator use among other workers involved in abrasive blasting operations, OSHA conservatively assigned no benefits related to a reduction in their airborne exposure to beryllium.''

[34] In the 2016 FEA Industry Profile, OSHA estimated that there were 26 welders in shipyards who would be affected by the final rule.

that only 75 percent of abrasive blaster helpers, including cleanup workers, were already provided with the respiratory protection required by the new standard.

Welders in shipyards also have some exposures above the PEL. However, employers are already required to provide welders with ventilation and air-line respirators under 29 CFR 1915.51. Nevertheless, in the cost section of the 2016 FEA, OSHA again provided a conservative estimate for the cost of one new respirator and added a small increment to benefits as result of the new PEL.

Estimate of Foregone Benefits

As explained in the Summary and Explanation of this preamble, OSHA has decided to retain the 0.2 μg/m^3 PEL portion of the current standards for construction and maritime. Therefore, the key question with respect to the magnitude of the benefits foregone for this rule is the effect of the ancillary provisions (over and above their effect in ensuring compliance with the PEL) in reducing illnesses and fatalities.

In the FEA, the Agency attributed some reduction in disease to the standards' new lower PEL and the standards' ancillary provisions. However, as explained in the FEA, there was uncertainty of the efficacy of the ancillary requirements across different work environments. For General Industry, the efficacy was estimated to range from no effect to reducing as much as 90 percent of the CBD cases not averted by the new PEL. The FEA referenced several case studies from general industry where benefits at the high end of this scale had come to pass empirically, on top of whatever engineering controls had been implemented. These benefits were attributed most specifically to the introduction of a combination of dermal and respiratory PPE, as well as more aggressive housekeeping.

Throughout the rulemaking process, OSHA has been aware that the situations in shipyards and construction may be substantially different from those in general industry. Baseline usage of respirators and PPE is far higher in construction and shipyards. While the general industry ''model'' for the efficacy of the ancillary provisions may apply relatively well at other places in general industry (since it was based largely on the experience at Materion facilities), it might be less effective for construction and shipyards. As indicated in the FEA, most workers in construction and shipyard abrasive blasting and shipyard welding operations are already required by other standards to wear respirators, and it is unclear how many of the abrasive blasting workers would benefit from additional dermal protection requirements. As a result, compared to the earlier (2015) PEA, the Agency estimated a much lower range of benefits to the ancillary provisions for construction and shipyards. Between the 2015 PEA and the FEA, the Agency judged that the benefits estimated for abrasive blasting should be even lower than in the 2015 PEA (which had estimated them at half that of general industry, or a range of 0 to 45 percent), and halved them again to 0 to 22.5 percent in the FEA. The high end of this range was simply an estimate of 25 percent of the range used in general industry, as a way of accounting for the extensive use of respirators and PPE in these two sectors.

Upon further review, OSHA believes that this estimate of 0 to 22.5 percent is too high. While the FEA estimates recognized a high baseline level of compliance, the benefit estimates did not account for compliance with PPE and housekeeping provisions by shipyard welders and construction and shipyard abrasive blasting workers. As a result, based on OSHA's preliminary revised baseline compliance estimates, there should have been limited to no benefits in terms of reduced cases of CBD attributed to the ancillary provisions for the construction and shipyards standards in the January 2017 rule. OSHA also, upon review, found that shipyard welders already use extensive PPE, and thus, based on OSHA's preliminary revised baseline compliance estimates, should have had more limited benefits attributable to the ancillary provisions than originally estimated in the January 2017 rule. This issue of baseline compliance, along with the estimates underlying OSHA's proposed revised baseline compliance rates, was discussed in section V.B, Profile of Affected Application Groups, Establishments, and Employees, of this preamble. Based on the proposed revised compliance rates discussed there, OSHA has therefore preliminarily concluded that abrasive blasting workers in construction and shipyards and welders in shipyards will have limited to no foregone benefits as a result of withdrawing the ancillary provisions.

Using the proposed revised baseline compliance rates in section V.B of this PEA would also lower the estimate of benefits for the construction and shipyard sectors by lowering the baseline estimate of illnesses and fatalities. (Such an issue was not relevant for general industry because there were not such high levels of baseline compliance.)

Conclusions

For the reasons discussed above, OSHA has preliminarily concluded that there are limited to no foregone benefits (due to reducing the number of cases of CBD) as a result of revoking the ancillary provisions of the beryllium final standards for Construction and Shipyards because based on the proposed revised baseline compliance estimates presented in section V.B. of this PEA, the benefits attributed to the ancillary provisions in those sectors were overestimated. The Agency continues to believe that the new PEL will ensure that workers receive additional protection from exposure to beryllium.[35]

VI. Economic Feasibility Analysis and Regulatory Flexibility Certification

Economic Feasibility Analysis

Shipyards

OSHA is proposing to revoke the ancillary provisions in shipyards and amend the Z Table with the new lower PEL and STEL. OSHA preliminarily concludes that the proposed removal of these provisions for shipyards from the new beryllium standards would reduce costs for shipyard employers. Because these revisions do not create new requirements, OSHA has preliminarily determined that neither new costs nor compliance burdens would be incurred by shipyard employers. Instead there would be cost savings as compared to the January 9, 2017 final standard for occupational exposure to beryllium in shipyards.

Construction

OSHA is proposing to revoke the ancillary provisions in construction and amend Appendix A of 1926.55 with the new lower PEL and STEL. OSHA preliminarily concludes that the proposed removal of these provisions for the construction sector would reduce costs for construction employers. Because these revisions do not create new requirements, OSHA has preliminarily determined that neither new costs nor compliance burdens would be incurred by construction

[35] The FEA attributed benefits to lowering the PEL for welders in shipyards. While there are also benefits among abrasive blasting pot tenders and cleanup workers for lowering the PEL, in order to avoid overestimating benefits in the FEA, OSHA took the conservative approach of estimating no benefits for these workers due to uncertainty about the extent of baseline respirator use. The new lower PEL may also result in more protective respirators being used in abrasive blasting operations, and will protect workers in the event that respirators fail, although this is difficult to quantify.

employers. Instead there would be cost savings as compared to the January 9, 2017 final standard for occupational exposure to beryllium in construction.

Economic Feasibility Determination

Based on the preceding discussion, it is clear that no shipyard or construction employer would incur new costs as a result of this proposal beyond the minimal cost of familiarization. Because there are no new requirements, OSHA preliminarily concludes that the proposed rule is economically feasible. The Agency welcomes comment on this preliminary finding.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (as amended), OSHA has examined the regulatory requirements of the proposal for shipyards and construction to determine whether they would have a significant economic impact on a substantial number of small entities. The proposal would remove ancillary provisions for shipyards and construction from the new beryllium rule, resulting in a reduction of overall costs. Furthermore, because OSHA is proposing no new requirements, the Agency believes that this proposal would not impose any costs on small entities covered by this proposal. The 2016 FEA analysis showed that the costs, and thus the cost savings, would not represent a significant impact on a substantial numbers of small entities and, therefore, the cost savings in this proposal would not have a significant impact on the construction and shipyard subset of those small entities. The Agency certifies that the proposal would not have a significant economic impact on a substantial number of small entities.

Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

Consistent with Executive Order 13771 (82 FR 9339, February 3, 2017) we have estimated the total annualized cost savings of this proposed rule, using a 3 percent discount rate, to be about $11.0 million, or using a 7 percent discount rate, to be about $11.5 million. Therefore, this proposed rule, if finalized, is expected to be an Executive Order 13771 deregulatory action.

VII. OMB Review Under the Paperwork Reduction Act of 1995

A. Overview

The current beryllium standards for occupational exposure to beryllium—general industry (29 CFR 1910.1024), construction (29 CFR 1926.1124), and shipyard (29 CFR 1915.1024)—contain collection of information (paperwork) requirements that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA), and approved under OMB Control number 1218–0267. The proposal would revoke the beryllium standards, and their collections of information, in the shipyard and construction sectors, while retaining the new lower permissible exposure limits. The PRA defines ''collection of information'' to mean ''the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format'' (44 U.S.C. 3502(3)(A)).

Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless OMB approves it, and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provision of law, no employer shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512). The major collections of information found in the standards are listed below.

B. Solicitation of Comments

OSHA prepared and submitted a revised Information Collection Request (ICR) to OMB removing the Beryllium Shipyard and Construction collections of information from the existing OMB approved paperwork package in accordance with 44 U.S.C. 3507(d). The Agency solicits comments on the removal of the collection of information requirements and reduction in estimated burden hours associated with these requirements, including comments on the following items:

- Whether collections of information are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and cost) of the collections of information, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the compliance burden on employers, for example, by using automated or other technological techniques for collecting and transmitting information (78 FR 56438).

C. Proposed Information Collection Requirements

As required by 5 CFR 1320.5(a)(1)(iv) and 1320.8(d)(2), the following paragraphs provide information about this ICR.

1. *Title:* The Occupational Exposure to Beryllium.

2. *Description of the ICR:* The proposal would remove both the Shipyard and Construction Standards from the currently approved Beryllium ICR.

3. *Brief Summary of the Information Collection Requirements*

The proposed ICR does not contain the collection of information requirements in the construction and shipyard industries. The proposal to remove standards for construction and shipyards is based on the Agency's reconsideration of the need for ancillary provisions in those sectors.

Below is a summary of the collection of information requirements identified in the currently approved Beryllium Information Collection. In this proposed rulemaking, the Agency is proposing to remove the construction and shipyard standards and retain the general industry standard in the Beryllium rule. A copy of this ICR is available to the public at: *http://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=1218-0267.*

Retaining collections of information	Removing collections of information	
General industry	Maritime industry	Construction industry
§ 1910.1024(d)(2) Performance Option	§ 1915.1024(d)(2) Performance Option	§ 1926.1124(d)(2) Performance Option.
§ 1910.1024(d)(3)(i), (ii), & (iii) Scheduled Monitoring Options.	§ 1915.1024(d)(3)(i), (ii), & (iii) Scheduled Monitoring Options.	§ 1926.1124(d)(3)(i), (ii), & (iii) Scheduled Monitoring Options.
§ 1910.1024(d)(3)(iv), (v), & (vi) Scheduled Monitoring Options.	§ 1915.1024(d)(3)(iv), (v), & (vi) Scheduled Monitoring Options.	§ 1926.1124(d)(3)(iv), (v), & (vi) Scheduled Monitoring Options.
§ 1910.1024(d)(4) Reassessment of Exposure ..	§ 1915.1024(d)(4) Reassessment of Exposure	§ 1926.1124(d)(4) Reassessment of Exposure.

Retaining collections of information	Removing collections of information	
General industry	Maritime industry	Construction industry
§ 1910.1024(d)(6)(i) & (ii) Employee Notification of Assessment Results.	§ 1915.1024(d)(6)(i) & (ii) Employee Notification of Assessment Results.	§ 1926.1124(d)(6)(i) & (ii) Employee Notification of Assessment Results.
§ 1910.1024(e)(2)(i) & (ii) Demarcation of Beryllium Work Area and Regulated Areas—.	§ 1915.1024(e)(2) Regulated Areas—Demarcation.	§ 1926.1124(e)(2) Competent Person.
§ 1910.1024(f)(1)(i), (ii), & (iii) Methods of Compliance—Written Exposure Control Plan.	§ 1915.1024(f)(1)(i), (ii), & (iii) Methods of Compliance—Written Exposure Control Plan.	§ 1926.1124(f)(1)(i), (ii), & (iii) Methods of Compliance—Written Exposure Control Plan.
§ 1910.1024(g)(2) Respiratory Protection Program.	§ 1915.1024(g) Respiratory Protection Program.	§ 1926.1124(g) Respiratory Protection Program.
§ 1910.1024(h)(2)(v) Personal Protective Clothing and Equipment—Removal and Storage.	§ 1915.1024(h)(2)(v) Personal Protective Clothing and Equipment—Removal and Storage.	§ 1926.1124(h)(2)(v) Personal Protective Clothing and Equipment—Removal and Storage.
§ 1910.1024(h)(3)(iii) Personal Protective Clothing and Equipment—Cleaning and Replacement.	§ 1915.1024(h)(3)(iii) Personal Protective Clothing and Equipment—Cleaning and Replacement.	§ 1926.1124(h)(3)(iii) Personal Protective Clothing and Equipment—Cleaning and Replacement.
§ 1910.1024(j)(3)(i) & (ii) Housekeeping—Disposal.	§ 1915.1024(j)(3) Housekeeping—Disposal	§ 1926.1124(j)(3) Housekeeping—Disposal.
§ 1910.1024(k)(1), (2), & (3) Medical Surveillance.	§ 1915.1024(k)(1), (2), & (3) Medical Surveillance.	§ 1926.1124(k)(1), (2), & (3) Medical Surveillance.
§ 1910.1024(k)(4) Medical Surveillance—Information Provided to the PLHCP.	§ 1915.1024(k)(4) Medical Surveillance—Information Provided to the PLHCP.	§ 1926.1124(k)(4) Medical Surveillance—Information Provided to the PLHCP.
§ 1910.1024(k)(5)(i), (ii), & (iii) Medical Surveillance—Licensed Physician's Written Medical Report for the Employee.	§ 1915.1024(k)(5)(i), (ii), & (iii) Medical Surveillance—Licensed Physician's Written Medical Report for the Employee.	§ 1926.1124(k)(5)(i), (ii), & (iii) Medical Surveillance—Licensed Physician's Written Medical Report for the Employee.
§ 1910.1024(k)(6) Medical Surveillance—Licensed Physician's Written Medical Opinion for the Employer.	§ 1915.1024(k)(6) Medical Surveillance—Licensed Physician's Written Medical Opinion for the Employer.	§ 1926.1124(k)(6) Medical Surveillance—Licensed Physician's Written Medical Opinion for the Employer.
§ 1910.1024(k)(7) Medical Surveillance—Referral to the CBD Diagnostic Center.	§ 1915.1024(k)(7) Medical Surveillance—Referral to the CBD Diagnostic Center.	§ 1926.1124(k)(7) Medical Surveillance—Referral to the CBD Diagnostic Center.
§ 1910.1024(l)(1) Medical Removal	§ 1915.1024(l)(1) Medical Removal	§ 1926.1124(l)(1) Medical Removal.
§ 1910.1024(m)(1) Communication of hazards ..	§ 1915.1024(m)(1) Communication of hazards	§ 1926.1124(m)(1) Communication of hazards.
§ 1910.1024(m)(2) Warning Signs	§ 1915.1024(m)(2) Warning Signs	N/A.
§ 1910.1024(m)(3) Warning labels	§ 1915.1024(m)(3) Warning labels	§ 1926.1124(m)(3) Warning labels.
§ 1910.1024(m)(4)(iv) Employee Information	§ 1915.1024(m)(4)(iv) Employee Information ..	§ 1926.1124(m)(4)(iv) Employee Information.
§ 1910.1024(n)(1)(i), (ii), & (iii) Recordkeeping—Air Monitoring Data.	§ 1915.1024(n)(1)(i), (ii), & (iii) Recordkeeping—Air Monitoring Data.	§ 1926.1124(n)(1)(i), (ii), & (iii) Recordkeeping—Air Monitoring Data.
§ 1910.1024(n)(2)(i), (ii), & (iii) Recordkeeping—Objective Data.	§ 1915.1024(n)(2)(i), (ii), & (iii) Recordkeeping—Objective Data.	§ 1926.1124(n)(2)(i), (ii), & (iii) Recordkeeping—Objective Data.
§ 1910.1024(n)(3)(i), (ii), & (iii) Recordkeeping—Medical Surveillance.	§ 1915.1024(n)(3)(i), (ii), & (iii) Recordkeeping—Medical Surveillance.	§ 1926.1124(n)(3)(i), (ii), & (iii) Recordkeeping—Medical Surveillance.
§ 1910.1024(n)(4)(i) & (ii) Recordkeeping—Training.	§ 1915.1024(n)(4)(i) & (ii) Recordkeeping—Training.	§ 1926.1124(n)(4)(i) & (ii) Recordkeeping—Training.

1. *Title:* Beryllium (29 CFR 1910.1024).

2. *Type of Review:* Revision.

3. *OMB Control Number:* 1218–0267.

4. *Affected Public:* Business or other for-profit. This standard would only apply to employers in general industry.

5. *Number of Respondents:* 4,008 employers.

6. *Frequency of Responses:* On occasion; quarterly, semi-annually, annual; biannual.

7. *Number of Responses:* 142,679.

8. *Average Time per Response:* Varies from 5 minutes (.08 hours) for a clerical worker to generate and maintain an employee medical record, to more than 8 hours for a human resource manager to develop and implement a written exposure control plan.

9. *Estimated Annual Total Burden Hours:* 83,787. This is a reduction of 47,791 hours from the existing annualized 131,578 burden hours.

10. *Estimated Annual Cost (capital-operation and maintenance):* $20,584,209. This is an annualized cost savings of $9,980,781 from the existing annualized cost of $30,564,990.

D. Submitting Comments

Members of the public who wish to comment on the revisions to the paperwork requirements in this proposal must send their written comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, OSHA (RIN–1218 –AB76), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–6929/Fax: 202–395–6881 (these are not toll-free numbers), email: *OIRA_submission@omb.eop.gov.* The Agency encourages commenters also to submit their comments on these paperwork requirements to the rulemaking docket (Docket Number OSHA–H005C–2006–0870), along with their comments on other parts of the proposed rule. For instructions on submitting these comments to the rulemaking docket, see the sections of this **Federal Register** notice titled **DATES** and **ADDRESSES.** Comments submitted in response to this notice are public records; therefore, OSHA cautions commenters about submitting personal information such as Social Security numbers and dates of birth.

E. Docket and Inquiries

To access the docket to read or download comments and other materials related to this paperwork determination, including the complete Information Collection Request (ICR) (containing the Supporting Statement with attachments describing the paperwork determinations in detail) use the procedures described under the section of this notice titled **ADDRESSES.**

You also may obtain an electronic copy of the complete ICR by visiting the Web page at: *http://www.reginfo.gov/public/do/PRAMain,* scroll under ''Currently Under Review'' to ''Department of Labor (DOL)'' to view all of the DOL's ICRs, including those ICRs submitted for proposed rulemakings. To make inquiries, or to request other information, contact Mr. Todd Owen, Directorate of Standards and Guidance, OSHA, Room N–3609, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

VIII. Federalism

OSHA reviewed this proposed beryllium rule according to the most recent Executive Order (''E.O.'') on Federalism, E.O. 13132, 64 FR 43255 (Aug. 10, 1999). The E.O. requires that Federal agencies, to the extent possible, refrain from limiting State policy options, consult with States before taking actions that would restrict States' policy options, and take such actions only when clear constitutional authority exists and the problem is of national scope. The E.O. allows Federal agencies to preempt State law only with the expressed consent of Congress. In such cases, Federal agencies must limit preemption of State law to the extent possible.

Under Section 18 of the Occupational Safety and Health Act (the ''Act'' or ''OSH Act''), 29 U.S.C. 667, Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards. OSHA refers to States that obtain Federal approval for such plans as ''State-Plan States.'' 29 U.S.C. 667. Occupational safety and health standards developed by State-Plan States must be at least as effective in providing safe and healthful employment and places of employment as the Federal standards. Subject to these requirements, State-Plan States are free to develop and enforce their own occupational safety and health standards.

This proposed rule would revoke the ancillary provisions for the construction and shipyard industries, but retain the recently revised PEL of 0.2 μg/m^3 and STEL of 2.0 μg/m^3 for those industries. This would provide more flexibility to State-Plan States to develop and enforce their own standards, provided those standards require workplaces to be at least as safe and healthful as federal OSHA standards. Additionally, standards promulgated under the OSH Act do not apply to any worker whose employer is a state or local government. 29 U.S.C. 652(5).

This proposed rule complies with E.O. 13132. In States without OSHA-approved State plans, Congress expressly provides for OSHA standards to preempt State occupational safety and health standards in areas addressed by the Federal standards. In these States, this rule would limit State policy options in the same manner as every standard promulgated by the Agency. In States with OSHA-approved State plans, this rulemaking would not limit State policy options to adopt stricter standards.

IX. State-Plan States

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, the States and U.S. territories with their own OSHA-approved occupational safety and health plans (''State-Plan States'') must revise their standards to reflect the new standard or amendment. The State standard must be at least as effective as the Federal standard or amendment, and must be promulgated within 6 months of the publication date of the final Federal rule. 29 CFR 1953.5(a). Currently, there are 28 State-Plan States.

Of the 28 States and territories with OSHA-approved State plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six states and territories cover only public-sector employees: Connecticut, Illinois, New Jersey, Maine, New York, and the Virgin Islands.

This rule, if adopted as proposed, would eliminate the ancillary provisions for the construction and shipyard industries, but retain the recently revised PELs of 0.2 μg/m^3 as an 8-hour time-weighted average and 2.0 μg/m^3 as a 15 minute short-term exposure limit for those industries. It would leave the beryllium standard for general industry intact. Therefore, no new State standards would be required beyond the revision of the PELs and those already required by the promulgation of the beryllium standard for general industry.

If the proposal is adopted, State-Plan states may nonetheless choose to conform to the January 9, 2017 construction and shipyards ancillary provisions, although they would no longer be required to do so.

X. Unfunded Mandates Reform Act

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''UMRA''), 2 U.S.C. 1532, an agency must prepare a written ''qualitative and quantitative assessment'' of any regulation creating a mandate that ''may result in the expenditure by the State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation)'' in any one year before promulgating a final rule. OSHA's rule does not place a mandate on State or local governments, for purposes of the UMRA, because OSHA cannot enforce its regulations or standards on State or local governments. 29 U.S.C. 652(5). Under voluntary agreement with OSHA, some States require public sector entities to comply with State standards, and these agreements specify that these State standards must be at least as protective as OSHA standards. The OSH Act does not cover tribal governments in the performance of traditional governmental functions, though it does cover tribal governments when they engage in commercial activity. However, this proposed rule will not require tribal governments to expend, in the aggregate, $100,000,000 or more in any one year for their commercial activities. Thus, this proposed rule does not trigger the requirements of UMRA based on its impact on State, local, or tribal governments.

Based on the analysis presented in the Preliminary Economic Analysis (*see* Section V above), OSHA concludes that this proposed rule would not impose a Federal mandate on the private sector in excess of $100 million (adjusted annually for inflation) in expenditures in any one year. As noted below, OSHA also reviewed this proposed rule in accordance with E.O. 13175 on Consultation and Coordination with Indian Tribal Governments, 65 FR 67249 (Nov. 9, 2000), and determined that, if adopted, it would not have ''tribal implications'' as defined in that Order.

XI. Protecting Children From Environmental Health and Safety Risks

E.O. 13045, 66 FR 19931 (Apr. 23, 2003), requires that Federal agencies submitting covered regulatory actions to OMB's Office of Information and Regulatory Affairs (''OIRA'') for review pursuant to E.O. 12866, 58 FR 51735 (Oct. 4, 1993), must provide OIRA with (1) an evaluation of the environmental health or safety effects that the planned regulation may have on children, and (2) an explanation of why the planned

regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the agency. E.O. 13045 defines ''covered regulatory actions'' as rules that may (1) be economically significant under E.O. 12866 (*i.e.,* a rulemaking that has an annual effect on the economy of $100 million or more, or would 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), and (2) concern an environmental health risk or safety risk that an agency has reason to believe may disproportionately affect children. In this context, the term ''environmental health risks and safety risks'' means risks to health or safety that are attributable to products or substances that children are likely to come in contact with or ingest (*e.g.,* through air, food, water, soil, or product use).

This proposed beryllium rule would not be economically significant under E.O. 12866 (*see* Section V of this preamble). In addition, OSHA is not aware of any studies showing that exposure to beryllium in workplaces disproportionately affects children, who typically are not allowed in workplaces where such exposure exists. OSHA is also not aware that there are a significant number of employees under 18 years of age who may be exposed to beryllium, or that employees of that age are disproportionately affected by such exposure. OSHA also does not believe that beryllium particles present in abrasive blasting media or welding fume residue that might be brought home on work clothing, shoes, and hair would result in exposures at or near the action level as defined in the January 9, 2017 standards. Therefore, OSHA believes that this proposed beryllium rule would not constitute a covered regulatory action as defined by E.O. 13045.

XII. Environmental Impacts

OSHA has reviewed this proposed beryllium rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), the regulations of the Council on Environmental Quality (40 CFR part 1500), and the Department of Labor's NEPA procedures (29 CFR part 11). OSHA has made a preliminary determination that this proposed rule would have no significant impact on air, water, or soil quality; plant or animal life; the use of land or aspects of the external environment.

XIII. Consultation and Coordination With Indian Tribal Governments

OSHA reviewed this proposed rule in accordance with E.O. 13175 on Consultation and Coordination with Indian Tribal Governments, 65 FR 67249 (Nov. 9, 2000), and determined that it does not have ''tribal implications'' as defined in that order. The OSH Act does not cover tribal governments in the performance of traditional governmental functions, so the proposal will not have substantial direct effects on one or more Indian tribes in their sovereign capacity, 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. On the other hand, employees in commercial businesses owned by tribes or tribal members will receive the same protections and benefits of the standard as all other covered employees.

XIV. Public Participation

OSHA encourages members of the public to participate in this rulemaking by submitting comments on the proposal.

Written Comments. OSHA invites interested persons to submit written data, views, and arguments concerning this proposal. When submitting comments, persons must follow the procedures specified above in the sections titled **DATES** and **ADDRESSES**.

Informal public hearings. The Agency will schedule an informal public hearing on the proposed rule if requested during the comment period.

XV. Summary and Explanation of the Proposal

This section of the preamble explains the changes that OSHA proposes to make to the beryllium standards, including Agency's explanation of the reasoning behind the proposed changes.

As noted in the January 9, 2017 final rule, OSHA has evidence that beryllium exposure above 0.2 μg/m³ as an 8-hour time-weighted average can occur in abrasive blasting in construction, abrasive blasting in shipyards, and welding in shipyards. OSHA determined that exposures at that level create a significant risk of material impairment of health, including developing CBD and lung cancer. These operations, however, are already regulated by other OSHA construction and shipyards standards. OSHA requested, but did not receive, additional data during the previous rulemaking about exposures in these operations and about protections provided by other OSHA standards. In light of the limited information regarding exposures and the potential that other OSHA standards may offer protection from beryllium exposures, OSHA is proposing, as an alternative to the comprehensive January 9, 2017 final rule, to revoke the ancillary provisions for construction and the ancillary provisions for shipyards while retaining the new lower PELs for these sectors. This proposal allows OSHA to open the rulemaking record to receive more information about exposures, controls, and procedures in operations within the construction and shipyard sectors.

In addition, this NPRM provides stakeholders with an additional opportunity to offer comments on the January 9, 2017 construction and shipyard standards, including comments on the regulatory text and whether the ancillary provisions are necessary in these sectors.

Significant Risk in Construction and Shipyards

A. Summary of Relevant Exposure Data

1. Abrasive Blasting

Despite the low concentrations of beryllium in the blast material, airborne concentrations of beryllium have been measured above the previous TWA PEL of 2 μg/m³ when blast material containing beryllium is used as intended. In OSHA's exposure profile in the January 9, 2017 rule, summarized above in Section IV, 56 percent of abrasive blasting operators had beryllium exposures at or below 0.2 μg/m³, and 19 percent exceeded 2.0 μg/m³. For pot tenders, all samples in the exposure profile were less than or equal to 0.2 μg/m³. Of those samples, 75 percent were non-detectable for beryllium. For cleanup workers, 94 percent of samples were less than or equal to 0.2 μg/m³.

Eighty-three percent of the abrasive media cleanup worker samples were non-detectable for beryllium. One cleanup worker had an 8-hour TWA sample result of 1.1 μg/m³; however, it is likely that this sample result was elevated due to nearby abrasive blasting. Another cleanup worker had a sample result of 7.4 μg/m³ as an 8-hour TWA, but this appeared to be associated with the use of compressed air for cleaning in conjunction with nearby abrasive blasting. The available data in the previous rulemaking record suggested that most pot tenders and cleanup workers have low beryllium exposures. The median exposure levels for both of these job categories were less than 0.1 μg/m³ and nearly all results were less than or equal to 0.2 μg/m³. It should be

noted that the exposure profile for pot tenders and cleanup workers is based on limited data (16 and 30 air samples, respectively), and given this information, OSHA believes some of these workers are exposed above 0.2 μg/m³.

Welding in Shipyards

As described in Section 10, Appendix 2 of the Technological Feasibility chapter of the January 9, 2017 final rule (Document ID 2042), 127 personal breathing zone (PBZ) samples collected on welders welding non-specified or non-beryllium-containing materials in U.S. shipyards and Navy facilities range from 0.02 μg/m³ to 0.74 μg/m³, with a mean of 0.13 μg/m³ and a median of 0.08 μg/m³ (OSHA Shipyards, 2005, Document ID 1166; U.S. Navy, 2003, 0145). Of the 127 samples, 123 samples (approximately 97 percent) were non-detectable for beryllium. This pattern was also confirmed in an observation by the Navy Environmental Health Center, which indicated that beryllium has not generally been found in welding fumes (NEHC_Jan24, 2005, Document ID 1236).

B. Summary of Significant Risk Finding

As noted in the January 9, 2017 final rule, OSHA has evidence that workers are exposed to beryllium above 0.2 μg/m³ in abrasive blasting in construction, abrasive blasting in shipyards, and welding in shipyards. Abrasive blasters and ancillary abrasive blasting workers, such as pot tenders and cleanup workers, are exposed to beryllium from coal slag and other mineral slags such as copper slag. Beryllium is a trace contaminant in these materials, but despite the low concentration of beryllium, airborne beryllium concentrations above 0.2 μg/m³ have resulted from the blasting process and may lead to harmful exposures to abrasive blasting operators and others in the vicinity of the blasting operation. In the January 9, 2017 final rule, OSHA determined that exposures at that level create a significant risk of developing CBD and lung cancer.

In comments on the 2015 proposal, the American Blasting Manufacturers Alliance argued that OSHA had not established significant risk associated with blasting operations. In particular, it argued that ''the Alliance members have no history of employees with beryllium sensitization or beryllium-related illnesses. Indeed, the Alliance members are not aware of a single documented case of beryllium sensitization or beryllium-related illness associated with coal or copper slag abrasive production among their employees, or their customers' employees working with the products of Alliance members'' (Document ID 1673, p. 9). However, ABMA presented no studies or rigorous scientific evidence to support this statement, and as OSHA noted in the January 9, 2017 final rule, such anecdotal reports are not compelling evidence, especially where there is no surveillance program, required or otherwise (see 82 FR 2642). Rather, the best available evidence indicates that there is a significant risk of CBD and lung cancer to workers in construction and shipyards based on the exposure levels observed. However, OSHA welcomes further data and comment on the risks of sensitization, CBD, and lung cancer among workers involved in abrasive blasting and welding operations in shipyards and construction.

Current Applicable Standards

In the January 9, 2017 final rule, OSHA identified that the requirements for new PELs and for ancillary provisions such as medical surveillance, personal protective clothing and equipment, and beryllium-specific training provided needed protections (82 FR 2637). OSHA stated that it adopted ancillary provisions for construction and shipyards ''to ensure that workers exposed to beryllium in the construction and shipyard industries are provided protection that is comparable to the protection afforded workers in general industry.'' (82 FR 2639–40). However, given that other OSHA construction standards cover abrasive blasting operations, where the available data shows that beryllium exposures primarily occur, OSHA is further considering the need for ancillary provisions for the construction sector.

Similarly, abrasive blasting in shipyards and welding in shipyards are already regulated by OSHA in various ways that limit exposure to beryllium among workers in these operations, and OSHA is also giving further consideration to the need for the ancillary standards for those operations.

A. Construction

Workers in the construction sector are protected by the permissible exposure limits (PELs) set forth in 29 CFR 1926.55 Appendix A. The January 9, 2017 final rule lowered the PELs to 0.2 μg/m³ as an 8-hour time-weighted average and 2.0 μg/m³ as a 15-minute short term exposure limit. In addition to these PELs, workers in construction are already protected from beryllium exposure through other standards.

The ventilation standard in construction at 1926.57(f)(2)(ii) requires ''[t]he concentration of respirable dust or fume in the breathing zone of the abrasive-blasting operator or any other worker'' to remain ''below the levels specified in 1926.55,'' which OSHA proposes to lower to 0.2 μg/m³ as an 8-hour time-weighted average and 2.0 μg/m³ as a short term exposure limit.[36] Through the construction ventilation standard, workers performing abrasive blasting are required to wear extensive PPE, including respirators, under certain conditions, including where beryllium concentrations dispersed by blasting may exceed the PEL and the operator is not already physically separated from the nozzle and blast material. 29 CFR 1926.57(f)(5)(ii). In addition, the construction ventilation standard requires some housekeeping measures. 29 CFR 1926.57(f). 29 CFR 1926.57(f)(7) requires that dust not be allowed to accumulate outside abrasive blasting enclosures and that spills be cleaned up promptly. 29 CFR 1926.57(f)(3) and (f)(4) also require exhaust ventilation and dust collection and removal systems in abrasive blasting operations in construction. Compliance with those housekeeping measures during abrasive blasting should also reduce the amount of beryllium-containing dust to be cleaned, thereby protecting clean-up workers who clean spent abrasive blasting media after blasting operations are completed.

Furthermore, the general industry Respiratory Protection standard at 1910.134 applies to construction and requires employers to provide a respirator to each employee when necessary to protect the employee's health. Additionally, OSHA requires construction employers to train their employees in the recognition and avoidance of unsafe conditions. 29 CFR 1926.21. In particular, section 1926.21(b)(3) requires employers to instruct employees who handle harmful substances ''regarding the safe handling and use, and be made aware of the potential hazards, personal hygiene, and personal protective measures.'' The hazard communication standard, which applies to the construction industry, also requires training, including the hazards of the chemicals in the work area and the ''appropriate work practices, emergency procedures, and personal protective equipment to be used.'' 1910.1200(h)(3).

[36] The January 2017 final rule lowered the PELs in construction in 29 CFR 1926.1124. Because OSHA is now proposing to revoke the comprehensive construction standard while retaining the lower PELs, this proposal would amend the PELs in Appendix A of 29 CFR 1926.55 to reflect the new lower PELs.

Shipyards

Workers in shipyards are protected by the PELs set forth in 29 CFR 1915.1000 Table Z. In the January 9, 2017 final rule, OSHA lowered the PELs to 0.2 µg/m^3 as an 8-hour time-weighted average and 2.0 µg/m^3 as a 15-minute short term exposure limit. The January 2017 final rule lowered the PELs in shipyards in 29 CFR 1915.1024. Because OSHA is now proposing to revoke the ancillary provisions for shipyards while retaining the lower PELs, this proposal would amend the PELs in Table Z of 29 CFR 1915.1000 to reflect the new lower PELs. In general, hazards not covered by shipyard industry standards may be covered by general industry standards in 29 CFR part 1910. If a hazard is covered by both the shipyard industry standards and the general industry standards, only the shipyard industry standards are cited in OSHA inspections (29 CFR 1910.5). In addition to these exposure limits, workers in shipyards are already protected from beryllium exposure through other standards.

1. Abrasive Blasting

Abrasive blasting in shipyards is covered by the Mechanical paint removers standard. 29 CFR 1915.34. OSHA expects that most abrasive blasting in shipyards involves paint removal. In a comment on the previous proposal, the Shipbuilders Council of America commented that ''[i]n shipyards beryllium is primarily encountered in in abrasive blasting operations. Coal slag particulates are used as a blast grit for removing paints, coatings, and rust from steel components prior to painting and coating.'' (Document ID 1618, p. 3). OSHA seeks comment on whether there are abrasive blasting operations in shipyards that are not covered by 1915.34. The shipyards standard at 29 CFR 1915.34(c)(3) requires respiratory protection and other appropriate personal protective equipment in abrasive blasting operations for both abrasive blasting operators and helpers working in the area. The general industry respirator standard at 1910.134 applies to shipyards and requires employers to provide a respirator to each employee when necessary to protect the employee's health. Additionally, the hazard communication standard requires training, including the hazards of the chemicals in the work area and the ''appropriate work practices, emergency procedures, and personal protective equipment to be used.'' 1910.1200(h)(3).

Certain provisions of OSHA's Ventilation standard for abrasive blasting (29 CFR 1910.94(a)) also apply to abrasive blasting in shipyards. OSHA guidance on the application of the exhaust ventilation paragraph of the general industry standard (29 CFR 1910.94(a)(4)) states that all blast-cleaning enclosures must have sufficient exhaust ventilation to prevent a buildup of dust-laden air and reduce the concentrations of hazardous air contaminants, as well as to increase operator visibility and prevent leakage of dust to the outside of the enclosure. The Ventilation standard also contains housekeeping requirements in the subparagraph on abrasive blasting (29 CFR 1910.94(a)(7)). Compliance with those housekeeping measures during abrasive blasting should also reduce the amount of beryllium-containing dust to be cleaned, thereby protecting clean-up workers who clean spent abrasive blasting media after blasting operations are completed. In addition, exhaust ventilation systems must be constructed, installed, inspected, and maintained according to the OSHA Ventilation standard for abrasive blasting (29 CFR 1910.94(a)). OSHA seeks comment on current industry practices and legal requirements regarding PPE use for abrasive blasting workers, including pot tenders and clean-up workers.

Abrasive blasting sometimes occurs in confined spaces in shipyard work. OSHA's standard covering confined and enclosed spaces in shipyard employment requires an employer to ensure that confined or enclosed spaces that contain or have contained toxic liquids, gases, or solids are inspected visually by a competent person to determine the presence of toxic residue contaminants and tested by a competent person before entry by an employee to determine the air concentration of toxic substances. 29 CFR 1915.12. Employees may not enter a space whose atmosphere exceeds a PEL except for emergency rescue, or for a short duration for installation of ventilation equipment, provided that the atmosphere in the space is monitored continuously and respiratory protection and other necessary and appropriate PPE and clothing are provided. If the beryllium PEL is exceeded in a space, the space must be labeled ''Not Safe for Workers'' and ventilation must be provided to reduce air concentrations to below the PEL. OSHA requests information on the prevalence of blasting in confined or enclosed spaces in shipyards.

2. Welding

Welding in shipyards is likewise covered by OSHA standards. OSHA found, after a review of shipyard personal protective equipment requirements, that gloves are required under 29 CFR 1915.157(a) to protect workers from hazards faced by welders, such as thermal burns. 29 CFR 1915.51 requires that ventilation be used to keep welding fumes and smoke within safe limits, and 29 CFR 1915.51(d)(2)(iv) specifically covers welding involving beryllium: ''Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.'' These safe limits in 1915.51 are defined by the PELs in 29 CFR 1915.1000 Table Z, which currently has a beryllium TWA PEL of 2.0 µg/m^3 and which OSHA proposes to lower to 0.2 µg/m^3, along with a STEL of 2.0 µg/m^3.[37] And, as previously discussed, OSHA standard 1915.12 includes protections for shipyard employees who perform welding in confined or enclosed spaces, limiting access to enclosed spaces where beryllium exposures exceed the PEL and requiring exposure monitoring, ventilation, warning signs, and PPE including respiratory protection in such spaces. The training provisions of the hazard communication standard apply to shipyard welding operations as well. OSHA seeks comment on beryllium exposures and existing protections among shipyard welders, and on whether the reduced beryllium PEL and STEL provides sufficient protection to these workers.

I. Consultation With the Advisory Committee on Construction Safety and Health

Under 29 CFR 1911.10(a), OSHA must consult with the Advisory Committee on Construction Safety and Health (ACCSH) ''in the formulation of a rule to promulgate, modify, or revoke a standard.'' In May 2014, OSHA presented options to ACCSH for the promulgation of the beryllium rule. These options were (1) reducing the exposure limits in construction to the same level as the proposed exposure limits in general industry, (2) reducing the exposure limits and including a medical surveillance requirement, and (3) including construction in the scope of the rule and including the same ancillary provisions as in general industry. OSHA discussed the types of ancillary provisions that would be included but did not provide regulatory text. Some ACCSH members asked

[37] The January 2017 final rule lowered the PELs in shipyards in 29 CFR 1915.1024. Because OSHA is now proposing to revoke the ancillary provisions for shipyards while retaining the lower PELs, this proposal would amend the PELs in Table Z of 29 CFR 1915.1000 to reflect the new lower PELs.

OSHA for more information, including draft regulatory text, before providing OSHA with a recommendation. Without that information, ten members voted for the third option, and four members abstained from voting.

The January 9, 2017 final rule followed ACCSH's recommendation. However, ACCSH's recommendation was not unanimous, and as discussed above, OSHA is reconsidering the ancillary provisions for construction. This is based on the fact that the available data show exposures of concern only in abrasive blasting operations, and workers engaged in those operations are already provided protection by a number of other standards. OSHA notes that this proposal is the first option that was presented to ACCSH at the May 2014 meeting.

II. Proposed Regulatory Text

OSHA proposes, based on feedback from interested parties and a reevaluation of the applicability of existing OSHA standards, to remove the ancillary provisions of the comprehensive health standards in both construction and shipyards, but maintain the new lower PEL of 0.2 μg/m³ and the STEL of 2.0 μg/m³. This would entail revoking both 29 CFR 1915.1024 and 29 CFR 1926.1124. It would also require amending 29 CFR 1915.1000 Table Z, and 29 CFR 1926.55 Appendix A. The entry for beryllium and beryllium compounds in section 1915.1000 Table Z would be amended to include a ''STEL'' designation after the ''.002'' entry to indicate that 2 μg/m³ (.002 mg/m³) is a short term exposure limit, not an 8-hour TWA PEL. The entry would also be amended to add a ''.0002'' to reflect the change from an 8-hour TWA PEL to .2 μg/m³ (.0002 mg/m³). The references to 1915.1024 would be removed. OSHA would also add a new subparagraph, 29 CFR 1915.1000(a)(3), explaining that a STEL is a short term exposure limit as measured over a fifteen-minute period, and amend the text to footnote * to include similar text. Similarly, the entry for beryllium and beryllium compounds in Appendix A to 29 CFR 1926.55 would be amended to include a ''STEL'' designation after the ''.002'' entry to indicate that 2 μg/m³ (.002 mg/m³) is a short term exposure limit, not an 8-hour TWA PEL. The entry would also be amended to add a ''.0002'' to reflect the change from an 8-hour TWA PEL to .2 μg/m³ (.0002 mg/m³). The references to 1926.1124 would be removed. OSHA would also amend footnote * to explain that a STEL is a short term exposure limit as measured over a fifteen-minute period.

Because OSHA has determined that significant risk remains at the PEL of 0.2 μg/m³ and several OSHA construction and shipyard standards rely on the PEL for a portion of their provisions, the Agency believes it is necessary to protect workers in construction and shipyards using the permissible exposure limits promulgated in the January 9, 2017 final rule. When considering the need for ancillary measures in the January 9, 2017 final rule, OSHA stated that it adopted ancillary provisions for construction and shipyards ''to ensure that workers exposed to beryllium in the construction and shipyard industries are provided protection that is comparable to the protection afforded workers in general industry.'' (82 FR 2639–40). As discussed above, OSHA is reconsidering the need for the ancillary provisions, given the limited operations that are covered and the other OSHA standards that apply to those operations. This proposal to revoke the ancillary provisions for construction and shipyards while retaining the new PELs is intended to provide opportunity for further comment on these issues, and will allow OSHA to craft a new final rule with more extensive and detailed stakeholder input than the January 9, 2017 final rule.

III. Request for Comment on This Proposal and the Application of the January 9, 2017 Final Rule to the Construction and Shipyard Industries

OSHA provided adequate legal notice to interested parties in its 2015 NPRM by including regulatory alternatives that expanded the scope of the standard to the construction and shipyard sectors and including preliminary technological feasibility and economic feasibility analyses for those sectors. Many parties took note and commented on the application of the standard to construction and shipyards (*e.g.,* ABMA, Document ID 1673; NABTU, Document ID 1679). However, despite the notice, other interested parties in the construction industry did not comment until the proposed delay of the effective date. (*See* Document ID 2058). Without robust participation from the construction and shipyard sectors, the Agency had limited data on which to proceed.

While OSHA continues to believe that the best available evidence in the rulemaking record in January 9, 2017 supported the expansion of the scope of the rule to construction and shipyards, it is also within OSHA's discretion to reevaluate that decision in light of the limited data and concern from the regulated community. OSHA therefore seeks comment on this proposal to revoke the ancillary provisions for construction and shipyards while retaining the lower PEL and STEL. In particular, OSHA seeks input from interested stakeholders on the degree to which each provision, or combination thereof, provides (or does not provide) additional protections to exposed workers. OSHA requests that commenters provide data to support their position. In addition, OSHA seeks information on the steps that employers are currently taking to protect exposed employees. OSHA also seeks additional information and data commenters may have on the costs of compliance with the measures required by the January 9, 2017 final rule, including in particular the costs that small entities would incur.

In addition to the proposal in this notice, OSHA is considering extending the compliance dates in the January 9, 2017 final rule by a year for the construction and shipyard standards. This would give affected employers additional time to come into compliance with its requirements, which could be warranted by the uncertainty created by this proposal. OSHA also seeks comment on that possibility, and also the amount of additional time employers would need to come into compliance with the current proposal, if adopted. As noted in the introduction above, while the entire beryllium rule will go into effect on May 20, 2017, OSHA will not enforce the January 9, 2017 shipyard and construction standards without further notice while this new rulemaking is underway.

List of Subjects in 29 CFR Parts 1915 and 1926

Beryllium, Cancer, Chemicals, Hazardous substances, Health, Occupational safety and health.

Authority and Signature

This document was prepared under the direction of Dorothy Dougherty, Deputy Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

The Agency issues the sections under the following authorities: 29 U.S.C. 653, 655, 657; 40 U.S.C. 3704; 33 U.S.C. 941; Secretary of Labor's Order 1–2012 (77 FR 3912 (1/25/2012)); and 29 CFR part 1911.

Signed at Washington, DC, on June 15, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

Amendments to Standards

For the reasons set forth in the preamble, Chapter XVII of Title 29, parts 1915 and 1926, of the Code of Federal Regulations is proposed to be amended as follows:

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

■ 1. The authority citation for part 1915 continues to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754); 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), or 1–2012 (77 FR 3912); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

§ 1915.1024 [Removed].

■ 2. Remove § 1915.1024.

§ 1915.1000 [Amended]

■ 3. Amend § 1915.1000 by redesignating paragraph (a)(2) as paragraph (a)(3), and adding new paragraph (a)(2) to read as follows:

* * * * *

(a)(2) *Substances with Short-Term Exposure Limits (''STEL'').* An employee's exposure to any substance in Table Z—Shipyards, the exposure limit of which is designated as a ''STEL,'' shall not exceed the exposure limit given for that substance over a sampling period of 15 minutes.

* * * * *

■ 4. In § 1915.1000 amend Table Z—Shipyards, by revising the entry for ''Beryllium and beryllium compounds (as Be),'' removing reference to § 1915.1024, revising footnote *, and removing footnote q.

The revisions read as follows:

§ 1915.1000 Air contaminants.

* * * * *

TABLE Z—SHIPYARDS

Substance	CAS No.[d]	ppm [a]*	mg/m^3 [b]*	Skin designation
*	*	*	*	*
Beryllium and beryllium compounds (as Be)	7440–41–7	0.0002; 0.002 STEL		
*	*	*	*	*

* * * * * * *

*The PELs are 8-hour TWAs unless otherwise noted; a (C) designation denotes a ceiling limit; a STEL designation denotes a 15-minute short-term exposure limit. They are to be determined from breathing-zone air samples.

[a] Parts of vapor or gas per million parts of contaminated air by volume at 25 °C and 760 torr.

[b] Milligrams of substance per cubic meter of air. When entry is in this column only, the value is exact; when listed with a ppm entry, it is approximate.

* * * * * * *

* * * * *

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart D—Occupational Health and Environmental Controls

■ 5. The authority citation for subpart D of part 1926 continues to read as follows:

Authority: 40 U.S.C. 3704; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), or 1–2012 (77 FR 3912); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

Section 1926.61 also issued under 49 U.S.C. 5101 *et seq.*

Section 1926.62 also issued under 42 U.S.C. 4853.

Section 1926.65 also issued under 126 of Pub. L. 99–499, 100 Stat. 1613.

§ 1926.1124 [Removed].

■ 6. Remove § 1926.1124.

■ 7. In § 1926.55, amend appendix A by revising the entry for ''Beryllium and beryllium compounds (as Be),'' removing reference to § 1926.1124, revising footnote *, and removing footnote q.

The revisions read as follows:

§ 1926.55 Gases, vapors, fumes, dusts, and mists.

* * * * *

Appendix A to § 1926.55—1970 American Conference of Governmental Industrial Hygienists' Threshold Limit Values of Airborne Contaminants Threshold Limit Values of Airborne Contaminants for Construction

Substance	CAS No.[d]	ppm [a]*	mg/m^3 [b]	Skin designation
*	*	*	*	*
Beryllium and beryllium compounds (as Be)	7440–41–7	0.0002; 0.002 STEL		
*	*	*	*	*

* * * * * * *

*The PELs are 8-hour TWAs unless otherwise noted; a (C) designation denotes a ceiling limit; a STEL designation denotes a 15-minute short-term exposure limit.

* * * * * * *

[a] Parts of vapor or gas per million parts of contaminated air by volume at 25 °C and 760 torr.

[b] Milligrams of substance per cubic meter of air. When entry is in this column only, the value is exact; when listed with a ppm entry, it is approximate.

* * * * *

[FR Doc. 2017–12871 Filed 6–23–17; 8:45 am]

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