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DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 103, 212 and 274a

[CIS No. 2572–15; DHS Docket No. USCIS–2015–0006]

RIN 1615–AC04

International Entrepreneur Rule: Delay of Effective Date

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Final rule with request for comment; delay of effective date.

SUMMARY: The Department of Homeland Security (DHS) is temporarily delaying the effective date of the International Entrepreneur Final Rule (82 FR 5238). This delay will provide DHS with an opportunity to obtain comments from the public regarding a proposal to rescind the rule pursuant to Executive Order (E.O.) 13767, “Border Security and Immigration Enforcement Improvements.”

DATES: The effective date of the regulation entitled International Entrepreneur Rule, published in the **Federal Register** on January 17, 2017, 82 FR 5238, is delayed from July 17, 2017 to March 14, 2018, except for amendatory instruction 6.a revising 8 CFR 274a.2(b)(1)(v)(C)(2), which will go into effect on July 17, 2017. Written comments must be received on or before August 10, 2017.

ADDRESSES: You may submit comments, identified by DHS Docket No. USCIS–2015–0006, by any one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the Web site instructions for submitting comments.

- **Mail:** You may submit comments directly to U.S. Citizenship and Immigration Services (USCIS) by sending correspondence to Samantha Deshommes, Chief, Regulatory Coordination Division, Office of Policy

and Strategy, UCSIS, DHS, 20 Massachusetts Avenue NW., Washington, DC 20529. To ensure proper handling, please reference DHS Docket No. USCIS–2015–0006 in your correspondence. This mailing address may be used for paper, disk, or CD–ROM submissions.

FOR FURTHER INFORMATION CONTACT:

Steven Viger, Adjudications Officer, Office of Policy and Strategy, USCIS, DHS, 20 Massachusetts Avenue NW., Suite 1100, Washington, DC 20529–2140; telephone (202) 272–8377.

SUPPLEMENTARY INFORMATION:

I. Background

On August 31, 2016, the Department of Homeland Security (DHS or Department), U.S. Citizenship and Immigration Services (USCIS) published the International Entrepreneur Notice of Proposed Rulemaking in the **Federal Register**. See 81 FR 60129. On January 17, 2017, DHS published the International Entrepreneur Final Rule (the IE Final Rule) in the **Federal Register**. The effective date is July 17, 2017. See 82 FR 5238.

The IE Final Rule amended DHS regulations to include criteria that would guide the implementation of the Secretary of Homeland Security’s discretionary case-by-case parole authority as applied to international entrepreneurs. Specifically, it applied to international entrepreneurs who can demonstrate that their parole into the United States under section 212(d)(5) of the Immigration and Nationality Act (INA) would provide a significant public benefit to the United States. In accordance with the final rule’s criteria, such potential would be indicated by, among other things, the receipt of significant capital investment from U.S. investors with established records of successful investments, or obtaining significant awards or grants from certain Federal, State or local government entities. In addition to defining criteria for the favorable exercise of the Secretary’s discretionary parole authority, the IE Final Rule established a period of initial parole stay of up to 30 months (which may be extended by up to an additional 30 months) to facilitate the applicant’s ability to oversee and grow his or her start-up entity in the United States.

On January 25, 2017, the President issued Executive Order (E.O.) 13767,

Border Security and Immigration Enforcement Improvements, prescribing improvements to border security and immigration enforcement. See 82 FR 8793 (Jan. 25, 2017). Section 11(d) of the E.O. requires the DHS Secretary to “take appropriate action to ensure that parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.”

After review of E.O. 13767, DHS decided to delay the effective date of the IE Final Rule, to further consider it in light of E.O. 13767. The new effective date for the IE Final Rule, with one minor exception, is March 14, 2018. Additionally, DHS will issue a Notice of Proposed Rulemaking soliciting public comments on the proposal to rescind the IE Final Rule. The delayed effective date will provide an opportunity for the notice and comment rulemaking to take place.

As indicated above, DHS is not delaying the effective date with respect to one provision in the IE Final Rule. In the IE Final Rule, DHS revised 8 CFR 274a.2(b)(1)(v)(C)(2) to add the Department of State Consular Report of Birth Abroad (Form FS–240) to the regulatory text and to the “List C” listing of acceptable documents for Form I–9 verification purposes. See 82 FR 5238, 5241 & n.3. As part of the IE Final Rule, DHS also revised the accompanying form instructions to reflect this change. As this provision is unrelated to entrepreneur parole under the IE Final Rule, this one provision will go into effect on July 17, 2017, as originally provided.

II. Administrative Procedure Act

The Administrative Procedure Act (APA) authorizes agencies to issue a rule without notice and comment upon a showing of good cause. 5 U.S.C. 553(b)(B). The APA’s good cause exception to public participation applies upon a finding that those procedures are “impracticable, unnecessary, or contrary to the public interest.” 5 U.S.C. 553(b)(B).

DHS has good cause to forego notice and comment rulemaking to delay the effective date for the implementing provisions of the IE Final Rule, because

notice and comment rulemaking would be contrary to the public interest. For the same reason, DHS has good cause to dispense with the 30-day delayed effective date. DHS, however, is nevertheless soliciting post-promulgation public comments on the decision to delay the IE Final Rule.

Undertaking notice and comment rulemaking to delay the IE Final Rule is contrary to the public interest for multiple reasons. If DHS does not delay the effective date immediately, USCIS would be required to expend limited agency resources to implement the IE Final Rule. Those resources are otherwise needed for USCIS to effectively and efficiently carry out its many existing immigration benefit programs facilitating lawful migration into United States. For example, implementing the program would require USCIS to establish a new business line for the processing of entrepreneur parole applications, hiring and training additional adjudicators, modifying intake and case management information technology systems, modifying application and fee intake contracts, developing guidance for the adjudicators, and communicating with the public. Given that DHS will be proposing to rescind the IE final rule, and may ultimately eliminate the program, the expenditure of these resources is unlikely to ever be recouped from filing fees under the new program. USCIS derives approximately 96 percent of its operating budget from fees, and would be required to absorb the costs of the IE program within its existing operating budget, possibly impacting efficiency and effectiveness in other programs. An inefficient use of limited resources is not conducive to the security and economic interests of the United States. Therefore, it is necessary for DHS to immediately suspend the effective date of the IE Final Rule.

Undertaking notice and comment rulemaking to delay the IE Final Rule while DHS considers rescinding the rule also would be contrary to the public interest for other reasons: doing so would sow confusion and would likely cause the waste of resources by multiple stakeholders with interests in this rulemaking. *See generally Am. Hosp. Ass'n v. Bowen*, 834 F.2d 1037, 1045 (D.C. Cir. 1987) (observing that exceptions to notice and comment, although construed narrowly, are designed for “situations where the policies promoted by public participation in rulemaking are outweighed by the countervailing considerations of effectiveness, efficiency, expedition and reduction in

expense”) (quotation marks omitted). Courts have found “good cause” under the APA when an agency is moving expeditiously to eliminate uncertainty or confusion that, if left to linger, could cause tangible harm or hardship to the agency, the program, program users, or other members of the public. *See Mid-Tex Elec. Coop. v. FERC*, 822 F.2d 1123, 1133–34 (D.C. Cir. 1987) (agency had good cause to promote continuity and prevent “irremedial financial consequences” and “regulatory confusion”).

Allowing the IE Final rule to go into effect while the agency undertakes notice and comment rulemaking to delay its effective date in order to consider a rescission would lead the public to continue to rely on the rule. Such reliance would include expending significant effort and resources in order to establish eligibility under the criteria promulgated by the IE Final Rule. These criteria include establishing a start-up entity in the United States and demonstrating that the entity has secured significant U.S. capital investment or government funding. In the event the IE Final Rule is rescinded—which the Department believes is highly likely—individuals who satisfied these and other requirements of the IE Final Rule would quite possibly do so without being able to reap benefits from the rule. Therefore, providing notice and comment in this case is contrary to public interest.

III. Executive Order 12866, Regulatory Planning and Review

This rule is not “significant” under E.O. 12866, *Regulatory Planning and Review*.

IV. Paperwork Reduction Act

DHS is delaying the effective date for all proposed changes to the Form I-131, I-765, and I-941, from July 17, 2017, to March 14, 2018. Proposed changes to the Form I-9, with the exception to those changes specific to IE parole, will be effective July 17, 2017.

Under the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, all Departments are required to submit to the Office of Management and Budget (OMB), for review and approval, any reporting requirements inherent in a rule. *See* Public Law 104–13, 109 Stat. 163 (May 22, 1995). This final rule involves a new information collection and makes revisions to the existing information collections as follows:

A. Overview of Information Collection, Application for Entrepreneur Parole, Form I-941

The IE Final Rule published on January 17, 2017, requires that an applicant requesting entrepreneur parole complete an Application for Entrepreneur Parole, Form I-941 which is a new information collection under the PRA. USCIS did receive one comment regarding the time burden of this form and, upon review of the work involved to review the form, gather necessary information to support the submission, and the time required to complete and submit the form, USCIS revised the estimated hour burden per response to 4.7 hours. The Form I-941 is being delayed until March 14, 2018.

a. Type of information collection:

New information collection.

b. *Abstract*: If implemented, this collection would be used by individuals who file an application for entrepreneur parole under INA section 212(d)(5)(A) (8 U.S.C. 1182(d)(5)(A)) and new 8 CFR 212.19. Such individuals, other than those filing an application on the basis of a material change, would be subject to biometric collection in connection with the filing of the application.

c. Title of Form/Collection:

Application for Entrepreneur Parole, Form I-941.

d. *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection*: Form I-941, U.S. Citizenship and Immigration Services.

e. *Affected public who will be asked or required to respond*: Businesses and other for profit; Not-for-profit Institutions.

f. *An estimate of the total annual numbers of respondents*: 2,940.

g. *Hours per response*: The estimated hour per response for Form I-941 is 4.7 hours; the estimated hour burden per response for the biometric processing is 1.17 hours.

h. *Total Annual Reporting Burden*: The total estimated annual hour burden associated with this collection is 17,258 hours.

B. Overview of Information Collection, Application for Travel Document Form I-131, OMB Control No. 1615–0013

The IE Final Rule published by DHS on January 17, 2017 revised this information collection (*i.e.* Form I-131) by including spouses and children seeking parole on the basis of an entrepreneur parolee.

In addition to revising the form and form instructions, the IE Final Rule revised the estimate of total burden

hours which had increased due to the addition of this new population of Application for Travel Document, Form I-131, filers, and the increase of burden hours associated with the collection of biometrics from these applicants. The changes made to Form I-131 are being delayed until March 14, 2018.

a. *Type of information collection:* Revised information collection.

b. *Abstract:* If implemented, this collection would be used by dependents of individuals who file an application for entrepreneur parole under INA section 212(d)(5)(A) (8 U.S.C. 1182(d)(5)(A)) and new 8 CFR 212.19. Such individuals would be subject to biometric collection in connection with the filing of the application.

c. *Title of Form/Collection:* Application for Travel Document, Form I-131.

d. *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Application for Travel Document, Form I-131, U.S. Citizenship and Immigration Services.

e. *Affected public who will be asked or required to respond:* Individuals or households.

f. *An estimate of the total annual numbers of respondents:* 594,324.

The total number of respondents includes the additional population of 3,234 individuals as estimated previously in the analysis in Section IV.C.

g. *Hours per response:* The estimated hour per response for Form I-131 Supplement is 1.9 hours; the estimated hour burden per response for the biometric processing is 1.17 hours; the estimated hour burden per response for the passport-style photographs is .5 hours.

h. *Total Annual Reporting Burden:* The total estimated annual hour burden associated with this collection is 1,372,928 hours.

C. Overview of Information Collection, Employment Eligibility Verification, Form I-9, OMB Control No. 1615-0047

In accordance with revised 8 CFR 274a.2(b)(1)(v)(C)(2), the IE Final Rule published on January 17, 2017 updated the Employment Eligibility Verification (Form I-9) Lists of Acceptable Documents, List C and the Document Title table to reflect the most current version of the certification or report of birth issued by the Department of State, Form FS-240 Consular Report of Birth Abroad. DHS also made clarifying changes in the form instructions by removing “the end of” when describing the day on which Form I-9 completion is required and revising the Office of

Special Counsel for Immigration-Related Unfair employment Practices to its new name of Immigrant and Employee Rights Section (IER) in the Department of Justice’s Civil Rights Division. These changes to the Form I-9 will go into effect on July 17, 2017 as currently scheduled.

The changes made to Form I-9 and instructions associated with new 8 CFR 274a.2(b)(1)(v)(A)(5) promulgated by the IE Final Rule are being delayed until March 14, 2018. Those changes concern the acceptable List A document described as the following: for an individual authorized to work for a specific employer because of his or her status or parole, a foreign passport and Form I-94 (or Form I-94A) that has the same name as the passport and has an endorsement by DHS indicating such employment-authorized status or parole, as long as the period of endorsement has not yet expired and the employment is not in conflict with the individual’s employment-authorized status or parole. Specific changes to the form that are being delayed until March 14, 2018 also include revisions to the Form I-9 Lists of Acceptable Documents, List A item 5 to replace “nonimmigrant alien” with “individual,” to replace “alien’s nonimmigrant” with “individual,” and to add “or parole” after “status” in List A item 5.b.(2).

a. *Type of information collection:* Revised information collection.

b. *Abstract:* This form was developed to facilitate compliance with section 274A of the Immigration and Nationality Act, which prohibits the knowing employment of unauthorized aliens. This information collection is necessary for employers, agricultural recruiters and referrers for a fee, and state employment agencies to verify the identity and employment authorization of individuals hired (or recruited or referred for a fee, if applicable) for employment in the United States.

c. *Title of Form/Collection:* Employment Eligibility Verification.

d. *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I-9, U.S. Citizenship and Immigration Services.

e. *Affected public who will be asked or required to respond:* Business or other for-profit; Individuals or households; State, local or Tribal Government.

f. *An estimate of the total annual numbers of respondents:* 78 million employers and 78 million individuals. (The total number of responses will be only 78 million responses. Each

response involves an employer and an individual who is being hired.)

g. *Hours per response:*

□ Time Burden for Employees—10 minutes (.17 hours) total;

□ Time Burden for Employers—20 minutes (.33 hours) total;

□ Time Burden for Recordkeeping—5 minutes (.08 hours) total.

h. *Total Annual Reporting Burden:* approximately 40,600,000 total annual burden hours.

D. Overview of Information Collection, Application for Employment Authorization, Form I-765, OMB Control No. 1615-0040

The IE Final Rule published on January 17, 2017 made minor revisions to the form instructions to reflect changes made by that rule that allow spouses of an entrepreneur parolee to request employment authorization. Those changes to Form I-765 are being delayed until March 14, 2018.

a. *Type of information collection:* Revised information collection.

b. *Abstract:* If implemented, this collection would be used by individuals who file an application for entrepreneur parole under INA section 212(d)(5)(A) (8 U.S.C. 1182(d)(5)(A)) and new 8 CFR 212.19. Such individuals would be subject to biometric collection in connection with the filing of the application.

This form was developed for individual aliens to request employment authorization and evidence of that employment authorization. The form is being amended to add a new class of aliens eligible to apply for employment authorization, specifically a spouse of an entrepreneur parolee described as eligible for employment authorization under this rule. Supporting documentation demonstrating eligibility must be filed with the application. The form lists examples of relevant documentation.

c. *Title of Form/Collection:* Application for Employment Authorization, Form I-765.

d. *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I-765, U.S. Citizenship and Immigration Services.

e. *Affected public who will be asked or required to respond:* Individuals or households.

f. *An estimate of the total annual numbers of respondents:* 2,139,523.

This total represents the aggregate estimate for this information collection, to include the additional estimate of 2,940 respondents under this rule.

g. *Hours per response:* The estimated hour per response for Form I-765 is 3.42

hours; the estimated hour burden per response for biometric processing is 1.17 hours; the estimated hour burden per response for Form I-765 WS is .5 hours; the estimated hour burden per response for passport-style photographs is .5 hours.

h. Total Annual Reporting Burden: The total estimated annual hour burden associated with this collection is 8,985,859 hours.

John F. Kelly,
Secretary.

[FR Doc. 2017-14619 Filed 7-10-17; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 431

[EERE-2014-BT-TP-0054]

RIN 1904-AD43

Energy Conservation Program: Test Procedures for Compressors

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information (RFI).

SUMMARY: On January 4, 2017, the U.S. Department of Energy (“DOE”) published a final rule establishing new test procedures for certain varieties of compressors. The final rule established definitions, materials incorporated by reference, sampling plans, representations requirements, enforcement provisions and test procedures for certain varieties of compressors. Since that time, DOE has received correspondence, raising concerns that certain issues and information may not have been fully considered during the original rulemaking proceeding and also indicating further clarification may be needed to implement the rule as adopted. As a result, by this RFI, DOE is soliciting further data and information regarding the compressor test procedure and announcing that DOE will not seek to enforce the test procedure rule for 180 days (*i.e.*, until December 30, 2017) while it considers the data and information already submitted and any further material submitted in response to this request for information.

DATES: Comments: DOE will accept comments, data, and information regarding this RFI until September 11, 2017.

ADDRESSES: Interested parties are encouraged to submit comments using the Federal eRulemaking Portal at

www.regulations.gov. Any comments submitted must identify the request for information concerning the test procedures for compressors. You may submit comments, identified by Docket Number, EERE-2014-BT-TP-0054, by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Email:**

AirCompressors2014TP0054@ee.doe.gov. Include the docket number, EERE-2014-BT-TP-0054 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

- **Postal Mail:** Appliance Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE-5B, Compressor TP RFI Docket Number: EERE-2014-BT-TP-0054, 1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: (202) 586-6636. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.
- **Hand Delivery/Courier:** Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L’Enfant Plaza SW., 6th Floor, Washington, DC 20024. Telephone: (202) 586-6636. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section II of this document (Public Participation).

FOR FURTHER INFORMATION CONTACT: Mr. James Raba, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-5B, 1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: (202) 586-8654. Email: ApplianceStandardsQuestions@ee.doe.gov.

Ms. Mary Greene, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: (202) 586-1817. Email: Mary.Greene@hq.doe.gov.

For further information on how to submit a comment, or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 586-6636 or by email: ApplianceStandardsQuestions@ee.doe.gov.

SUPPLEMENTARY INFORMATION:

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 - A. Coverage Determination
 - B. Test Procedure
 - C. Questions Raised About Test Procedure
 - D. Request for Information and Enforcement Forbearance
- II. Public Participation
 - A. Submission of Comments
- III. Approval of the Office of the Secretary

I. Authority and Background

A. Coverage Determination

Title III of the Energy Policy and Conservation Act of 1975, as amended (“EPCA”), sets forth a variety of provisions designed to improve energy efficiency. (42 U.S.C. 6291, *et seq.*) Part C of Title III, which for editorial reasons was re-designated as Part A-1 upon incorporation into the U.S. Code (42 U.S.C. 6311-6317), establishes the “Energy Conservation Program for Certain Industrial Equipment.” EPCA provides that DOE may include a type of industrial equipment, including compressors, as covered equipment if it determines that to do so is necessary to carry out the purposes of Part A-1. (42 U.S.C. 6311(2)(B)(i) and 6312(b)). The purpose of Part A-1 is to improve the efficiency of electric motors and pumps and certain other industrial equipment in order to conserve the energy resources of the Nation. (42 U.S.C. 6312(a)) On November 15, 2016, DOE published a Notice of Final Determination of Coverage, classifying compressors as covered equipment. The final coverage determination became effective on December 15, 2016. 81 FR 79991.

B. Test Procedure

DOE may develop test procedures to measure the energy efficiency, energy use, or estimated annual operating cost of each covered equipment. (42 U.S.C. 6314). Manufacturers of covered equipment must use the prescribed DOE test procedure as the basis for certifying to DOE that their equipment complies with the applicable energy conservation standards adopted under EPCA and when making any representations regarding the energy use or efficiency of that equipment. (42 U.S.C. 6295(s), 6316(a) and 6314(d)).

On January 4, 2017, DOE published a final rule to establish new test procedures for certain varieties of compressors. 82 FR 1052. The final rule established definitions, materials incorporated by reference, sampling plans, representations requirements, enforcement provisions and test procedures for certain varieties of

compressors. The effective date of the test procedure rule was originally February 3, 2017—i.e., 30 days after publication in the **Federal Register**.

Effective on February 1, 2017, DOE temporarily postponed the effective date of its January 4th final rule. See 82 FR 8985 (February 2, 2017). On March 21, 2017, the effective date of the test procedure final rule was further extended to July 3, 2017, the date on which EPCA (through 42 U.S.C. 6314(d)) requires compliance with that procedure. (82 FR 14426).

C. Questions Raised About Test Procedure

A number of small businesses have written DOE expressing concern about the economic burden of the test procedure rule (see e.g., submission from Compressed Air Systems (CAS) ¹). They are concerned both about the cost of implementing the necessary changes to comply with the test procedure, as well as the cost of changing their informational literature to comply with the representation requirements. For example, Compressed Air Systems (CAS) has argued that DOE's cost estimates for the test procedure rule significantly under-estimated the cost the rule would impose and that when the DOE performed its financial impact analysis DOE failed to take into account a number of factors.

Further, CAS also has raised questions regarding implementation of the test procedure, specifically the application of the ancillary equipment required for testing in Table 1 and Table 2 of section B4 within appendix A to subpart T of part 431 (See 82 FR 1103.). CAS claims to need clarification on appropriate filters and drains necessary to conduct the required test, as well as information on the interaction between DOE's test requirements and regulations already in force issued by the Environmental Protection Agency and the Occupational Safety and Health Administration (see data and information in docket).

DOE also received other comments pertaining to the compressor test procedure final rule both supporting the rule and voicing concerns about the rule, which can be viewed in the docket.

D. Request for Information and Enforcement Forbearance

Given the issues raised by small businesses, DOE is requesting additional data and information regarding the cost of implementing the existing test procedure, whether the specific mechanics of implementing the existing test procedure are sufficiently clear, and issues, if any, with the interaction of the DOE test procedure with existing rules of other Federal agencies. DOE will not seek to enforce compliance of the test procedure final rule for a period of 180 days from the July 3, 2017, compliance date of the test procedure final rule, as DOE gathers the requested data and information and determines how it will choose to proceed with the existing test procedure in light of such data and information.

II. Public Participation

A. Submission of Comments

DOE will accept comments, data, and information regarding this request no later than the date provided in the **DATES** section at the beginning of this document. Interested parties may submit comments using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via regulations.gov. The <http://www.regulations.gov> Web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to [regulations.gov](http://www.regulations.gov) information for which disclosure is restricted by statute, such as trade

secrets and commercial or financial information (hereinafter referred to as Confidential Business Information ("CBI")). Comments submitted through [regulations.gov](http://www.regulations.gov) cannot be claimed as CBI. Comments received through the Web site will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through <http://www.regulations.gov> before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that [regulations.gov](http://www.regulations.gov) provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery, or mail. Comments and documents submitted via email, hand delivery, or mail also will be posted to [regulations.gov](http://www.regulations.gov). If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments. Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery, please provide 139 all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he

¹ A notation in this form provides a reference for information that is in the docket for the compressor test procedure rulemaking (Docket No. EERE-2014-BT-TP-0054) (available at <https://www.regulations.gov/docketBrowser?rpp=25&so=DESC&sb=commentDueDate&po=0&dct=N%2BFR%2BPR%2BO&D=EERE-2014-BT-TP-0054>).

or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked non-confidential with the information believed to be confidential deleted.

Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest. See 10 CFR 429.7. It is DOE's policy that all comments be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

III. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this request for information.

Issued in Washington, DC, on June 30, 2017.

Steven Chalk,

Acting Assistant Secretary Energy Efficiency and Renewable Energy.

[FR Doc. 2017-14472 Filed 7-10-17; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2016-9254; Directorate Identifier 2015-CE-030-AD; Amendment 39-18948; AD 2017-14-04]

RIN 2120-AA64

Airworthiness Directives; Piper Aircraft, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 95-26-13 for certain Piper Aircraft, Inc. Models PA-28-140, PA-28-150, PA-28-151, PA-28-161, PA-28-160, PA-28-180, PA-28-181, PA-28-235, PA-28-236, PA-28R-180, PA-28R-200, PA-28R-201, PA-28S-160, PA-28S-180, PA-32-260, PA-32-300, PA-32-301, PA-32-301T, PA-32R-300, PA-32R-301 (SP), PA-32R-301 (HP), PA-32R-301T, PA-32RT-300, PA-32RT-300T, and PA-32S-300 airplanes equipped with oil cooler hose assemblies that do not meet certain technical standard order (TSO) requirements. AD 95-26-13 required inspections, replacement, and adjustment of the oil cooler hose assemblies, as well as providing for a terminating action. This AD retains all of the requirements of AD 95-26-13 and adds language to clarify those requirements. This AD was prompted by several inquiries asking for clarification of the AD's applicability and compliance requirements. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective August 15, 2017.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9254; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Gary Wechsler, Aerospace Engineer, FAA,

Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474-5575; fax: (404) 474-5606; email: gary.wechsler@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 95-26-13, Amendment 39-9472 (60 FR 67321, December 29, 1995) ("AD 95-26-13"). AD 95-26-13 applied to certain Piper Aircraft, Inc. Models PA-28-140, PA-28-150, PA-28-151, PA-28-161, PA-28-160, PA-28-180, PA-28-181, PA-28-235, PA-28-236, PA-28R-180, PA-28R-200, PA-28R-201, PA-28S-160, PA-28S-180, PA-32-260, PA-32-300, PA-32-301, PA-32-301T, PA-32R-300, PA-32R-301 (SP), PA-32R-301 (HP), PA-32R-301T, PA-32RT-300, PA-32RT-300T, and PA-32S-300 airplanes equipped with oil cooler hose assemblies that do not meet technical standard order C53a (TSO-C53a) Type D requirements. The NPRM published in the **Federal Register** on October 21, 2016 (81 FR 72742). The NPRM was prompted by several inquiries asking for clarification of the AD's applicability and compliance requirements. The NPRM proposed to retain all of the requirements of AD 95-26-13 and add language to clarify those requirements. We are issuing this AD to correct the unsafe condition on these products.

Comments

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

Request the Unsafe Condition Be Addressed by Department of Commerce

G. Fenton requested this unsafe condition be addressed through the Department of Commerce instead of the Federal Aviation Administration because the NPRM applied to airplanes used for commercial purposes.

We disagree with this comment because the Federal Aviation Administration is charged by Congress to provide for the safe and efficient use of national airspace by commercial and private airplane operators.

We have not changed the AD based on this comment.

Request To Change Labor Rate in Cost of Compliance

G. Fenton requested we change the labor rate in the Cost of Compliance section to \$72.50 per hour instead of \$85 per hour. He thought the increased

cost from \$60 per hour from the 1995 AD to \$85 per hour for this AD is unnecessary. He thought we should adjust the cost of the labor rate to a value between the two.

We disagree with this comment. The rate of \$85 per hour is provided by the FAA Office of Aviation Policy and Plans for us to use when estimating the labor costs of complying with AD requirements.

We have not changed the AD based on this comment.

Request We Compile Changes From the Previous AD Into One Location

Jonathan Hartley requested we put all of the changes to this AD from AD 95–26–13 in a conspicuous location to reduce confusion and workload associated with compliance.

We partially agree with this comment. We agree there are instances where compliance confusion and workload could exist with the wording in the NPRM. However, we disagree with compiling the changes into one location because of formatting constraints in the AD structure.

We have made language changes to the regulatory text in the AD to clarify the compliance confusion and to reduce workload.

Request We Include an Outline for Maintaining Other Types of Oil Cooler Hoses

Jonathan Hartley requested we include in this AD an outline maintaining specific requirements for other types of oil cooler hoses.

We disagree with this comment. The unsafe condition addressed by this AD applies only to Type C and Type D oil cooler hoses. The requirements for maintaining other types of oil cooler hoses are not required to comply with the actions of this AD.

We have not changed the AD based on this comment.

Request We Include Additional Information Describing the Types of Hoses

George Ballard requested we include in the AD information explaining what constitutes a Type C and Type D hose assembly. He doesn't think the TSO adequately explains the difference between the Type C and Type D hose assemblies.

We disagree with this comment. The differences between the Type C and Type D hoses are provided in great detail in TSO–C53a and its referenced documents. This AD does not require that level of detail to comply with the inspections or corrective actions specified in the AD.

We have not changed the AD based on this comment.

Request We Clarify Terminating Action for Installation of Type D Hose Assemblies

Greg Dodson stated the requirement to inspect the oil cooler hose assembly installation for an oil cooler mounted in a location other than at or aft of the rear of the engine any time the oil cooler hose assembly is replaced conflicts with the installation of a Type D oil cooler

hose assembly being terminating action for the AD.

We agree with this comment. The installation of the Type D oil cooler hose assembly terminates the requirement for the installation inspection.

We have changed the language in the AD to address the contradiction.

Conclusion

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

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

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

Costs of Compliance

We estimate that this AD affects 23,643 airplanes of U.S. registry.

This AD retains the same actions as AD 95–26–13 and the costs do not add any cost burden than that already in effect by AD 95–26–13. The difference in the Costs of Compliance with this AD and AD 95–26–13 is that we use \$85 an hour as a labor rate in 2016 as opposed to \$60 per hour in 1995.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of the oil cooler hose assembly.	1 work-hour × \$85 per hour = \$85	Not applicable	\$85	\$2,009,655.
Inspection of the clearance between the oil cooler hose assembly and the front exhaust stacks.	.5 work-hour × \$85 per hour = 42.50 ..	Not applicable	\$42.50	\$1,004,827.50 See note 1 to Cost of Compliance.
Replacement of the oil cooler hose assembly.	1 work-hour × \$85 per hour = \$85	\$430	\$515	\$12,176,145.

Note: The estimated cost of the inspection of the clearance between the oil cooler hose assembly and the front exhaust stacks is for all airplanes affected by this AD; however, the inspection applies only to airplanes with the oil cooler mounted in a location other

than at or aft of the rear of the engine. We have no way of knowing how many affected airplanes have that particular installation.

We estimate the following costs to do any necessary adjustments that would

be required based on the results of the inspection. We have no way of determining the number of aircraft that might need these adjustments:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Adjustment of the clearance between the oil cooler hose assembly and the front exhaust stacks.	1 work-hour × \$85 per hour = \$85	Not applicable	\$85

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative,

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 95–26–13, Amendment 39–9472 (60 FR 67321, December 29, 1995), and adding the following new AD:

2017–14–04 Piper Aircraft, Inc.:
Amendment 39–18948; Docket No. FAA–2016–9254; Directorate Identifier 2015–CE–030–AD.

(a) Effective Date

This AD is effective August 15, 2017.

(b) Affected ADs

This AD replaces AD 95–26–13, Amendment 39–9472 (60 FR 67321, December 29, 1995) ("AD 95–26–13").

(c) Applicability

This AD applies to Piper Aircraft, Inc. Models PA–28–140, PA–28–150, PA–28–151, PA–28–161, PA–28–160, PA–28–180, PA–28–181, PA–28–235, PA–28–236, PA–28R–180, PA–28R–200, PA–28R–201, PA–28S–160, PA–28S–180, PA–32–260, PA–32–300,

PA–32–301, PA–32–301T, PA–32R–300, PA–32R–301 (SP), PA–32R–301 (HP), PA–32R–301T, PA–32RT–300, PA–32RT–300T, and PA–32S–300 airplanes, all serial numbers, that are:

- (1) Equipped with one or more oil cooler hose assemblies that do not meet technical standard order C53a (TSO–C53a), Type D requirements; and
- (2) Certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 79, Engine Oil.

(e) Unsafe Condition

AD 95–26–13 was prompted by numerous incidents/accidents caused by rupture or failure of the oil cooler hose assemblies. This AD action was prompted by requests to clarify the intent of AD 95–26–13. We are issuing this AD to prevent rupture or failure of the oil cooler hose assemblies, which could result in engine stoppage with consequent loss of control.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done. You may review the flow chart found in appendix 1 to assist you in complying with the actions of this AD.

(g) Inspection Procedures for an Oil Cooler Mounted AT or AFT of the Rear of the Engine

For any oil cooler hose assemblies that do not meet TSO–C53a, Type D requirements: Within the next 100 hours time-in-service (TIS) after February 5, 1996 (the effective date retained from AD 95–26–13), and repetitively thereafter at intervals not to exceed 100 hours TIS, inspect the fire sleeve of each oil cooler hose assembly for soaked oil, a brownish or whitish color, and any evidence of brittleness or deterioration as a result of heat or oil seepage. See figure 1 to paragraphs (g) and (h) of this AD for additional information.

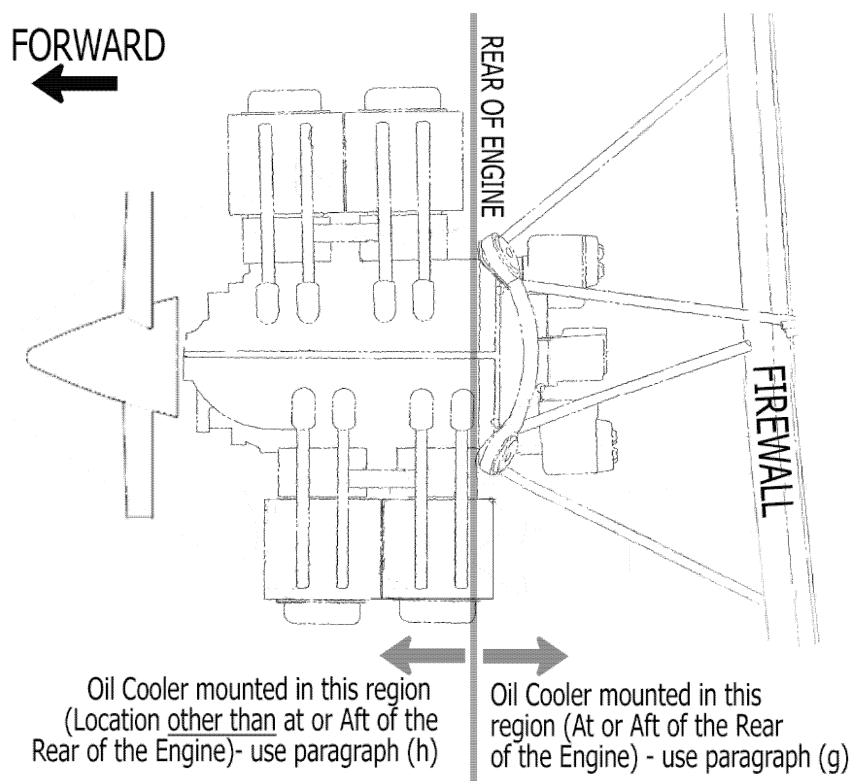


Figure 1 to paragraphs (g) and (h) of this AD: Oil cooler

Note 1 to paragraphs (g) and (h)(1) of this AD: Although not required by this AD, the FAA recommends that an oil cooler hose assembly flexibility test be done at 100-hour TIS intervals by gently lifting each oil cooler hose assembly in several places along its bottom surface, ideally at the center of an arc. If the oil cooler hose assembly moves slightly, either from side-to-side or upward, then some flexibility remains. If the oil cooler hose assembly appears hardened or inflexible, replacement is recommended.

(h) Inspection Procedures for an Oil Cooler Mounted in a Location Other Than AT or AFT of the Rear of the Engine

(1) *For any oil cooler hose assemblies that do not meet TSO-C53a, Type D requirements:* Within the next 100 hours TIS

after February 5, 1996 (the effective date retained from AD 95-26-13), and repetitively thereafter at intervals not to exceed 100 hours TIS, inspect the fire sleeve of each oil cooler hose assembly for soaked oil, a brownish or whitish color, and any evidence of brittleness or deterioration as a result of heat or oil seepage. See figure 1 to paragraphs (g) and (h) of this AD for additional information.

(2) *For any oil cooler hose assemblies that do not meet TSO-C53a, Type D requirements:* Within the next 100 hours TIS after February 5, 1996 (the effective date retained from AD 95-26-13) and repetitively thereafter at intervals not to exceed 100 hours TIS, inspect the oil cooler hose assemblies to ensure the installation conditions in paragraphs (h)(2)(i) through (iii) of this AD are met. See figure 1 to paragraphs (g) and

(h) of this AD for additional information. If the conditions listed in paragraphs (h)(2)(i) through (iii) of this AD are not met, before further flight, make any necessary adjustments. See figure 2 to paragraph (h)(2) of this AD for additional information.

(i) The oil cooler hose assemblies pass underneath and behind the electrical ground cable and in front of the lower of the two engine mounts.

(ii) The oil cooler hose assemblies are secured to the engine mount strut and a clearance of at least 2 inches exists between the oil cooler hose assemblies and the exhaust stack.

(iii) Oil cooler hose assemblies with a minimum outer diameter of 0.75 inch are installed with a bend radius of at least 6.5 inches.

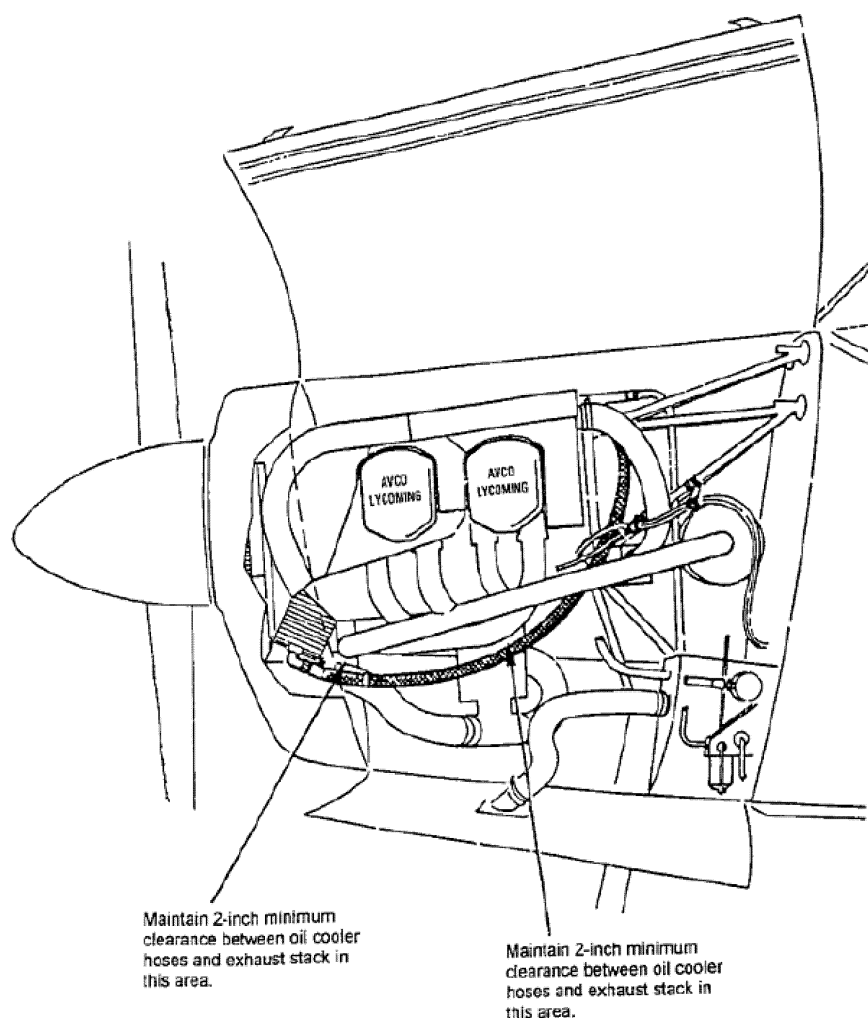


Figure 2 to paragraph (h)(2) of this AD: Acceptable clearances

(i) Corrective Actions

(1) If any of the conditions described in paragraph (g) or (h)(1) of this AD are found on an oil cooler hose assembly during the inspection required in paragraph (g) or (h)(1) of this AD, as applicable, before further flight, replace the oil cooler hose assembly with a serviceable new or used TSO-C53a Type D oil cooler hose assembly or TSO-C53a Type C oil cooler hose assembly. If a used TSO-C53a Type C oil cooler hose assembly is installed, it must have documented hours TIS.

Note 2 to paragraphs (i)(1) and (j) of this AD: If only one of the two oil cooler hose assemblies requires replacement, the FAA recommends replacing both of the oil cooler hose assemblies to simplify tracking the hours TIS of the assemblies.

(2) If a newly installed oil cooler hose assembly is a TSO-C53a Type C oil cooler hose assembly and it is mounted in a location other than at or aft of the rear of the engine, then replacement of the oil cooler hose assembly must meet the conditions listed in paragraphs (h)(2)(i) through (iii) of this AD.

(3) If compliance with paragraphs (i)(1) and (i)(2) of this AD results in both oil cooler hose assemblies of an airplane meeting TSO-C53a Type D requirements, then the requirements of this AD are terminated for the airplane.

(j) Life Limit of TSO-C53a Type C Oil Cooler Hose Assemblies

(1) When a TSO-C53a Type C oil cooler hose assembly accumulates 8 years or 1,000 hours TIS, whichever occurs first, replace the oil cooler hose assembly with a serviceable new or used TSO-C53a Type D oil cooler hose assembly or TSO-C53a Type C oil cooler hose assembly. If a used TSO-C53a Type C oil cooler hose assembly is installed, it must have documented hours TIS. If the newly installed oil cooler is a TSO-C53a Type C oil cooler hose assembly and it is mounted in a location other than at or aft of the rear of the engine the installation must meet the conditions listed in paragraphs (h)(2)(i) through (iii) of this AD.

(2) You may at any time before a TSO-C53a Type C oil cooler hose assembly exceeds the life limit in paragraph (j)(1) of

this AD, replace a TSO-C53a Type C oil cooler hose assembly with a TSO-C53a Type D oil cooler hose assembly.

(3) If compliance with paragraphs (j)(1) or (j)(2) of this AD results in both oil cooler hose assemblies of an airplane meeting TSO-C53a Type D requirements, then the requirements of this AD are terminated for the airplane.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (k) of this AD.

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

(3) AMOCs approved for AD 95–26–13 (60 FR 67321, December 29, 1995) are not approved as AMOCs for the corresponding provisions of this AD.

(I) Related Information

For more information about this AD, contact Gary Wechsler, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office,

1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474–5575; fax: (404) 474–5606; email: gary.wechsler@faa.gov.

BILLING CODE 4910–13–P

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graph TD
    Start([Start]) --> D1{PA-28 & PA-32  
airplanes of (c) equipped with one or more  
oil cooler hose that are not TSO-C53a, Type D  
compliant per (c)(1)}
    D1 -- No --> End1([End])
    D1 -- Yes --> D2{Oil Cooler  
Mounted at or Aft of  
the rear of the Engine  
per Figure 1?}
    D2 -- Yes --> I1[Inspect each non-compliant hose per (c)(1)  
for condition within 100  
hrs TIS per (g)]
    D2 -- No --> I2[Inspect each non-compliant hose per (c)(1)  
for condition within 100  
hrs TIS per (h)(1)]
    I1 --> D3{Inspection  
good or bad?}
    I2 --> D4{Inspection  
good or bad?}
    D3 -- Good --> D5{Will the hose  
reach 8 yrs TIS or  
accumulate 1000 TIS  
before the next  
100 hrs TIS?}
    D3 -- Bad --> R1[Replace hose with  
Type C or Type D  
hose per (i)(1)]
    D4 -- Good --> D6{Will the hose  
reach 8 yrs TIS or  
accumulate 1000 TIS  
before the next  
100 hrs TIS?}
    D4 -- Bad --> R2[Replace hose with  
Type C or Type D  
hose per (i)(1)]
    D5 -- No --> D7{Is the  
hose Type C or  
Type D?}
    D5 -- Yes --> R1
    D6 -- No --> D8{Is the  
hose Type C or  
Type D?}
    D6 -- Yes --> R2
    D7 -- Type C --> D9{Two  
Type D hoses  
in airplane?}
    D7 -- Type D --> D9
    D8 -- Type C --> D10{Hose routing  
per (h)(2)(i) thru  
(h)(2)(iii)?}
    D8 -- Type D --> D9
    D10 -- Yes --> D9
    D10 -- No --> A1[Adjust per  
(h)(2)(i) thru  
(h)(2)(iii)]
    A1 --> D9
    D9 -- No --> Start
    D9 -- Yes --> T1[Terminate AD  
requirements  
for airplane]
    T1 --> End2([End])

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Issued in Kansas City, Missouri, on June 29, 2017.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017-14375 Filed 7-10-17; 8:45 am]

BILLING CODE 4910-13-C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2017-0060; Directorate Identifier 2016-SW-090-AD; Amendment 39-18949; AD 2017-14-05]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters Model SA330J helicopters. This AD requires replacing certain hydraulic pumps and is prompted by reports of broken screws that attach the cover of the hydraulic pump. The actions of this AD are intended to prevent an unsafe condition on these products.

DATES: This AD becomes effective July 26, 2017.

We must receive comments on this AD by September 11, 2017.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to <http://www.regulations.gov>. Follow the online instructions for sending your comments electronically.

- *Fax:* 202-493-2251.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0060; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except

Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, the economic 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 service information identified in this final rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at https://www.airbushelicopters.com/techpub/FO/scripts/myFO_login.php. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N-321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222-5110; email matthew.fuller@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD No. 2016-264-E, dated December 22,

2016, to correct an unsafe condition for Airbus Helicopters Model SA330J helicopters. EASA advises of reports of broken screws that attach the cover of the hydraulic pump. A subsequent investigation identified a batch of screws delivered between July 1, 2015, and November 1, 2016, that have intrinsic embrittlement and reduced mechanical properties. Hydrogen was introduced into this batch of screws during production, causing the screws to become brittle and lack sufficient strength. These screws were installed in a batch of hydraulic pumps, part number (P/N) FR65WEO2005-175A, identified by certain serial numbers, EASA advises.

This condition, if not detected and corrected, could lead to the failure of a cover bolt and loss of fluid from the hydraulic pump, resulting in loss of the hydraulic system and subsequent loss of helicopter control. As a result, EASA AD No. 2016-264-E requires replacing the hydraulic pumps.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs.

Related Service Information

We reviewed Airbus Helicopters Emergency Alert Service Bulletin No. SA330-29.12, Revision 0, dated December 22, 2016 (Airbus EASB), for Model SA330J helicopters and military model SA330L, SA330Jm, SA330S1, and SA330Sm helicopters. The Airbus EASB specifies removing Nexter Mechanics hydraulic pumps P/N FR65WEO2005-175A with certain serial numbers. If both the right-hand (RH) and left-hand (LH) hydraulic pumps have an affected P/N and serial number, the Airbus EASB specifies replacing the RH hydraulic pump before further flight and the LH hydraulic pump within 110 flying hours or 6 months. If only one hydraulic pump has an affected P/N and serial number, the Airbus EASB specifies replacing it within 110 flying hours or 6 months. The Airbus EASB also specifies that, for 6 months after receipt of the Airbus EASB, before installing an affected hydraulic pump it must be "returned to conformity" by complying with Nexter Mechanics Alert

Service Bulletin No. NM/INGE/16-140, Revision 0, dated December 22, 2016 (Nexter ASB). After 6 months or 110 flying hours, whichever occurs first, the Airbus EASB states the affected hydraulic pumps are unfit for flight.

AD Requirements

This AD requires, within 15 hours time-in-service (TIS), removing the RH hydraulic pump if both hydraulic pumps are listed in the applicability section of this AD. This AD also prohibits installing an affected hydraulic pump on any helicopter.

Differences Between This AD and the EASA AD

The EASA AD requires replacing the LH hydraulic pump with a serviceable part within 110 hours TIS or 6 months, whichever comes first, if both the LH and RH hydraulic pumps are affected parts. The EASA AD also requires, if only one hydraulic pump is an affected part, replacing it with a serviceable part within 110 hours TIS or 6 months, whichever comes first. This AD makes no such requirements. We are considering requiring those actions. However, the planned compliance time for those actions would allow enough time to provide notice and opportunity for prior public comment. The EASA AD allows a hydraulic pump to be installed if it has been repaired in accordance with the Nexter ASB, while this AD does not.

Costs of Compliance

We estimate that this AD affects 24 helicopters and that labor costs average \$85 per work-hour. Based on these estimates, we expect that replacing a hydraulic pump requires 2 work-hours and parts cost \$2,500 for a total cost of \$2,670 per helicopter and \$64,080 for the U.S. fleet.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because the required corrective actions must be accomplished within 15 hours TIS, a very short time period based on the typical utilization rate of these helicopters in off-shore oil operations.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for prior public comment

before issuing this AD are impracticable and contrary to the public interest and that good cause exists to make this AD effective in less than 30 days.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017-14-05 Airbus Helicopters:

Amendment 39-18949; Docket No. FAA-2017-0060; Directorate Identifier 2016-SW-090-AD.

(a) Applicability

This AD applies to Airbus Helicopters Model SA330J helicopters, certificated in any category, with a left-hand and a right-hand hydraulic pump part number FR65WEO2005-175A with a serial number 4108, 4141, 4177, 4227, 4241, 4284, 4377, 4422, 4570, 4573, 4574, 4641, 4649, 4668, 4766, 4802, 4821, 4831, 4837, 4888, 4896, 4946, 4985, 5023, 5071, 5304, 5366, 5376, 5409, 5442, 5486, 5599, 5630, 94075/01, or 94048/01 installed.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a screw attaching the hydraulic pump cover. This condition could result in failure of a cover bolt and loss of fluid from the hydraulic pump, resulting in loss of the hydraulic system and subsequent loss of helicopter control.

(c) Effective Date

This AD becomes effective July 26, 2017.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 15 hours time-in-service, replace the right-hand hydraulic pump with an airworthy hydraulic pump that is not listed in paragraph (a) of this AD.

(2) After the effective date of this AD, do not install on any helicopter a hydraulic pump that is listed in paragraph (a) of this AD.

(f) Special Flight Permits

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222-5110; email 9-ASW-FTW-AMOC-Requests@faa.gov.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of

the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) Airbus Helicopters Emergency Alert Service Bulletin (EASB) No. SA330-29.12, Revision 0, dated December 22, 2016, and Nexter Mechanics Alert Service Bulletin No. NM/INGE/16-140, Revision 0, dated December 22, 2016, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at <http://www.airbushelicopters.com/techpub/>. You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N-321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2016-264-E, dated December 22, 2016. You may view the EASA AD on the Internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA-2017-0060.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 2913, Hydraulic Pump (Electric/Engine) Main.

Issued in Fort Worth, Texas, on June 30, 2017.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017-14372 Filed 7-10-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2016-6693; Directorate Identifier 2015-SW-033-AD; Amendment 39-18886; AD 2017-10-12]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and EC225LP helicopters. This AD requires repetitive inspections of the intermediate gear box (IGB) fairing. This AD was prompted by separation of the IGB fairing from the fairing gutter and subsequent interference with the drive

shaft. The actions of this AD are intended to prevent an unsafe condition on these products.

DATES: This AD is effective August 15, 2017.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of August 15, 2017.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at https://www.airbushelicopters.com/techpub/FO/scripts/myFO_login.php. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N-321, Fort Worth, TX 76177. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-6693.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-6693; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800-647-5527) is U.S. Department of Transportation, Docket Operations Office, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: David Hatfield, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222-5116; email david.hatfield@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

On January 5, 2017, at 82 FR 1260, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and EC225LP helicopters with an IGB fairing part number (P/N) 332A24-0303-05XX, 332A24-0303-06XX,

332A08-1391-00, or 332A08-1391-01 installed, where “XX” is any two alphanumeric characters. The NPRM proposed to require repetitive inspections of the IGB fairing. The proposed requirements were intended to prevent the detachment of the angle section of an IGB and subsequent interference between an IGB fairing and tail rotor inclined drive shaft. This condition could result in failure of a tail rotor drive shaft, loss of the tail rotor drive, and subsequent loss of control of the helicopter.

The NPRM was prompted by AD No. 2015-0092, dated May 26, 2015, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for the Airbus Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and EC225LP helicopters with certain part-numbered IGB fairings installed. EASA advises of occurrences involving separation of the angle section of the IGB fairing from the IGB fairing gutter, which caused interference with the tail rotor (T/R) inclined drive shaft. EASA states that this condition, if not detected and corrected, could lead to failure of the T/R drive shaft, loss of the T/R drive, and consequent reduced control of the helicopter. To address this condition, EASA issued a series of ADs, including AD No. 2015-0092, to require repetitive inspections of the IGB fairing and its attachment supports and installation of a new IGB fairing, P/N 332A24-0322-00, as terminating action for the inspections.

Comments

An individual commented that he supports the NPRM.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Differences Between This AD and the EASA AD

The EASA AD requires replacing the IGB fairing with the composite fairing within 31 months. This AD requires this

replacement within 150 hours time-in-service.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Emergency Alert Service Bulletin (EASB), Revision 5, dated March 9, 2015, which is one document with three different identification numbers. EASB No. 53.01.47 is for Model AS332C, C1, L, L1, L2, and military model B, B1, M, M1, and F1 helicopters. EASB No. 53.00.48 is for military Model AS532-series helicopters. EASB No. 53A001 is for Model EC225 LP and the military Model EC725AP helicopter. EASB Nos. 53.01.47 and 53A001 are incorporated by reference in this AD. EASB No. 53.00.48 is not incorporated by reference in this AD.

This service information specifies repetitive inspections of the IGB fairing, attachment supports, and fairing gutter. This service information also advises that IGB fairing P/Ns 332A24-0303-05XX, 332A24-0303-06XX, 332A08-1391-00, and 332A08-1391-01 are unfit for flight beginning December 1, 2017, and that these fairings should be replaced with a new composite fairing P/N 332A24-0322-00.

We also reviewed Airbus Helicopters Service Bulletin No. AS332-53.01.78, Revision 0, dated March 9, 2015, for FAA type-certificated Model AS332C, C1, L, L1, and L2 helicopters and military Model AS332B, B1, F1, M, and M1 helicopters, and Airbus Helicopter Service Bulletin No. EC225-53-041, Revision 0, dated March 9, 2015, for the Model EC225LP helicopter. The service information specifies replacing each IGB fairing with a newly designed fairing. Airbus Helicopters identifies replacement of the IGB fairing under these service instructions as Modification 0726819.

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.

Other Related Service Information

We reviewed Airbus Helicopters EASB No. 53.01.47, Revision 4, for Model AS332C, C1, L, L1, L2, and military model B, B1, M, M1, and F1 helicopters and EASB No. 53A001, Revision 4, for Model EC225 LP and the military Model EC725AP helicopters. Both EASBs are part of one document that is dated September 27, 2011. The EASBs introduce periodic maintenance on the fairings and on the fairing's attachment angles.

Costs of Compliance

We estimate that this AD affects 11 helicopters of U.S. Registry and that labor costs average \$85 per work-hour. Based on these estimates, we expect the following costs:

- Visually inspecting each IGB fairing and the left- and right-hand attachment supports for a crack require a 0.5 work-hour for a total cost of \$43 per helicopter and \$473 for the U.S. fleet, per inspection cycle.
- Replacing the IGB fairing requires 2 work hours and parts cost \$2,600, for a total cost of \$2,770 per helicopter and \$30,470 for the U.S. fleet.
- Replacing the attachment supports requires 2 work hours, and parts cost \$1,100 for a total cost of \$1,270 per helicopter.
- Visually inspecting for a crack in the fairing gutter requires 0.5 work hour for a total cost of about \$43 per helicopter.
- Inspecting for interference and separation of the fairing gutter requires 0.5 work hour for a total cost of \$43 per helicopter.
- Replacing the inclined drive shaft tube requires 2 work hours, and parts cost \$18,399, for a total cost of \$18,569 per helicopter.
- Replacing a hydraulic pipe requires 2 work hours, and parts cost \$1,322, for a total cost of \$1,492 per helicopter.
- Repairing the flight control assembly requires 2 work hours, and parts cost \$484, for a total cost of \$654 per helicopter.

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 helicopters identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order

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

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

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

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017-10-12 Airbus Helicopters:

Amendment 39-18886; Docket No. FAA-2016-6693; Directorate Identifier 2015-SW-033-AD.

(a) Applicability

This AD applies to Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and EC225LP helicopters with an intermediate gear box (IGB) fairing part number (P/N) 332A24-0303-05XX, 332A24-0303-06XX, 332A08-1391-00, or 332A08-1391-01 installed, where "XX" is any two alphanumeric characters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as detachment of the angle section of an IGB and subsequent interference between an IGB fairing and tail rotor inclined drive shaft. This condition could result in failure of a tail rotor drive shaft, loss of the tail rotor drive,

and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective August 15, 2017.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 15 hours time-in-service (TIS) and thereafter at intervals not to exceed 15 hours TIS, visually inspect the IGB fairing and the left- and right-hand attachment supports for a crack as shown in Figure 2 of Airbus Helicopters Emergency Alert Service Bulletin (EASB) No. 53.01.47, Revision 5, dated March 9, 2015 (EASB No. 53.01.47) or EASB No. 53A001, Revision 5, dated March 9, 2015 (EASB No. 53A001), as appropriate for your model helicopter.

(i) If there is a crack in an attachment support, replace the attachment support.

(ii) If there is a crack in the fairing, replace the IGB fairing with IGB fairing P/N 332A24-0322-00 in accordance with the Accomplishment Instructions, paragraph 3.B.2, of Airbus Helicopters Service Bulletin No. AS332-53.01.78, Revision 0, dated March 9, 2015 (SB No. AS332-53.01.78) or Service Bulletin No. EC225-53-041, Revision 0, dated March 9, 2015 (SB No. EC225-53-041), as appropriate for your model helicopter.

(2) For helicopters with IGB fairing P/N 332A24-0303-05XX or P/N 332A24-0303-06XX, within 15 hours TIS and thereafter at intervals not to exceed 15 hours TIS, visually inspect for a crack in the fairing gutter as shown in Figure 1 of EASB No. 53.01.47 or EASB No. 53A001. If there is a crack in the fairing gutter:

(i) Inspect for interference and separation of the fairing gutter. If there is any interference between the gutter and the tail rotor inclined drive shaft tube, replace the tail rotor inclined drive shaft tube. If there is any interference between the gutter and a hydraulic pipe, repair or replace the hydraulic pipe. If there is any interference between the gutter and the flight controls, repair the flight controls in accordance with FAA-approved procedures. If there is any separation of the gutter, remove the gutter.

(ii) Replace the IGB fairing with IGB fairing P/N 332A24-0322-00 in accordance with the Accomplishment Instructions, paragraph 3.B.2, of SB No. AS332-53.01.78 or SB No. EC225-53-041.

(3) Within 150 hours TIS, replace the IGB fairing P/N 332A24-0303-05XX, 332A24-0303-06XX, 332A08-1391-00, or 332A08-1391-01 with IGB fairing P/N 332A24-0322-00 in accordance with the Accomplishment Instructions, paragraph 3.B.2, of SB No. AS332-53.01.78 or SB No. EC225-53-041.

(4) Replacing the IGB fairing with IGB fairing P/N 332A24-0322-00 is terminating action for the repetitive inspections required by this AD.

(5) Do not install an IGB fairing P/N 332A24-0303-05XX, P/N 332A24-0303-

06XX, P/N 332A08-1391-00, or P/N 332A08-1391-01 on any helicopter.

(f) Credit for Actions Previously Completed

Compliance with Airbus Helicopters Emergency Alert Service Bulletin (EASB) No. 53.01.47, and EASB No. 53A001, both Revision 4, and both dated September 27, 2011, before the effective date of this AD is considered acceptable for compliance with the initial inspections specified in paragraphs (e)(1) and (e)(2) of this AD, but does not constitute terminating action for the repetitive inspections required by this AD.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: David Hatfield, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222-5116; email 9-ASW-FTW-AMOC-Requests@faa.gov.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2015-0092, dated May 26, 2015. You may view the EASA AD on the Internet at <http://www.regulations.gov> in Docket No. FAA-2016-6693.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 5350 Aerodynamic Fairings.

(j) Material Incorporated by Reference

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

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

(i) Airbus Helicopters Emergency Alert Service Bulletin No. 53.01.47, Revision 5, dated March 9, 2015.

Note 1 to paragraphs (j)(2)(i) and (ii): Airbus Helicopters Emergency Alert Service Bulletin No. 53.01.47 and No. 53A001, both Revision 5, and both dated March 9, 2015, are co-published as one document along with Airbus Helicopters Emergency Alert Service Bulletin No. 53.00.48, Revision 5, dated March 9, 2015, which is not incorporated by reference in this AD.

(ii) Airbus Helicopters Emergency Alert Service Bulletin No. 53A001, Revision 5, dated March 9, 2015.

(iii) Airbus Helicopters Service Bulletin No. AS332-53.01.78, Revision 0, dated March 9, 2015.

(iv) Airbus Helicopters Service Bulletin No. EC225-53-041, Revision 0, dated March 9, 2015.

(3) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at https://www.airbushelicopters.com/techpub/FO/scripts/myFO_login.php.

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110.

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

Issued in Fort Worth, Texas, on May 5, 2017.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017-14232 Filed 7-10-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100 and 165

[Docket Number USCG-2017-0224]

RIN 1625-AA08, AA00

Special Local Regulations; Safety Zones; Recurring Marine Events in Sector Columbia River

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a special local regulation in the Coast Guard Captain of the Port Columbia River Zone for recurring marine events. During the recurring events, these regulated areas would be activated and would restrict vessels from portions of the waterway. These events were previously published as safety zones, temporary safety zones or individual regulated areas and have been revised and consolidated into a single as special local regulation in order to expedite public notification of events and ensure the protection of the maritime public from hazards associated with the annual events.

DATES: This rule is effective July 11, 2017.

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

www.regulations.gov, type USCG–2017–0244 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is establishing a new special local regulation for nine recurring marine events in the Sector Columbia River. On May 9, 2017, the Coast Guard published a notice of proposed rulemaking (NPRM) titled, “Special Local Regulations; Safety Zones; Recurring Marine Events in Sector Columbia River” (82 FR 21495). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to the regulated areas. During the comment period that ended June 8, 2017, we received no comments.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**, due to The Big Float marine event occurring on July 15, 2017. This event was previously covered under a Temporary Final Rule. Delaying this rule would be impracticable due to the date of the event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233. The Captain of the Port Sector Columbia River has determined that large numbers of spectator vessels and marine traffic are expected to congregate around these event locations, and regulated areas are needed to protect both spectators and participants from the safety hazards associated with the event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published May 9, 2017. There are no changes in the

regulatory text of this rule from the proposed rule in the NPRM.

The Coast Guard is revising and renaming 33 CFR 100.1302 to cover marine events within the Captain of the Port Zone Columbia River and removing §§ 100.1303 (Annual Kennewick, Washington, Columbia Unlimited Hydroplane Races), 100.1305 (Richland, Washington, west coast outboard championship hydro races), 165.1341 (Portland Dragon Boat Races, Portland, OR), and 165.1342 (Annual Roy Webster Cross-Channel Swim, Columbia River, Hood River, OR).

These changes convert two existing safety zones (those currently in §§ 165.1341 and 165.1342) and temporary safety zones established annually for four events (The Big Float, Swim the Snake, Richland Regatta, and Columbia Crossing) into regulated areas in § 100.1302. This will consolidate and simplify our existing special local regulations.

Additionally, this rule reorganizes and consolidates existing Sector Columbia River COTP Zone marine event regulations in 33 CFR part 100 and marine event safety zones under 33 CFR part 165. This action eliminates the burden and confusion caused by the current configuration of numerous individual regulations spread across two CFR parts.

As large numbers of spectator vessels and marine traffic are expected to congregate around the event location, the regulated areas are needed to protect both spectators and participants from the safety hazards associated with the event. During the enforcement period of the regulated areas, persons and vessels would be prohibited from entering, transiting through, remaining, anchoring or mooring within the zone unless specifically authorized by the COTP or the designated representative. The Coast Guard may be assisted by other Federal, State and local agencies in the enforcement of these regulated areas. These events are listed below in the text of the regulation.

Certain special local regulations are listed without known dates or times. Coast Guard Sector Columbia River will cause notice of the enforcement of these regulated areas to be made by all appropriate means to affect the widest publicity among the effected segments of the public, including publication in the **Federal Register**, Local Notice to Mariners and Broadcast Notice to Mariners.

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

E.O.s 12866 (“Regulatory Planning and Review”) and 13563 (“Improving Regulation and Regulatory Review”) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits including potential economic, environmental, public health and safety effects, distributive impacts, and equity. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (“Reducing Regulation and Controlling Regulatory Costs”), directs agencies to reduce regulation and control regulatory costs and provides that “for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.”

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has not reviewed it.

This regulatory action determination is based on the size, location, duration, and time-of-day of the regulated areas. Vessels will only be restricted from special local regulation areas for a short duration of time. Vessels may transit in portions of the affected waterway except for those areas covered by the proposed regulated areas. Notifications of exact dates and times of the enforcement period will be made through notices of enforcements published in the **Federal Register**. In addition, we will inform the local maritime community via the Local Notice to Mariners, Broadcast Notice to Mariners, or both. No new or additional restrictions would be imposed on vessel traffic.

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 received no comments

from the Small Business Administration on this rulemaking. 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 regulated areas may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments,

because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that 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 regulated areas for swim events and other marine events. It is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are 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 Parts 100 and 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 100 and 165 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Revise § 100.1302 to read as follows:

§ 100.1302 Special Local Regulations; Marine Events within the Captain of the Port Zone Columbia River.

This section applies to the marine events listed in Table 1 of this section. The regulations in this section will be enforced for the duration of each event, on or about the dates indicated in Table 1 of this section. Annual notice of the exact dates and times of the effective period of the regulations in this section with respect to each event, the geographical description of each regulated area, and details concerning the nature of the event and the number of participants and type(s) of vessels involved will be provided to the local maritime community through the Local Notice to Mariners, Broadcast Notice to Mariners, or both, well in advance of the events. If the event does not have a date listed, then the exact dates and times of the enforcement will be announced through a Notice of Enforcement in the **Federal Register**. Mariners should consult the **Federal Register** or their LNM to remain apprised of minor schedule or event changes. Thirteenth Coast Guard District LNM can be found at: <http://www.navcen.uscg.gov/>. The application requirements of § 100.15 apply to all marine events listed in the Table of this section.

(a) The Coast Guard may patrol each event area under the direction of a designated Coast Guard Patrol Commander (PATCOM). PATCOM may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign “PATCOM.” Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the Captain of the Port, Sector Columbia River.

(b) PATCOM may control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come

to an immediate stop and comply with the lawful directions issued. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(c) PATCOM may delay or terminate any marine event in this subpart at any time it is deemed necessary to ensure the safety of life or property. Such

action may be justified as a result of weather, traffic density, spectator operation or participant behavior.

(d) Vessels may not transit the regulated areas without PATCOM approval. Vessels permitted to transit must operate at a no wake speed, in a manner which will not endanger participants or other crafts in the event.

(e) Spectators or other vessels shall not anchor, block, loiter, or impede the transit of event participants or official patrol vessels in the regulated areas during the effective dates and times, or dates and times as modified through LNM, unless authorized by an official patrol vessel.

TABLE 1

[All coordinates listed in the Table reference Datum NAD 1983]

Number	Date	Event	Sponsor	Location
1	First or second week-end in June.	Rose Fest Dragon Boat Races.	Portland-Kaohsiung Sister Association.	Portland, OR. Regulated area includes all waters of the Willamette River shore to shore, bordered on the north by the Hawthorne Bridge, and on the south by the Marquam Bridge.
2	One day in May or June.	Spring Testing Hydroplane races.	Tri-Cities Water Follies Association.	Kennewick, WA. Regulated area includes all navigable waters within the Columbia River in the vicinity of Columbia Park, commencing at the Interstate 395 Bridge and continuing up river approximately 2.0 miles and terminating at the northern end of Wade Island.
3	Second weekend in June.	Richland Regatta Hydroplane races.	Northwest Power Boat Association.	Richland, WA. Regulated area includes all navigable waters of the Columbia River in the vicinity of Howard Amon Park, between River Miles 337 and 338.
4	Last Tuesday through Sunday in July.	Kennewick Hydroplane Races.	Tri-Cities Water Follies Association.	Kennewick, WA. Regulated area includes all navigable waters within the Columbia River in the vicinity of Columbia Park, commencing at the Interstate 395 Bridge and continuing up river approximately 2.0 miles and terminating at the northern end of Wade Island.
5	One Saturday in July ...	The Big Float, group inner-tube float.	Human Access Project	Portland, OR. Regulated area includes all navigable waters of the Willamette River, in Portland, Oregon, enclosed by the Hawthorne Bridge, the Marquam Bridge, and west of a line beginning at the Hawthorne Bridge at approximate location 45°30'50" N.; 122°40'21" W., and running south to the Marquam Bridge at approximate location 45°30'27" N.; 122°40'11" W.
6	Second Saturday in August.	Swim the Snake	Blue Mountain Resource Conservation and Development.	Perry, WA. Regulated area includes all navigable waters, bank-to-bank of the Snake River, 500 yards upstream and 500 yards downstream from the Washington State Highway 261 Bridge at the approximate position of 46°35'23" N.; 118°13'10" W.
7	Annually on Labor Day	Roy Webster Cross Channel Swim.	Hood River County Chamber of Commerce.	Hood River, OR. Regulated area includes all waters of the Columbia River between River Mile 169 and River Mile 170.
8	First or second week-end in September.	Portland Dragon Boat Races.	DragonSports USA	Portland, OR. Regulated area includes the western side of the Willamette River extending from Tom McCall Waterfront Park between the Hawthorne and Marquam Bridges, Portland, OR: Line one starting at 45°30'49" N./122°40'24" W. then heading east to 45°30'49" N./122°40'22" W. then heading south to 45°30'29" N./122°40'08" W. then heading west to 45°30'26" N./122°40'14" W. then heading north ending at 45°30'49" N./122°40'24" W.
9	First Saturday after Labor Day weekend.	Columbia Crossing Swim.	3 Rivers Road Runners	Pasco, WA. Regulated area includes all navigable waters, bank-to-bank of the Columbia River in Pasco, Washington, between river mile 332 and river mile 335.

§§ 100.1303 and 100.1305 [Removed]

- 3. Remove §§ 100.1303 and 100.1305.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 4. 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.

§§ 165.1341 and 165.1342 [Removed]

- 5. Remove §§ 165.1341 and 165.1342.

Dated: June 28, 2017.

B.C. Mcpherson,

Captain, U.S. Coast Guard, Acting Commander, Thirteenth Coast Guard District.

[FR Doc. 2017–14512 Filed 7–10–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0644]

Drawbridge Operation Regulation; Willamette River at Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs two Multnomah County bridges: Morrison Bridge, mile 12.8, and Hawthorne Bridge, mile 13.1, both crossing the Willamette River at Portland, OR. This deviation is necessary to accommodate the annual

Portland Providence Bridge Pedal event. The deviation allows the bridges to remain in the closed-to-navigation position to allow safe roadway movement of event participants.

DATES: This deviation is effective from 6 a.m. to 12:15 p.m. on August 13, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0644 is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email d13-pf-d13bridges@uscg.mil.

SUPPLEMENTARY INFORMATION:

Multnomah County (bridge owner) has requested a temporary deviation from the operating schedule for the Morrison Bridge, mile 12.8, and Hawthorne Bridge, mile 13.1, both crossing the Willamette River at Portland, OR. The requested deviation is to accommodate the annual Bridge Pedal event. To facilitate this event, the draws of these bridges will be maintained as follows: Morrison Bridge provides a vertical clearance of 69 feet in the closed-to-navigation position; and Hawthorne Bridge provides a vertical clearance of 49 feet in the closed-to-navigation position; all clearances are referenced to the vertical clearance above Columbia River Datum 0.0. The normal operating schedule for these bridges is 33 CFR 117.897. This deviation allows the Morrison Bridge, and the Hawthorne Bridge to remain in the closed-to-navigation position, and need not open for maritime traffic from 6 a.m. to 12:15 p.m. on August 13, 2017. Waterway usage on this part of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft.

Vessels able to pass through the bridges in the closed-to-navigation position may do so at any time. The bridges will be able to open for emergencies, and there is no immediate alternate route for vessels to pass. The Coast Guard will inform the users of the waterway, through our Local and Broadcast Notices to Mariners, of the change in operating schedule for the bridges so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: July 6, 2017.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2017-14493 Filed 7-10-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117**

[Docket No. USCG-2017-0641]

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

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs Seattle Department of Transportation's (SDOT) Fremont Bridge, across the Lake Washington Ship Canal, mile 2.6, at Seattle, WA. The deviation is necessary to accommodate heavy pedestrian crossing the bridge during the Lake Union 10K Run event. This deviation allows the bridge to remain in the closed-to-navigation position and need not open to maritime traffic.

DATES: This deviation is effective from 7:30 a.m. to 8:10 a.m. on August 13, 2017.

ADDRESSES: The docket for this deviation, USCG-2017-0641 is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206-220-7282, email d13-pf-d13bridges@uscg.mil.

SUPPLEMENTARY INFORMATION: SDOT, the bridge owner, has requested a temporary deviation from the operating schedule for the Fremont Bridge, mile 2.6, crossing the Lake Washington Ship Canal at Seattle, WA. The deviation is necessary to accommodate heavy pedestrian traffic crossing the bridge during the Lake Union 10K Run event. To facilitate this event, the double bascule draw of the bridge will not open for vessel traffic during the stated date and times. The Fremont Bridge provides a vertical clearance of 14 feet (31 feet of vertical clearance for the center 36 horizontal feet) in the close-to-navigation position. The clearance is referenced to the mean water elevation of Lake Washington. The normal operating schedule for the Fremont Bridge is found in 33 CFR 117.1051. Waterway usage on the Lake

Washington Ship Canal ranges from commercial tug and barge to small pleasure craft. No early Sunday morning bridge opening requests have been received during August for the Fremont Bridge in the last five years.

Vessels able to pass through the bridge in the closed-to-navigation position may do so at anytime. The bridge will be able to open for emergencies, and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: July 6, 2017.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2017-14489 Filed 7-10-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117**

[Docket No. USCG-2017-0621]

Drawbridge Operation Regulation; Willamette River at Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Hawthorne Bridge, mile 13.1, crossing the Willamette River at Portland, OR. This deviation is necessary to accommodate the Oregon Brewers' Parade event. The deviation allows the bridge to remain in the closed-to-navigation position to allow safe roadway movement of event participants.

DATES: This deviation is effective from 11:30 a.m. to noon on July 26, 2017.

ADDRESSES: The docket for this deviation, USCG-2017-0621 is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil*.

SUPPLEMENTARY INFORMATION:

Multnomah County (bridge owner) has requested a temporary deviation from the operating schedule for the Hawthorne Bridge, mile 13.1 crossing the Willamette River at Portland, OR. The requested deviation is to accommodate the Oregon Brewers' Parade event. To facilitate this event, the draw of this bridge will be allowed to be kept in the closed-to-navigation position to marine traffic from 11:30 a.m. to noon on July 26, 2017. The Hawthorne Bridge provides a vertical clearance of 49 feet in the closed-to-navigation position referenced to the vertical clearance above Columbia River Datum 0.0. The normal operating schedule is in 33 CFR 117.897(c)(3)(v). Waterway usage on this part of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft. The Coast Guard provided notice of and requested objections to this deviation to local mariners via the Local Notice Mariners, and email. No objections were submitted to the Coast Guard.

Vessels able to pass through the bridge in the closed-to-navigation position may do so at any time. The bridge will be able to open for emergencies, and there is no immediate alternate route for vessels to pass. The Coast Guard will inform the users of the waterway, through our Local and Broadcast Notices to Mariners, of the change in operating schedule for the bridges so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: June 30, 2017.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2017–14458 Filed 7–10–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0505]

RIN 1625–AA00

Safety Zone; Red Bull Flugtag, Allegheny River, Pittsburgh, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Allegheny River 200 yards from the right descending bank, from mile marker (MM) 0.0 to MM 0.2. This safety zone is necessary to provide for the safety of life and protection of property from potential hazards associated with the Red Bull Flugtag event. Entry into this safety zone is prohibited unless specifically authorized by the Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative.

DATES: This rule is effective from 10:30 a.m. through 4:30 p.m. on August 5, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type USCG–2016–0505 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Marine Safety Unit Pittsburgh
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to

comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. After receiving and fully reviewing the event information, circumstances and exact location, the Coast Guard determined that a safety zone is necessary to protect personnel, vessels, and the marine environment from potential hazards created during the Red Bull Flugtag event. It is impracticable to publish a NPRM because we must establish this safety zone by August 5, 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 persons and property from the dangers associated with the Red Bull Flugtag event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Marine Safety Unit Pittsburgh (COTP) has determined that the potential hazards associated with the Red Bull Flugtag event present a safety concern and that a safety zone is necessary on August 5, 2017. This rule is needed to provide for the safety of life and protection of vessels and the marine environment from potential hazards created from the Red Bull Flugtag event. The Coast Guard will notify the public and maritime community of the proposed safety zone and enforcement period via Broadcast Notice to Mariners (BNM).

IV. Discussion of the Rule

This rule establishes a safety zone on August 5, 2017, from 10:30 a.m. through 4:30 p.m. The safety zone will cover all navigable waters on the Allegheny River 200 yards from the right descending bank mile marker 0.0 to mile marker 0.2. The duration of the safety zone is intended to protect personnel, vessels, and the marine environment from potential hazards created from the Red Bull Flugtag event. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration and time-of-year of the safety zone. This safety zone affects a small portion of these navigable waterways for a limited duration of six hours and still will not impede the channel allowing vessels to pass through. Due to the limited scope and short duration of the safety zone, the impact on routine navigation is expected to be minimal. Additionally, the Coast Guard will issue Broadcast Notices to Mariners via VHF-FM marine channel 16 about the zone and the rule allows vessels to seek permission to transit the zone.

B. Impact on Small Entities

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

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

Under section 213(a) of the Small Business Regulatory Enforcement

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such 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 M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that 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 lasting six hours that will prohibit entry on the Allegheny River 200 yards from the right descending bank mile 0.0 to mile 0.2 during the Red Bull Flugtag event. It is categorically excluded from further review under paragraph 34 (g) of Figure 2–1 of the Commandant Instruction M16475.1D. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protestors. 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

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5;

Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–0505 to read as follows:

§ 165.T08–0505 Safety Zone; Red Bull Flugtag, Allegheny River, Pittsburgh, PA.

(a) *Location.* The following area is a safety zone: All navigable waters of the Allegheny River 200 yards from the right descending bank from mile marker 0.0 to mile marker 0.2

(b) *Effective date.* This safety zone will be in effect from 10:30 a.m. through 4:30 p.m. on August 5, 2017.

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

(2) Persons or vessels seeking entry into this safety zone must request permission from the COTP or a designated representative. The COTP or a designated representative may be contacted at 412–221–0807.

(3) All persons shall comply with the instructions of the COTP or their designated representative. COTP or designated representative includes a United States Coast Guard commissioned officer, warrant officer, and petty officer.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners of the enforcement period for the safety zone.

Dated: July 5, 2017.

L. McClain, Jr.,

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

[FR Doc. 2017–14424 Filed 7–10–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Parts 104, 105, 222, 300, 361, 373, 385, 668, and 674

[Docket ID ED–2017–OS–0051]

RIN 1801–AA11

Rosa’s Law

AGENCY: Office of the Secretary, Department of Education.

ACTION: Final regulations.

SUMMARY: Rosa’s Law changes references to “mental retardation” in Federal law to “intellectual disability” or “intellectual disabilities.” These final regulations implement this statutory change in applicable Department of Education regulations.

DATES: These regulations are effective August 10, 2017.

FOR FURTHER INFORMATION CONTACT: Levon Schlichter, U.S. Department of Education, Office of the General Counsel, 400 Maryland Avenue SW., Room 6E235, Washington, DC 20202–2241. Telephone: (202) 453–6387 or by email: levon.schlichter@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.

Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed in this section.

SUPPLEMENTARY INFORMATION: Rosa’s Law (Pub. L. 111–256) amended sections of the Rehabilitation Act of 1973, as amended (Rehabilitation Act), the Individuals with Disabilities Education Act (IDEA), the Higher

Education Act of 1965, as amended (HEA), and the Elementary and Secondary Education Act of 1965, as amended (ESEA), by removing the words “mental retardation” and replacing them with the words “intellectual disability” or “intellectual disabilities.” We are therefore revising applicable sections in title 34 of the Code of Federal Regulations (CFR). The following paragraphs describe the changes we are making to the regulations and the specific statutory changes on which the regulatory changes are based.

Rehabilitation Act

Statute: Rosa’s Law amended the Rehabilitation Act by substituting “intellectual disability” for “mental retardation” in section 7(21)(A)(iii) (29 U.S.C. 705(21)(A)(iii)); substituting “intellectual disabilities” for “mental retardation” in section 204(b)(2)(C)(vi) (29 U.S.C. 764(b)(2)(C)(vi)); and substituting “President’s Disability Employment Partnership Board and the President’s Committee for People with Intellectual Disabilities” for “President’s Committees on Employment of People With Disabilities and on Mental Retardation” in section 501(a) (29 U.S.C. 791(a)).

Regulations: We have substituted “intellectual disability” for “mental retardation” and “having an intellectual disability” for “mentally retarded” in the following definitions:

Term	Section within title 34, CFR
“handicapped person”	§ 104.3(j)(2)(i).
“individual with a severe disability”	§ 385.4.
“individual with a significant disability”	§§ 361.5 and 373.4.
“individual with handicaps”	§ 105.3.
“physical or mental impairment”	§ 361.5.

We have also substituted “intellectual disability” for “mental retardation” in Appendix A to part 104.

Reasons: We have made these regulatory revisions to implement the changes made to the Rehabilitation Act by Rosa’s Law.

IDEA

Statute: Rosa’s Law amended the IDEA by substituting “intellectual disabilities” for “mental retardation” in sections 601(c)(12)(C) (20 U.S.C.

1400(c)(12)(C)) and 602(3)(A)(i) and (30)(C) (20 U.S.C. 1401(3)(A)(i) and (30)(C)).

Regulations: We have revised Appendix F to 34 CFR part 300 and the following sections in title 34 to remove references to “mental retardation” and add, in their place, references to an “intellectual disability”: §§ 300.8(a)(1), (c)(6), (c)(7), and (c)(10)(ii); 300.309(a)(3)(ii); and 300.311(a)(6). Additionally, in § 300.8(c)(6), we have replaced the defined term “mental

retardation” with the defined term “intellectual disability.”

Reasons: We have made these regulatory revisions to implement the changes made to the IDEA by Rosa’s Law.

HEA

Statute: Rosa’s Law amended section 760(2)(A) of the HEA (20 U.S.C. 1140(2)(A)) by removing the words “mental retardation or.”

Regulations: We have revised 34 CFR 668.231(b)(1) to remove the reference to “mental retardation or” and revised 34 CFR 674.51(l)(1) to remove the words “mentally retarded” and add, in their place, the words “individuals with intellectual disabilities.”

Reasons: We have made these regulatory revisions to implement the changes made to the HEA by Rosa’s Law.

ESEA

Statute: Rosa’s Law amended the ESEA by substituting “intellectual disabilities” for “mental retardation” in section 7202(16)(E) (20 U.S.C. 7512(16)(E)).

Regulations: We have revised the authority section to 34 CFR part 222 and also the authority section for 34 CFR 222.50 to include a citation to Rosa’s Law.

Reasons: Section 222.50 incorporates by reference the definition of “child with a disability” in 34 CFR 300.8. To account for the fact that we are amending 34 CFR 300.8 in this rulemaking, we have also revised the relevant authority sections in part 222 accordingly.

Executive Orders 12866, 13563, and 13771

Under Executive Order 12866, the Secretary must determine whether the regulatory action is “significant” and therefore subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an “economically significant” rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

Under Executive Order 13771, for each new regulation that the Department proposes for notice and comment or otherwise promulgates that is a significant regulatory action under Executive Order 12866, it must identify two deregulatory actions. For Fiscal Year 2017, any new incremental costs associated with a new regulation must be fully offset by the elimination of existing costs through deregulatory actions. The final regulations are not a significant regulatory action. Therefore, the requirements of Executive Order 13771 do not apply.

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

With respect to Executive Orders 12866 and 13563, the amendments we are making through this rulemaking merely change the terminology used in

our regulations, and they do not change any substantive requirements. Additionally, this rulemaking merely implements the changes that are required by statute.

Waiver of Proposed Rulemaking

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these regulations merely reflect statutory changes and do not establish or affect substantive policy. Therefore, under 5 U.S.C. 553(b)(B), the Secretary has determined that proposed regulations are unnecessary and contrary to the public interest.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act of 1995

These regulations do not contain any information collection requirements.

Intergovernmental Review

These regulations are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Assessment of Educational Impact

Based on our own review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

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List of Subjects

34 CFR Part 104

Civil rights, Equal educational opportunity, Equal employment opportunity, Individuals with disabilities.

34 CFR Part 105

Administrative practice and procedure, Civil rights, Equal employment opportunity, Federal buildings and facilities, Individuals with disabilities.

34 CFR Part 222

Administrative practice and procedure, Education of individuals with disabilities, Elementary and secondary education, Federally affected areas, Grant programs-education, Indians-education, Reporting and recordkeeping requirements, School construction.

34 CFR Part 300

Administrative practice and procedure, Education of individuals with disabilities, Elementary and secondary education, Equal educational opportunity, Grant programs-education, Privacy, Private schools, Reporting and recordkeeping requirements.

34 CFR Part 361

Grant programs-education, Grant programs-social programs, Manpower training programs, Reporting and recordkeeping requirements, Vocational rehabilitation.

34 CFR Part 373

Grant programs-education, Vocational rehabilitation.

34 CFR Part 385

Grant programs-social programs, Reporting and recordkeeping requirements, Vocational rehabilitation.

34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Selective Service System, Student aid, Vocational education.

34 CFR Part 674

Loan programs-education, Reporting and recordkeeping, Student aid.

Dated: July 3, 2017.

Betsy DeVos,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary amends parts 104, 105, 222, 300, 361, 373, 385, 668, and 674 of title 34 of the Code of Federal Regulations as follows:

PART 104—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

- 1. The authority citation for part 104 is revised to read as follows:

Authority: 20 U.S.C. 1405; 29 U.S.C. 794; Pub. L. 111–256, 124 Stat. 2643.

§ 104.3 [Amended]

- 2. Section 104.3(j)(2)(i)(B) is amended by removing the words “mental retardation” and adding, in their place, the words “intellectual disability”.

Appendix A to Part 104 [Amended]

- 3. Appendix A to part 104 is amended by:
 - A. In subpart A, in the fourth sentence of the second paragraph of section 3 (Handicapped person), removing the words “mental retardation” and adding, in their place, the words “intellectual disability”.
 - B. In subpart A, in the third sentence of the eighth paragraph of section 3 (Handicapped person), removing the words “mentally retarded” and adding, in their place, the words “having an intellectual disability”.
 - C. In subpart D, in the fifth sentence of the fifth paragraph of section 24 (Educational setting), removing the words “severely retarded persons” and adding, in their place, the words “persons with severe intellectual disabilities”.
 - D. In subpart D, in the second sentence of the second paragraph of section 28 (Private education), removing the words “mentally retarded persons” and adding, in their place, the words “persons with intellectual disabilities”.

PART 105—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE DEPARTMENT OF EDUCATION

- 4. The authority citation for part 105 is revised to read as follows:

Authority: 29 U.S.C. 794; Pub. L. 111–256, 124 Stat. 2643; unless otherwise noted.

§ 105.3 [Amended]

- 5. Section 105.3 is amended by, in paragraph (1)(ii) of the definition of “Individual with handicaps” and in the paragraph that immediately follows paragraph (1)(ii), removing the words “mental retardation” wherever they appear and adding, in their place, the words “intellectual disability”.

PART 222—IMPACT AID PROGRAMS

- 6. The authority citation for part 222 is revised to read as follows:

Authority: 20 U.S.C. 7701–7714; Pub. L. 111–256, 124 Stat. 2643; unless otherwise noted.

§ 222.50 [Amended]

- 7. Section 222.50 is amended by removing the authority citation that follows the section.

PART 300—ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES

- 8. The authority citation for part 300 is revised to read as follows:

Authority: 20 U.S.C. 1221e–3, 1406, 1411–1419, and 3474; Pub. L. 111–256, 124 Stat. 2643; unless otherwise noted.

- 9. Section 300.8 is amended by:
 - A. In paragraph (a)(1), removing the words “mental retardation” and adding, in their place, the words “an intellectual disability”.
 - B. Revising paragraph (c)(6).
 - C. In paragraph (c)(7), removing the words “mental retardation” in both places they appear and adding, in their place, the words “intellectual disability”.
 - D. In paragraph (c)(10)(ii), removing the words “mental retardation” and adding, in their place, the words “intellectual disability”.
 - E. Removing the authority citation that follows the section.

The revisions read as follows:

§ 300.8 Child with a disability.

* * * * *

(c) * * *

(6) *Intellectual disability* means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance. The term “intellectual disability” was formerly termed “mental retardation.”

* * * * *

§ 300.309 [Amended]

- 10. Section 300.309 is amended by:
 - A. In paragraph (a)(3)(ii), removing the words “Mental retardation” and

adding, in their place, the words “An intellectual disability”.

- B. Removing the authority citation that follows the section.

§ 300.311 [Amended]

- 11. Section 300.311 is amended by:
 - A. In paragraph (a)(6), removing the punctuation and words “or motor disability; mental retardation” and adding, in their place, the punctuation

and words “motor disability, or an intellectual disability;”.

- B. Removing the authority citation that follows the section.

- 12. Appendix F to Part 300 is amended by:

- A. Under the row labeled “DEFINITIONS (I)”, adding, in alphabetical order, the entry “Intellectual Disability 300.8(c)(6)”.

- B. Under the row labeled “DEFINITIONS (J–O)”, removing the entry “Mental retardation 300.8(c)(6)”.

- C. Adding a row to the index, in alphabetical order, labeled “INTELLECTUAL DISABILITY (Definition) § 300.8(c)(6)”.

- D. Removing the row in the index labeled “MENTAL RETARDATION (Definition) 300.8(c)(6)”.

The additions read as follows:

APPENDIX F TO PART 300—INDEX FOR IDEA—PART B REGULATIONS

[34 CFR Part 300]

*	*	*	*	*	*	*
DEFINITIONS (I)						
• Intellectual Disability						300.8(c)(6).
*	*	*	*	*	*	*
INTELLECTUAL DISABILITY (Definition)						300.8(c)(6).
*	*	*	*	*	*	*

PART 361—STATE VOCATIONAL REHABILITATION SERVICES PROGRAM

- 13. The authority citation for part 361 is revised to read as follows:

Authority: Section 12(c) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 709(c); Pub. L. 111–256, 124 Stat. 2643; unless otherwise noted.

§ 361.5 [Amended]

- 14. Section 361.5 is amended by:
 - A. Removing the authority citation that follows paragraph (c)(30).
 - B. Removing the authority citation that follows paragraph (c)(40).

PART 373—REHABILITATION NATIONAL ACTIVITIES PROGRAMS

- 15. The authority citation for part 373 is revised to read as follows:

Authority: Section 303(b) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 773(b); Pub. L. 111–256, 124 Stat. 2643; unless otherwise noted.

§ 373.4 [Amended]

- 16. Section 373.4 is amended by removing the authority citation that follows the definition of “Individual with a significant disability”.

PART 385—REHABILITATION TRAINING

- 17. The authority citation for part 385 is revised to read as follows:

Authority: Sections 12(c), 301, and 302 of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 709(c), 771, and 772; Pub. L. 111–256, 124 Stat. 2643; unless otherwise noted.

§ 385.4 [Amended]

- 18. Section 385.4 is amended by removing the authority citation that follows the section.

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

- 19. The authority citation for part 668 is revised to read as follows:

Authority: 20 U.S.C. 1001–1003, 1070a, 1070g, 1085, 1087b, 1087d, 1087e, 1088, 1091, 1092, 1094, 1099c, and 1099c–1, 1221e–3, and 3474; Pub. L. 111–256, 124 Stat. 2643; unless otherwise noted.

§ 668.231 [Amended]

- 20. Section 668.231 is amended by:
 - A. In paragraph (b)(1) introductory text, removing the words “mental retardation or”.
 - B. Removing the authority citation that follows the section.

PART 674—FEDERAL PERKINS LOAN PROGRAM

- 21. The authority citation for part 674 is revised to read as follows:

Authority: 20 U.S.C. 1070g, 1087aa–1087hh; Pub. L. 111–256, 124 Stat. 2643; unless otherwise noted.

§ 674.51 [Amended]

- 22. Section 674.51 is amended by:
 - A. In paragraph (l)(1), removing the words “Mentally retarded” and adding, in their place, the words “Individuals with intellectual disabilities”.
 - B. Removing the authority citation that follows the section.

[FR Doc. 2017–14343 Filed 7–10–17; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2017–0278; FRL–9964–65–Region 5]

Air Plan Approval; Illinois; Emissions Statement Rule Certification for the 2008 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) submission from the Illinois Environmental Protection Agency (IEPA) dated May 9, 2017. The submission provides IEPA’s certification that its existing emission statement program, titled “Annual Emissions Report”, remains in effect and satisfies the Clean Air Act (CAA) emissions statement requirement for the Illinois portions of the Chicago-Naperville, Illinois-Indiana-Wisconsin and St. Louis-St. Charles-Farmington, Missouri-Illinois nonattainment areas under the 2008 ozone National Ambient Air Quality Standard (NAAQS). Under the CAA, states’ SIPs must require stationary sources in ozone nonattainment areas classified as marginal or above to annually report emissions of Volatile Organic Compounds (VOC) and Oxides of Nitrogen (NO_x).

DATES: This direct final rule is effective September 11, 2017, unless EPA receives adverse comments by August 10, 2017. If adverse comments are

received by EPA, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R05-OAR-2017-0278 at <http://www.regulations.gov> or via email to aburano.douglas@epa.gov. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the Web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, 312-886-1767, Dagostino.Kathleen@epa.gov.

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

- I. Background
- II. IEPA's Emission Statement Certification and EPA's Evaluation of the State's Submission
- III. Final Action
- IV. Statutory and Executive Order Reviews

I. Background

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm). See 73 FR 16436 (March 27, 2008). Effective July 20, 2012, EPA designated nonattainment areas for the 2008 ozone NAAQS (77 FR

30088, May 21, 2012, and 77 FR 34221, June 11, 2012). The Chicago-Naperville, IL-IN-WI and St. Louis-St. Charles-Farmington, MO-IL areas were designated as marginal nonattainment areas for the 2008 ozone NAAQS. The Chicago-Naperville, IL-IN-WI was reclassified from marginal nonattainment to moderate nonattainment on May 4, 2016 (81 FR 26697).

Section 182(a)(3)(B) of the CAA requires states with ozone nonattainment areas classified as marginal and above to submit revisions to their SIPs to require the owner or operator of each stationary source of NO_x or VOC to provide the state with an annual statement documenting the actual emissions of NO_x and VOC from their source. Under section 182(a)(3)(B)(ii), a state may waive the emissions statement requirement for any class or category of stationary sources which emits less than 25 tons per year of VOC or NO_x if the state, in its base year emissions inventory, provides an inventory of emissions from such class or category of sources. States and EPA have generally interpreted this waiver provision to apply to sources (without specification of a specific source class or source category) emitting less than 25 tons per year of VOC or NO_x.

Many states, including Illinois, adopted emissions statement rules for stationary sources in nonattainment areas under the 1-hour ozone NAAQS, which EPA approved as part of each state's SIP. In cases where an existing emission statement requirement is still adequate to meet the requirements under the 2008 ozone NAAQS, states may provide the rationale for that determination to EPA in a written statement for approval in the SIP to meet the requirements of section 182(a)(3)(B). See 80 FR 12264, 12291 (March 6, 2015).

II. IEPA's Emission Statement Certification and EPA's Evaluation of the State's Submission

IEPA submitted a proposed SIP revision on May 9, 2017 certifying that the previously SIP-approved emissions statement regulations meet the emissions statement requirement for areas designated as nonattainment for the 2008 ozone standard pursuant to Sections 110 and 182 of the CAA. In its submission, IEPA stated that it has information collection authority under Section 4 of the Illinois Environmental Protection Act, and that IEPA collects NO_x and VOC emission statements under 35 IAC Part 254, titled "Annual Emissions Report," which applies to any source located in an ozone

nonattainment area that has the potential to emit 25 tons per year or more of VOC or NO_x from all emission units during the reporting year. IEPA further stated that these regulations also apply to permitted smaller sources which are required to submit and certify source-wide totals of actual emissions from all regulated air pollutants emitted. Finally, IEPA confirmed that in general, facilities subject to part 254 must submit actual emissions data for NO_x and VOC on an annual basis, and must certify that the information provided is accurate to the best of the certifier's knowledge.

EPA approved the "Annual Emissions Report" rules into the Illinois SIP on May 15, 2002 (67 FR 34614). Based on this approval and IEPA's certification, the regulations at 35 Ill. Adm. Code part 254 are sufficient to meet the emissions statement requirements of CAA section 182(a)(3)(B) for the 2008 ozone NAAQS.

III. Final Action

EPA is approving, as a SIP revision, IEPA's certification that Illinois' "Annual Emissions Report" rules at 35 IAC part 254 meet the requirements of CAA section 182(a)(3)(B) under the 2008 ozone standard for the Illinois portions of the Chicago-Naperville, IL-IN-WI and St. Louis-St. Charles-Farmington, MO-IL ozone nonattainment areas.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective September 11, 2017 without further notice unless we receive relevant adverse written comments by August 10, 2017. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that, if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective September 11, 2017.

IV. Statutory and Executive Order Reviews

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement

Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 11, 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 20, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

- 2. In § 52.720, the table in paragraph (e) is amended by adding an entry for "Ozone (8-hour, 2008) certification of emissions statement regulations" following the entry for "Compliance schedules" to read as follows:

§ 52.720 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED ILLINOIS NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
* * *	* * *	* * *	* * *	* * *
Ozone (8-hour, 2008) certification of emissions statement regulations.	Chicago and St. Louis areas.	5/9/2017	7/11/2017, [insert Federal Register citation].	Certification that Illinois' previously approved regulations at 35 IAC part 254 meet the emission statement requirements for the 2008 ozone NAAQS.
* * *	* * *	* * *	* * *	* * *

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2016-0272; FRL-9964-46-Region 5]

Air Plan Approval; Ohio; Control of Emissions of Organic Materials That Are Not Regulated by VOC RACT Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving, under the Clean Air Act (CAA), revisions to the Ohio Administrative Code (OAC) rule as part of Ohio's State Implementation Plan (SIP). This rule has generally been revised to: make minor style changes to meet Ohio's legislative service commission style and formatting guidelines; add specific effective dates within the rule; correct certain errors and omissions introduced when the rule was last revised; remove facilities and units that have been permanently shut down; update the names of certain subject facilities; and modify certain source applicability exclusions. Sources controlled by this rule are not covered by existing Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) rules or other organic material emission control rules in Ohio's Administrative Code.

DATES: This direct final rule is effective September 11, 2017, unless EPA receives adverse comments by August 10, 2017. If adverse comments are received by EPA, EPA will publish a timely withdrawal of the direct final rule in the *Federal Register* informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R05-OAR-2016-0272, at <https://www.regulations.gov>, or via email to Aburano.Douglas@epa.gov. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include

discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1767, Dagostino.Kathleen@epa.gov.

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

- I. What revisions has Ohio made in rule 3745-21-07 and are they approvable as a revision of the Ohio SIP?
- II. What action is EPA taking?
- III. Incorporation by Reference
- IV. Statutory and Executive Order Reviews

I. What revisions has Ohio made in rule 3745-21-07 and are they approvable as a revision of the Ohio SIP?

The rule at OAC 3745-21-07 was adopted by the state of Ohio to control airborne emissions of organic materials from existing (as of the effective date of the adopted rule) sources not covered by other VOC emission control rules in OAC 3745-21. Most recently, EPA approved revisions to OAC 3745-21-07 into the Ohio SIP on August 19, 2011 (76 FR 51901).

On April 29, 2016, the Ohio Environmental Protection Agency (OEPA) submitted an amended OAC 3745-21-07, requesting that EPA approve the rule amendments as a revision to the Ohio SIP. The following summarizes the rule revisions and discusses whether these rule revisions are approvable as SIP revisions.

Where we note "this rule" or "the rule," unless otherwise noted, we mean OAC 3745-21-07.

3745-21-07

The title of the rule has been revised to "Control of emissions of organic materials from stationary sources (*i.e.*, emissions that are not regulated by rule 3745-21-09, 3745-21-12 to 3745-21-16, or 3745-21-18 to 3745-21-29 of the

Administrative Code." This title change accounts for the addition of VOC emission control rules that now cover some of the sources formerly covered by OAC 3745-21-07.

(A) Applicability:

(A)(1)—"RESERVED" modified to "Reserved."

(A)(2)—"RESERVED" modified to "Reserved."

(A)(3) — This paragraphs states that OAC 3745-21-07 applies to any source or operation for which installation commenced prior to February 18, 2008, and that is specified in paragraphs (K) through (N) of this rule. This rule does not apply to VOC emissions from sources or operations subject to rules 3745-21-09, 3745-21-12 to 3745-21-16, or 3745-21-18 to 3745-21-29. Any owner or operator of a source or operation identified in paragraphs (K) to (N) of this rule must have complied with the facility-specific and general emission control requirements of this rule by February 18, 2008. This paragraph was revised to reflect that new VOC emission control rules now cover some of the sources formerly covered by OAC 3745-21-07.

The other rule revision in this paragraph replaces what was previously "the effective date of this rule" by a specific date, February 18, 2008. February 18, 2008, was the effective date of the previous version of this rule; therefore, specifying this date retains and clarifies the date used to define the group of sources or operations subject to the requirements of this rule and the date by which subject emission control requirements must be implemented.

(A)(4)—This paragraph voids emission control requirements or operational restrictions contained in a permit-to-install, permit-by rule, permit-to-operate, or Title V permit if the requirements refer to photochemically reactive materials or the need to determine or document materials as being photochemically reactive materials or any recordkeeping and reporting requirements related to photochemically reactive materials. The revisions to this rule paragraph include the replacement of "the effective date of this rule" with the date February 18, 2008, grammatical corrections, and the addition of rule paragraph (N)(3) the list of emission limitations and control requirements in paragraph (A)(4). The list should include all paragraphs that contain an emission limitation or control requirement, but paragraph (N)(3) was inadvertently left out when Ohio last revised the rule.

(A)(5)—This paragraph states that this rule shall not apply to any source, including any new source, as defined in

rule OAC 3745–15–01, for which installation commenced after “February 18, 2008,” revised from “the effective date of this rule.”

(A)(6)—This paragraph lists the emission test methods or emission data sources that may be used to demonstrate compliance for sources subject to mass emission rates under the rule. This rule paragraph has been revised to clarify that the owner or operator of a subject source or operation may demonstrate compliance using one of the three compliance methods listed.

(B)–(J)—“RESERVED” modified to “Reserved” for all of these rule paragraphs.

(K) Facility-specific control requirements for storage tanks (stationary tank, reservoir, or other container):

(K)(1)—This paragraph lists source facility owners or operators, source facility IDs, and source emission unit IDs for emission units subject to the emission control requirements in paragraph (K)(2), which requires that the storage tanks containing any liquid organic material that has a vapor pressure of 1.5 pounds per square inch or greater, under actual storage conditions, be equipped with one of the following: (a) A floating pontoon or double-deck type cover that includes closure seals (not permitted if the liquid in the tank has a vapor pressure of 12.5 pounds per square inch absolute or greater under actual storage conditions); or (b) a vapor recovery system or control system that reduces the emissions of organic compounds by at least 90 percent by weight.

The owner or operator names in the table of facilities and emissions units subject to the requirements of paragraph (K)(2) have been revised as noted here: “The Glidden Company” has been revised to “Akzo Nobel Coatings, Inc.,” a subject emissions unit associated with Azko Nobel Coatings, “T066,” has been removed due to permanent shutdown; and “Marathon Ashland Petroleum, LLC” has been revised to “Marathon Petroleum Company LP—Brecksville Terminal.”

(K)(3)—This paragraph lists source facility owners or operators, source facility IDs, and source emission unit IDs for emission units consisting of storage tanks with capacities equal to or less than 65,000 gallons, subject to the control requirements in paragraph (K)(4), which requires subject sources to not place, store, or hold in any storage tank identified in (K)(3) any liquid organic material that has a vapor pressure of 1.5 pounds per square inch absolute or greater, under actual storage conditions, unless the storage tank is

equipped with a permanent submerged fill pipe, or is loaded through the use of a portable loading tube, which can be inserted below the liquid level during loading operations, or is fitted with a vapor recovery system as described in paragraph (K)(2)(b) of this rule.

Rule paragraph (K)(3) has been amended to remove the following sources previously subject to the requirements of (K)(4) due to permanent shutdown: Newark Air Force Base/AGMC (source facility 0145020224, source units T012 and T013); the Lubrizol Corporation, Wickliffe Facility (source facility 0243150025, source units T224 and T225); Veolia Environmental Services, LLC (source facility 0857751346, source units P006, T001, T005, T007, T017, T026, T040, T042, T044, T049, T051, T065, and T068); Clorox Company (source facility 1318000864, source unit T012); and Strongsville Expressmart (source facility 1318554294, source unit T008). For “Hukill Chemical Corporation” (source facility 1318030172), emissions unit T062 has been removed due to permanent shutdown. The following subject owner/operator names have been revised: “Tremco, Inc.” has been revised to “Tremco, Inc.—Mameco Division”; “Marathon Ashland Petroleum Corporation” has been revised to “Marathon Petroleum Company LP—Brecksville Terminal”; and “Glastic Corporation, Cleveland Facility” has been revised to “Rochling Glastic Composites”.

(L) Facility-specific control requirements for oil-water separators (effluent water separators):

(L)(1)—The owner/operator name of the only subject facility listed has been revised from “Marathon Ashland Petroleum, LLC” to “Marathon Ashland, LLC—CLOW”.

(M) Facility-specific and general control requirements for emissions from operations using liquid organic materials:

Table “(M)(1) Emissions Units” under paragraph (M)(1) lists owners/operators, source facility IDs, and emission units subject to the emission control requirements of paragraph (M)(2). Table (M)(1) has been revised as follows:

a. The following owners/operators and their associated source facilities and emission units have been removed from the list of applicable sources due to permanent shutdown: TS Trim Industries, Incorporated; Plastech Engineered Products, Incorporated (two facilities); Clean Harbors PPM, LLC; Structural North America; PFF/MFD/STD of Avery Dennison; GE Quartz, Incorporated, Willoughby Plant; Cantar/Polyair Corporation; Roemer Industries,

Incorporated; Peerless—Winsmith, Incorporated; Eaton INOAC, Company; Manufacturers Enameling Corporation; Mill’s Pride, Incorporated; Delphi Chassis Systems, Needmore Operations; Delphi Classic Systems, Home Avenue; Pitney Bowes; Veolia Environmental Services, LLC; The Chemical Solvents, Incorporated; Queen City Barrel Company; Owens Corning Trumbull; Alex Fries and Bros., Incorporated; and Blackhawk Automotive Plastics, Incorporated.

b. The following owner/operator names were revised with no other revisions to the applicable source facility IDs or source units: “Akzo Nobel” has been revised to “Akzo Nobel Coatings, Inc.,” “Kraftmaid Cabinetry, Inc., Middlefield #1” has been revised to “Masco Cabinetry Middlefield LLC (KraftMaid Plant #1);” “Chem Development” has been revised to “The Kennedy Group;” “LESCO, Inc.” has been revised to “Turf Care Supply Corp.—Martins Ferry Plant;” “Merillat Industries, Inc.” has been revised to “Masco Cabinetry, Merrillat, Jackson;” “CDR Pigments and Dispersions” has been revised to “Flint Group Pigments; and “Emerald Polymer Additives” has been revised to “Emerald Performance Materials LLC.”

c. The following subject sources have been removed because they were erroneously included in table (M)(1) when the rule was last revised: ¹ Waste Technologies Industries, Incorporated (facility ID 0215020233); ² Troy Laminating and Coating, Incorporated (facility ID 0855140077); and, emissions units P008 and P009 at Thermoseal, Incorporated (facility ID 0575010161) ³ (in addition, emissions units P001–P005 and P011–P012 have been removed due to permanent shutdown);

d. The entries for the following subject sources have been revised as described:

1. “Safety Kleen Corp.—Hebron Recycle Center” has been revised to

¹ When the rule was last revised, table (M)(1) was established to list emission units covered by the prior SIP-approved version of 3745–21–07. Emissions control was not required for units emitting less than 8 lbs/hr and 40 lbs/day. Because the potential emissions from the subject units are below this level, these units should not have been listed in table (M)(1).

² Regardless of the applicability of OAC 3745–21–07, these tanks will continue to be controlled through 40 CFR 61, subpart FF (National Emissions Standard for Benzene Waste Operations) and 40 CFR 63, subpart DD (National Emissions Standard for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations).

³ Regardless of the applicability of OAC 3745–21–07, emission units P009, P010, and P014 at Troy Laminating and Coating and P008 and P009 at Thermoseal will continue to be controlled through best available technology pursuant to SIP-approved rule OAC 3745–31–05.

“Clean Harbors Recycling Services of Ohio L.L.C.,” emission unit P002 has been removed due to permanent shutdown, and the facility ID (0145020235) remains unchanged;

2. Iten Industries, Incorporated, Plant 1 (facility ID 0204010112) has been removed because the only subject emissions unit (P003) does not meet the applicability requirements set forth in paragraph (M)(3);

3. Pinney Deck and Transport Company (facility ID 0204010172) has been removed because the source was erroneously included in table (M)(1) since the only subject emissions unit (P001), an air stripper for treating contaminated ground water, is the actual process and is not considered emissions control and should not have been listed in the rule;

4. “Ohio Sealants” has been revised to “Henkel Consumer Adhesives, Inc.,” emission unit P003 has been removed due to permanent shut down, and the facility ID (0243081155) remains unchanged;

5. “Noveen, Inc.” has been revised to “Lubrizol Advanced Materials,” emission units P020 and P026 have been removed due to shut down, and the facility ID (0247030004) remains unchanged;

6. Degussa Initiators, LLC has been removed because the subject units do not use photochemically reactive materials;

7. “The Glidden Company” has been revised to “Akzo Nobel Coatings, Inc.,” emission units P007 and P008 have been removed due to permanent shutdown, and the facility ID (0322000043) remains unchanged;

8. Guardian Manufacturing (facility ID 0339030016): Emission unit IDs P001, P002, and P004 have been renamed as P801, P802, and P804;

9. Union Tank Car Company (facility ID 0351010025) has been removed because its subject emissions unit, P002, does not employ a liquid organic material, which is a criterion for rule applicability;

10. BASF Corporation (facility ID 0819070134): Emission unit P011 has been removed because it is now part of P028 (which is listed);

11. Greenville Technologies, Inc. (facility ID 0819070190): Emission units K001, K002, K003, and K005 have been removed due to permanent shutdown;

12. Dupont Electronic Polymers, LP (facility ID 0857040727): For emission units P025 and P027, the applicability of paragraph (M)(2) has been restricted to when these units are in methylene chloride service (which is acceptable because emissions under non-methylene chloride operations are less than eight

pounds per hour, which is lower than the applicability cut point in the original rule);

13. “Eurand” has been revised to “Aptalis Pharmatech, Inc.,” emission unit P013 has been removed due to permanent shutdown, and the facility ID (0857171794) remains unchanged;

14. Neaton Auto Products Manufacturing, Inc. (facility ID 08680300155): Emission unit R003 has been added because it was installed in 2007 and inadvertently omitted from the previous rule revision;

15. Rohm and Haas Chemicals, LLC (facility ID 0868090072): Emission unit P508 has been removed due to permanent shutdown.

16. Day-Glo Color Corp. (facility ID 1318006552): Emission units P001, P002, P008, P009, P024, P026, P027, and P030 have been added;⁴

17. “Polymers Additives” with facility ID 1318030264 and emission units P027 and P034 have been added;⁵

18. “Ineos ABS Corporation” has been revised to “Ineos ABS (USA) Corporation,” emission unit P021 has been removed because it was mistakenly included in the prior revision to this rule,⁶ emission units P010 and P036 have been added because these continuous polymer drying operation emissions units were inadvertently left out of the prior revision to this rule, and the facility ID (1431010054) remains unchanged;

19. H.B. Fuller Company (facility ID 1431052206): Emission units P003–P006 have been removed due to permanent shutdown;

20. “Ruetgers Organics Corporation” has been revised to “Nease Corporation,” emission unit P025 has been removed due to permanent shutdown; and facility ID (1431111828) remains unchanged;

21. PMC Specialties, Inc. (facility ID 141390137): Emission unit P022 has been removed due to permanent shutdown;

22. St. Bernard Soap Company has been removed because the subject emission units at this source never employed any photochemically reactive materials and thus should never have been included in the rule; and,

23. “PPB Industries, Barberton Plant” has been split into two separate

facilities, “PPG Industries, South Plant” (with facility ID 1677020162 and unit P099) and “PPG Industries, Teslin Plant” (with facility ID 1677020164 and units P110, P114, and P115⁷), and emission unit P098 has been removed because it is exempt from the rule.⁸

(M)(2)—This paragraph requires each article, machine, equipment or other contrivance identified in paragraph (M)(1) or meeting paragraph (M)(3)(a) of the subject rule (3745–21–07) to be equipped with a control system that reduces the organic compound emissions from the source by an overall control efficiency of at least 85 percent, by weight. If the emission reductions are achieved by incineration, the incineration must oxidate the carbon in the captured organic material to carbon dioxide by 90 percent or more. Paragraph (M)(2) has been edited to revise the phrase “meeting the specifications of paragraph (M)(3)(a)” to “meeting paragraph (M)(3)(a).”

(M)(3)—This paragraph covers other operations using liquid organic materials.

(M)(3)(a)—This paragraph lists nine conditions in (M)(3)(a)(i) to (M)(3)(a)(ix). Any article, machine, equipment or contrivance meeting all of these conditions must comply with the emission control requirements in (M)(2).

(M)(3)(a)(ii)—This paragraph has been revised from “Commenced installation prior to the effective date of the rule” to “Commenced installation prior to February 18, 2008.”

(M)(3)(a)(v)—This paragraph states that emissions are not subject to (M)(2) if they are subject to control requirements specified in other listed rules. The list of rules has been simplified and expanded by revising from “3745–21–09, 3745–12, 3745–13, 3745–14, 3745–15, 3745–16, or 3745–21–18” to “3745–21–09, 3745–12 to 3745–16, or 3745–21–18 to 3745–21–29.” This is acceptable because the emissions subject to the additional rules listed are being controlled under those rules.

(M)(3)(a)(ix)—This paragraph, which excludes fuel burning equipment as

⁷ Emissions unit P115 was installed in November 2007 and inadvertently left out of the prior revision of this rule.

⁸ This emissions unit is exempt from the requirements of paragraphs (M)(3)(a), (M)(2) and (M)(1) per paragraph (M)(3)(c)(iv), which exempts an emissions unit that is subject to and complying with a federal regulation that specifies an overall control efficiency for organic compound or VOC emissions that is greater than eighty-five percent, by weight. This emissions unit is subject to 40 CFR part 63, subpart FFFF, which requires total organic HAP emissions to be reduced by at least 98% by weight or to an outlet concentration of 20 ppmv or less.

⁴ On January 22, 2015 the facility submitted a notification to Ohio EPA indicating that these emissions units should be added to paragraph (M)(1) as required by paragraph (M)(3)(b).

⁵ On January 22, 2015 the facility submitted a notification to Ohio EPA indicating that these emissions units should be added to paragraph (M)(1) as required by paragraph (M)(3)(b).

⁶ The potential organic compound emissions for emissions unit P021 are less than 8 lbs/hr and 40 lbs/day, therefore, emissions control is not required.

defined in rule 3745–17–01, has been revised to remove the identification of the specific paragraph under 3745–17–01 that contains the definition of fuel burning equipment.

(M)(3)(b)—This paragraph requires the owner/operator of a source meeting the conditions of this paragraph to notify OEPA of the need to include the subject owner/operator, facility ID, and source ID in the list of applicable sources under paragraph (M)(1). Paragraph (M)(3)(b) has been revised to include the following revisions: (1) “meeting the specifications of paragraph (M)(3)(a) of this rule” has been revised to “meeting paragraph (M)(3)(a) of this rule”; (2) “Ohio environmental protection agency” has been revised to “Ohio EPA”; and (3) the time limit for notifying OEPA has been revised from “within ninety days after the effective date of this rule” to “by May 18, 2008.” This corresponds with the revision in language elsewhere in the rule from “the effective date of this rule” to “February 18, 2008.”

(M)(3)(c)—This paragraph states that any article, equipment, or other contrivance that meets any of the conditions of this paragraph shall not be subject to the conditions and requirements of paragraphs (M)(3)(a) and (M)(3)(b). Paragraph (M)(3)(c) has been revised to convert “subject to the requirements of paragraphs (M)(3)(a) and (M)(3)(b)” to “subject to paragraphs (M)(3)(a) and (M)(3)(b).”

(M)(3)(c)(i)—This paragraph provides a source installation time cutoff, which has been revised from “commenced installation after the effective date of this rule” to “commenced installation after February 18, 2008.”

(M)(3)(c)(vi)—This paragraph exempts a heatset web offset printing line that is subject to and complying with a best available technology requirement pursuant to rule 3745–31–05, and that specifies the dryer(s) is to be equipped with a control device having either a control efficiency for organic compound or volatile organic compound emissions that is equal to or greater than 90 percent, by weight, or an outlet concentration of less than 20 parts per million, by volume, dry basis. This condition has been revised to replace “dryer(s)” with “dryer.”

(M)(3)(d)—This paragraph exempts specified articles, machines, equipment or other contrivances from the requirements of paragraphs (M)(3)(a) and (M)(3)(b). The beginning of this paragraph has been modified by the conversion of the phrase “subject to the requirements of paragraphs (M)(3)(a) and (M)(3)(b)” to the phrase “subject to paragraphs (M)(3)(a) and (M)(3)(b).”

(M)(3)(d)(i)—This paragraph exempts emission units identified in the remaining paragraphs in (M)(3)(d) that obtain an alternative emission limit or emission control requirement pursuant to paragraph (M)(5)(e). Paragraph (M)(3)(d)(x) has been deleted to correct an apparent typographical error.

(M)(3)(d)(iii)—The owner/operator listed in this paragraph has been revised from “The Nylonge Corporation” to “3M Elyria” and to remove emissions unit P005 due to permanent shutdown.

(M)(3)(d)(v)—This paragraph has been modified by the conversion of the phrase “to the levels specified” to the phrase “as specified.”

(M)(3)(d)(vi)—The owner/operator listed in this paragraph has been revised from “Honda Marysville Auto Plant” to “Honda of America Mfg., Inc., Marysville Auto Plant” and the subject facility ID has been revised from “0180000130” to “0180010193.”

(M)(3)(d)(vii) and (M)(3)(d)(viii)—These paragraphs have been removed due to the permanent shutdown of “Honda Anna Engine Plant” and “Florida Production Engineering.”

(M)(3)(d)(ix)—The owner/operator listed in this paragraph has been revised from “PPG Industries, Barberton Plant” to “PPG Industries, North Plant” and the subject facility ID has been revised from “1677020009” to “1677020163.”

(M)(3)(e)—This paragraph controls VOC emissions from the application of adhesives or other coatings at flock lines at the Cooper Standard Automotive, LLC facility in Bowling Green. This rule paragraph contains the following rule revisions: (1) Flock line 1 has been removed due to permanent shutdown and (2) the emissions units for flock lines 2, 3, and 4 have been renumbered to “P078, P079, and P080 in accordance with permit-to-install P0111501.”

(M)(3)(f)—This paragraph, which controlled the VOC emissions from a windshield glass system coating operation at the “GMC Truck and Bus Group Moraine” facility, has been deleted due to permanent shutdown of the facility.

(M)(3)(g)—This paragraph, except as provided in paragraphs (M)(3)(h) and (M)(5), applies to all existing sources located in a “Priority I” county, as identified in rule 3745–21–06 of the Ohio Administrative Code and to new sources, as defined in rule 3745–15–01 of the Ohio Administrative Code, regardless of location, for which installation commenced prior to the effective date this rule. This rule paragraph has been revised to replace “the effective date of this rule” with “February 18, 2008.”

(M)(3)(h)—This paragraph applied to emissions unit P027 at Venture Holdings Corporation—Conneaut Facility (currently known as Continental Structural Plastics, facility ID 0204020245). This paragraph was removed because the emissions unit is exempt from this rule per OAC rule 3745–21–25(A)(3), which states that “upon achieving compliance with this rule, the reinforced plastic composites production operations at the facility are not required to meet the requirements of rule 3745–21–07 of the Administrative Code.”

(M)(4)—This paragraph, except as provided in paragraph (M)(5) of this rule, applies to all existing sources in a “Priority I” county, as identified in rule 3745–21–06 of the Ohio Administrative Code, and to all new sources, as defined in rule 3745–15–01, regardless as location, for which installation commenced prior to the effective date of this rule. This rule paragraph has been revised to replace “the effective date of this rule” with “February 18, 2008.”

(M)(5) Exemptions.

(M)(5)(a)—This paragraph states that paragraph (M)(2) shall not apply to the use of any cleanup material in any article, machine, equipment or other contrivance described in paragraph (M)(2). This rule paragraph has been modified by the conversion of the phrase “The provisions of paragraph (M)(2)” to the phrase “Paragraph (M)(2).”

(M)(5)(b)—This paragraph states that paragraphs (M)(2), (M)(3)(a), and (M)(4) shall not apply for material used in sources described in paragraphs (M)(2), (M)(3)(a), and (M)(4) if the emission is not a VOC. This paragraph has been modified by the conversion of the phrase “The provisions of paragraph” to “Paragraph.”

(M)(5)(c)—The beginning of this paragraph has been modified by the conversion of the phrase “The provisions of paragraph” to “Paragraph.”

(M)(5)(d)—The beginning of this paragraph been modified by the conversion of the phrase “The provisions of paragraph” to “Paragraphs.” This paragraph contains two exemptions [(M)(5)(d)(i) and (ii)] based on the use of low VOC content material. Originally these exemptions only applied to paragraph (M)(4). Paragraph (M)(5)(d) now also applies these exemptions to paragraphs (M)(1), (M)(2), and (M)(3)(a). These exemptions were provided for in a previous SIP-approved version of the rule but were erroneously omitted in the last rule revision. In addition, the beginning of both paragraphs (M)(5)(d)(i) and

(M)(5)(d)(ii) have been revised by converting the phrase “The volatile content of the material described in paragraph (M)(4)” to the phrase “The volatile content of the material used in any article, machine, equipment, or other contrivance described in paragraph (M)(1), (M)(2), (M)(3)(a) or (M)(4).”

Note that recordkeeping provisions for these exemptions were also added in new paragraph (M)(5)(j) to allow subject emissions units to switch between exempt and non-exempt liquid organic materials with respect to paragraph (M)(5)(d).

(M)(5)(e)—The beginning of this paragraph has been modified by the conversion of the phrase “The provisions of paragraphs” to the phrase “Paragraphs.” This rule paragraph exempts sources from the emission controls in rule paragraphs (M)(2), (M)(3)(d), (M)(3)(e), (M)(3)(f), (M)(3)(g), (M)(3)(h), and (M)(4) if the conditions contained in (M)(5)(e)(i), (ii), and (iii) are met.

(M)(5)(e)(i)—This condition deals with a situation where best available control technology is less stringent than or inconsistent with the emission control requirements in rule paragraph (M). A number of revisions have been made in this condition, and the revised condition now reads as:

The director has determined that requirements equivalent to best available technology for the article, machine, equipment or other contrivance is a control requirement or emission limitation that is either less stringent than or inconsistent with paragraph (M) of this rule. The equivalent best available technology requirement shall be consistent with division (F) of section 3704.01 of the Revised Code, equivalent to best available technology under rule 3745–31–05 of the Administrative Code for the purpose of this paragraph, shall provide, where a control requirement or emission limitation is applicable, the lowest emission limitation that the article, machine, equipment or other contrivance is capable of meeting by the application of control that is reasonably available considering technological and economic feasibility. Also, for article, machine, equipment or other contrivance located within an ozone nonattainment area, the best available technology determination must comply with Section 193 of the Clean Air Act amendments of 1990, general savings clause.

This revision allows sources constructed before 1976 that do not trigger the applicability of OAC rule 375–31–05, to voluntarily accept best available technology requirements equivalent to those contained 375–31–05 and thus qualify for the same exemption that subject sources can obtain.

(M)(5)(e)(ii)—This condition applies when EPA has notified OEPA in writing, prior to the issuance of a final permit-to-install, that EPA has no objection to the issuance of the permit. In this paragraph “Ohio environmental protection agency” has been revised to “Ohio EPA;” and,

(M)(5)(e)(iii)—This condition applies where a final permit-to-install has been issued by OEPA pursuant to Chapter 3745–31 of the Administrative Code. In this paragraph, “Ohio environmental protection agency” has been revised to “Ohio EPA.”

(M)(5)(f)—This paragraph provides an exemption from paragraph (M) requirements for the use of liquid organic material whose emissions are regulated by specified emission control rules. This paragraph has been modified by the conversion of the phrase “The provisions of paragraph (M)” to the phrase “Paragraph (M).” The specified emission control rule list has been revised to include rules “3745–21–09, 3745–21–12 to 3745–21–16, or 3745–21–18 to 3745–21–29 of the Administrative Code.” This revision accounts for the addition of VOC emission control rules that now cover some of the sources formerly covered by OAC 3745–21–07.

(M)(5)(g)—This paragraph exempts sources located in Darke, Fairfield, Madison, Perry, Pickaway, Preble, or Union Counties and located within facilities having the potential to emit not more than 100 tons of organic material per year from the requirements of paragraphs (M)(3)(a), (M)(3)(b), (M)(3)(g), and (M)(4). The beginning of this paragraph has been modified by the conversion of the phrase “The provisions of paragraphs” to “Paragraphs.”

(M)(5)(h)—The beginning of this paragraph has been revised from “The provisions of paragraph” to “Paragraph.”

(M)(5)(i)—This paragraph been added: “Paragraph (M)(2) of this rule shall not apply to the use of phenolic urethane cold box resin binder system in foundry core-making and mold-making operations, provided the catalyst gas emissions are vented to a control device that is designed and operated to remove at least ninety-eight per cent by weight, of the catalyst gas emissions or maintain a maximum catalyst gas outlet concentration of one ppmv on a dry basis, whichever is less stringent. (In a phenolic urethane cold box resin binder system, sand is mixed with a two-part liquid urethane resin binder, and a catalyst gas is blown into the resin-coated sand to cause hardening.)” This exemption was contained in a previous

SIP-approved version of this rule, but was erroneously omitted during the last revision.

(M)(5)(j)—This paragraph was added to require the owner or operator of an article, machine, equipment or other contrivance that is exempt per paragraph (M)(5)(d) of this rule to maintain the following records for all materials used. This addition ensures the enforceability of the rule provisions.

(M)(5)(j)(i)—The name and identification number of each liquid organic material used.

(M)(5)(j)(ii)—The composition of each material including the volatile content by volume percent of water. If exempt because of paragraph (M)(5)(d)(i) of this rule then the liquid organic material content, except water, relative to the volatile content (per cent by volume) or, if exempt because of paragraph (M)(5)(d)(ii) of this rule, the volatile content relative to the total material (per cent by volume).

(M)(5)(j)(iii)—All time periods (beginning and ending dates and time) for each material that is exempt per paragraph (M)(5)(d) of this rule.

(N) Facility-specific control requirements for waste gas flare systems:

(N)(1)—This paragraph specifies the owners/operators, facility IDs, and emission units subject to the control requirements of paragraph (N)(2). “CECOS International” (facility ID 1413000186) was removed from paragraph (N)(1) due to permanent shutdown of the facility.

(N)(3)—The owner/operator listed in this paragraph has been revised from “Aircraft Braking Systems, Corp.” to “Meggitt Aircraft Braking Systems, Corp.”

II. What action is EPA taking?

EPA is approving, as part of Ohio’s SIP, OAC rule 3745–21–07, as revised, now entitled “Control of emissions of organic materials from stationary sources (*i.e.*, emissions that are not regulated by rule 3745–21–09, 3745–21–12 to 3745–21–16, or 3745–21–18 to 3745–21–29 of the Administrative Code.”

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective September 11, 2017 without further notice unless we receive relevant adverse written comments by August

10, 2017. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that, if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective September 11, 2017.

III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Ohio Regulations described in the proposed amendments to 40 CFR part 52 set forth below. Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.⁹ EPA has made, and will continue to make, these materials generally available through www.regulations.gov and/or at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate,

the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 11, 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: June 21, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

- 2. In § 52.1870, the table in paragraph (c) is amended under “Chapter 3745–21 Carbon Monoxide, Ozone, Hydrocarbon Air Quality Standards, and Related Emission Requirements” by revising the entry for “3745–21–07” to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

⁹ 62 FR 27968 (May 22, 1997).

EPA-APPROVED OHIO REGULATIONS

Ohio citation	Title/subject	Ohio effective date	EPA approval date	Notes
*	*	*	*	*
Chapter 3745–72 Carbon Monoxide, Ozone, Hydrocarbon Air Quality Standards, and Related Emission Requirements				
3745–21–07	Control of emissions of organic materials from stationary sources (i.e., emissions that are not regulated by rule 3745–21–09, 3745–21–12 to 3745–21–16, or 3745–21–18 to 3745–21–29 of the Administrative Code).	4/8/2016	7/11/17, [insert Federal Register citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2017–14400 Filed 7–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 770

[EPA–HQ–OPPT–2017–0243, FRL–9963–05]

RIN 2070–AK30

Labeling Relief; Formaldehyde Emission Standards for Composite Wood Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to amend a final rule that published in the **Federal Register** on December 12, 2016 concerning formaldehyde emission standards for composite wood products. The amendment will allow compliant composite wood products and finished goods that contain compliant composite wood products that were manufactured prior to December 12, 2017 to be labeled as Toxic Substances Control Act (TSCA) Title VI compliant. This means that regulated composite wood products and finished goods that meet the required formaldehyde emissions standards could be voluntarily labeled as compliant as soon as compliance can be achieved. This will enhance regulatory flexibility and facilitate a smoother supply chain transition to compliance with the rule's broader requirements, as well as promote lower formaldehyde emitting products entering commerce earlier than under the rule as originally published. EPA believes that the amendment is non-controversial and does not expect to receive any adverse comments. However, in addition to this

direct final rulemaking, elsewhere in this issue of the **Federal Register**, EPA is promulgating the amendment as a notice of proposed rulemaking that will be used in the event of adverse comment on the amendments within this direct final action.

DATES: This final rule is effective on August 25, 2017 without further notice, unless EPA receives adverse comment by July 26, 2017. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0243, is available at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: For technical information contact: Erik Winchester, National Program Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–6450; email address: winchester.erik@epa.gov.

For general information contact: The TSCA–Hotline, ABVI–Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–

1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

You may be affected by this direct final rule if you manufacture (including import), sell, supply, or offer for sale hardwood plywood, medium-density fiberboard, particleboard, and/or products containing these composite wood materials in the United States. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Veneer, plywood, and engineered wood product manufacturing (NAICS code 3212).
- Manufactured home (mobile home) manufacturing (NAICS code 321991).
- Prefabricated wood building manufacturing (NAICS code 321992).
- Furniture and related product manufacturing (NAICS code 337).
- Furniture merchant wholesalers (NAICS code 42321).
- Lumber, plywood, millwork, and wood panel merchant wholesalers (NAICS code 42331).
- Other construction material merchant wholesalers (NAICS code 423390), e.g., merchant wholesale distributors of manufactured homes (i.e., mobile homes) and/or prefabricated buildings.
- Furniture stores (NAICS code 4421).
- Building material and supplies dealers (NAICS code 4441).
- Manufactured (mobile) home dealers (NAICS code 45393).
- Motor home manufacturing (NAICS code 336213).
- Travel trailer and camper manufacturing (NAICS code 336214).
- Recreational vehicle (RV) dealers (NAICS code 441210).

- Recreational vehicle merchant wholesalers (NAICS code 423110).

If you have any questions regarding the applicability of this action, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

II. Background

A. What action is the Agency taking?

Following promulgation of EPA's final rule addressing formaldehyde emission standards for composite wood products (81 FR 89674, December 12, 2016) (FRL-9949-90), industry stakeholders raised concerns to the Agency that the final rule's prohibition on labeling composite wood products and finished goods containing composite wood products as TSCA Title VI compliant before the December 12, 2017 compliance date would risk a substantial supply chain disruption for these products. These stakeholders requested that EPA allow labeling of compliant composite wood products and finished goods containing composite wood products as TSCA Title VI compliant before December 12, 2017. EPA shares the concerns of industry stakeholders regarding the prohibition on labeling composite wood products and finished goods containing composite wood products as TSCA Title VI compliant before December 12, 2017. EPA believes that the risk of unintentional supply chain disruption is substantial, though through prompt regulatory action, avoidable. As such, EPA will eliminate the prohibition at § 770.45(f) of the December 12, 2016 final rule (*see* 81 FR 89741) on labeling composite wood products and finished goods containing composite wood products as TSCA Title VI compliant before December 12, 2017.

The agency believes that removal of the labeling prohibition will have no impact on the ability of stakeholders to comply with the TSCA Title VI formaldehyde emission standards insofar as stakeholders are already working with their California Air Resources Board (CARB) approved Third Party Certifier (TPC) to ensure compliance with CARB's Airborne Toxic Control Measures (ATCM) to reduce formaldehyde emissions from composite wood products, and as the stakeholders suggest, they are currently labeling composite wood products and finished goods containing composite wood products as CARB-compliant, and thus are also meeting the TSCA Title VI formaldehyde emission standards.

In addition, EPA generally expects that the transition will be smooth for stakeholders already receiving

certifications of product compliance by a CARB-approved TPC to also begin receiving product compliance certifications by EPA TSCA Title VI TPCs under § 770.15 of the December 12, 2016 final rule (*see* 81 FR 89735) because § 770.7(d) of the December 12, 2016 final rule provided reciprocity provisions under which a CARB-approved TPC may be recognized by the Agency as an EPA TSCA Title VI TPC (*see* 81 FR 89733). Producers of composite wood products and TPCs should note that TPCs, including CARB-approved TPCs working under the TSCA Title VI reciprocity provisions, must be recognized by EPA prior to certifying any composite wood products as TSCA Title VI compliant. TPCs can begin to apply for EPA recognition after the May 22, 2017 rule effective date by following the procedures outlined in § 770.7(c)(2) and § 770.8.

Although EPA is eliminating § 770.45(f) of the December 12, 2016 final rule that prohibits labeling composite wood products and finished goods containing composite wood products as TSCA Title VI compliant before December 12, 2017, the other labeling requirements at § 770.45 will still apply. Notably, anyone that would label composite wood products as TSCA Title VI compliant will still be required to include the CARB or EPA provided identification number of the EPA TSCA Title VI TPC and a statement that products are certified by that TPC as TSCA Title VI compliant. For this reason, this direct final rule is not expected to result in any reduction of environmental or public health protection. However, this action is expected to provide greater certainty to entities throughout the supply chain that composite wood products and finished goods containing composite wood product are compliant with TSCA Title VI and enhance consumer confidence earlier than currently provided for in the December 12, 2016 final rule. EPA acknowledges that the delay of the effective date of the December 12, 2016 final rule (*see* 82 FR 8499 and 82 FR 14324) may have given rise to additional stakeholder concerns about that rule's respective implementation compliance dates. As a result, EPA has determined that those compliance dates should be extended and has initiated a separate action to extend them.

EPA is therefore publishing this direct final rule, and a notice of proposed rulemaking elsewhere in this issue of the **Federal Register** to address the elimination of the early labeling provision, as described in Units II.A.1 and II.A.2.

1. *Direct Final Rule.* EPA agrees with the stakeholders' requests and will eliminate the prohibition at § 770.45(f) of the December 12, 2016 final rule (*see* 81 FR 89741) on labeling composite wood products and finished goods containing composite wood products as TSCA Title VI compliant before December 12, 2017.

2. *Proposed rule.* EPA believes that the amendment is non-controversial and does not expect to receive any adverse comments. However, in addition to this direct final rule, elsewhere in this issue of the **Federal Register**, EPA is promulgating the amendment as a notice of proposed rulemaking (See FRL-9963-05). If EPA receives no adverse comment, the Agency will not take further action on the proposed rule and the direct final rule will become effective as provided in this action. If EPA receives relevant adverse comment, the Agency will publish a timely withdrawal in the **Federal Register** informing the public that this direct final action will not take effect. EPA would then address all adverse public comments in a response to comments document in a subsequent final rule, based on the proposed rule.

B. What is the Agency's authority for taking this action?

These regulations are established under authority of Section 601 of TSCA, 15 U.S.C. 2697.

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review; Executive Order 13563: Improving Regulation and Regulatory Review; and Executive Order 13777: Reducing Regulation and Controlling Regulatory Costs

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). In addition, since this action does not contain a new requirement or impose any new burden or costs, the action qualifies as a burden reduction action under Executive Order 13771 (82 FR 9339, February 3, 2017). Although the change reduces burden, EPA did not attempt to determine the extent of that burden reduction. As such, this action can only be used for the 2 for 1 off-set described in Executive Order 13771.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA, 44 U.S.C. 3501 *et seq.*, because it does not create any new reporting or recordkeeping obligations. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2070-0185 (EPA ICR No. 2446.02).

C. Regulatory Flexibility Act (RFA)

The Agency certifies that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This direct final rule will allow regulated entities to voluntarily label compliant products prior December 12, 2017. The direct final rule will ease the transition of panel producers, fabricators, importers, distributors, and retailers from CARB labeling to TSCA labeling, since under the December 12, 2016 final rule, it would be difficult for some of them to time their production and inventory so that products that are labeled as TSCA compliant are available starting on but not before the compliance date. Since early labeling is voluntary, any firms that do not find this activity to be beneficial can wait until December 12, 2017 to begin offering labeled products for sale. EPA therefore concludes that this action will have a nominally positive economic effect on the small entities subject to the rule.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of

power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This final rule will not impose substantial direct compliance costs on Indian tribal governments. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not economically significant as defined in Executive Order 12866, and because EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. As addressed in Unit II.A., this action would not materially alter the requirements for labeling composite wood products and finished goods containing composite wood products as TSCA Title VI compliant. Rather, the final rule will allow TSCA Title VI compliant products to be labeled as such earlier sooner than currently permitted.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a “significant energy action” as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution or use of energy.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards that would require the consideration of voluntary consensus standards pursuant to NTTAA section 12(d), 15 U.S.C. 272 note.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA has determined that the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations, as specified in Executive Order 12898 (59 FR 7629, February 16,

1994). As addressed in Unit II.A., this action would not materially alter the requirements for labeling composite wood products and finished goods containing composite wood products as TSCA Title VI compliant. Rather, the final rule will allow TSCA Title VI compliant products to be labeled as such earlier sooner than currently permitted.

K. Congressional Review Act (CRA)

This action is subject to the CRA and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 770

Environmental protection, Formaldehyde, Incorporation by reference, Reporting and recordkeeping requirements, Third-party certification, Toxic substances, Wood.

Dated: June 21, 2017.

Wendy Cleland-Hamnett,

Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

For the reasons set out in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 770—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

■ 1. The authority citation for part 770 continues to read as follows:

Authority: 15 U.S.C. 2697(d).

§ 770.45 [Amended]

■ 2. In § 770.45, remove paragraph (f).

[FR Doc. 2017–14513 Filed 7–10–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 140501394–5279–02]

RIN 0648–XF525

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2017 Commercial Accountability Measures and Closure for Blueline Tilefish in the South Atlantic Region

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for commercial blueline tilefish in the exclusive economic zone (EEZ) of the South Atlantic. Commercial landings for blueline tilefish are projected to reach the commercial annual catch limit (ACL) by July 18, 2017. Therefore, NMFS is closing the commercial sector for blueline tilefish in the South Atlantic EEZ at 12:01 a.m., local time, July 18, 2017, and it will remain closed until the start of the next fishing year on January 1, 2018. This closure is necessary to protect the blueline tilefish resource.

DATES: This rule is effective at 12:01 a.m., local time, July 18, 2017, until 12:01 a.m., local time, January 1, 2018.

FOR FURTHER INFORMATION CONTACT: Nikhil Mehta, NMFS Southeast Regional Office, telephone: 727-824-5305, email: nikhil.mehta@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes blueline tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic Fishery Management Council and NMFS prepared the FMP, and the FMP is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

As specified at 50 CFR 622.193(z)(1)(i), the blueline tilefish commercial ACL is 87,521 lb (39,699 kg), round weight.

The blueline tilefish commercial AM requires NMFS to close the commercial sector for blueline tilefish when the commercial ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register, as specified in 50 CFR 622.193(z)(1)(i). NMFS has projected that the commercial ACL for South Atlantic blueline tilefish will be reached by July 18, 2017. Accordingly, the commercial sector for South Atlantic blueline tilefish is closed effective at 12:01 a.m., local time, July 18, 2017, until 12:01 a.m., local time, January 1, 2018.

The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper having blueline tilefish on board must have landed and bartered, traded, or sold such blueline tilefish prior to July 18, 2017. During the commercial closure, all sale or purchase of blueline tilefish is prohibited. The harvest or possession of

blueline tilefish in or from the South Atlantic EEZ is limited to the bag and possession limits specified in 50 CFR 622.187(b)(2) and 622.187(c)(1), respectively, while the recreational sector for blueline tilefish is open. These bag and possession limits apply in the South Atlantic on board a vessel with a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper, and apply to the harvest of blueline tilefish in both state and Federal waters.

Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of blueline tilefish and the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(z)(1)(i) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this action to close the commercial sector for blueline tilefish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such prior notice and opportunity for public comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations at 50 CFR 622.193(z)(1)(i) have already been subject to notice and comment, and all that remains is to notify the public of the closure. Prior notice and opportunity for public comment are contrary to the public interest because there is a need to immediately implement this action to protect blueline tilefish, since the capacity of the fishing fleet allows for rapid harvest of the commercial ACL. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: July 5, 2017.

Emily H. Menashes,

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

[FR Doc. 2017-14441 Filed 7-10-17; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985-7181-02]

RIN 0648-XF509

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

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

ACTION: Temporary rule; reallocation; closure.

SUMMARY: NMFS is reallocating the projected unused amounts of the Aleut Corporation pollock directed fishing allowance from the Aleutian Islands subarea to the Bering Sea subarea. Also, NMFS is prohibiting directed fishing for pollock in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to provide opportunity for harvest of the 2017 total allowable catch of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish (FMP) of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 11, 2017, through 2400 hrs, A.l.t., December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the FMP prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In the Aleutian Islands subarea, the portion of the 2017 pollock total allowable catch (TAC) allocated to the Aleut Corporation directed fishing allowance (DFA) is 5,700 metric tons (mt) as established by the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826,

February 27, 2017), and as adjusted by reallocations (82 FR 12750, March 7, 2017).

As of June 16, 2017, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that 5,700 mt of the Aleut Corporation pollock DFA in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS reallocates 5,700 mt of A season pollock DFA from the Aleutian Islands subarea to the 2017 Bering Sea subarea DFAs. The 5,700 mt of the Aleut Corporation pollock DFA is added to the 2017 Bering

Sea non-CDQ DFAs. As a result, the 2017 harvest specifications for pollock in the Aleutian Islands subarea included in the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017), and as adjusted by reallocations (82 FR 12750, March 7, 2017) are revised as follows: 0 mt to the annual Aleut Corporation pollock DFA.

Consequently, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for Aleut Corporation pollock in the Aleutian Islands subarea of the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Furthermore, pursuant to § 679.20(a)(5), Table 5 of the final 2017 and 2018 harvest specifications for groundfish in the Bering Sea and Aleutian Islands (82 FR 11826, February 27, 2017, and 82 FR 12750, March 7, 2017), is revised to make 2017 pollock allocations consistent with this reallocation. This reallocation results in adjustments to the 2017 pollock allocations established at § 679.20(a)(5).

TABLE 5—FINAL 2017 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) ¹
[Amounts are in metric tons]

Area and sector	2017 Allocations	2017 A season ¹		2017 B season ¹
		A season DFA	SCA harvest limit ²	B season DFA
Bering Sea subarea TAC ¹	1,361,600	n/a	n/a	n/a
CDQ DFA	136,400	61,380	38,192	75,020
ICA ¹	47,210	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,177,991	530,096	329,837	647,895
AFA Inshore	588,995	265,048	164,919	323,947
AFA Catcher/Processors ³	471,196	212,038	131,935	259,158
Catch by C/Ps	431,145	194,015	n/a	237,129
Catch by CVs ³	40,052	18,023	n/a	22,028
Unlisted C/P Limit ⁴	2,356	1,060	n/a	1,296
AFA Motherships	117,799	53,010	32,984	64,789
Excessive Harvesting Limit ⁵	206,148	n/a	n/a	n/a
Excessive Processing Limit ⁶	353,397	n/a	n/a	n/a
Aleutian Islands subarea ABC	36,061	n/a	n/a	n/a
Aleutian Islands subarea TAC ¹	2,400	n/a	n/a	n/a
CDQ DFA	0	0	n/a	0
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	0	0	n/a	0
Area harvest limit ⁷				
541	10,818	n/a	n/a	n/a
542	5,409	n/a	n/a	n/a
543	1,803	n/a	n/a	n/a
Bogoslof District ICA ⁸	500	n/a	n/a	n/a

¹ Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (3.9 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2)(i)–(iii), the annual Aleutian Islands pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Aleutian Islands subarea, the A season is allocated less than or equal to 40 percent of the ABC and the B season is allocated the remainder of the pollock directed fishery.

² In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1.

³ Pursuant to § 679.20(a)(5)(i)(A)(4), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

⁴ Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

⁵ Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

⁶ Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

⁷ Pursuant to § 679.20(a)(5)(iii)(B)(6), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the Aleutian Islands pollock ABC.

⁸ The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation and directed fishing closure of Aleutian Island

subarea pollock. Since the pollock fishery is currently underway, it is important to immediately inform the industry as to the final Bering Sea and Aleutian Islands pollock allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors; and provide opportunity to harvest increased seasonal pollock allocations while value is optimum. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as June 16, 2017.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: July 6, 2017.

Emily H. Menashes,

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

[FR Doc. 2017-14484 Filed 7-10-17; 8:45 am]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 82, No. 131

Tuesday, July 11, 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 HOMELAND SECURITY

Coast Guard

33 CFR Chapter I

46 CFR Chapters I and III

49 CFR Chapter IV

[Docket No. USCG–2017–0656]

Commercial Fishing Safety Advisory Committee—Input To Support Regulatory Reform of Coast Guard Regulations—New Task

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Announcement of new task assignment for the Commercial Fishing Safety Advisory Committee (CFSAC); teleconference meeting.

SUMMARY: The U.S. Coast Guard is issuing a new task to the Commercial Fishing Safety Advisory Committee (CFSAC). The U.S. Coast Guard is asking CFSAC to help the agency identify existing regulations, guidance, and collections of information (that fall within the scope of the Committee's charter) for possible repeal, replacement, or modification. This tasking is in response to the issuance of Executive Orders 13771, "Reducing Regulation and Controlling Regulatory Costs; 13777, "Enforcing the Regulatory Reform Agenda;" and 13783, "Promoting Energy Independence and Economic Growth." The full Committee is scheduled to meet by teleconference on July 27, 2017, to discuss this tasking. This teleconference will be open to the public. The U.S. Coast Guard will consider CFSAC recommendations as part of the process of identifying regulations, guidance, and collections of information to be repealed, replaced, or modified pursuant to the three Executive Orders discussed above.

DATES: The full Committee is scheduled to meet by teleconference on July 27, 2017, from 1 p.m. to 2 p.m. EDT. Please

note that this teleconference may adjourn early if the Committee has completed its business.

ADDRESSES: To join the teleconference or to request special accommodations, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section no later than 1 p.m. on July 24, 2017. The number of teleconference lines is limited and will be available on a first-come, first-served basis.

Instructions: Submit comments on the task statement at any time, including orally at the teleconference, but if you want Committee members to review your comments before the teleconference, please submit your comments no later than July 24, 2017. You must include the words "Department of Homeland Security" and the docket number for this action. Written comments may also be submitted using the Federal e-Rulemaking Portal at <http://www.regulations.gov>. If you encounter technical difficulties with comment submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Comments received will be posted without alteration at <http://www.regulations.gov>, including any personal information provided. You may review *Regulations.gov's* Privacy and Security Notice at <https://www.regulations.gov/privacyNotice>.

Docket Search: For access to the docket or to read documents or comments related to this notice, go to <http://www.regulations.gov>, insert "USCG–2017–0656" in the Search box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Kemerer, Alternate Designated Federal Officer of the Commercial Fishing Safety Advisory Committee, (202) 372–1249, or email jack.a.kemerer@uscg.mil or Mr. Jonathan Wendland, telephone (202) 372–1245, or email jonathan.g.wendland@uscg.mil.

SUPPLEMENTARY INFORMATION:

New Task to the Committee

The U.S. Coast Guard is issuing a new task to CFSAC to provide recommendations on whether existing regulations, guidance, and information collections (that fall within the scope of the Committee's charter) should be repealed, replaced, or modified. CFSAC

will then provide advice and recommendations on the assigned task and submit a final recommendation report to the U.S. Coast Guard.

Background

On January 30, 2017, President Trump issued Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs." Under that Executive Order, for every one new regulation issued, at least two prior regulations must be identified for elimination, and the cost of planned regulations must be prudently managed and controlled through a budgeting process. On February 24, 2017, the President issued Executive Order 13777, "Enforcing the Regulatory Reform Agenda." That Executive Order directs agencies to take specific steps to identify and alleviate unnecessary regulatory burdens placed on the American people. On March 28, 2017, the President issued Executive Order 13783, "Promoting Energy Independence and Economic Growth." Executive Order 13783 promotes the clean and safe development of our Nation's vast energy resources, while at the same time avoiding agency actions that unnecessarily encumber energy production.

When implementing the regulatory offsets required by Executive Order 13771, each agency head is directed to prioritize, to the extent permitted by law, those regulations that the agency's Regulatory Reform Task Force identifies as outdated, unnecessary, or ineffective in accordance with Executive Order 13777. As part of this process to comply with all three Executive Orders, the U.S. Coast Guard is reaching out through multiple avenues to interested individuals to gather their input about what regulations, guidance, and information collections, they believe may need to be repealed, replaced, or modified. On June 8, 2017, the U.S. Coast Guard issued a general notice in the **Federal Register** requesting comments from interested individuals regarding their recommendations, 82 FR 26632. In addition to this general solicitation, the U.S. Coast Guard also wants to leverage the expertise of its Federal Advisory Committees and is issuing similar tasks to each of its Committees. A detailed discussion of each of the Executive orders and information on where U.S. Coast Guard regulations, guidance, and information

collections are found is in the June 8th notice.

The Task

CFSAC is tasked to:

Provide input to the U.S. Coast Guard on all existing regulations, guidance, and information collections that fall within the scope of the Committee's charter.

1. One or more subcommittees/working groups, as needed, will be established to work on this tasking in accordance with the Committee charter and bylaws. The subcommittee(s) shall terminate upon the approval and submission of a final recommendation to the U.S. Coast Guard from the parent Committee.

2. Review regulations, guidance, and information collections and provide recommendations whether an existing rule, guidance, or information collection should be repealed, replaced or modified. If the Committee recommends modification, please provide specific recommendations for how the regulation, guidance, or information collection should be modified. Recommendations should include an explanation on how and to what extent repeal, replacement or modification will reduce costs or burdens to industry and the extent to which risks to health or safety would likely increase.

a. Identify regulations, guidance, or information collections that potentially impose the following types of burden on the industry:

i. Regulations, guidance, or information collections imposing administrative burdens on the industry.

ii. Regulations, guidance, or information collections imposing burdens in the development or use of domestically produced energy resources. "Burden," for the purposes of compliance with Executive Order 13783, means "to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources."

b. Identify regulations, guidance, or information collections that potentially impose the following types of costs on the industry:

i. Regulations, guidance, or information collections imposing costs that are outdated (such as due to technological advancement), or are no longer necessary.

ii. Regulations, guidance, or information collections imposing costs which are no longer enforced as written or which are ineffective.

iii. Regulations, guidance, or information collections imposing costs tied to reporting or recordkeeping

requirements that impose burdens that exceed benefits. Explain why the reporting or recordkeeping requirement is overly burdensome, unnecessary, or how it could be modified.

c. Identify regulations, guidance, and information collections that the Committee believes have led to the elimination of jobs or inhibits job creation within a particular industry.

3. All regulations, guidance, and information collections, or parts thereof, recommended by the Committee should be described in sufficient detail (by section, paragraph, sentence, clause, etc.) so that it can readily be identified. Data (quantitative or qualitative) should be provided to support and illustrate the impact, cost, or burden, as applicable, for each recommendation. If the data is not readily available, the Committee should include information as to how such information can be obtained either by the Committee or directly by the Coast Guard.

Public Participation

All meetings associated with this tasking, both full Committee meetings and subcommittee/working groups, are open to the public. A public oral comment period will be held during the July 27, 2017, teleconference. Public comments or questions will be taken at the discretion of the Designated Federal Officer; commenters are requested to limit their comments to 3 minutes. Please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section, to register as a commenter. Subcommittee meetings held in association with this tasking will be announced as they are scheduled through notices posted to <http://homeport.uscg.mil/cfivsac> and uploaded as supporting documents in the electronic docket for this action, [USCG-2017-0656], at Regulations.gov.

J.F. Williams,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2017-14483 Filed 7-10-17; 8:45 am]

BILLING CODE 9110-04-P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2017-9; Order No. 3994]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is noticing a recent filing requesting that the Commission initiate an informal

rulemaking proceeding to consider changes to an analytical method for use in periodic reporting (Proposal Five). This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: Comments are due: August 16, 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. Proposal Five
- III. Notice and Comment
- IV. Ordering Paragraphs

I. Introduction

On June 30, 2017, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting the Commission to initiate an informal rulemaking proceeding to consider proposed changes to an analytical method related to periodic reports.¹ The Petition identifies the proposed analytical method changes filed in this docket as Proposal Five.

II. Proposal Five

Background. The Postal Service currently uses sampling from the In-Office Cost System (IOCS) to divide accrued city carrier costs between letter routes and special purpose routes (SPRs). Petition at 2.

Proposal. The Postal Service proposes to replace IOCS sampling data with more comprehensive census data from the Time and Attendance Collection System (TACS) to determine the share of costs for letter routes and SPRs. *Id.* Proposal Five would not change any other costing methodologies. *Id.* at 3.

Rationale and impact. The Postal Service states that use of TACS census data would reduce the variability of statistical estimates of costs by route group due to sampling. *Id.* The Postal Service states further that practical challenges in implementing IOCS sampling may lead to systematic errors in IOCS-based estimates of total costs

¹ Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Five), June 30, 2017 (Petition).

for carrier work assignments, including route group totals. *Id.* Table 1 purports to show the quarterly impact Proposal Five would have had on costs of the two route groups in FY 2016. *See id.* at 4–5. Table 2 shows the alleged impact on product costs. *See id.* at 5–7.

III. Notice and Comment

The Commission establishes Docket No. RM2017–9 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission's Web site at <http://www.prc.gov>. Interested persons may submit comments on the Petition and Proposal Five no later than August 16, 2017. Pursuant to 39 U.S.C. 505, Lawrence Fenster is designated as officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2017–9 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Five), filed June 30, 2017.

2. Comments by interested persons in this proceeding are due no later than August 16, 2017.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Lawrence Fenster to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2017–14423 Filed 7–10–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

39 CFR part 3050

[Docket No. RM2017–8; Order No. 3993]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is noticing a recent filing requesting that the Commission initiate an informal rulemaking proceeding to consider changes to an analytical method for use in periodic reporting (Proposal Four).

This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 9, 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. Proposal Four
- III. Notice and Comment
- IV. Ordering Paragraphs

I. Introduction

On June 30, 2017, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting the Commission to initiate an informal rulemaking proceeding to consider proposed changes to an analytical method related to periodic reports.¹ The Petition identifies the proposed analytical method changes filed in this docket as Proposal Four.

II. Proposal Four

Background. The Postal Service currently uses a Form 3999 (street evaluations) data set, supplemented with information collected as part of the Parcel/Accountable Study (Package Study), to assign city carrier letter route street costs to products.²

Proposal. Because the activity times collected during the Package Study are not part of an ongoing Postal Service data system, “the parcel and accountables cost pool proportions have essentially remained unchanged since the Package Study was conducted in the spring of 2014.” Petition at 3. Proposal Four would modify the current methodology for assigning city carrier letter route street costs to products by adjusting the letter route street cost pools to more accurately reflect carriers' street activities and thereby more precisely attribute costs to products. *Id.*

¹ Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Four), June 30, 2017 (Petition).

² Petition at 2; *see* Docket No. RM2015–7, Order No. 2792, Order Approving Analytical Principles Used in Periodic Reporting (Proposal Thirteen), October 29, 2015.

Rationale and impact. The Postal Service states that Proposal Four would update parcel delivery cost pool proportions to reflect the increase in parcel delivery activity that has taken place since 2014. *Id.* at 6. The Postal Service states further that Proposal Four would reduce the regular delivery street time proportion by the increases of the proportions for in-receptacle parcels and deviation parcels and accountables. *Id.* Proposal Four would also allow cost pool proportions to be easily adjusted annually. *Id.* at 8. To illustrate Proposal Four's potential impact, the Postal Service provides a table for each market dominant product and for aggregate domestic competitive and international mail and services. *Id.* at 8–9.

III. Notice and Comment

The Commission establishes Docket No. RM2017–8 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission's Web site at <http://www.prc.gov>. Interested persons may submit comments on the Petition and Proposal Four no later than August 9, 2017. Pursuant to 39 U.S.C. 505, Lawrence Fenster is designated as officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2017–8 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Four), filed June 30, 2017.

2. Comments by interested persons in this proceeding are due no later than August 9, 2017.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Lawrence Fenster to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2017–14422 Filed 7–10–17; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R05-OAR-2016-0272; FRL-9964-45-Region 5]

Air Plan Approval; Ohio; Control of Emissions of Organic Materials That Are Not Regulated by VOC RACT Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve, under the Clean Air Act, revisions to the Ohio Administrative Code rule as part of Ohio's State Implementation Plan (SIP). This rule has generally been revised to: Make minor style changes to meet Ohio's legislative service commission style and formatting guidelines; add specific effective dates within the rule; correct certain errors and omissions introduced when the rule was last revised; remove facilities and units that have been permanently shut down; update the names of certain subject facilities; and modify certain source applicability exclusions. Sources controlled by this rule are not covered by existing Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) rules or other organic material emission control rules in Ohio's Administrative Code.

DATES: Comments must be received on or before August 10, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R05-OAR-2016-0272, at <https://www.regulations.gov>, or via email to Aburano.Douglas@epa.gov. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the Web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER**

INFORMATION CONTACT section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1767, Dagostino.Kathleen@epa.gov.

SUPPLEMENTARY INFORMATION: In the Final Rules section of this issue of the **Federal Register**, EPA is approving Ohio's SIP revisions as a direct final rule without prior proposal because EPA views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that, if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule, which is located in the Rules section of this issue of the **Federal Register**.

Dated: June 21, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2017-14402 Filed 7-10-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R05-OAR-2017-0278; FRL-9964-64-Region 5]

Air Plan Approval; Illinois; Emissions Statement Rule Certification for the 2008 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) submission from the Illinois Environmental Protection Agency (IEPA) dated May 9, 2017. The submission provides IEPA's certification that its existing emission statement program, titled "Annual Emissions Report", remains in effect and satisfies the Clean Air Act (CAA) emissions statement requirement for the Illinois portions of the Chicago-Naperville, Illinois-Indiana-Wisconsin and St. Louis-St. Charles-Farmington, Missouri-Illinois nonattainment areas under the 2008 ozone National Ambient Air Quality Standard (NAAQS). Under the CAA, states' SIPs must require stationary sources in ozone nonattainment areas classified as marginal or above to annually report emissions of Volatile Organic Compounds (VOC) and Oxides of Nitrogen (NO_x).

DATES: Comments must be received on or before August 10, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R05-OAR-2017-0278 at <http://www.regulations.gov> or via email to Aburano.Douglas@epa.gov. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Air Programs Branch (AR-18J), Environmental

Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1767, *Dagostino.Kathleen@epa.gov*.

SUPPLEMENTARY INFORMATION: In the Final Rules section of this issue of the **Federal Register**, EPA is approving IDEM's SIP revisions as a direct final rule without prior proposal because EPA views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that, if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information see the direct final rule, which is located in the Rules section of this issue of the **Federal Register**.

Dated: June 20, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2017-14398 Filed 7-10-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 770

[EPA-HQ-OPPT-2017-0243; FRL-9963-06]

RIN 2070-AK30

Labeling Relief; Formaldehyde Emission Standards for Composite Wood Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to amend a final rule that published in the **Federal Register** on December 12, 2016 concerning formaldehyde emission standards for composite wood products. The proposed amendment would allow compliant composite wood products and finished goods that contain compliant composite wood products that were manufactured prior to December 12, 2017 to be labeled as Toxic Substances Control Act (TSCA) Title VI compliant. This means that regulated composite wood products and finished goods that meet the required formaldehyde emissions standards could be voluntarily labeled as compliant as soon as compliance can be achieved. This would enhance regulatory flexibility and facilitate a smoother supply chain transition to compliance with the rule's broader requirements, as well as promote lower formaldehyde emitting products entering commerce earlier than under the rule as originally published. EPA believes that the proposed amendment is non-controversial and does not expect to receive any adverse comments. Therefore, in addition to this Notice of Proposed Rulemaking, elsewhere in this issue of the **Federal Register**, EPA is promulgating the amendment as a direct final rule.

DATES: Written comments must be received by July 26, 2017. Comments postmarked after the close of the comment period will be stamped "late" and may or may not be considered by the Agency.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2017-0243, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail:* Document Control Office (7407M), Office of Pollution Prevention

and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

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

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Erik Winchester, National Program Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 564-6450; email address: winchester.erik@epa.gov.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION: For further information about the changes to the labeling provisions in the final rule concerning formaldehyde emission standards for composite wood products (81 FR 89674, December 12, 2016) (FRL-9949-90), please see the information provided in the direct final rule that is located, with the same title as this proposed rule, in the "Rules and Regulations" section of this **Federal Register** publication (See FRL-9963-05).

List of Subjects in 40 CFR Part 770

Environmental protection, Formaldehyde, Incorporation by reference, Reporting and recordkeeping requirements, Third-party certification, Toxic substances, Wood.

Dated: June 21, 2017.

Wendy Cleland-Hamnett,

Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2017-14514 Filed 7-10-17; 8:45 am]

BILLING CODE 6560-50-P

Notices

Federal Register

Vol. 82, No. 131

Tuesday, July 11, 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

Submission for OMB Review; Comment Request

July 6, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by August 10, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commentors are encouraged to submit their comments to OMB via email to: OIRA_Submission@omb.eop.gov or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs

potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Bid for Advertised Timber.

OMB Control Number: 0596-0066.

Summary of Collection: Authorized under 16 U.S.C. 472a, unless extraordinary conditions exist as defined by regulation, the Secretary of Agriculture must (1) advertise sales of all National Forest System timber or forest products exceeding \$10,000 in appraised value; (2) select bidding methods that ensure open and fair competition; (3) select bidding methods that ensure that the Federal government receives not less than appraised value of the timber or forest product; and (4) monitor bidding patterns for evidence of unlawful bidding practices. Individuals, large and small businesses, and corporations who wish to purchase timber or forest products from the National Forest must enter into a timber sale contract or Forest product contract with the Forest Service (FS). Information must be collected by FS in order to ensure that: National Forest System timber is sold at not less than appraised value; bidders meet specific criteria when submitting a bid; and anti-trust violations do not occur during the bidding process. Several statutes, regulations, and policies impose requirements on the Government and purchasers in the bidding process.

Need and Use of the Information: FS will collect information using different bid forms FS-2400-42a, FS-2400-14UR, FS-2400-14WA and FS-2400-14TV, and two versions of the Solicitation and Offer for Integrated Resource Contract form FS-2400-14BV and FS-2400-14BVU. The sale officer will ensure: The bidder has signed the bid form; provided a tax identification number; completed the unit rate, weighted average, or total sale value bid; entered the bid guarantee amount, type, and ensure the bid guarantee is enclosed with the bid, the bidder has provided the required information concerning Small Business Administration size and Equal Opportunity compliance on previous sales. The Timber Sale Contracting Officers will use the information to complete the contract prior to award to the highest bidder.

Failure to include the required information may result in the bid being declared non-responsive or the Contracting Officer may be unable to make an affirmative finding of purchaser responsibility and not able to award the contract.

Description of Respondents: Business or other for-profit; Individuals or households.

Number of Respondents: 1,089.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 68,530.

Forest Service

Title: Federal Excess Personal and Firefighter Property Program Administration.

OMB Control Number: 0596-0223.

Summary of Collection: Federal Excess Personal Property (FEPP) and Firefighter Property (FFP) programs provide state (including U.S. territories) forestry agencies the opportunity to obtain excess Department of Defense and other Federal agencies equipment and supplies to be used in firefighting and emergency services. The authority to provide excess supplies to state agencies comes from Federal Property and Administration Services Act of 1949, as amended, 40 U.S.C., Sec 202. Authority to loan excess supplies comes from 10 U.S.C., Subtitle A, Part IV, Chapter 153, 2576b grants the authority for the FFP.

Need and Use of the Information: The Forest Service (FS) "Federal Excess Property Management Information System (FEPMIS) database allows the FS to collect FEPP and FFP information used to manage property inventory electronically. Access to the database is limited to those state employees with access authorized by FS Management Officers working in the fire and Aviation staff. Each state designates an Accountable Officer who is responsible for the integrity of the program within their respective state and completing the necessary documentation for each program in which the state participates. For this reason FEPP and FFP collects the state forestry agency contact information and the information of the Accountable Officer. Cooperative Agreement forms FS-3100-10 and/or FS-3100-11 are used to collect the required information from the participating state agency that outlines the requirements and rules for the cooperation. Participating state agencies

must submit separate agreements if they desire to participate in both programs.

Description of Respondents: State and local government.

Number of Respondents: 56.

Frequency of Responses:

Recordkeeping; Reporting: Annual.

Total Burden Hours: 600.

Charlene Parker,

Departmental Information Collection
Clearance Officer.

[FR Doc. 2017-14509 Filed 7-10-17; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

DATES: July 6, 2017.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: OIRA_Submission@omb.eop.gov or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602.

Comments regarding these information collections are best assured of having their full effect if received by August 10, 2017. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information

unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: USDA Farmers Market Application.

OMB Control Number: 0581-0229.

Summary of Collection: The Agricultural Marketing Act of 1946 (7 U.S.C. 1622(n)) authorizes the Secretary to conduct services and to perform activities that will facilitate the marketing and utilization of agricultural products through commercial channels. The Agricultural Marketing Service (AMS) is authorized to implement established regulations and procedures under 7 CFR part 170 for AMS to operate the U.S. Department of Agriculture (USDA) Farmers Market, specify vendor criteria and selection procedures, and define guidelines to be used for governing the USDA Farmers Market annually.

Need and Use of the Information: Information will be collected on form TM-28, "USDA Farmers Market Application." The application was developed to ensure a uniform and fair process for deciding which farm operations are allowed to participate in the market, as well as ensure diversity of product for consumers. The Program has expanded to a year-round market. The Summer/Outdoor market season is from June through November and the Winter/Indoor market season operates from December through May. AMS will collect information to review the type of products available for sale and selecting participants for the annual market season. The information collected consists of (1) certification that the applicant is the owner or a representative of the farm or business; (2) name(s), address, telephone number and email address; (3) farm or business location; (4) types of products grown; (5) business practices; and (6) insurance coverage.

Two new forms are being included in this renewal submission. The "USDA Farmers Market Customer Satisfaction Questionnaire" to learn who our customers are and their preferences in order to improve the Farmers Market. Taught by USDA subject matter experts, free fruit and vegetable education classes called VegU take place weekly at the Farmers Market. The "VegUcation Questionnaire" will be used to learn how familiar attendees are with the

featured fruit or vegetable, if they found the class valuable, and if their attendance affected their market purchases.

Description of Respondents: Business or other for-profit; Farms; Individuals.

Number of Respondents: 588.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 284.

Agricultural Marketing Service

Title: USDA Web Based Supply Chain Management System (WBSCM).

OMB Control Number: 0581-0273.

Summary of Collection: Section 32 of the Act of August 24, 1935, as amended (Section 32 Pub. L. 74-320; 7 U.S.C. 612c); Sections 6(a) and (e), 13, and 17 of the National School Lunch Act, as amended, (42 U.S.C. 1751, 1761, and 1766) in addition to several other acts authorize the Agricultural Marketing Service (AMS) Procurement Branches to prepare and issue announcements for the purchase and sale of perishable agricultural commodities. AMS purchases agricultural commodities for the Section 32 and 6a & e National School Lunch Program/Child & Adult Care Food Program; Nutrition Service Incentive Program; Food Distribution Program on Indian Reservations; Commodity Supplemental Food Program; The Emergency Food Assistance Program and Disaster Feeding in addition to providing support for commodity markets with surplus inventory.

Need and Use of the Information: AMS issues solicitation for offers in order to solicit bids for commodities for delivery to domestic nutrition assistance programs. Vendors respond by making electronic offers using the secure Web Based Supply Chain Management System (WBSCM). Vendors must be registered, and have an ID and password, in order to submit bids electronically through WBSCM via the Internet. The information will change in response to the needs of the domestic feeding programs and each solicitation. Information collected has been consolidated into three processes—a New Vendor Application, Bid Solicitation, and Contract Delivery, Invoice Submission and Inspection Results. The data collected from vendors assists AMS with making a determination whether a business is viable and capable of supplying product to the Federal government.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 330.

Frequency of Responses: Reporting: On occasion; Weekly; Monthly; Quarterly.

Total Burden Hours: 48,376.

Agricultural Marketing Service

Title: Data Collection for Container Availability.

OMB Control Number: 0581-0276.

Summary of Collection: Section 203(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) directs and authorizes the collection and dissemination of marketing information including adequate outlook information, on a market area basis, for the purpose of anticipating and meeting consumer requirements aiding in the maintenance of farm income and to bring about a balance between production and utilization. As part of the Agricultural Marketing Service (AMS), the Transportation Services Division (TSD) informs, represents, and assists agricultural shippers and government policymakers through: Market reports, representation, analysis, assistance, and responses to inquiries.

Need and Use of the Information: TSD collects data for its analysis from public resources as well as unique data sources to help the agricultural exporters make the most out of the transportation options available. The Data Collection for Container Availability provides U.S. agricultural exporters with weekly data detailing the availability of containers at select locations around the country. AMS will collect these data on a voluntary basis from ocean container carriers and then provide these up-to-date data in an aggregate report on its Web site.

Description of Respondents: Business or other for-profit.

Number of Respondents: 21.

Frequency of Responses: Reporting: Weekly.

Total Burden Hours: 1,759.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017-14487 Filed 7-10-17; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Forest Service

Coconino County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Coconino County Resource Advisory Committee (RAC) will meet in Flagstaff, Arizona. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and

operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: <https://www.fs.usda.gov/main/pts/specialprojects/racs>.

DATES: The meeting will be held on July 28, 2017, at 1:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Coconino National Forest (NF) Supervisor's Office, 1824 South Thompson Street, Flagstaff, Arizona.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Coconino NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Brady Smith, RAC Coordinator, by phone at 928-527-3490 or via email at bradysmith@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Introduce new members to one another,
2. Elect a chairperson,
3. Review the charter,
4. Establish ground rules,
5. Discuss future meeting dates, deadlines, and meeting processes.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by July 21, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Brady Smith, RAC Coordinator, Coconino NF Supervisor's Office, 1824 South Thompson Street, Flagstaff, Arizona

86001; or by email to bradysmith@fs.fed.us.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Leslie C. Weldon,

Deputy Chief, National Forest System.

[FR Doc. 2017-14419 Filed 7-10-17; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Coconino County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Coconino County Resource Advisory Committee (RAC) will meet in Flagstaff, Arizona. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: <https://www.fs.usda.gov/main/pts/specialprojects/racs>.

DATES: The meeting will be held on August 21, 2017, at 9:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Coconino County Health Department, 2625 N. King Street, Flagstaff, Arizona.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Coconino National Forest (NF) Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT:

Brady Smith, RAC Coordinator, by phone at 928–527–3490 or via email at bradysmith@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

The purpose of the meeting is to:

1. Review the calendar,
2. Review project proposals,
3. Hear project proponent proposals, and
4. Vote on projects.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by August 14, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Brady Smith, RAC Coordinator, Coconino NF Supervisor's Office, 1824 South Thompson Street, Flagstaff, Arizona, 86001; or by email to bradysmith@fs.fed.us.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Leslie Weldon,

Deputy Chief, National Forest System.

[FR Doc. 2017–14417 Filed 7–10–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE**Forest Service**

National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The National Advisory Committee for Implementation of the National Forest System Land

Management Planning Rule Committee (Committee) will meet in Atlanta, Georgia. The Committee operates in compliance with the Federal Advisory Committee Act (FACA). Committee information can be found at the Committee's Web site at: <http://www.fs.usda.gov/main/planningrule/committee>.

DATES: The meeting will be held on the following dates and times:

- Wednesday, August 2, 2017, from 1:30 p.m. to 5:30 p.m. EST.
- Thursday, August 3, 2017, from 8:30 a.m. to 5:00 p.m. EST.

All meetings are subject to cancellation. For updated status of meetings prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Residence Inn Atlanta Midtown, 1365 Peachtree Street Northeast, Atlanta, Georgia. For anyone who would like to attend via web connection and/or conference call, please visit the Web site listed above or contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the USDA Forest Service Washington Office—Yates Building. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT:

Crystal Merica, Committee Coordinator, by phone at 202–205–3562, or by email at ckmerica@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to provide:

1. Continued deliberations on formulating advice for the Secretary,
2. Discussion of Committee work group findings,
3. Hearing public comments, and
4. Administrative tasks.

This meeting is open to the public. The agenda will include time for people to make oral comments of three minutes or less. Individuals wishing to make an oral comment should submit a request in writing by July 28, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to

the attention of the Committee may file written statements with the Committee's staff before or after the meeting. Written comments and time requests for oral comments must be sent to Crystal Merica, USDA Forest Service Washington Office—Yates Building, 201 14th Street Southwest, Mail Stop 1104, Washington, DC, 20250–1104; or by email at ckmerica@fs.fed.us. The agenda and summary of the meeting will be posted on the Committee's Web site within 21 days of the meeting.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Leslie Weldon,

Deputy Chief, National Forest System.

[FR Doc. 2017–14413 Filed 7–10–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE**Forest Service**

Huron-Manistee Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Huron-Manistee Resource Advisory Committee (RAC) will meet in Mio, MI. The RAC is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the RAC is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act.

DATES: The meeting will be held on August 8, 2017, from 6:30 p.m.–9:30 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at Mio Ranger District, 107 McKinley Road, Mio, Michigan. Participants who would like to attend by teleconference or by video conference, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Mio Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Brad Bolton, Designated Federal Officer, by phone at 989-826-3252 or via email at blbolton@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Introduction of RAC members and Forest Service personnel;
2. Elect a chairperson;
3. Review processes for recommending and considering Title II projects; and
4. Public comment.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by August 1, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Brad Bolton, Designated Federal Officer, 107 McKinley Road, Mio, Michigan 48647; by email to blbolton@fs.fed.us, or via facsimile to 989-826-6073.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Leslie Weldon,

Deputy Chief, National Forest System.

[FR Doc. 2017-14414 Filed 7-10-17; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Coconino County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Coconino County Resource Advisory Committee (RAC) will meet in Flagstaff, Arizona. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: <https://www.fs.usda.gov/main/pts/specialprojects/racs>.

DATES: The meeting will be held on September 8, 2017, at 9:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Coconino County Health Department, 2625 N. King Street, Flagstaff, Arizona.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Coconino National Forest (NF) Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Brady Smith, RAC Coordinator, by phone at 928-527-3490 or via email at bradysmith@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review the calendar,
2. Review project proposals,
3. Hear project proponent proposals, and
4. Vote on projects.

The meeting is open to the public. The agenda will include time for people

to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 1, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Brady Smith, RAC Coordinator, Coconino NF Supervisor's Office, 1824 South Thompson Street, Flagstaff, Arizona, 86001; or by email to bradysmith@fs.fed.us.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Leslie Weldon,

Deputy Chief, National Forest System.

[FR Doc. 2017-14411 Filed 7-10-17; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Southwest Mississippi Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southwest Mississippi Resource Advisory Committee (RAC) will meet in Meadville, Mississippi. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: <https://www.fs.usda.gov/mississippi/>.

DATES: The meeting will be held on August 23, 2017, at 6:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at Franklin County Public Library, 106 First Street, Meadville, Mississippi.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Homochitto Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Bill Meriwether by phone at 601-384-5876 or via email at bdmeriwether@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Call to order and welcome new members,
2. Elect a new chairperson,
3. Updates on RAC,
4. Title II Funds available for projects,
5. Discussion project proposals and make recommendations, and
6. Public comments.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by August 18, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Bill Meriwether, RAC Coordinator, Homochitto Ranger District, 1200 Highway 184 East, Meadville, Mississippi 39653; by email to bdmeriwether@fs.fed.us, or via facsimile to 601-384-2172.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable

accommodation requests are managed on a case by case basis.

Leslie Weldon,

Deputy Chief, National Forest System.

[FR Doc. 2017-14415 Filed 7-10-17; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Southwest Mississippi Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southwest Mississippi Resource Advisory Committee (RAC) will meet in Meadville, Mississippi. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: <https://www.fs.usda.gov/mississippi/>.

DATES: The meeting will be held on August 29, 2017, at 6:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at Franklin County Public Library, 106 First Street, Meadville, Mississippi.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Homochitto Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Bill Meriwether by phone at 601-384-5876 or via email at bdmeriwether@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Call to order and welcome new members,

2. Elect a new chairperson,
3. Updates on RAC,
4. Title II Funds available for projects,

5. Discussion project proposals and make recommendations, and
6. Public comments.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by August 24, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Bill Meriwether, RAC Coordinator, Homochitto Ranger District, 1200 Highway 184 East, Meadville, Mississippi 39653; by email to bdmeriwether@fs.fed.us, or via facsimile to 601-384-2172.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Leslie Weldon,

Deputy Chief, National Forest System.

[FR Doc. 2017-14418 Filed 7-10-17; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Coconino County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Coconino County Resource Advisory Committee (RAC) will meet in Flagstaff, Arizona. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: <https://>

www.fs.usda.gov/main/pts/specialprojects/racs.

DATES: The meeting will be held on September 22, 2017, at 9:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Coconino County Health Department, 2625 N. King Street, Flagstaff, Arizona.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Coconino National Forest (NF) Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Brady Smith, RAC Coordinator, by phone at 928-527-3490 or via email at bradysmith@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review the calendar,
2. Review project proposals,
3. Hear project proponent proposals, and
4. Vote on projects.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 15, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Brady Smith, RAC Coordinator, Coconino NF Supervisor's Office, 1824 South Thompson Street, Flagstaff, Arizona, 86001; or by email to bradysmith@fs.fed.us.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the

section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Leslie Weldon,

Deputy Chief, National Forest System.

[FR Doc. 2017-14410 Filed 7-10-17; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Southwest Mississippi Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southwest Mississippi Resource Advisory Committee (RAC) will meet in Meadville, Mississippi. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: <https://www.fs.usda.gov/mississippi/>.

DATES: The meeting will be held on September 12, 2017, at 6:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at Franklin County Public Library, 106 First Street, Meadville, Mississippi.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Homochitto Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Bill Meriwether by phone at 601-384-5876 or via email at bdmeriwether@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Call to order and welcome new members,
2. Elect a new chairperson,
3. Updates on RAC,
4. Title II Funds available for projects,
5. Discussion project proposals and make recommendations, and
6. Public comments.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 7, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Bill Meriwether, RAC Coordinator, Homochitto Ranger District, 1200 Highway 184 East, Meadville, Mississippi 39653; by email to bdmeriwether@fs.fed.us, or via facsimile to 601-384-2172.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Leslie Weldon,

Deputy Chief, National Forest System.

[FR Doc. 2017-14416 Filed 7-10-17; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS-2017-003]

Notice of Availability of the Mississippi Trustee Implementation Group 2016-2017 Restoration Plan/Environmental Assessment and Finding of No Significant Impact (FONSI)

AGENCY: Natural Resources Conservation Service (NRCS).

ACTION: Notice of availability.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), the Deepwater Horizon Federal and State natural resource trustee agencies for the Mississippi Trustee

Implementation Group (MS TIG) have prepared a final Mississippi Trustee Implementation Group 2016–2017 Restoration Plan/Environmental Assessment (RP/EA). The RP/EA describes the restoration project alternatives considered by the MS TIG to restore and conserve habitat, replenish and protect living coastal and marine resources, and restore water quality. The MS TIG evaluated these alternatives under criteria set forth in the OPA natural resource damage assessment (NRDA) regulations, and also evaluated the environmental consequences of the restoration alternatives in accordance with NEPA. The Federal Trustees of the MS TIG have determined that implementation of the MS TIG 2016–2017 RP/EA is not a major Federal Action significantly affecting the quality of the human environment within the context of NEPA and, therefore, an Environmental Impact Statement will not be prepared. The MS TIG has selected three restoration projects in the RP/EA for implementation in the Mississippi Restoration Area, which are consistent with the Trustees' programmatic alternatives in the Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (PDARP/PEIS).

ADDRESSES: Obtaining Documents: You may download the RP/EA and FONSI at <http://www.gulfspillrestoration.noaa.gov>.

Alternatively, you may request a CD of the Final RP/EA and FONSI (see **FOR FURTHER INFORMATION CONTACT**). You also may view the document at any of the public facilities listed at <http://www.gulfspillrestoration.noaa.gov>.

FOR FURTHER INFORMATION CONTACT:

- USDA NRCS—Andrée DuVarney, Andree.DuVarney@wdc.usda.gov
- Mississippi—Tabatha Baum, tbaum@mdeq.ms.gov

SUPPLEMENTARY INFORMATION:

Introduction

On April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon*, which was being used to drill a well for BP Exploration and Production Inc. (BP), in the Macondo prospect (Mississippi Canyon 252—MC252), exploded, caught fire and subsequently sank in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The *Deepwater Horizon* oil spill is the largest maritime oil spill in United States (U.S.) history, discharging millions of barrels of oil over a period

of 87 days. In addition, well over one million gallons of dispersants were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas also was released to the environment as a result of the spill.

The *Deepwater Horizon* State and Federal natural resource trustees (DWH Trustees) conducted NRDA for the *Deepwater Horizon* oil spill under the Oil Pollution Act 1990 (OPA; 33 U.S.C. 2701 *et seq.*). Pursuant to OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the time of restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete.

The DWH Trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service (NPS) and U.S. Fish and Wildlife Service (USFWS), and Bureau of Land Management (BLM)
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce (DOC)
- U.S. Department of Agriculture (USDA)
- U.S. Department of Defense (DOD) ¹
- U.S. Environmental Protection Agency (EPA)
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources
- State of Mississippi Department of Environmental Quality (MDEQ)
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission
- The State of Texas Parks and Wildlife Department, Texas General Land

¹ Although a trustee under OPA by virtue of the proximity of its facilities to the *Deepwater Horizon* oil spill, DOD is not a member of the Trustee Council and does not participate in DWH Trustee decision-making.

Office, and Texas Commission on Environmental Quality

Upon completion of the NRDA, the DWH Trustees reached and finalized a settlement of their natural resource damage claims with BP in a Consent Decree ² approved by the U.S. District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in Mississippi are now chosen and managed by the MS TIG. The MS TIG is composed of the following Trustees:

- MDEQ;
- DOI, as represented by NPS, USFWS, and BLM;
- NOAA, on behalf of DOC;
- USDA; and
- EPA.

This restoration planning activity is proceeding in accordance with the *Deepwater Horizon* Oil Spill: Final PDARP/PEIS. Information on the Restoration Types: Wetlands, Coastal and Nearshore Habitats, Birds, and Nutrient Reduction (Nonpoint Source), as well as the OPA criteria against which project ideas are being evaluated, can be viewed in the PDARP/PEIS (<http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan>), and in the Overview of the PDARP/PEIS (<http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan>).

Background

On May 27, 2016, the MS TIG published a notice to invite public input regarding natural resource restoration opportunities in the Mississippi Restoration Area for the 2016–2017 planning years. The notice indicated a focus on the following range of potential restoration types that may have benefits to living coastal and marine resources: Restoration of Wetlands, Coastal and Nearshore Habitats, restoration of water quality through Nutrient Reduction (Nonpoint source); restoration of Birds, and restoration of Oysters. Because there are several ongoing or completed projects benefitting oysters and secondary productivity in the Mississippi Restoration Area, the MS TIG chose not to prioritize the oyster restoration type in this RP/EA.

On October 31, 2016, the MS TIG published a Notice of Initiation for Restoration Plan Drafting in Mississippi, indicating its intent to focus on the following Restoration Types:

- Wetlands, Coastal and Nearshore Habitats;
- Nutrient Reduction (nonpoint source); and
- Birds.

² <https://www.justice.gov/enrd/file/838066/download>.

A Notice of Availability of the Draft RP/EA was published in the **Federal Register** on December 27, 2016 (81 FR 95106–95107). The Draft RP/EA provided the MS TIG's analysis of alternatives that were considered to meet the intended Restoration Types under both OPA and NEPA, and identified three projects that were proposed for implementation. The MS TIG provided the public with a 45-day comment period that ended February 10, 2017, and hosted a Web-based comment submission site to encourage the public to review and comment. The MS TIG also provided a post office box and email address as other means for the public to provide comments.

Comments were received from private citizens, State, and local agencies, and non-governmental organizations. The MS TIG considered the public comments received, which informed the MS TIG's analysis of alternatives in the Final RP/EA. A summary of the public comments received and the MS TIG's responses to those comments are addressed in Section 6 of the Final RP/EA.

Overview of the RP/EA

The RP/EA is being released in accordance with OPA, NRDA regulations found in the Code of Federal Regulations (CFR) at 15 CFR part 990, and NEPA (42 U.S.C. 4321 *et seq.*).

In the RP/EA, the MS TIG proposes implementation of the following two preferred alternatives and associated projects within the Wetlands, Coastal and Nearshore Habitat and Birds Restoration Types: (1) Graveline Bay Land Acquisition and Management, and (2) Grand Bay Land Acquisition and Habitat Management. The MS TIG also proposes the following preferred alternative and associated project within the Nutrient Reduction (Nonpoint Source) Restoration Type: Upper Pascagoula River Water Quality Enhancement. The RP/EA presents six restoration alternatives, as well as a no action alternative, evaluated in accordance with OPA and NEPA. The alternatives considered in RP/EA are—

- Restoration Goals.—Restore and Conserve Habitat; and Replenish and Protect Living Coastal and Marine Resources.
- Alternative A (Preferred): Graveline Bay Land Acquisition and Management
- Alternative B: Grand Bay Land Acquisition (up to 8,000 acres)
- Alternative C: Grand Bay Habitat Management (up to 17,500 acres)
- Alternative D (Preferred): Grand Bay Land Acquisition (up to 8,000 acres) and Habitat Management (up to

17,500 acres); Alternatives B and C combined

- No Action Alternative
 - Restoration Goal.—Restore Water Quality.
- Alternative A (Preferred): Upper Pascagoula River Water Quality Enhancement
- Alternative B: Pascagoula River Basin Riparian Buffer Maintenance Plan
- No Action Alternative

The MS TIG has determined that the selected restoration alternatives and associated projects preferred for implementation are appropriate to partially compensate for the injuries for these restoration types described in PDARP/PEIS. In the RP/EA, the MS TIG presents to the public its plan for providing partial compensation to the public for natural resources and ecological services injured or lost in Mississippi as a result of the *Deepwater Horizon* Oil Spill. The preferred alternatives and associated projects in the RP/EA are most appropriate for addressing injuries to wetlands, coastal and nearshore habitats, birds, and water quality in Mississippi at this time. Additional restoration planning for Mississippi will continue at a later time.

Administrative Record

The documents included in the Administrative Record can be viewed electronically at <http://www.doi.gov/deepwaterhorizon/adminrecord>. This Administrative Record is actively maintained and available for public review.

Authority The authority of this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), the implementing NRDA regulations found at 15 CFR part 990, and NEPA (42 U.S.C. 4321 *et seq.*).

Signed on July 5, 2017, in Washington, DC

James E. Tillman, Sr.,

*Acting Associate Chief for Conservation,
Natural Resources Conservation Service.*

[FR Doc. 2017–14505 Filed 7–10–17; 8:45 am]

BILLING CODE 3410–16–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the New Hampshire Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the New Hampshire Advisory Committee to the

Commission will convene by conference call at 9:00 a.m. (EDT) on: Friday, July 28, 2017. The purpose of the meeting is to discuss how to update the voting rights project and report. The Committee may also discuss future civil rights projects.

DATES: Friday, July 28, 2017, at 9:00 a.m. EDT.

ADDRESSES: Public call-in information: Conference call-in number: 1–877–719–9795 and conference call 5761106.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor at ero@usccr.gov or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–877–719–9795 and conference call 5761106. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–977–8339 and providing the operator with the toll-free conference call-in number: 1–877–719–9795 and conference call 5761106.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at ero@usccr.gov. Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at <https://database.faca.gov/committee/meetings.aspx?cid=262>, click the “Meeting Details” and “Documents” links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both

before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, www.usccr.gov, or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda

Friday, July 28, 2017

- Rollcall
- Discussion of Voting Rights Report
- Next Steps
- Other Business
- Open Comment
- Adjourn

Dated: July 6, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017-14490 Filed 7-10-17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-201-846]

Sugar From Mexico: Amendment to the Agreement Suspending the Countervailing Duty Investigation

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

DATES: Effective June 30, 2017.

SUMMARY: The Department of Commerce (the Department) and a representative of the Government of Mexico (GOM) have signed an amendment to the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico (CVD Suspension Agreement). The amendment to the CVD Suspension Agreement modifies the definitions for sugar from Mexico, modifies the restrictions of the volume of direct or indirect exports to the United States of sugar from all Mexican producers/exporters, and provides for enhanced monitoring and enforcement mechanisms.

FOR FURTHER INFORMATION CONTACT: Sally Craig Gannon or David Cordell at (202) 482-0162 or (202) 482-0408, respectively; Bilateral Agreements Unit, Office of Policy, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On April 17, 2014, the Department initiated a countervailing duty investigation under section 702 of the

Tariff Act of 1930, as amended (the Act), to determine whether manufacturers, producers, or exporters of sugar from Mexico receive subsidies.¹ On August 25, 2014, the Department preliminarily determined that countervailable subsidies are being provided to producers and exporters of sugar from Mexico and aligned the final countervailing duty determination with the final antidumping duty determination.²

The Department and the GOM signed the CVD Suspension Agreement on December 19, 2014.³

On January 8, 2015, Imperial Sugar Company (Imperial) and AmCane Sugar LLC (AmCane) each notified the Department that they had petitioned the International Trade Commission (ITC) to conduct a review of the CVD Suspension Agreement under section 704(h) of the Act to determine whether the injurious effects of the imports of the subject merchandise are eliminated completely by the CVD Suspension Agreement. On March 19, 2015, in a unanimous vote, the ITC found that the CVD Suspension Agreement eliminated completely the injurious effects of imports of sugar from Mexico.⁴ As a result of the ITC's determination, the CVD Suspension Agreement remained in effect, and on March 27, 2015, the Department, in accordance with section 704(h)(3) of the Act, instructed U.S. Customs and Border Protection (CBP) to terminate the suspension of liquidation of all entries of sugar from Mexico and refund all cash deposits.

Notwithstanding issuance of the CVD Suspension Agreement, pursuant to requests by domestic interested parties, the Department continued its investigation and made an affirmative final determination that countervailable subsidies were being provided to exporters and producers of sugar from Mexico.⁵ In its *Final Determination*, the Department calculated countervailable subsidy rates of 43.93 percent for Fondo de Empresas Expropiadas del Sector

Azucarero (FEESA), 5.78 percent for Ingenio Tala S.A. de C.V. and certain affiliated sugar mills of Grupo Azucarero Mexico S.A. de C.V. (collectively, the GAM Group), and 38.11 percent for producers and exporters that were not individually investigated. The Department stated, in its *Final Determination*, that it would "not instruct CBP to suspend liquidation or collect cash deposits calculated herein unless the {CVD} Suspension Agreement is terminated."⁶ The ITC subsequently made an affirmative determination of material injury to an industry in the United States by reason of imports of sugar from Mexico.⁷

Since June 2016, the Department and GOM have held consultations regarding the CVD Suspension Agreement to address concerns raised by the domestic industry and to ensure that the CVD Suspension Agreement meets all of the statutory requirements for a suspension agreement, e.g., that suspension of the investigation is in the public interest, including the availability of supplies of sugar in the U.S. market, and that effective monitoring is practicable. On June 14, 2017, the Department and the GOM initiated a draft amendment to the CVD Suspension Agreement. The Department invited interested parties to provide written comments on the proposed amendment by June 21, 2017, and rebuttal comments by June 26, 2017.⁸ On June 17, 2017, the Department released a memorandum explaining how the draft amendment, as integrated with the CVD Suspension Agreement (the draft amended CVD Suspension Agreement) meets the requirements of section 704(c) of the Act and invited interested parties to provide written comments by no later than the close of business on June 23, 2017, with rebuttal comments due no later than the close of business on June 26, 2017.⁹

Scope of Agreement

See Section I, Product Coverage, of the CVD Suspension Agreement.

¹ See *Sugar from Mexico: Initiation of Countervailing Duty Investigation*, 79 FR 22790 (April 24, 2014).

² See *Sugar from Mexico: Preliminary Affirmative Countervailing Determination and Alignment of Final Countervailing Determination with Final Antidumping Duty Determination*, 79 FR 51956 (September 2, 2014).

³ See *Sugar From Mexico: Suspension of Countervailing Investigation*, 79 FR 78044 (December 29, 2014).

⁴ See *Sugar from Mexico: Determinations*, 80 FR 16426 (March 27, 2015).

⁵ See *Sugar From Mexico: Continuation of Antidumping and Countervailing Duty Investigations*, 80 FR 25278 (May 4, 2015); *Sugar From Mexico: Final Affirmative Countervailing Duty Determination*, 80 FR 57337 (September 23, 2015) (*Final Determination*).

⁶ *Final Determination*, 80 FR at 57338.

⁷ See *Sugar From Mexico*, 80 FR 70833 (November 16, 2015) (*Final ITC Determination*).

⁸ See Memorandum entitled "Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico," dated June 14, 2017 and Memorandum entitled "Placing Press Release on the Record of the Proceeding," dated June 30, 2017.

⁹ See Memorandum from P. Lee Smith, Deputy Assistant Secretary for Policy and Negotiations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entitled "Draft Amendment to the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico: U.S. Import Coverage, Existence of Extraordinary Circumstances, Public Interest, and Effective Monitoring Assessments," dated June 16, 2017.

Analysis of Comments Received

We received comments on the draft amendment from the International Sugar Trade Coalition, the Australian Sugar Industry Alliance, CSC Sugar LLC, the Corn Refiners Association, the Organic Trade Association, Archer Daniels Midland Company, the American Sugar Coalition, Imperial Sugar Company, the Government of Canada, the Sugar Users Association, and the Governments of Barbados, Belize, Dominican Republic, Guyana, and Jamaica. We received rebuttal comments on the draft amendment from Cámara Nacional de Las Industrias Azucarera y Alcohólera (Mexican Sugar Chamber), the American Sugar Coalition, the Government of Mexico, and Zucarmex, S.A. de C.V. and Zucrum Foods LLC. We did not receive comments on the draft statutory memorandum. In reaching a final amendment to the CVD Agreement, the Department has taken into account all comments and rebuttal comments submitted on the record of the suspension agreement proceeding and has made changes, where warranted, to the June 14, 2017 draft CVD amendment based upon those comments. The Department expects to place its written analysis of the changes made and response to comments on the record of the suspension agreement proceeding no later than July 14, 2017.

Amendment to CVD Suspension Agreement

The Department consulted with the GOM and the petitioners¹⁰ and has considered the comments submitted by interested parties with respect to the draft amendment to the CVD Suspension Agreement. On June 30, 2017, after consideration of the interested party comments received, Wilbur L. Ross, Jr., Secretary of Commerce, and Juan Carlos Baker Pineda, Subsecretario de Comercio Exterior, Secretaría de Economía, signed a finalized amendment to the CVD Suspension Agreement. The amendment, as integrated with the CVD Suspension Agreement (the amended CVD Suspension Agreement), allows for exports of Mexican sugar to the United States in accordance with the collective terms therein.

In accordance with section 704(c) of the Act, we have determined that extraordinary circumstances, as defined

by section 704(c)(4) of the Act, exist with respect to the amended CVD Suspension Agreement. We have also determined that the amended CVD Suspension Agreement is in the public interest and can be monitored effectively, as required under section 704(d) of the Act.

For the reasons outlined above, we find that the amended CVD Suspension Agreement meets the criteria of section 704(c) and (d) of the Act.

The terms and conditions of the amendment to the CVD Suspension Agreement, signed on June 30, 2017, are set forth in the Amendment to the CVD Suspension Agreement, which is attached in Annex 1 to this notice.

Administrative Protective Order Access

The administrative protective order (APO) the Department granted in the suspension agreement segment of this proceeding remains in place and effective for the amended CVD Suspension Agreement. All new parties requesting access under the APO currently in effect to business proprietary information submitted during the administration of the amended CVD Suspension Agreement must submit an APO application in accordance with the Department's regulations currently in effect.¹¹

We are issuing and publishing this notice in accordance with section 704(f)(1)(A) of the Act and 19 CFR 351.208(g)(2).

Dated: June 30, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Annex 1: Amendment to Agreement Suspending the Countervailing Duty Investigation on Sugar From Mexico

The Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico (Agreement) signed by the United States Department of Commerce (the Department) and the Government of Mexico (GOM) on December 19, 2014, is amended, as set forth below (Amendment).

If a provision of the Agreement conflicts with a provision of this Amendment, the provision of the Amendment shall supersede the provision of the Agreement to the extent of the conflict. All other provisions of the Agreement and their applicability continue with full force.

The Department and the GOM hereby agree as follows:

Section II ("Definitions") is amended as follows:

Section II.D is replaced with: "Effective Date of the Agreement" means the date on which the Department and the GOM signed the Agreement. Additionally,

the "Effective Date of the Amendment" means the date on which the Department issues its next calculation pursuant to Section V.B of the Agreement and, as such, means that the Amendment applies to all contracts for Sugar from Mexico for the October 1, 2017 through September 30, 2018 Export Limit Period, and to all contracts for Sugar from Mexico (regardless of Export Limit Period) exported from Mexico on or after October 1, 2017.

Section II.K is replaced with:

"Other Sugar" means

- a. Sugar at a polarity of less than 99.2, as produced and measured on a dry basis;
- b. Where such Sugar is Additional U.S. Needs Sugar, as defined in Section II.U, Sugar at a polarity of less than 99.5, as produced and measured on a dry basis; and,
- c. In the event that Section V.B.4.d is exercised, Sugar at a polarity specified by USDA that is below 99.5, as produced and measured on a dry basis.

Such Other Sugar must be exported to the United States loaded in bulk and freely flowing (*i.e.*, not in a container, tote, bag or otherwise packaged) into the hold(s) of an ocean-going vessel. To be considered as Other Sugar, if Sugar leaves the Mexican mill in a container, tote, bag or other package (*i.e.*, is not freely flowing), it must be emptied from the container, tote, bag or other package into the hold of the ocean-going vessel for exportation. All other exports of Sugar from Mexico that are not transported in bulk and freely flowing in the hold(s) of an ocean-going vessel will be considered to be Refined Sugar for purposes of the Export Limit or Additional U.S. Needs Sugar, regardless of the polarity of that Sugar.

Section II.L is replaced with:

"Refined Sugar" means

- a. Sugar at a polarity of 99.2 and above, as produced and measured on a dry basis;
- b. Sugar considered to be Refined Sugar under Section II.K;
- c. Where such Sugar is Additional U.S. Needs Sugar as defined in Section II.U, Sugar at a polarity of 99.5 and above, as produced and measured on a dry basis; and
- d. In the event that Section V.B.4.d is exercised, Sugar at a polarity specified by USDA that is 99.5 or above, as produced and measured on a dry basis.

New Section II.U is added as follows:

"Additional U.S. Needs Sugar" means the quantity of Sugar allowed to be exported, over and above the Export Limit calculated under Section V.B.3, to fill a need identified by USDA in the U.S. market for a particular type and quantity of Sugar, and offered to Mexico pursuant to Section V.B.4.c.

Section V ("Export Limits") is amended as follows:

Section V.B—the first sentence of the first paragraph is amended as follows (changes in italics):

The Export Limit for each Subsequent Export Limit Period will be *fifty (50)* percent of the Target Quantity of U.S. Needs as calculated based on the July WASDE preceding the beginning of the Export Limit Period.

Section V.B.4 is replaced with the following:

4. Increases to the Export Limit.

¹⁰ Petitioners are the American Sugar Coalition and its individual members: American Sugar Cane League, American Sugar Refining, Inc., American Sugarbeet Growers Association, Florida Sugar Cane League, Rio Grande Valley Sugar Growers, Inc., Sugar Cane Growers Cooperative of Florida, and United States Beet Sugar Association.

¹¹ See section 777(c)(1) of the Act; 19 CFR 351.103, 351.304, 351.305, and 351.306.

a. Prior to April 1 of any Export Limit Period, if USDA notifies the Department, in writing, of any additional need for Sugar, the Department shall, consistent with 704(c) of the Act, increase the Export Limit to address potential shortages in the U.S. market based on USDA's request.

b. Starting in March, within 10 days following the publication of each WASDE report during a given Export Limit Period, the Department agrees that it shall consult with USDA and the GOM regarding any potential increase in the Export Limit on or after April 1. Following each consultation with the GOM, the GOM will notify the Department within 10 days of (1) the extent to which the GOM has issued export licenses for Other Sugar and Refined Sugar to fulfill 100 percent of the Target Quantity of U.S. Needs; (2) the quantity of Other Sugar and Refined Sugar that has been exported under such licenses, and (3) the nature and quantity of the Sugar that Mexico can supply, with supporting documentation for the foregoing, and the Department shall notify USDA.

c. Pursuant to such consultations, and upon receiving notice from USDA in writing of a need in the U.S. market for a particular type and quantity of additional Sugar that Mexico has indicated it can supply, the Department shall: (1) Request written confirmation from the GOM that Mexico can and will supply 100 percent of the Target Quantity of U.S. Needs (as calculated pursuant to Section V.B.3 based on the March WASDE); and (2) upon receiving such confirmation, increase the Export Limit, consistent with 704(c) of the Act, by an amount equal to 100 percent of such particular type and quantity of sugar identified by USDA (hereinafter "Additional U.S. Needs Sugar"). When such Additional U.S. Needs Sugar is requested by USDA, and in turn offered to Mexico by the Department, the definitions for Other Sugar and Refined Sugar in Section II.K.a and Section II.L.a, respectively, shall apply prior to May 1 of any Export Limit Period, and, on or after such date, the definition in Section II.K.b and Section II.L.c, respectively, shall apply. Such Additional U.S. Needs Sugar shall comply with the applicable definitions and requirements in the Agreement, for Other Sugar and Refined Sugar, respectively.

d. In the event of an extraordinary and unforeseen circumstance that seriously threatens the economic viability of the U.S. sugar refining industry, USDA may specify the polarity of the amount of additional Sugar specifically needed to rectify such extraordinary and unforeseen circumstance. To the extent possible under the circumstances, USDA will consult with the GOM and other interested parties. When such additional Sugar is requested by USDA under this Section V.B.4.d, and in turn offered to Mexico by the Department, the definitions for Other Sugar and Refined Sugar in Section II.K.c and Section II.L.d, respectively, shall apply.

e. If the Department has imposed penalties for polarity non-compliance under Section VIII.B.4 in a given Export Limit Period, Mexico may not be eligible for Additional Needs U.S. Sugar.

f. Any additional Sugar may be limited to Other Sugar or Refined Sugar, or any

combination thereof, as specified by USDA. For greater certainty, Section V.C does not apply to any additional Sugar exported by Mexico pursuant to this Section V.B.4.

Section V.C is amended as follows:

Section V.C.2 is amended as follows (changes in italics):

No more than 55 percent of U.S. Needs calculated in each *September* and effective January 1 may be exported to the United States during the period October 1 through March 31, *unless that amount is less than or equal to the amount calculated under Section V.C.1, in which case the amount calculated under Section V.C.1 will continue to apply until March 31.*

Section V.C.3 is amended as follows (changes in italics):

Refined Sugar may account for no more than 30 percent of the exports during any given Export Limit Period.

Section VI ("Implementation") is amended as follows:

Section VI.A—the following sentences are added at the end of the paragraph:

On the Effective Date of the Amendment, presentation of an Export License is required as a condition for entry of Sugar from Mexico into the United States. The GOM will issue amended regulations to implement the Amendment.

Section VI.B—the first sentence is amended as follows (changes in italics) and a new sentence is inserted after the first sentence (in italics):

Export Licenses will be *contract-specific* and must contain the information identified in Appendix I. *Export Licenses issued by the GOM must, in addition to specifying whether or not exported Other Sugar is for further-processing, also specify the identity of the entity that is further processing the Other Sugar, if known.*

Section VIII.B ("Compliance Monitoring") is amended as follows:

Section VIII.B.4 is added as follows:

4. Penalties for Polarity Non-Compliance of this Agreement and/or Price Non-Compliance of the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico (AD Agreement): The Department will review documentation regarding polarity testing that is placed on the record of this Agreement, in accordance with Section VII.C.6 of the AD Agreement, to determine whether there have been imports that are inconsistent with the provisions of this Agreement and Sections II.F, II.H, VII.C.6 and Appendix I of the AD Agreement. Where the Department finds that polarity test results of an entry of Sugar are not compliant with the Agreement's or AD Agreement's applicable definition of Other Sugar or Sugar was sold at prices that are less than the Reference Prices established in Appendix I of the AD Agreement: (1) The Department shall deduct two (2) times the quantity of that entry from Mexico's Export Limit, and (2) the GOM will, in turn, deduct that same quantity from the specific producer's/exporter's Export Limit allocation.

a. The penalty will be applied on the date the Department notifies the GOM in writing of such non-compliance.

b. If Other Sugar that enters during the period from October 1 through the day before

the publication of the July WASDE tests at or above 99.2 polarity (or at or above 99.5 or other polarity in the case of Additional U.S. Needs Sugar), then the Department will reduce Mexico's current Export Limit by two (2) times the quantity of that entry. The Export Limit determined under Section V.B.2 and V.B.3 will be correspondingly reduced by the same amount. At the time of the March WASDE when the Target Quantity of U.S. Needs is determined, and up to the day before the publication of the July WASDE, USDA may exercise its authority to seek to fill from other countries the particular type and quantity of sugar needed in the U.S. market to address the penalty amount by which Mexico's *current-year* Export Limit was reduced.

c. If Other Sugar that enters during the period from the day of the publication of the July WASDE through September 30 tests at or above 99.2 polarity (or at or above 99.5 or other polarity in the case of Additional U.S. Needs Sugar), then the Department will reduce the Export Limit for the next Export Limit Period by two (2) times the quantity of that entry. That reduction will be applied to each revision of the Export Limit under Section V.B.1, V.B.2 and V.B.3. If Mexico's *next fiscal year* Export Limit is reduced, USDA may exercise its authority to seek to fill from other countries the particular type and quantity of sugar needed in the U.S. market to address the penalty amount by which Mexico's Export Limit was reduced.

d. If the Department finds that issues with meeting the polarity, testing or compliance requirements of this Agreement continue to arise, the Department can at any time terminate the Agreement under Section XI.B. Apart from termination, the Department may take additional steps to ensure compliance with the terms of this Agreement and the AD Agreement as appropriate, including reducing the Export Limit up to three (3) times the quantity of entries that do not comply with this Agreement or the AD Agreement.

Appendix I is amended as follows (changes in italics):

The GOM will issue *contract-specific* Export Licenses to Mexican entities that shall contain the following fields:

At Appendix I, the following will be added to the Export License:

12. Contract Identification Information: Indicate the contract identification information with which the license is associated.

At Appendix II, the following will be added to the information reported to the Department:

12. Contract Identification Information: Indicate the contract identification information with which the license is associated.

13. Date of Export: Indicate the date of export of the Sugar from Mexico to the United States.

It is acknowledged that reported information may need to be updated from time to time to reflect corrected information from customs authorities.

Signed in Washington, DC, on June 30, 2017.

For the U.S. Department of Commerce:

Wilbur L. Ross, Jr.,

Secretary of Commerce, U.S. Department of Commerce.

For the Government of Mexico:

Juan Carlos Baker Pineda,

Subsecretario de Comercio Exterior,
Secretaría de Economía.

[FR Doc. 2017-14283 Filed 7-10-17; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-201-845]

Sugar From Mexico: Amendment to the Agreement Suspending the Antidumping Duty Investigation

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

DATES: Effective June 30, 2017.

SUMMARY: The Department of Commerce (the Department) and a representative of the signatory sugar producers/exporters accounting for substantially all imports of sugar from Mexico have signed an amendment to the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico (AD Suspension Agreement). The amendment to the AD Suspension Agreement modified the definitions for sugar from Mexico, revises the reference prices for the applicable sugar from Mexico, and provides for enhanced monitoring and enforcement mechanisms.

FOR FURTHER INFORMATION CONTACT: Sally Craig Gannon or David Cordell at (202) 482-0162 or (202) 482-0408, respectively; Bilateral Agreements Unit, Office of Policy, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On April 17, 2014, the Department initiated an antidumping duty investigation under section 732 of the Tariff Act of 1930, as amended (the Act), to determine whether imports of sugar from Mexico are being, or are likely to be, sold in the United States at less than fair value (LTFV).¹ On October 24, 2014, the Department preliminarily determined that sugar from Mexico is being, or is likely to be, sold in the United States at LTFV, as provided in

section 733 of the Act, and postponed the final determination in this investigation until no later than 135 days after the date of publication of the preliminary determination in the **Federal Register**.²

The Department and a representative of the signatory producers/exporters accounting for substantially all imports of sugar from Mexico signed the AD Suspension Agreement on December 19, 2014.³

On January 8, 2015, Imperial Sugar Company (Imperial) and AmCane Sugar LLC (AmCane) each notified the Department that they had petitioned the International Trade Commission (ITC) to conduct a review of the AD Suspension Agreement under section 734(h) of the Act, to determine whether the injurious effects of the imports of the subject merchandise are eliminated completely by the AD Suspension Agreement. On March 19, 2015, in a unanimous vote, the ITC found that the AD Suspension Agreement eliminated completely the injurious effects of imports of sugar from Mexico.⁴ As a result of the ITC's determination, the AD Suspension Agreement remained in effect, and on March 27, 2015, the Department, in accordance with section 734(h)(3) of the Act, instructed U.S. Customs and Border Protection (CBP) to terminate the suspension of liquidation of all entries of sugar from Mexico and refund all cash deposits.

Notwithstanding issuance of the AD Suspension Agreement, pursuant to requests by domestic interested parties, the Department continued its investigation and made an affirmative final determination of sales at less than fair value.⁵ In its *Final Determination*, the Department calculated weighted-average dumping margins of 40.48 percent for Fondo de Empresas Expropiadas del Sector Azucarero (FEESA), 42.14 percent for Ingenio Tala S.A. de C.V. and certain affiliated sugar mills of Grupo Azucarero Mexico S.A. de C.V. (collectively, the GAM Group), and 40.74 percent for all other Mexican producers/exporters. The Department stated, in its *Final Determination*, that it

would “not instruct CBP to suspend liquidation or collect cash deposits calculated herein unless the AD Suspension Agreement is terminated and the Department issues an antidumping duty order,” and, in that case, it would “instruct CBP to suspend liquidation and require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price,” and adjusted for export subsidies.⁶ The ITC subsequently made an affirmative determination of material injury to an industry in the United States by reason of imports of sugar from Mexico.⁷

Since June 2016, the Department and representatives of the Mexican sugar producers/exporters have held consultations regarding the AD Suspension Agreement to address concerns raised by the domestic industry and ensure that the AD Suspension Agreement meets all of the statutory requirements for a suspension agreement, e.g., that suspension of the investigation is in the public interest, including the availability of supplies of sugar in the U.S. market, and that effective monitoring is practicable. On June 14, 2017, the Department and a representative for Mexican sugar producers/exporters initiated a draft amendment to the AD Suspension Agreement. We invited interested parties to provide written comments by June 21, 2017, and rebuttal comments by June 26, 2017.⁸ On June 17, 2017, the Department released draft memoranda explaining how the draft amended AD Suspension Agreement meets the requirements of section 734(c) of the Act and invited interested parties to provide written comments by no later than the close of business on June 23, 2017, with rebuttal comments due no later than the close of business on June 26, 2017.⁹

⁶ *Final Determination*, 80 FR at 57342.

⁷ *See Sugar From Mexico*, 80 FR 70833 (November 16, 2015) (*Final ITC Determination*).

⁸ *See* Memorandum entitled “Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico,” dated June 14, 2017 and Memorandum entitled “Placing Press Release on the Record of the Proceeding,” dated June 30, 2017.

⁹ *See* Memorandum from P. Lee Smith, Deputy Assistant Secretary for Policy and Negotiations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entitled “Draft Amendment to the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico: U.S. Import Coverage, Existence of Extraordinary Circumstances, Public Interest, and Effective Monitoring Assessments,” dated June 16, 2017; *see also* Memorandum from P. Lee Smith, Deputy Assistant Secretary for Policy and Negotiations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entitled “Draft Amendment to the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico: The Prevention

¹ *See Sugar from Mexico: Initiation of Antidumping Duty Investigation*, 79 FR 22795 (April 24, 2014).

² *See Sugar from Mexico: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 79 FR 65189 (November 3, 2014).

³ *See Sugar From Mexico: Suspension of Antidumping Investigation*, 79 FR 78039 (December 29, 2014) (AD Suspension Agreement).

⁴ *See Sugar from Mexico: Determinations*, 80 FR 16426 (March 27, 2015).

⁵ *See Sugar From Mexico: Continuation of Antidumping and Countervailing Duty Investigations*, 80 FR 25278 (May 4, 2015); *Sugar From Mexico: Final Determination of Sales at Less Than Fair Value*, 80 FR 57341 (September 23, 2015) (*Final Determination*).

Continued

Scope of Agreement

See Section I, Product Coverage, of the AD Suspension Agreement.

Analysis of Comments Received

We received comments on the draft amendment from the International Sugar Trade Coalition, the Australian Sugar Industry Alliance, CSC Sugar LLC (CSC), the Corn Refiners Association, the Organic Trade Association, Archer Daniels Midland Company, the American Sugar Coalition, Imperial Sugar Company, the Government of Canada, the Sugar Users Association (SUA), and the Governments of Barbados, Belize, Dominican Republic, Guyana, and Jamaica. We received rebuttal comments on the draft amendment from Cámara Nacional de Las Industrias Azucarera y Alcohólera (Mexican Sugar Chamber), the American Sugar Coalition, and Zucarmex, S.A. de C.V. and Zucrum Foods LLC. CSC also filed unsolicited rebuttal comments to the American Sugar Coalition's rebuttal comments. We received comments on the draft statutory memoranda from SUA. In reaching a final amendment to the AD Agreement, the Department has taken into account all comments and rebuttal comments submitted on the record of the suspension agreement proceeding and has made changes, where warranted, to the June 14, 2017 draft AD amendment based upon those comments. The Department expects to place its written analysis of the changes made and response to comments on the record of the suspension agreement proceeding no later than July 14, 2017.

Amendment to AD Suspension Agreement

The Department consulted with the Mexican sugar producers/exporters and the petitioners¹⁰ and has considered the comments submitted by interested parties with respect to the draft amendment to the AD Suspension Agreement. On June 30, 2017, after consideration of the interested party comments received, Wilbur L. Ross, Jr., Secretary of Commerce, U.S. Department of Commerce and Juan Cortina Gallardo, for Mexican Sugar Industry, a representative of sugar producers/exporters accounting for substantially all imports of sugar from

Mexico, signed a finalized amendment to the AD Suspension Agreement. The amendment, as integrated with the AD Suspension Agreement, allows for exports of Mexican sugar to the United States in accordance with the collective terms therein.

In accordance with section 734(c) of the Act, we have determined that extraordinary circumstances, as defined by section 734(c)(2)(A) of the Act, exist with respect to the amended AD Suspension Agreement. We have also determined that the amended AD Suspension Agreement will eliminate completely the injurious effect of exports to the United States of the subject merchandise and prevent the suppression or undercutting of price levels of domestic sugar by imports of that merchandise from Mexico, as required by section 734(c)(1) of the Act. We have also determined that the amended AD Suspension Agreement is in the public interest and can be monitored effectively, as required under section 734(d) of the Act.

For the reasons outlined above, we find that the amended AD Suspension Agreement meets the criteria of section 734(c) and (d) of the Act.

The terms and conditions of the amendment to this AD Suspension Agreement, signed on June 30, 2017, are set forth in the Amendment to the AD Suspension Agreement, which is attached in Annex 1 to this notice.

Administrative Protective Order Access

The administrative protective order (APO) the Department granted in the suspension agreement segment of this proceeding remains in place and effective for the amended AD Suspension Agreement. All new parties requesting access to business proprietary information submitted during the administration of the amended AD Suspension Agreement, under the APO currently in effect, must submit an APO application in accordance with the Department's regulations currently in effect.¹¹

We are issuing and publishing this notice in accordance with section 734(f)(1)(A) of the Act and 19 CFR 351.208(g)(2).

Dated: June 30, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Annex 1: Amendment to Agreement Suspending the Antidumping Duty Investigation on Sugar From Mexico

The Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico (Agreement) signed by the United States Department of Commerce (the Department) and the signatory producers and exporters of Sugar from Mexico (the Signatories) on December 19, 2014, is amended, as set forth below (Amendment).

If a provision of the Agreement conflicts with a provision of this Amendment, the provision of the Amendment shall supersede the provision of the Agreement to the extent of the conflict. All other provisions of the Agreement and their applicability continue with full force.

The Department and the Signatories hereby agree as follows:

Section II ("Definitions") is amended as follows:

Section II.C is replaced with:

"Effective Date of the Agreement" means the date on which the Department and the Signatories signed the Agreement. Additionally, the "Effective Date of the Amendment" means the date on which the Department issues its next calculation pursuant to Section V.B of the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico (CVD Agreement) and, as such, means that the Amendment applies to all contracts for Sugar from Mexico for the for the October 1, 2017 through September 30, 2018 Export Limit Period (as defined in the CVD Agreement), and to all contracts for Sugar from Mexico (regardless of Export Limit Period) exported from Mexico on or after October 1, 2017.

Section II.F is replaced with:

"Other Sugar" means

- a. Sugar at a polarity of less than 99.2, as produced and measured on a dry basis;
- b. Where such Sugar is Additional U.S. Needs Sugar, as defined in Section II.O, Sugar at a polarity of less than 99.5, as produced and measured on a dry basis; and,
- c. In the event that Section V.B.4.d of the CVD Agreement is exercised, Sugar at a polarity specified by USDA that is below 99.5, as produced and measured on a dry basis.

Such Other Sugar must be exported to the United States loaded in bulk and freely flowing (*i.e.*, not in a container, tote, bag or otherwise packaged) into the hold(s) of an ocean-going vessel. To be considered as Other Sugar, if Sugar leaves the Mexican mill in a container, tote, bag or other package (*i.e.*, is not freely flowing), it must be emptied from the container, tote, bag or other package into the hold of the ocean-going vessel for exportation. All other exports of Sugar from Mexico that are not transported in bulk and freely flowing in the hold(s) of an ocean-going vessel will be considered to be Refined Sugar for purposes of the Reference Prices, regardless of the polarity of that Sugar.

Section II.H is replaced with:

of Price Suppression or Undercutting of Price Levels by the Draft Amendment," dated June 16, 2017.

¹⁰ The petitioners are the American Sugar Coalition and its individual members: American Sugar Cane League, American Sugar Refining, Inc., American Sugarbeet Growers Association, Florida Sugar Cane League, Rio Grande Valley Sugar Growers, Inc., Sugar Cane Growers Cooperative of Florida, and United States Beet Sugar Association.

¹¹ See section 777(c)(1) of the Act; 19 CFR 351.103, 351.304, 351.305, and 351.306.

“Refined Sugar” means

a. Sugar at a polarity of 99.2 and above, as produced and measured on a dry basis;

b. Sugar considered to be Refined Sugar under Section II.F;

c. Where such Sugar is Additional U.S. Needs Sugar as defined in Section II.U, Sugar at a polarity of 99.5 and above, as produced and measured on a dry basis; and

d. In the event that Section V.B.4.d of the CVD Agreement is exercised, Sugar at a polarity specified by USDA that is 99.5 or above, as produced and measured on a dry basis.

New Section II.N is added as follows:

“Intermediary Customer” means trader, processor, or other reseller located outside of the United States who sells Sugar to an unaffiliated customer in the United States.

New Section II.O is added as follows:

“Additional U.S. Needs Sugar” means the quantity of Sugar allowed to be exported, over and above the Export Limit calculated under Section V.B.3 of the amended CVD Agreement, to fill a need identified by USDA in the U.S. market for a particular type and quantity of Sugar, and offered to Mexico pursuant to Section V.B.4.c of the amended CVD Agreement.

Section VII (“Monitoring of the Agreement”) is amended as follows:

Section VII.B (“Compliance Monitoring”) is amended as follows:

Section VII.B.4—an additional sentence as follows is added to the end of paragraph 4:

The Department may verify polarity testing practices at any Mexican mill and request supporting documentation for polarity test results.

Section VII.C (“Shipping and Other Arrangements”) is amended as follows:

Section VII.C.4 is replaced with the following, with the sentence in *italics* being added to the language:

4. Not later than 30 days after the end of each quarter, each Signatory will submit a written statement to the Department certifying that all sales during the most recently completed quarter were at net prices, after rebates, discounts, or other adjustments, at or above the Reference Prices in effect and were not part of or related to any act or practice which would have the effect of hiding the real price of the Sugar being sold. Further, each Signatory will certify in this same statement that all sales made during the relevant quarter were not part of or related to any bundling arrangement, discounts/free goods/financing package, swap or other exchange where such arrangement is designed to circumvent the basis of the Agreement. *As part of the certification, each Signatory will submit a listing of the total quantity of Other Sugar and Refined Sugar that was exported during each quarter.*

Each Signatory that did not export Sugar to the United States during any given quarter will submit a written statement to the Department certifying that it made no sales to the United States during the most recently completed quarter. Each Signatory agrees to permit full verification of its certification as the Department deems necessary. Failure to provide a quarterly certification may be considered a violation of the Agreement.

Section VII.C.5 is added as follows:

5. For each sale made by a Signatory to an Intermediary Customer, the Signatory shall incorporate into its sales contract with the Intermediary Customer the obligation that such customers will abide by the terms of the Agreement, including selling the Sugar from Mexico to the first downstream unaffiliated U.S. customer in accordance with the terms of the Agreement. Further, for each sale made by a Signatory to an Intermediary Customer, the Signatory shall incorporate into its sales contract with the Intermediary Customer a provision requiring the Intermediary Customer to provide the Department with all sales and other related information the Department requests.

Further, Signatories and Intermediary Customers must retain evidence in their files to document that these contractual obligations were implemented. The Department retains its authority to request the Signatory and/or Intermediary Customer to provide such documentation, and the Department may verify such documentation. Where a Signatory does not have access to the documentation but has obligated the Intermediary Customer to provide it to the Department, the Department will request the Intermediary Customer to provide the documentation. Failure by a Signatory and/or Intermediary Customer to provide requested documentation may be considered a violation under Section VIII of the Agreement.

Section VII.C.6 is added as follows:

6. Other Sugar may enter the Customs territory of the United States if the following conditions are met:

Exporters of Other Sugar are required to ensure, through inclusion of obligations in their sales contracts or otherwise, that importers of record of such Other Sugar agree to ensure that Other Sugar is tested for polarity by a laboratory approved by U.S. Customs and Border Protection (CBP) upon entry into the United States, with samples drawn in accordance with CBP standards, and that the importers of record agree to report the polarity test results for each entry to the Department within 30 days of entry. Such polarity test reports must be filed on the official records of the Department for both this Agreement and the CVD Agreement. For clarity, sampling will be done in accordance with CBP standards (*e.g.*, CBP Directive No. 3820–001B), or its successor directive as agreed by the Department and the Signatories, including the CBP requirement that the polarity level of an entry will be the average of the samples from that entry.

The Department will request that CBP inform the importing public of the requirements for importation of Other Sugar set forth in this sub-section.

Section VII.C.7 is added as follows:

7. Penalties for Non-Compliance with Section VII.C.6.a:

a. Where the Department finds that exporters and importers of record of Other Sugar are not complying with Section VII.C.6.a, the Department may consider this a violation under Section VIII.D of the Agreement.

b. If the Department finds that issues with meeting the polarity requirements of the

Agreement as required by Sections II.F, II.H, VII.C.6 and Appendix I continue to arise, the Department can at any time terminate the Agreement under Section X.B. Apart from termination, the Department may take additional steps to ensure compliance with the terms of this Agreement, including action under Section VIII.B.4 of the CVD Agreement.

Section VIII (“Violations of the Agreement”) is amended as follows:

Section VIII.D is amended by adding new paragraphs 3 and 4, and moving paragraph 3 to paragraph 5:

D.3 Failure by Signatories and Intermediary Customers to provide the required documentation specified in Section VII.C.5.

D.4 Failure by Signatories and importers of record to comply with the requirements under Section VII.C.6.

Appendix I is amended as follows:

At Appendix I, the following will be changed:

The FOB plant Reference Price for Refined Sugar is \$0.2800 per pound commercial value (whether freely flowing or in totes weighing one (1) MT or greater as the sugar leaves the mill), as produced and measured on a dry basis.

The FOB plant Reference Price for Other Sugar is \$0.2300 per pound commercial value (whether freely flowing or in totes weighing one (1) MT or greater as the sugar leaves the mill), as produced and measured on a dry basis.

In addition, the following clause will be added to Appendix I when referencing the Reference Prices.

Mexican Signatory producers/exporters must ensure that the delivered sales price for all Sugar from Mexico exported to the United States must include all expenses, *e.g.*, transportation, de-bagging, warehousing, handling, and packaging charges, in excess of the FOB plant Reference Price. As specified in Sections VII.B.1 and VII.B.2 of the Agreement, the Department has the authority to request sales information, and to verify such information, which demonstrates compliance with the Reference Prices and terms of the Agreement.

Signed in Washington, DC, on June 30, 2017.

For the U.S. Department of Commerce:
Wilbur L. Ross, Jr.,
Secretary of Commerce, U.S. Department of Commerce

The following party hereby certifies that the members of the Mexican sugar industry agree to abide by all terms of the Amendment to the Agreement:

Juan Cortina Gallardo

For Mexican Sugar Industry.

[FR Doc. 2017–14282 Filed 7–10–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Evaluation of State Coastal Management Programs and National Estuarine Research Reserves**

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management will hold three public meetings to solicit comments on the performance evaluation of the U.S. Virgin Islands Coastal Management Program. Notice is also hereby given of the availability of the final evaluation findings for the Oregon and Alabama Coastal Management Programs and Tijuana River National Estuarine Research Reserve.

DATES: *U.S. Virgin Islands Coastal Management Program Evaluation:* The public meetings will be held on August 29, August 30, and August 31, 2017, and written comments must be received on or before September 8, 2017.

For specific dates, times, and locations of the public meetings, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: You may submit comments on the coastal program or reserve NOAA intends to evaluate by any of the following methods:

Public Meeting and Oral Comments: Public meetings will be held on St. Thomas, St. Croix, and St. John. For the specific location, see **SUPPLEMENTARY INFORMATION**.

Written Comments: Please direct written comments to Susie Holst, Evaluator, NOAA Office for Coastal Management, 35 Colovos Road, University of New Hampshire, Gregg Hall, Room 142, Durham, New Hampshire 03824, or email comments Susie.Holst@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Susie Holst, Evaluator, NOAA Office for Coastal Management, 35 Colovos Road, University of New Hampshire, Gregg Hall, Room 142, Durham, New Hampshire 03824, (603) 862-1205 or Susie.Holst@noaa.gov. Copies of the previous evaluation findings may be viewed and downloaded on the Internet at <http://coast.noaa.gov/czm/evaluations>. A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting the person

identified under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Section 312 of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved state and territorial coastal programs. The process includes one or more public meetings, consideration of written public comments and consultations with interested Federal, state, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the state has met the national objectives, adhered to the management program approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Specific information on the periodic evaluation of the state and territorial coastal program that is the subject of this notice is detailed below as follows:

U.S. Virgin Islands Coastal Management Program Evaluation

You may participate or submit oral comments at the public meeting scheduled as follows:

Date: August 29, 2017.

Time: 6:00 p.m., local time.

Location: Cyril E. King Airport Terminal Building, Second Floor, Department of Planning and Natural Resources Conference Room, 8100 Lindberg Bay, St. Thomas.

Date: August 30, 2017.

Time: 6:00 p.m., local time.

Location: St. Croix Curriculum Center, 3 Vicorps Land, Kingshill, St. Croix.

Date: August 31, 2017.

Time: 6:00 p.m., local time.

Location: St. John Legislature Conference Room, 18-15 Estate Enighed, Cruz Bay, St. John.

Written public comments must be received on or before September 8, 2017.

Availability of Final Evaluation Findings of Other State and Territorial Coastal Programs

The NOAA Office for Coastal Management has completed review of the Coastal Zone Management Program evaluations for the states of Oregon and Alabama. Both states were found to be implementing and enforcing their federally approved coastal management programs, addressing the national coastal management objectives identified in CZMA Section 303(2)(A)–

(K), and adhering to the programmatic terms of their financial assistance awards.

The NOAA Office for Coastal Management has completed review of the National Estuarine Research Reserve evaluation for the Tijuana River reserve and the reserve was found to be adhering to programmatic requirements of the National Estuarine Research Reserve System. Copies of the final evaluation findings may be downloaded at http://coast.noaa.gov/czm/evaluations/evaluation_findings/index.html or by submitting a written request to the person identified under **FOR FURTHER INFORMATION CONTACT**.

Federal Domestic Assistance Catalog 11.419, Coastal Zone Management Program Administration.

Dated: June 29, 2017.

Paul M. Scholz,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2017-14488 Filed 7-10-17; 8:45 am]

BILLING CODE 3510-08-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN 0648-XF485

Endangered Species; File No. 21111

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that National Marine Fisheries Service (NMFS), Southwest Fisheries Science Center (SWFSC), 8901 La Jolla Shores Drive, La Jolla, CA 92037, [Responsible Party: Lisa Ballance, Ph.D.], has applied in due form for a permit to take leatherback sea turtles (*Dermochelys coriacea*) for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before August 10, 2017.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the "Features" box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 21111 from the list of available applications.

These documents are also available upon written request or by appointment

in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Erin Markin, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of 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).

The SWFSC proposes to continue long-term monitoring of leatherback sea turtles off the coasts of California, Oregon, and Washington. The purpose of the work is to determine abundance, distribution, size ranges, sex ratio, health status, diving behavior, local movements, habitat use, potential fishery impacts, and migratory routes for leatherbacks. Up to 70 sea turtles would be located annually through aerial surveys and subsequently approached from a research vessel or captured by hoop net. Upon approach or capture, researchers would examine, collect morphometric data and biological samples, and attach up to two transmitters to turtles before release. The permit would be valid for up to 10 years from the date of issuance.

Dated: July 6, 2017.

Catherine Marzin,

Acting Deputy Office Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017-14504 Filed 7-10-17; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XF527

Fisheries of the South Atlantic; South Atlantic 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 South Atlantic Fishery Management Council (Council) will hold a meeting of Wreckfish Individual Transferable Quota (ITQ) shareholders in Daytona Beach, FL.

DATES: The meeting will be held on Wednesday, August 2, 2017, from 9 a.m. to 4 p.m.

ADDRESSES:

Meeting address: The meeting will be held at the Daytona Beach Resort and Conference Center, 2700 North Atlantic Avenue, Daytona Beach, FL 32118; Hotel phone: (386) 672-3770, fax: (386) 944-2090.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Dr. Brian Chevront, Deputy Executive Director for Management, SAFMC; phone: (843) 302-8442; fax: (843) 744-4472.

SUPPLEMENTARY INFORMATION:

The items of discussion by shareholders are as follows:

1. Overview of the mandatory review of the catch share program
2. Timing of the program review
3. Input from shareholders on their views of the current state of the catch share program.
4. Input from shareholders on changes they would like to see in the program.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: July 5, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017-14409 Filed 7-10-17; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XF526

Fisheries of the Exclusive Economic Zone off Alaska; Stock Assessment of Eastern Bering Sea Tanner Crab; Center for Independent Experts Peer Review Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: NMFS has requested the Center for Independent Experts (CIE) to conduct a peer review of the agency's stock assessment of eastern Bering Sea Tanner crab (*Chionoecetes bairdi*). The CIE is a group affiliated with the University of Miami that provides independent peer reviews of NMFS science nationwide, including reviews of stock assessments for fish, shellfish and marine mammals. The eastern Bering Sea Tanner crab stock assessment is reviewed annually by the Alaska Fisheries Science Center, the North Pacific Fishery Management Council (NPFMC) Crab Plan Team, and the NPFMC Scientific and Statistical Committee. The CIE review will examine whether the assessment incorporates the best scientific information available for making management decisions and provides a reasonable approach to understanding the population dynamics and stock status of eastern Bering Sea Tanner crab. The public is invited to attend and observe the presentations and discussions between the CIE panel and the NMFS scientists who collected and processed the data, and designed the underlying model.

DATES: The public meeting will be held from July 31 through August 3, 2017, 9 a.m. to 5 p.m. Pacific Daylight Time.

ADDRESSES: The review will be held at the Alaska Fisheries Science Center, 7600 Sand Point Way NE., Seattle, WA 98115-6349. Visitors will need to provide proper ID and sign in at the front desk.

FOR FURTHER INFORMATION CONTACT: William Stockhausen, 206-526-4241.

SUPPLEMENTARY INFORMATION: The CIE panel will consist of three peer reviewers who will assess materials related to the topic, participate in a review workshop with the NMFS scientists who developed the model and the analytical approach, and produce a report. This review will be highly

technical in nature and will cover mathematical details of the analytical approach. More information about the CIE is available on its Web site at www.ciereviews.org.

Members of the public are invited to observe, and will be provided opportunities to contribute on July 31 through August 2, 2017. The final report will be available prior to the September NPFMC Plan Team meetings and will consist of individual reports from each panelist and a summary report. The results of the review will be presented during the September 2017 NPFMC Crab Plan Team meeting, which will be announced at a later time in the **Federal Register**.

Special Accommodations

These workshops will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jennifer Ferdinand, 206–526–4076, at least 10 working days prior to the meeting date.

Dated: July 5, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–14442 Filed 7–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF524

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting of the South Atlantic Fishery Management Council's Executive Finance Committee.

SUMMARY: The Executive Finance Committee will meet via webinar to discuss the Council Coordinating Committee (CCC) Working Paper, proposed legislation, the Fisheries Leadership and Sustainability Forum, and participation at Council meetings. Public comment will be accepted. See **SUPPLEMENTARY INFORMATION**.

DATES: The Executive Finance Committee will meet from 9 a.m. to 5 p.m. on Wednesday, July 26, 2017.

ADDRESSES:

Meeting address: The Executive Finance Committee meeting will be held

via webinar. The webinar is open to members of the public. Registration is required. Registration information is available from the Council's Web site at: <http://safmc.net/safmc-meetings/council-meetings/>.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405. www.safmc.net.

FOR FURTHER INFORMATION CONTACT: Mike Collins, Administrative Assistant, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520; email: mike.collins@safmc.net.

SUPPLEMENTARY INFORMATION: The meeting will be held via webinar. The meeting agenda other materials will be posted on the Council's Web site at <http://safmc.net/safmc-meetings/council-meetings/> as they become available. Public comment on agenda items will be accepted at the beginning of the meeting following approval of the minutes.

The items of discussion are as follows:

1. Review and provide draft language for the CCC Working Paper addressing key issues being considered as part of the Magnuson-Stevens Fishery Conservation and Management Act reauthorization process.
2. Review and develop comments relative to H.R. 200—the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act and H.R. 2023—the Modernizing Recreational Fisheries Management Act of 2017 for Council consideration. The Committee will develop recommendations on other MSA-related bills if they become available prior to the meeting.
3. Discuss the Fisheries Leadership and Sustainability Forum and current issues. Develop recommendations supporting the Forum for Council consideration.
4. Review current participation of external organizations at Council meetings and provide recommendations for consideration by the Council.

Although non-emergency issues not contained on this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been

notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: July 5, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–14408 Filed 7–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF500–X

Marine Mammals; File No. 21143

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Dr. Jeremy Kiszka, Florida International University, 3000 NE 151st Street, Marine Science Building, Room 250D, North Miami, Florida 33181, has applied in due form for a permit to conduct research on bottlenose dolphins (*Tursiops truncatus*).

DATES: Written, telefaxed, or email comments must be received on or before August 10, 2017.

ADDRESSES: The application and related documents are available for review by selecting “Records Open for Public Comment” from the “Features” box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 21143 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to

NMFS.Pr1Comments@noaa.gov. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Courtney Smith or Carrie Hubbard, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant requests a five-year permit to take bottlenose dolphins for scientific research to evaluate the population structure and spatiotemporal variation in dolphin abundance, foraging ecology, and ecological roles within waters of the Everglades National Park. Up to 3,020 bottlenose dolphins from three stocks (Gulf of Mexico Bay, Sound & Estuarine; Gulf of Mexico Eastern Coastal; and Florida Bay) would be approached annually during vessel surveys for photography, photo-identification, video recording, and behavioral observation. Up to 59 of the above animals may be additionally be biopsy sampled during vessel surveys annually. Samples may be exported to collaborators for analysis.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Catherine Marzin,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.
[FR Doc. 2017-14465 Filed 7-10-17; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XF512

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 50 Assessment Webinar 5.

SUMMARY: The SEDAR 50 assessment of the Atlantic stock of *Bluefin Tilefish* will consist of a series of workshops and webinars: Stock Identification (ID) Work Group Meeting; Data Workshop; Assessment Workshop and Webinars; and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 50 Assessment Webinar 5 will be held on Monday, July 31, 2017, from 9 a.m. to 1 p.m. The Review Workshop dates and times will publish in a subsequent issue in the **Federal Register**.

ADDRESSES: The meetings will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julia Byrd at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; www.sedarweb.org.

FOR FURTHER INFORMATION CONTACT: Julia Byrd, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571-4366; email: julia.byrd@safmc.net.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing a workshop and/or webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential

datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the Assessment webinar are as follows:

Participants will discuss any remaining modeling issues from the Assessment Workshop and provide comments on the Assessment report.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: July 5, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017-14407 Filed 7-10-17; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

Marine Protected Areas Federal Advisory Committee; Public Meetings

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of open meetings.

SUMMARY: Notice is hereby given under the Federal Advisory Committee Act of two meetings via web conference call of the Marine Protected Areas Federal Advisory Committee (Committee). The web conference calls are open to the public; participants can dial in to the calls. Participants who choose to use the web conferencing feature in addition to the audio will be able to view the presentations as they are being given.

DATES: Members of the public wishing to participate in the meeting should register at least one working day in advance of the meeting.

The first meeting will be held Thursday, July 13, 2017 from 3:00 to 5:00 p.m. EDT. The second meeting will be held Wednesday, August 30, 2017 from 1:00 to 3:00 p.m. EDT. These times and the agenda topics described below are subject to change. Refer to the Web page listed below for the most up-to-date meeting agenda.

ADDRESSES: The meetings will be held via web conference call. Register by contacting Nicole Capps at Nicole.Capps@noaa.gov or 831-647-6451 at least one working day in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Lauren Wenzel, Designated Federal Officer, MPA FAC, National Marine Protected Areas Center, 1305 East West Highway, Silver Spring, Maryland 20910. (Phone: 240-533-0652); email: lauren.wenzel@noaa.gov; or visit the National MPA Center Web site at <http://www.marineprotectedareas.noaa.gov/fac/>.

SUPPLEMENTARY INFORMATION: Section 4(c) of Executive Order 13158, on marine protected areas, authorized the formation of the Committee, and the Department of Commerce (DOC) established the Committee in

accordance with this Executive Order. The Committee, which is composed of external, knowledgeable representatives of stakeholder groups, is charged with providing advice to the Secretaries of Commerce and the Interior on implementation of Section 4 of Executive Order 13158. NOAA issues this Notice of Public Meetings pursuant to Section 10 of the Federal Advisory Committee Act, 5 U.S.C. App. 2, and the FACA implementing regulations, 40 CFR 102-3.150.

Matters to be considered: The focus of the July 13, 2017 meeting is a discussion of the Committee's work on MPA engaging a diverse public, citizen science and adaptive management. The Committee members will also discuss options for public and stakeholder input on MPA issues if the Committee is not reauthorized. The August 30, 2017 meeting will focus on finalizing and voting on Committee recommendations. The agendas are available on the MPA FAC Web site and are subject to change. The latest versions will be posted at <http://www.marineprotectedareas.noaa.gov/fac/>.

Dated: June 21, 2017.

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2017-14486 Filed 7-10-17; 8:45 am]

BILLING CODE 3510-NK-P

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 20 July 2017, at 9:00 a.m. in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street NW., Washington, DC 20001-2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: www.cfa.gov. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by emailing cfastaff@cfa.gov; or by calling 202-504-2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated: June 26, 2017, in Washington, DC.

Thomas Luebke,

Secretary.

[FR Doc. 2017-13789 Filed 7-10-17; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD-2017-OS-0032]

Proposed Amendments to the Manual for Courts-Martial, United States (2016 ed.)

AGENCY: Joint Service Committee on Military Justice (JSC), Department of Defense.

ACTION: Notice of availability and notice of public meeting.

SUMMARY: The Department of Defense requests comments on proposed changes to the Manual for Courts-Martial, United States (2016 ed.) (MCM). The proposed changes include provisions implementing the Military Justice Act of 2016, Division E of the National Defense Authorization Act for Fiscal Year 2017, Public Law 114-328, 130 Stat. 2000 (2016), and concern the rules of procedure and evidence applicable in trials by court-martial, nonjudicial punishment proceedings, and the punitive articles of the Uniform Code of Military Justice. Also included is a proposed revision of Appendix 12A of the Manual for Courts-Martial concerning lesser included offenses. The approval authority for these changes is the President. These proposed changes have not been coordinated within the Department of Defense under DoD Directive 5500.01, "Preparing, Processing and Coordinating Legislation, Executive Orders, Proclamations, Views Letters, and Testimony," June 15, 2007, and do not constitute the official position of the Department of Defense, the Military Departments, or any other Government agency.

The proposed changes also concern certain supplementary materials that accompany the rules of procedure, rules of evidence, and punitive articles. The Department of Defense, in conjunction with the Department of Homeland Security, publishes these supplementary materials to accompany the Manual for Courts-Martial. The supplementary materials included in this notice consist of Discussions (accompanying the Preamble, the Rules for Courts-Martial, the Military Rules of Evidence, and the Punitive Articles), Analyses, Appendix 2.1, and specific changes to Appendix

24. The approval authority for changes to the supplementary materials is the General Counsel, Department of Defense; changes to these items do not require Presidential approval.

DATES: Comments on the proposed changes must be received no later than September 11, 2017. A public meeting for comments will be held on August 3, 2017, from 10 a.m. until noon, in the United States Court of Appeals for the Armed Forces building, 450 E Street, NW., Washington, DC 20442-0001. Commentators will be heard in order of arrival and check-in, and will be limited to five minutes.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name and docket ID for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Lieutenant Alexandra Nica, JAGC, USN, Executive Secretary, JSC, (202) 685-7058, alexandra.nica@navy.mil.

SUPPLEMENTARY INFORMATION: Due to the length of the proposed changes, they are being made available on the Internet rather than being printed in the **Federal Register**. The following items are available at <http://www.regulations.gov>, Docket ID: DOD-2017-OS-0032:

1. A draft Executive Order.
2. Annex 1 to the draft Executive Order, which includes changes to the Manual for Courts-Martial that would take effect on the date the Executive Order is signed by the President. Also included in Annex 1 are supplemental materials that the Department of Defense, in consultation with the Department of Homeland Security, is considering issuing if the proposed Executive Order is signed.

3. Annex 2 to the draft Executive Order, which includes a complete reissuance of the Manual for Courts-Martial as revised by Annex 1. Annex 2 includes revisions to Parts I, II, III, IV,

and V of the Manual for Courts-Martial, as well as an Appendix 12A concerning lesser included offenses. The complete reissuance of the Manual for Courts-Martial would take effect on a date designated by the President in the Executive Order. The draft Executive Order proposes an effective date of January 1, 2019. Annex 2 also includes supplementary materials, such as Discussions, Analyses, and an Appendix that the Department of Defense, in consultation with the Department of Homeland Security, is considering issuing if the proposed Executive Order is signed.

The Department of Defense also requests comments on a proposal by a Federal Advisory Committee, the Judicial Proceedings Since Fiscal Year 2012 Amendments Panel (JPP). The JPP's June 2017 report suggested that Rule for Courts-Martial 1103A as proposed by Annex 1 and Rule for Courts-Martial 1113 as proposed by Annex 2 be further revised to include the following: "Prior to a decision to permit examination of material described in this subparagraph, notice and an opportunity to be heard shall be given to any person whose records are about to be examined and to appellate counsel." The report making that recommendation is available at http://jpp.whs.mil/Public/docs/08-Panel-Reports/07_JPP_VictimsAppRights-Report_Final_20170602.pdf. The Department invites public comment on the JPP's proposal.

The full text of the Uniform Code of Military Justice as amended by Military Justice Act of 2016 is available electronically at <http://www.regulations.gov>, Docket ID: DOD-2017-OS-0032.

This notice is provided in accordance with DoD Directive 5500.17, "Role and Responsibilities of the Joint Service Committee (JSC) on Military Justice," May 3, 2003.

The JSC invites members of the public to comment on the proposed changes; such comments should address specific recommended changes and provide supporting rationale.

This notice also sets forth the date, time, and location for a public meeting of the JSC to discuss the proposed changes.

This notice is intended only to improve the internal management of the Federal Government. It is not intended to create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies, its officers, or any person.

Dated: July 5, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017-14447 Filed 7-10-17; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2017-ICCD-0098]

Agency Information Collection Activities; Comment Request; State Lead Agency Record Keeping and Reporting Requirements Under Part C of the Individuals With Disabilities Education Act (IDEA)

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before September 11, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0098. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216-42, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Rebecca Walawender, 202-245-7399.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize

the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: State Lead Agency Record Keeping and Reporting Requirements under Part C of the Individuals With Disabilities Education Act (IDEA).

OMB Control Number: 1820-0682.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 56.

Total Estimated Number of Annual Burden Hours: 4,268.

Abstract: OMB Information Collection 1820-0682 was created to reflect the requirements in Part C of the IDEA in 20 U.S.C. 1431-1443 and the final Part C regulations. These regulations require the 56 State lead agencies (LAs) that receive Part C funds to collect and maintain information or data and, in some cases, report information or data to other public agencies or to the public. These recordkeeping requirements are not new and do not require reporting to the Secretary. This Information Collection was created to ensure that all Part C information responsibilities are documented and have been submitted for OMB review. The following table describes the information under Part C to be collected or maintained and identifies the legal requirement for each collection. These required listed collections are consolidated into 1820-0682.

Dated: July 5, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-14444 Filed 7-10-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No. ED-2017-ICCD-0100]

Agency Information Collection Activities; Comment Request; Annual State Application Under Part B of the Individuals With Disabilities Education Act

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before September 11, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0100. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216-42, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Rebecca Walawender, 202-245-7399.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize

the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual State Application Under Part B of the Individuals with Disabilities Education Act.

OMB Control Number: 1820-0030.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 60.

Total Estimated Number of Annual Burden Hours: 2,340.

Abstract: The Individuals with Disabilities Education Act, signed on December 3, 2004, became Public Law 108-446. In accordance with 20 U.S.C. 1412(a) a State is eligible for assistance under Part B for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the conditions found in 20 U.S.C. 1412. States will provide assurances that it either has or does not have in effect policies and procedures to meet the eligibility requirements of Part B of the Act as found in Public Law 108-446. Information Collection 1820-0030 corresponds with 34 CFR 300.100-176; 300.199; 300.640-645; and 300.705. These sections include the requirement that the Secretary and local educational agencies located in the State be notified of any State-imposed rule, regulation, or policy that is not required by this title and Federal regulations. In addition, Information Collection 1820-0300 is being revised to include the reporting requirement in 34 CFR 300.647(b)(7). This new reporting requirement is pursuant to significant

disproportionality rules promulgated on December 19, 2016.

Dated: July 5, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-14446 Filed 7-10-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No. ED-2017-ICCD-0099]

Agency Information Collection Activities; Comment Request; Annual State Application Under Part C of the Individuals With Disabilities Education Act as Amended in 2004

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before September 11, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0099. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216-42, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Rebecca Walawender, 202-245-7399.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department

assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual State Application Under Part C of the Individuals With Disabilities Education Act as Amended in 2004.

OMB Control Number: 1820-0550.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 56.

Total Estimated Number of Annual Burden Hours: 560.

Abstract: In order to be eligible for a grant under 20 U.S.C. 1433, a State must provide assurance to the Secretary that the State has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, infants and toddlers with disabilities who are homeless children and their families, and has in effect a statewide system that meets the requirements of 20 U.S.C. 1435. Some policies, procedures, methods, and descriptions must be submitted to the Secretary.

This collection is conducted in a manner that is consistent with the guidelines in 5 CFR 1320.5.

Dated: July 5, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017-14445 Filed 7-10-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2017-ICCD-0097]

Agency Information Collection Activities; Comment Request; State and Local Educational Agency Record and Reporting Requirements Under Part B of the Individuals With Disabilities Education Act

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before September 11, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0097. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216-42, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Rebecca Walawender, 202-245-7399.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of

Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: State and Local Educational Agency Record and Reporting Requirements Under Part B of the Individuals With Disabilities Education Act.

OMB Control Number: 1820–0600.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 73,623.

Total Estimated Number of Annual Burden Hours: 362,649.

Abstract: OMB Information Collection 1820–0600 reflects the provisions in the Act and the Part B regulations requiring States and/or local educational agencies (LEAs) to collect and maintain information or data and, in some cases, report information or data to other public agencies or to the public. However, such information or data are not reported to the Secretary. Data are collected in the areas of private schools, parentally placed private school students, State high cost fund, notification of free and low cost legal services, early intervening services, notification of hearing officers and mediators, State complaint procedures, and the LEA application under Part B.

Dated: July 5, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–14443 Filed 7–10–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; American History and Civics Education—National Activities Grants

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2017 for the American History and Civics Education—National Activities Grants Program, Catalog of Federal Domestic Assistance (CFDA) number 84.422B.

DATES:

Applications Available: July 11, 2017.
Deadline for Notice of Intent to Apply: August 10, 2017.

Date of Pre-Application Webinars: The Department of Education (Department) will host a pre-application webinar to provide technical assistance to interested applicants on July 18, 2017 at 2:30 p.m. eastern time. To join the webinar please go to the event address at <https://educateevents.webex.com/educateevents/onstage/g.php?MTID=e0ff2dd5c36144d0f8e4ba71d69d03484>.

Deadline for Transmittal of Applications: August 21, 2017.

Deadline for Intergovernmental Review: October 24, 2017.

FOR FURTHER INFORMATION CONTACT:

Christine Miller, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W205, Washington, DC 20202–5960. Or by email: Christine.Miller@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:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The American History and Civics Education—National Activities Grants Program promotes innovative instruction, learning strategies, and professional development in American history, civics and government, and geography, with an emphasis on activities and programs that benefit low-income students and underserved populations.

Background: This competition provides funding to support the development, implementation, expansion, evaluation, and dissemination of evidence-based instructional approaches and professional development activities and programs in American history, civics and government, and geography in elementary and secondary schools. This competition includes an absolute priority for projects serving high-need students to help these students improve learning outcomes for these students.

This competition includes an absolute priority for projects that show potential to improve student achievement in, and teaching of, these subjects, and that

demonstrate innovation, scalability, accountability, and a focus on underserved populations. Additionally, we include a competitive preference priority for projects that leverage technology to support professional development and instructional practice, which may lead to increased student engagement and help accelerate learning.

This competition also includes a requirement for applicants to propose project-specific performance measures and performance targets consistent with the objectives of the proposed project. Applications must provide information on these measures and targets under 34 CFR 75.110(b) and (c).

Priorities: This notice contains one absolute priority and one competitive preference priority. In accordance with 34 CFR 75.105(b)(2)(iv), the absolute priority is from section 2233(b) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA), 20 U.S.C. 6663. The competitive preference priority is from the notice of final supplemental priorities and definitions for discretionary grant programs published in the **Federal Register** on December 10, 2014 (79 FR 73425) (Supplemental Priorities).

Absolute Priority: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Absolute Priority 1—Innovative Instruction or Professional Development in American History, Civics and Government, and Geography.

Under this priority, we provide funding to projects that are designed to develop, implement, expand, evaluate, and disseminate for voluntary use, innovative, evidence-based approaches or professional development programs in American history, civics and government, and geography. To meet this priority, a project must:

(i) Show potential to improve the quality of student achievement in, and teaching of, American history, civics and government, or geography, in elementary schools and secondary schools; and

(ii) Demonstrate innovation, scalability, accountability, and a focus on underserved populations.

In addressing this priority, a project may include:

(i) Hands-on civic engagement activities for teachers and students; and
(ii) Programs that educate students about the history and principles of the

Constitution of the United States, including the Bill of Rights.

Competitive Preference Priorities: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 10 points to an application that addresses this Competitive Preference Priority, depending on how well the application addresses this competitive preference priority.

This priority is:

Competitive Preference Priority 1—Leveraging Technology To Support Instructional Practice and Professional Development. (up to 10 points)

Under this priority, we provide funding to projects that are designed to leverage technology through one or more of the following:

(a) Using high-speed internet access and devices to increase students' and educators' access to high-quality accessible digital tools, assessments, and materials, particularly Open Educational Resources;

(b) Implementing high-quality accessible digital tools, assessments, and materials that are aligned with rigorous college- and career-ready standards;

(c) Implementing high-quality, accessible online courses, online learning communities, or online simulations, such as those for which educators could earn professional development credit or continuing education units through Digital Credentials based on demonstrated mastery of competencies and performance-based outcomes, instead of traditional time-based metrics; and

(d) Using data platforms that enable the development, visualization, and rapid analysis of data to inform and improve learning outcomes, while also protecting privacy in accordance with applicable laws.

Definitions: The following definitions apply to this competition. We are establishing the definitions for "demonstrates a rationale," "evidence-based," "experimental study," "logic model," "moderate evidence," "project component," "promising evidence," "quasi-experimental design study," "relevant outcome," "strong evidence," and "What Works Clearinghouse Handbook" for the FY 2017 grant competition only, in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1). The definitions for "digital credentials" and "open education resources" are from the Supplemental Priorities. The definitions of

"ambitious" and "baseline" are from 34 CFR part 77.

Ambitious means promoting continued, meaningful improvement for program participants or for other individuals or entities affected by the grant, or representing a significant advancement in the field of education research, practices, or methodologies. When used to describe a performance target, whether a performance target is ambitious depends upon the context of the relevant performance measure and the baseline for that measure.

Baseline means the starting point from which performance is measured and targets are set.

Demonstrates a rationale means a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

Evidence-based means the proposed project component is supported by one or more of strong evidence, moderate evidence, promising evidence, or evidence that demonstrates a rationale.

Digital credentials means evidence of mastery of specific competencies or performance-based abilities, provided in digital rather than physical medium (such as through digital badges). These digital credentials may then be used to supplement or satisfy continuing education or professional development requirements.

Experimental study means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a project component or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of experimental studies that, depending on their design and implementation (e.g., sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the WWC Handbook (incorporated by reference, see 34 CFR 77.2):

A. A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the project component being evaluated (the treatment group) or not to receive the project component (the control group).

B. A regression discontinuity design study assigns the project component being evaluated using a measured variable (e.g., assigning students reading below a cutoff score to tutoring or

developmental education classes) and controls for that variable in the analysis of outcomes.

C. A single-case design study uses observations of a single case (e.g., a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment.

Logic model (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (i.e., the active "ingredients" that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

Moderate evidence means that there is evidence of effectiveness of a key project component in improving a relevant outcome for a sample that overlaps with the populations or settings proposed to receive that component, based on a relevant finding from one of the following:

(a) A practice guide prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a "strong evidence base" or "moderate evidence base" for the corresponding practice guide recommendation;

(b) An intervention report prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a "positive effect" or "potentially positive effect" on a relevant outcome based on a "medium to large" extent of evidence, with no reporting of a "negative effect" or "potentially negative effect" on a relevant outcome; or

(c) A single experimental study or quasi-experimental design study reviewed and reported by the WWC using version 2.1 or 3.0 of the WWC Handbook, or otherwise assessed by the Department using version 3.0 of the WWC Handbook, as appropriate, and that—

(i) Meets WWC standards with or without reservations;

(ii) Includes at least one statistically significant and positive (i.e., favorable) effect on a relevant outcome;

(iii) Includes no overriding statistically significant and negative effects on relevant outcomes reported in the study or in a corresponding WWC intervention report prepared under version 2.1 or 3.0 of the WWC Handbook; and

(iv) Is based on a sample from more than one site (e.g., State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across

sites. Multiple studies of the same project component that each meet requirements (i), (ii), and (iii) may together satisfy this requirement.

Open educational resources means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use and repurposing by others.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (e.g., training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Promising evidence means that there is evidence of the effectiveness of a key project component in improving a relevant outcome, based on a relevant finding from one of the following:

(a) A practice guide prepared by WWC reporting a “strong evidence base” or “moderate evidence base” for the corresponding practice guide recommendation;

(b) An intervention report prepared by the WWC reporting a “positive effect” or “potentially positive effect” on a relevant outcome with no reporting of a “negative effect” or “potentially negative effect” on a relevant outcome; or

(c) A single study assessed by the Department, as appropriate, that—

(i) Is an experimental study, a quasi-experimental design study, or a well-designed and well-implemented correlational study with statistical controls for selection bias (e.g., a study using regression methods to account for differences between a treatment group and a comparison group); and

(ii) Includes at least one statistically significant and positive (i.e., favorable) effect on a relevant outcome.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental study by identifying a comparison group that is similar to the treatment group in important respects. This type of study, depending on design and implementation (e.g., establishment of baseline equivalence of the groups being compared), can meet WWC standards with reservations, but cannot meet WWC standards without reservations, as described in the WWC Handbook.

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

Strong evidence means that there is evidence of the effectiveness of a key project component in improving a relevant outcome for a sample that overlaps with the populations and settings proposed to receive that component, based on a relevant finding from one of the following:

(a) A practice guide prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a “strong evidence base” for the corresponding practice guide recommendation;

(b) An intervention report prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a “positive effect” on a relevant outcome based on a “medium to large” extent of evidence, with no reporting of a “negative effect” or “potentially negative effect” on a relevant outcome; or

(c) A single experimental study reviewed and reported by the WWC using version 2.1 or 3.0 of the WWC Handbook, or otherwise assessed by the Department using version 3.0 of the WWC Handbook, as appropriate, and that—

(i) Meets WWC standards without reservations;

(ii) Includes at least one statistically significant and positive (i.e., favorable) effect on a relevant outcome;

(iii) Includes no overriding statistically significant and negative effects on relevant outcomes reported in the study or in a corresponding WWC intervention report prepared under version 2.1 or 3.0 of the WWC Handbook; and

(iv) Is based on a sample from more than one site (e.g., State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across sites. Multiple studies of the same project component that each meet requirements (i), (ii), and (iii) may together satisfy this requirement.

What Works Clearinghouse Handbook means the standards and procedures set forth in the WWC Procedures and Standards Handbook, Version 3.0, March 2014, or Version 2.1, September 2011, which can be found at the following link: <http://ies.ed.gov/ncee/wwc/Handbooks> (incorporated by reference, see 34 CFR 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the Handbook documentation.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act

(5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities, definitions, and other requirements. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements, regulations governing the first grant competition under a new or substantially revised program authority. This grant competition is the first for the American History and Civics National Activities program under 20 U.S.C. 6663 and therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forgo public comment on the definitions under section 437(d)(1) of GEPA. These definitions will apply to the FY 2017 grant competition only.

Program Authority: Section 2233 of the ESEA.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The Secretary’s Supplemental Priorities published in the **Federal Register** on December 10, 2014 (79 FR 73425).

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: \$1,700,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: \$200,000–\$700,000 per year.

Estimated Average Size of Awards: \$500,000 per year.

Estimated Number of Awards: 2–7.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to three years, with renewal of up to two additional years if the grantee demonstrates to the Secretary that the grantee is effectively using funds.

III. Eligibility Information

1. *Eligible Applicants:* An institution of higher education or other nonprofit or for-profit organization with demonstrated expertise in the development of evidence-based approaches with the potential to improve the quality of American history, civics and government, or geography learning and teaching.

Note: If multiple eligible entities wish to form a consortium and jointly submit a single application, they must follow the procedures for group applications described in 34 CFR 75.127 through 34 CFR 75.129.

2. a. *Cost Sharing or Matching:* This program does not require any cost sharing or matching.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. In accordance with section 2301 of the ESEA, funds made available under this program must be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this program.

IV. Application and Submission Information

1. Address to Request Application

Package: Christine Miller, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W205, Washington, DC 20202-5970. Telephone: (202) 260-7350 or by email: Christine.Miller@ed.gov.

If you use a TDD or a TTY, call the FRS, toll free, at 1-800-877-8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., Braille, large print, audiotope, or compact disc) by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

2. *Content and Form of Application Submission:* Requirements concerning the content and form of an application, together with the forms you must submit, are in the application package for this competition.

The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of entities that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify the Department by sending a short email message indicating the applicant's intent to submit an application for funding. The email need not include information regarding the content of the proposed application, only the applicant's intent to submit it. You should send this email notification to:

Christine.Miller@ed.gov. Applicants that do not provide this email notification may still apply for funding.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 pages, and (2) use the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

b. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the American History and Civics Education—National Activities Grants Program, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define "business information" and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to post the project narrative section of funded American History and Civics Education—National Activities Grants Program applications on our Web site, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under "Other Attachments Form," please list the page number or numbers on which we can find this information.

For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:* *Applications Available:* July 11, 2017. *Deadline for Notice of Intent to Apply:* August 10, 2017.

Date of Pre-Application Webinars: July 18, 2017.

Deadline for Transmittal of Applications: August 21, 2017.

Applications for grants under this competition must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice. Deadline for Intergovernmental Review: October 24, 2017.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We specify unallowable costs in 2 CFR 200, subpart E. We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review

by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: <http://fedgov.dnb.com/webform>. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov*.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at www.SAM.gov. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find at: www2.ed.gov/fund/grant/apply/sam-faqs.html.

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* Web page: www.grants.gov/web/grants/register.html.

7. Other Submission Requirements:

Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications. Applications for grants

under the American History and Civics Education—National Activities Grants Program, CFDA number 84.422B, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at www.Grants.gov. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for the American History and Civics Education—National Activities Grants Program at www.Grants.gov. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.422, not 84.422B).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov*.

- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this competition to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at www.G5.gov. In

addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* Web site at: www.grants.gov/web/grants/applicants/apply-for-grants.html.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- You must upload any narrative sections and all other attachments to your application as files in a read-only, flattened Portable Document Format (PDF), meaning any fillable PDF documents must be saved as flattened non-fillable files. Therefore, do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, flattened PDF (e.g., Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF. There is no need to password protect a file in order to meet the requirement to submit a read-only flattened PDF. And, as noted above, the Department will not review password-protected files.

- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any

errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the *Grants.gov* System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1-800-518-4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability

of, or technical problems with, the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

- You do not have access to the internet; or
- You do not have the capacity to upload large documents to the *Grants.gov* system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Christine Miller, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W205, Washington, DC 20202-5960. FAX: (202) 205-5630.

Your paper application must be submitted in accordance with the mail or hand-delivery instructions described in this notice.

b. Submission of Paper Applications by Mail.

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.422B), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202-4260.

You must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark.
- (2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery.

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.422B), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

- (1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

- (2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

V. Application Review Information

1. Selection Criteria: The selection criteria for this program are from 34 CFR 75.210. An applicant may earn up to a total of 100 points based on the selection criteria. The maximum score for addressing each criterion is indicated in parentheses.

A. Quality of the Project Design. (35 points) The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors—

- (i) The extent to which the proposed project represents an exceptional

approach to the priority or priorities established for the competition.

(ii) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

(iii) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

B. Significance. (20 points) The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(ii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(iii) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies.

C. Quality of the Management Plan. (20 points) The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

D. Quality of the Project Evaluation. (25 points) The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(ii) The extent to which the methods of evaluation will provide performance feedback and permit periodic

assessment of progress toward achieving intended outcomes.

2. Review and Selection Process: We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. Risk Assessment and Special Conditions: Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. Integrity and Performance System: If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$150,000) under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds

\$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

VI. Award Administration Information

1. Award Notices: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. Administrative and National Policy Requirements: We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. Reporting: (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. Performance Measures: (a) The Department has established the following Government Performance and

Results Act of 1993 performance objective for the American History and Civics Education—National Activities Grants Program:

Participants will demonstrate through pre- and post-assessments an increased understanding of American history, civics and government, and geography.

We will track performance on this objective through the following measure:

The average percentage gains on an assessment after participation in the grant activities.

We advise an applicant for a grant under this program to give careful consideration to this measure in conceptualizing the approach and evaluation of its proposed project. Each grantee will be required to provide, in its annual and final performance reports, data about its performance with respect to this measure.

(b) Project-Specific Performance Measures. Applicants must propose project-specific performance measures and performance targets consistent with the objectives of the proposed project. Applications must provide the following information as directed under 34 CFR 75.110(b) and (c):

(1) Performance measures. How each proposed performance measure would accurately measure the performance of the project and how the proposed performance measure would be consistent with the performance measures established for the program funding the competition.

(2) Baseline data. (i) Why each proposed baseline is valid; or (ii) if the applicant has determined that there are no established baseline data for a particular performance measure, an explanation of why there is no established baseline and of how and when, during the project period, the applicant would establish a valid baseline for the performance measure.

(3) Performance targets. Why each proposed performance target is ambitious yet achievable compared to the baseline for the performance measure and when, during the project period, the applicant would meet the performance target(s).

(4) Data collection and reporting. (i) The data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data; and (ii) the applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

All grantees must submit an annual performance report with information

that is responsive to these performance measures.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package 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 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.

Dated: July 6, 2017.

Margo Anderson,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2017-14511 Filed 7-10-17; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17-135-000.

Applicants: Shell Energy North America (US), L.P., MP2 Energy LLC, MP2 Energy NE LLC.

Description: Application for Authorization for Disposition of Jurisdictional Facilities under Section 203 of the Federal Power Act and Request for Expedited Action of Shell Energy North America (US), L.P., et al.
Filed Date: 6/30/17.

Accession Number: 20170630-5429.

Comments Due: 5 p.m. ET 7/21/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-1511-007; ER10-2231-006; ER10-1714-009.

Applicants: Louisville Gas and Electric Company, Kentucky Utilities Company, LG&E Energy Marketing, Inc.

Description: Triennial Market Power Update of the PPL Southeast Companies.

Filed Date: 6/30/17.

Accession Number: 20170630-5413.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER10-2498-004.

Applicants: South Carolina Electric & Gas Company.

Description: Updated Market Power Analysis for the Southeast Region of South Carolina Electric & Gas Company.

Filed Date: 6/27/17.

Accession Number: 20170703-0001.

Comments Due: 5 p.m. ET 8/28/17.

Docket Numbers: ER15-794-005.

Applicants: Catalyst Paper Operations, Inc.

Description: Triennial Market Power Analysis for the Northeast Region of Catalyst Paper Operations, Inc.

Filed Date: 6/30/17.

Accession Number: 20170630-5357.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER17-1723-000.

Applicants: Green Power Solutions of Georgia, LLC.

Description: Report Filing: Supplement to Petition of Green Power Solutions of Georgia LLC to be effective N/A.

Filed Date: 6/30/17.

Accession Number: 20170630-5313.

Comments Due: 5 p.m. ET 7/21/17.

Docket Numbers: ER17-1757-000.

Applicants: Entergy New Orleans, LLC.

Description: Supplement to June 5, 2017 Entergy New Orleans, LLC tariff filing.

Filed Date: 6/29/17.

Accession Number: 20170629–5255.

Comments Due: 5 p.m. ET 7/20/17.

Docket Numbers: ER17–1830–000.

Applicants: CXA Sundevil Holdco, Inc.

Description: Report Filing: Supplement to Petition of CXA Sundevil Holdco, Inc to be effective N/A.

Filed Date: 6/30/17.

Accession Number: 20170630–5354.

Comments Due: 5 p.m. ET 7/21/17.

Docket Numbers: ER17–2043–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3330 City of Nixa, Missouri to be effective 6/1/2017.

Filed Date: 7/3/17.

Accession Number: 20170703–5188.

Comments Due: 5 p.m. ET 7/24/17.

Docket Numbers: ER17–2044–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3215R2 People's Electric Cooperative NITSA NOA to be effective 6/1/2017.

Filed Date: 7/3/17.

Accession Number: 20170703–5189.

Comments Due: 5 p.m. ET 7/24/17.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH17–17–000.

Applicants: LS Power Development, LLC.

Description: FERC–65B Waiver—Notice of Non-Material Change in Fact.

Filed Date: 6/30/17.

Accession Number: 20170630–5431.

Comments Due: 5 p.m. ET 7/21/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–14481 Filed 7–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2008–000]

Pure Energy USA, 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 Pure Energy USA, 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 25, 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: July 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–14477 Filed 7–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–1937–000]

Robinson Energy, 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 Robinson Energy, 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 25, 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: July 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017-14476 Filed 7-10-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NP17-23-000]

North American Electric Reliability Corporation; Notice of Filing Taking Effect by Operation of Law

On May 31, 2017, pursuant to section 215 of the Federal Power Act (FPA),¹ the North American Electric Reliability Corporation (NERC) filed with the Commission, in Docket No. NP17-23-000, a Spreadsheet Notice of Penalty.

Pursuant to section 215 of the FPA, in the absence of Commission action on or before June 30, 2017 NERC's filing became effective on July 3, 2017 by operation of law.

Dated: July 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017-14479 Filed 7-10-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No.: 14568-003]

CB Energy Park, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 14568-003.

c. *Date Filed:* May 31, 2017.

d. *Submitted By:* CB Energy Park, LLC.

e. *Name of Project:* Coffin Butte Pumped Storage Project.

f. *Location:* Near Two Dot in Wheatland and Meagher Counties, Montana. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Carl Borgquist, CB Energy Park, LLC, 209 South Wilson Avenue, P.O. Box 309, Bozeman, MT 59771, phone: (406) 585-3006.

i. *FERC Contact:* Ryan Hansen at (202) 502-8074; or email at ryan.hansen@ferc.gov.

j. CB Energy Park, LLC filed its request to use the Traditional Licensing Process on May 31, 2017. CB Energy Park, LLC provided public notice of its request on June 9, 2017. In a letter dated July 5, 2017, the Director of the Division of Hydropower Licensing approved CB Energy Park, LLC's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402. We are also initiating consultation with the Montana State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating CB Energy Park, LLC as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and consultation pursuant to section 106 of the National Historic Preservation Act.

m. CB Energy Park, LLC filed a Pre-Application Document (PAD; including a proposed process plan and schedule)

with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: July 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017-14480 Filed 7-10-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17-2028-000]

PE Berkeley, Inc.; 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 PE Berkeley, Inc.'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 25, 2017.

¹ 16 U.S.C. 824o (2012).

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: July 5, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-14478 Filed 7-10-17; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-1556-008.

Applicants: Longview Power.

Description: Updated Market Power Analysis for the Northeast Region of Longview Power, LLC.

Filed Date: 6/30/17.

Accession Number: 20170630-5461.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER10-2042-023; ER10-1862-017; ER10-1893-017; ER10-1934-017; ER10-1938-018; ER10-1942-015; ER10-2029-007; ER10-2036-006; ER10-2040-005; ER10-2041-005; ER10-2043-005; ER10-2044-005; ER10-2051-005; ER10-2985-021; ER10-3049-022; ER10-

3051-022; ER11-4369-002; ER15-748-001; ER16-2218-002; ER17-696-003.

Applicants: Calpine Energy Services, L.P., Calpine Bethlehem, LLC, Calpine Construction Finance Company, L.P., Calpine Energy Solutions, LLC, Calpine Mid-Atlantic Generation, LLC, Calpine Mid-Atlantic Marketing, LLC, Calpine Mid Merit, LLC, Calpine New Jersey Generation, LLC, Calpine PowerAmerica—CA, LLC, Calpine Vineland Solar, LLC, CES Marketing IX, LLC, CES Marketing X, LLC, Champion Energy Marketing LLC, Champion Energy, LLC, Garrison Energy Center LLC, North American Power and Gas, LLC, North American Power Business, LLC, Power Contract Financing, L.L.C., Zion Energy LLC, Champion Energy Services, LLC.

Description: Notification of Change in Status of the Calpine PJM MBR Sellers.

Filed Date: 6/30/17.

Accession Number: 20170630-5454.

Comments Due: 5 p.m. ET 7/21/17.

Docket Numbers: ER10-2131-017.

Applicants: Grand Ridge Energy LLC.

Description: Triennial Report of Grand Ridge Energy LLC.

Filed Date: 6/30/17.

Accession Number: 20170630-5451.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER10-2133-017.

Applicants: Sheldon Energy LLC.

Description: Triennial Report of Sheldon Energy LLC.

Filed Date: 6/30/17.

Accession Number: 20170630-5456.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER10-2137-017;

ER14-2799-009.

Applicants: Beech Ridge Energy LLC, Beech Ridge Energy Storage LLC.

Description: Triennial Report of Beech Ridge Energy LLC, et al.

Filed Date: 6/30/17.

Accession Number: 20170630-5448.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER10-2138-017; ER10-2139-017.

Applicants: Grand Ridge Energy II LLC, Grand Ridge Energy III LLC.

Description: Triennial Report of Grand Ridge Energy II LLC, et al.

Filed Date: 6/30/17.

Accession Number: 20170630-5452.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER10-3099-018.

Applicants: RC Cape May Holdings, LLC.

Description: Triennial Market-Based Rate Update Filing for the Northeast Region of RC Cape May Holdings, LLC.

Filed Date: 6/30/17.

Accession Number: 20170630-5457.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER11-3460-010; ER10-1533-015; ER10-2374-014;

ER12-1301-008; ER12-670-010; ER12-674-010.

Applicants: Bayonne Energy Center, LLC, Macquarie Energy LLC, Rhode Island Engine Genco, LLC, Rhode Island LFG Genco, LLC, Zone J Tolling Co., LLC, Puget Sound, Energy, Inc.

Description: Updated Market Power Analysis for the Northeast Region of Bayonne Energy Center, LLC, et al.

Filed Date: 6/30/17.

Accession Number: 20170630-5463.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER11-3872-018.

Applicants: Stony Creek Energy LLC.

Description: Triennial Report of Stony Creek Energy LLC.

Filed Date: 6/30/17.

Accession Number: 20170630-5459.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER12-1436-012; ER10-2329-009; ER10-2740-011; ER10-2742-010; ER12-1260-011; ER13-1793-009; ER14-152-007.

Applicants: Eagle Point Power Generation LLC, Elgin Energy Center, LLC, Hazle Spindle, LLC, Rocky Road Power, LLC, Stephentown Spindle, LLC, Tilton Energy LLC, Vineland Energy LLC.

Description: Triennial Market-Based Rate Update Filing for the Northeast Region of the Rockland Sellers.

Filed Date: 6/30/17.

Accession Number: 20170630-5464.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER13-343-008; ER13-342-012; ER16-700-001; ER16-701-001.

Applicants: CPV Shore, LLC, CPV Maryland, LLC, CPV Towantic, LLC, CPV Valley, LLC.

Description: Market Power Update of CPV Maryland, LLC, et al.

Filed Date: 6/30/17.

Accession Number: 20170630-5465.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER14-2798-009.

Applicants: Beech Ridge Energy II LLC.

Description: Triennial Report of Beech Ridge Energy II LLC.

Filed Date: 6/30/17.

Accession Number: 20170630-5446.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER15-103-006.

Applicants: Invenergy Nelson LLC.

Description: Triennial Report of Invenergy Nelson LLC.

Filed Date: 6/30/17.

Accession Number: 20170630-5455.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER15-1841-002; ER15-2742-002; ER16-2643-001.

Applicants: Panda Stonewall LLC, Panda Patriot LLC, Panda Liberty LLC.

Description: Updated Market Power Analysis for the Northeast Region of the Panda MBR Sellers.

Filed Date: 6/30/17.

Accession Number: 20170630-5447.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER17-256-002; ER17-242-002; ER17-243-002; ER17-245-002; ER17-652-002.

Applicants: Darby Power, LLC, Gavin Power, LLC, Lawrenceburg Power, LLC, Lightstone Marketing LLC, Waterford Power, LLC.

Description: Updated Market Power Analysis of the Lightstone Northeast MBR Sellers.

Filed Date: 6/30/17.

Accession Number: 20170630-5460.

Comments Due: 5 p.m. ET 8/29/17.

Docket Numbers: ER17-2046-000.

Applicants: Semptra Gas & Power Marketing, LLC, San Diego Gas & Electric Company.

Description: Joint Application of San Diego Gas & Electric Company, et al. for Approval of Affiliate Transaction Pursuant to Section 205 of the Federal Power Act.

Filed Date: 6/30/17.

Accession Number: 20170630-5449.

Comments Due: 5 p.m. ET 7/21/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: July 5, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-14475 Filed 7-10-17; 8:45 am]

BILLING CODE 6717-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-xxxx]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before August 10, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email Nicholas_A_Fraser@omb.eop.gov; and to Cathy Williams, FCC, via email PRA@fcc.gov and to Cathy.Williams@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418-2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the Web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4)

select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control No.: 3060-xxxx.

Title: Section 97.303(g)(2), Notification Requirement.

Form No.: N/A.

Type of Review: New collection.

Respondents: Individuals or households.

Number of Respondents and Responses: 1,000 respondents and 1,000 responses.

Estimated Time per Response: 10 minutes (0.167 hours).

Frequency of Response: Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained 47 U.S.C. 154(i), 161, 301, 302, 303(e), 303(f), 303(r), 304, 307 and 332(b).

Total Annual Burden: 167 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On March 29, 2017 the Federal Communications Commission released a Report and

Order, Amendment of Parts 2, 15, 80, 90, 97, and 101 of the Commission's Rules Regarding Implementation of the Final Acts of the World Radiocommunication Conference (Geneva, 2012) (WRC-12), Other Allocation Issues, and Related Rule Updates, ET Docket No. 15-99, FCC 17-33, which inter alia, amends the Commission's rules for the Amateur Radio Service to provide for frequency sharing requirements in the 135.7-137.8 kHz (2200 meter) and 472-479 kHz (630 meter) bands. These rules will ensure the compatibility of amateur radio operations and Power Line Carrier (PLC) systems that operate in these bands, and will promote the shared use of these bands. As background, in the larger 9-490 kHz band, electric utilities operate PLC systems on power transmission lines for communications important to the reliability and security of electric service to the public. The Commission found that the identification of transmission lines are not always readily identifiable and that amateur operators may not be able to determine whether PLC systems operate in the relevant bands on the subject transmission lines. For these reasons, the Commission adopted a notification process to ensure that amateur stations seeking to operate in these bands are located outside of a minimum separation distance.

Specifically, the information collection requirements contained in Section 97.303(g)(2) requires prior to commencement of operations in these bands, amateur operators must notify the Utilities Telecom Council (UTC) of their intent by submitting their call signs, intended band or bands of operation, and the coordinates of their antenna's fixed location.

Amateur stations will be permitted to commence operations after a 30-day period unless UTC notifies the applicant that its requested location is located within one kilometer of PLC systems operating in the same or overlapping frequencies.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2017-14461 Filed 7-10-17; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0161 and 3060-0685]

Information Collections Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before September 11, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA, 44 U.S.C. 3501-3520, the FCC

invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060-0161.

Title: Section 73.61, AM Directional Antenna Field Strength Measurements.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities.

Number of Respondents and Responses: 2,268 respondents and 2,268 responses.

Estimated Time per Response: 4-50 hours.

Frequency of Response:

Recordkeeping requirement.

Total Annual Burden: 36,020 hours.

Total Annual Cost: None.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 303 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR 73.61 requires that each AM station using directional antennas to make field strength measurement as often as necessary to ensure proper directional antenna system operation. Stations not having approved sampling systems make field strength measurements every three months. Stations with approved sampling systems must take field strength measurements as often as necessary. Also, all AM stations using directional signals must take partial proofs of performance as often as necessary. The FCC staff used the data in field inspections/investigations. AM licensees with directional antennas use the data to ensure that adequate interference protection is maintained

between stations and to ensure proper operation of antennas.

OMB Control Number: 3060–0685.

Title: Updating Maximum Permitted Rates for Regulated Services and Equipment, FCC Form 1210; Annual Updating of Maximum Permitted Rates for Regulated Cable Services, FCC Form 1240.

Form Number: FCC Form 1210 and FCC Form 1240.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; State, Local or Tribal Government.

Number of Respondents and Responses: 3,400 respondents; 5,350 responses.

Estimated Time per Response: 1 hour to 15 hours.

Frequency of Response: Annual reporting requirement; Quarterly reporting requirement; Third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 4(i) and 623 of Communications Act of 1934, as amended.

Total Annual Burden: 44,800 hours.

Total Annual Cost: \$3,196,875.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: Cable operators use FCC Form 1210 to file for adjustments in maximum permitted rates for regulated services to reflect external costs. Regulated cable operators submit this form to local franchising authorities.

FCC Form 1240 is filed by cable operators seeking to adjust maximum permitted rates for regulated cable services to reflect changes in external costs.

Cable operators submit Form 1240 to their respective local franchising authorities (“LFAs”) to justify rates for the basic service tier and related equipment or with the Commission (in situations where the Commission has assumed jurisdiction).

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2017–14463 Filed 7–10–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission’s burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before September 11, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to Nicole.Ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of

1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission’s burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–XXXX.

Title: Part 32 Uniform System of Accounts.

Form Number: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 1,176 respondents; 2,458 responses.

Estimated Time per Response: 20–40 hours.

Frequency of Response: One-time, on occasion, and annual reporting requirements; recordkeeping requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 10, 201, 219–220, 224, 254(k), 272(e)(3), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 160, 201, 219–220, 224, 254(k), 272(e)(3), and 403.

Total Annual Burden: 103,240 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Respondents are not being asked to submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission’s rules.

Needs and Uses: On February 24, 2017, the Commission released the *Part 32 Order*, WC Docket No. 14–130, CC Docket No. 80–286, FCC 17–15, which minimized the compliance burdens imposed by the Uniform System of Accounts (USOA) on price cap and rate-of-return telephone companies, while

ensuring that the Commission retains access to the information it needs to fulfill its regulatory duties.

The Commission consolidated Class A and Class B accounts by eliminating the current classification of carriers, which divides incumbent LECS into two classes for accounting purposes based on annual revenues. Carriers subject to Part 32's USOA will now only be required to keep Class B accounts.

Pursuant to the *Part 32 Order*, price cap carriers may elect to use generally accepted accounting principles (GAAP) for all regulatory accounting purposes if they: (1) Establish an "Implementation Rate Difference" (IRD) which is the difference between pole attachment rates calculated under Part 32 and under GAAP as of the last full year preceding the carrier's initial opting out of Part 32 accounting requirements; and (2) adjust their annually-computed GAAP-based pole attachment rates by the IRD for a period of 12 years after the election. Alternatively, price cap carriers may elect to use GAAP accounting for all purposes other than those associated with pole attachment rates and continue to use the Part 32 accounts and procedures applicable to pole attachment rates for up to 12 years.

A price cap carrier may be required to submit pole attachment accounting data to the Commission for three years following the effective date of the rule permitting a price cap carrier to elect GAAP accounting. If a pole attachers informs the Commission of a suspected problem with pole attachment rates, the Commission will require the price cap carrier to file its pole attachment data for the state in question. This requirement may be extended for an additional three years, if necessary.

The Commission reduced the accounting requirements for telephone companies with a continuing obligation to comply with Part 32 in a number of areas. Telephone companies may: (1) Carry an asset at its purchase price when it was acquired, even if its value has increased or declined when it goes into regulated service; (2) reprice an asset at market value after a merger or acquisition consistent with GAAP; (3) use GAAP principles to determine Allowance-for-Funds-Used-During Construction; and (4) employ the GAAP standard of materiality. Rate-of-return carriers receiving cost-based support must determine materiality consistent with the general materiality guidelines promulgated by the Auditing Standards Board.

Price cap carriers with a continuing Part 32 accounting obligation must maintain continuing property records necessary to track substantial assets and

investments in an accurate, auditable manner. The carriers must make such property information available to the Commission upon request. Carriers subject to Part 32 must continue to comply with the USOA's depreciation procedures and its rules for cost of removal-and-salvage accounting.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017-14459 Filed 7-10-17; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1142]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before September 11,

2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to Nicole.Ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418-2991.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060-1142.

Title: Electronic Tariff Filing System (ETFS), WC Docket No. 10-141.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,307 respondents; 1,307 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion and annual reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in Sections 1, 2, 4(i), 201-205 and 226(h)(1)(A) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 201-205 and 226(h)(1)(A).

Total Annual Burden: 1,307 hours.

Total Annual Cost: \$1,208,975.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission does not anticipate

providing confidentiality of the information submitted by local exchange carriers. In particular, the tariffs and related documents sent to the Commission will be made public through ETFS. If the respondents submit information they believe to be confidential, they may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: Incumbent local exchange carriers (LECs) file their tariffs and associated documents electronically, using ETFS. ETFS has improved the usefulness of tariff filings for both filers and the public and made the tariff filing process more open, transparent, and efficient. On June 30, 2011, the Commission released a Report and Order, WC Docket No. 10–141, FCC 11–92, determining that the benefits of using ETFS for incumbent LEC tariff filings would also be obtained if all tariff filers filed electronically. Such action benefits the public and carriers by creating a central system providing on-line access to all carrier tariffs and related documents filed with the Commission. As such, competitive LECs (and other nondominant carriers) must now file tariffs and associated documents electronically.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–14460 Filed 7–10–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1045]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the

Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before September 11, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA, 44 U.S.C. 3501–3520, the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1045.

Title: Section 76.1610, Change of Operational Information; FCC Form 324, Operator, Mail Address, and

Operational Status Changes Operator, Mail Address, and Operational Information Changes, FCC Form 324.

Form Number: FCC Form 324.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities; not-for-profit institutions.

Number of Respondents and

Responses: 5,000 respondents; 5,000 responses.

Estimated Time per Response: 0.5 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 2,500 hours.

Total Annual Costs: None.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 154(i), 303, 308, 309 and 621 of the Communications Act of 1934, as amended.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: Under 47 CFR

76.1610, cable operators must notify the Commission of changes in ownership information or operating status within 30 days of such change. FCC Form 324 is used to update information filed with the Commission concerning the Cable Community Registration. The information is the basic operational information on operator name, mailing address, community served, and system identification. FCC Form 324 will cover a variety of changes related to cable operators, replacing the requirement of a letter containing approximately the same information. Every Form 324 filing will require information about the system—the additional information required depending largely upon the nature of the change.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–14462 Filed 7–10–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination; 10187 Marco Community Bank, Marco Island, Florida

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10187 Marco Community Bank, Marco Island, Florida (Receiver) has been authorized to take all actions necessary to terminate the receivership estate of Marco Community Bank (Receivership

Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective July 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: July 6, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.

[FR Doc. 2017-14452 Filed 7-10-17; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL MARITIME COMMISSION

[Petition No. P1-17]

Petition of Maersk Line A/S for an Exemption From 46 CFR 530.8; Notice of Filing and Request for Comments

Notice is hereby given that Maersk Line A/S ("Petitioner"), has petitioned the Commission pursuant to 46 U.S.C. 40103 and 46 CFR 502.76¹ of the Commission's Rules of Practice and Procedure, for an exemption from 46 CFR 530.8, to permit Petitioner to "apply service contract rates contained in new service contracts and amendments to existing service contracts retroactively to shipments received on or after June 30, 2017, for a period of up to twenty (20) days."

Petitioner asserts that the "so-called Petya virus" severely impaired its information systems such that it "is not able to determine which service contracts and/or service contract rates are scheduled to expire at the end of June or in early July." Because Petitioner is uncertain which customers to contact to "extend or renegotiate those contracts/rates," it is requesting relief from service contract filing rules for 20 days. Petitioner states "[t]his time period should provide Maersk Line sufficient time to regain access to its service contract database and filing capabilities, to be able to identify expiring contracts/rates, and obtain agreements from shippers with regards to the disposition of their expiring contracts/rates."

¹ On December 22, 2016, 46 CFR 502.76 was redesignated 46 CFR 502.94.

In order for the Commission to make a thorough evaluation of the exemption requested in the Petition, pursuant to 46 CFR 502.92, interested parties are requested to submit views or arguments in reply to the Petition no later than July 14, 2017. Replies shall be sent to the Secretary by email to Secretary@fmc.gov or by mail to Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573-0001, and replies shall be served on Dennis O'Brien, Regional Counsel, Maersk Transport and Logistics, by email to Dennis.A.Obrien@maersk.com, or by mail to 9300 Arrowpoint Boulevard, Charlotte, North Carolina 28273.

Non-confidential filings may be submitted in hard copy to the Secretary at the above address or by email as a PDF attachment to Secretary@fmc.gov. Confidential filings should not be filed by email. A confidential filing must be filed with the Secretary in hard copy only, and be accompanied by a transmittal letter that identifies the filing as "Confidential-Restricted" and describes the nature and extent of the confidential treatment requested. The Commission will provide confidential treatment to the extent allowed by law for confidential submissions, or parts of submissions, for which confidentiality has been requested. When a confidential filing is submitted, there must also be submitted a public version of the filing. Such public filing version shall exclude confidential materials, and shall indicate on the cover page and on each affected page "Confidential materials excluded." Public versions of confidential filings may be submitted by email.

The Petition will be posted on the Commission's Web site at <http://www.fmc.gov/P1-17>. Replies filed in response to the Petition will also be posted on the Commission's Web site at this location.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017-14437 Filed 7-10-17; 8:45 am]

BILLING CODE 6731-AA-P

FEDERAL MARITIME COMMISSION

Agency Information Collection Activities: 60-Day Public Comment Request

AGENCY: Federal Maritime Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995,

the Federal Maritime Commission (Commission) invites comments on the continuing information collections (extensions with no changes) listed below in this notice.

DATES: Written comments must be submitted on or before September 11, 2017.

ADDRESSES: Address all comments to: Karen V. Gregory, Managing Director, Office of the Managing Director, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573, Phone: (202) 523-5800, Email: omd@fmc.gov.

Please send separate comments for each specific information collection listed below. You must reference the information collection's title and OMB number in your comments.

FOR FURTHER INFORMATION CONTACT: Copies of the information collections and instructions, or copies of any comments received, may be obtained by contacting Donna Lee on (202) 523-5800 or email at omd@fmc.gov.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Commission, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the continuing information collections listed in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments. We invite comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Information Collections Open for Comment

Title: 46 CFR part 525—Marine Terminal Operator Schedules and Related Form FMC-1.

OMB Approval Number: 3072-0061 (Expires September 30, 2017).

Abstract: Section 8(f) of the Shipping Act of 1984, 46 U.S.C. 40501(f), provides that a marine terminal operator (MTO) may make available to the public a schedule of its rates, regulations, and practices, including limitations of liability for cargo loss or damage, pertaining to receiving, delivering, handling, or storing property at its marine terminal. The Commission's rules governing MTO schedules are set forth at 46 CFR part 525.

Current Actions: There are no changes to this information collection, and it is being submitted for extension purposes only.

Type of Review: Extension.

Needs and Uses: The Commission uses information obtained from Form FMC-1 to determine the organization name, organization number, home office address, name and telephone number of the firm's representatives and the location of MTO schedules of rates, regulations and practices, and publisher, should the MTOs determine to make their schedules available to the public, as set forth in section 8(f) of the Shipping Act.

Frequency: This information is collected prior to an MTO's commencement of its marine terminal operations.

Type of Respondents: Persons operating as MTOs.

Number of Annual Respondents: The Commission estimates the respondent universe at 8, of which 5 opt to make their schedules available to the public.

Estimated Time per Response: The time per response for completing Form FMC-1 averages 0.5 person hours, and approximately 5 person-hours for related MTO schedules.

Total Annual Burden: The Commission estimates the total person-hour burden at 44 person-hours.

Title: 46 CFR part 520—Carrier Automated Tariffs and Related Form FMC-1.

OMB Approval Number: 3072-0064 (Expires September 30, 2017).

Abstract: Except with respect to certain specified commodities, section 8(a) of the Shipping Act of 1984, 46 U.S.C. 40501(a)–(c), requires that each common carrier and conference shall keep open to public inspection, in an automated tariff system, tariffs showing its rates, charges, classifications, rules, and practices between all ports and points on its own route and on any through transportation route that has been established. In addition, individual carriers or agreements among carriers are required to make available in tariff format certain enumerated essential terms of their service contracts. 46 U.S.C. 40502. The Commission is

responsible for reviewing the accessibility and accuracy of automated tariff systems, in accordance with its regulations set forth at 46 CFR part 520.

Current Actions: There are no changes to this information collection, and it is being submitted for extension purposes only.

Type of Review: Extension.

Needs and Uses: The Commission uses information obtained from Form FMC-1 to ascertain the location of common carrier and conference tariff publications, and to access their provisions regarding rules, rates, charges and practices.

Frequency: This information is collected when common carriers or conferences publish tariffs.

Type of Respondents: Persons desiring to operate as common carriers or conferences.

Number of Annual Respondents: The Commission estimates there are 5,365 Carrier Automated Tariffs. It is estimated that the number of annual respondents will be 1,436.

Estimated Time per Response: The time per response ranges from 0.1 to 2 person-hours for reporting and recordkeeping requirements contained in the rules, and 0.5 person-hours for completing Form FMC-1.

Total Annual Burden: The Commission estimates the total person-hour burden at 2,408 person-hours.

Rachel Dickon,

Assistant Secretary.

[FR Doc. 2017-14492 Filed 7-10-17; 8:45 am]

BILLING CODE 6731-AA-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 August 4, 2017.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528.

Comments can also be sent electronically to or

Comments.applications@rich.frb.org:

1. *Sandy Spring Bancorp, Inc.*, Olney, Maryland; to acquire WashingtonFirst Bankshares, Inc., and thereby indirectly acquire WashingtonFirst Bank, both in Reston, Virginia. In addition, Sandy Spring Bancorp, Inc., Olney, Maryland; has applied to acquire 1st Portfolio, Inc., Fairfax, Virginia, and thereby provide investment advisory services pursuant to section 225.28(b)(6)(i). Comments on this application must be received by August 1, 2017.

B. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *D2 Alliances, LLC, Fort Worth, Texas*; to become a bank holding company by acquiring 100 percent of Grandview Bancshares, Inc., and therefore, indirectly acquire Grandview Bank, both of Grandview, Texas.

Board of Governors of the Federal Reserve System, July 5, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017-14434 Filed 7-10-17; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 24, 2017.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Scott Michael Rasmussen*, Germantown, Wisconsin; as trustee under a 2017 Voting Agreement, to acquire voting shares of Waupaca Bancorporation, Inc., and thereby indirectly acquire shares of First National Bank, both of Waupaca, Wisconsin.

B. Federal Reserve Bank of Minneapolis (Brendan S. Murrin, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Nancy J. Petersen*, Bismarck, North Dakota; to individually acquire voting shares of Cornerstone Holding Company, Inc., Fargo, North Dakota, and thereby indirectly acquire voting shares of Cornerstone Bank, Fargo, North Dakota.

Board of Governors of the Federal Reserve System, July 6, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017-14506 Filed 7-10-17; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 26, 2017.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Nancy J. Petersen*, *Bismarck, North Dakota*; to individually retain voting shares of Cornerstone Holding Company, Inc., Fargo, North Dakota, and thereby indirectly retain shares of Cornerstone Bank, Fargo, North Dakota.

Board of Governors of the Federal Reserve System, July 5, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017-14435 Filed 7-10-17; 8:45 am]

BILLING CODE 6210-01-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 August 3, 2017.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309. Comments can also be sent electronically to Applications.Comments@atl.frb.org:

1. *BOLC Corp.*; to become a bank holding company by acquiring 100

percent of the outstanding voting shares of Bank of Lincoln County, both of Fayetteville, Tennessee.

Board of Governors of the Federal Reserve System, July 6, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017-14507 Filed 7-10-17; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA-2015-E-4727 and FDA-2015-E-4615]

Determination of Regulatory Review Period for Purposes of Patent Extension; Intercept Blood System for Plasma

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for INTERCEPT BLOOD SYSTEM FOR PLASMA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by September 11, 2017. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by January 8, 2018. See "Petitions" in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 11, 2017. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of September 11, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery

service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way.

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

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

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket Nos. FDA-2015-E-4727 and FDA-2015-E-4615 for "Determination of Regulatory Review Period for Purposes of Patent Extension; INTERCEPT BLOOD SYSTEM FOR PLASMA." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be

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

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

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301-796-3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis

for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device INTERCEPT BLOOD SYSTEM FOR PLASMA. INTERCEPT BLOOD SYSTEM FOR PLASMA is indicated for inactivation of bacterial and viral contaminants in Fresh Frozen Plasma prior to transfusion. Subsequent to this approval, the USPTO received patent term restoration applications for INTERCEPT BLOOD SYSTEM FOR PLASMA (U.S. Patent Nos. 5,593,823 and 6,951,713) from Cerus Corporation, and the USPTO requested FDA's assistance in determining this patents' eligibility for patent term restoration. In a letter dated April 26, 2016, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of INTERCEPT BLOOD SYSTEM FOR PLASMA represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for INTERCEPT BLOOD SYSTEM FOR PLASMA is 6,497 days. Of this time, 6,114 days occurred during the testing phase of the regulatory review period, while 383 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360j(g)) involving this device became effective:* March 5, 1997. The applicant claims that the investigational device exemption (IDE) required under section 520(g) of the FD&C Act for

human tests to begin became effective on March 10, 1997. However, FDA records indicate that the IDE was determined substantially complete for clinical studies to have begun on March 5, 1997, which represents the IDE effective date.

2. *The date an application was initially submitted with respect to the biological device under section 515 of the FD&C Act (21 U.S.C. 360e):* November 29, 2013. The applicant claims December 23, 2013, as the date the premarket approval application (PMA) for INTERCEPT BLOOD SYSTEM FOR PLASMA (PMA BP130076) was initially submitted. However, FDA records indicate that the complete PMA BP130076 was submitted on November 29, 2013.

3. *The date the application was approved:* December 16, 2014. FDA has verified the applicant's claim that PMA BP130076 was approved on December 16, 2014.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 1,860 days or 5 years of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in 21 CFR 60.30, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must be timely (see **DATES**) and contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (see **ADDRESSES**).

Dated: July 5, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–14454 Filed 7–10–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–1129]

Medical Devices; Exemptions From Premarket Notification: Class II Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing a list of class II devices that the Agency has determined based on established factors to no longer require premarket notification to provide reasonable assurance of safety and effectiveness, subject to certain limitations. FDA is publishing this notice of that determination in accordance with procedures established by the 21st Century Cures Act. This notice represents FDA's final determination with respect to the list of class II devices proposed in a March 14, 2017, **Federal Register** document. The exemptions in this notice will decrease regulatory burdens on the medical device industry and will eliminate private costs and expenditures required to comply with certain Federal regulations.

FOR FURTHER INFORMATION CONTACT:

Bryce Bennett, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5244, Silver Spring, MD 20993, email: Gregory.Bennett@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of March 14, 2017 (82 FR 13609), FDA issued a notice proposing to exempt a list of class II devices from the premarket notification requirements under section 510(k) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360(k)), subject to certain limitations. This notice was issued in accordance with the 21st Century Cures Act (Pub. L. 114–255), which was signed into law on December 13, 2016. Section 3054 of that statute amended section 510(m) of the FD&C Act. As amended, section 510(m)(1)(A) of the FD&C Act provides that, within 90 days after enactment of the 21st Century Cures Act and at least once every 5 years thereafter, FDA must publish in the **Federal Register** a notice containing a list of each type of class II device that FDA determines no longer requires a report under section 510(k) of

the FD&C Act (generally referred to as a premarket notification or “510(k)”) to provide reasonable assurance of safety and effectiveness. Within 210 days of enactment of the 21st Century Cures Act, FDA must publish in the **Federal Register** a list representing its final determination regarding the list of devices proposed in the March 14, 2017, notice. Section 510(m)(3) of the FD&C Act provides that upon the date that this final list is published in the **Federal Register**, a 510(k) will no longer be required for the listed devices and the applicable classification regulation for these devices shall be deemed amended to incorporate such exemption. Interested persons were given until May 15, 2017, to comment on the proposed list of class II devices. After reviewing these comments and considering whether the proposed list should be modified, FDA is now identifying its final determination as to which of those devices are now exempt from premarket notification requirements, subject to certain limitations, as indicated in tables 1 to 3 of this notice.

In a future action, FDA intends to amend the codified language for each listed device's classification regulation to reflect this final determination. Persons with pending 510(k) submissions for devices that are now exempt from premarket notification, subject to the limitations on exemptions, should withdraw their submissions.

These exemptions will decrease regulatory burdens on the medical device industry and will eliminate private costs and expenditures required to comply with Federal regulation. Specifically, regulated industry will no longer have to invest time and resources in premarket notifications, including preparation of documents and data for submission to FDA, payment of user fees associated with 510(k) submissions, and responding to questions and requests for additional information from FDA during 510(k) review.

II. Criteria for Exemption

There are a number of factors FDA may consider to determine whether a 510(k) is necessary to provide reasonable assurance of the safety and effectiveness of a class II device. These factors are discussed in the January 21, 1998, **Federal Register** notice (63 FR 3142) and subsequently in the guidance the Agency issued on February 19, 1998, entitled “Procedures for Class II Device Exemptions from Premarket Notification, Guidance for Industry and CDRH Staff” (“Class II 510(k) Exemption Guidance”) (Ref. 1).

III. Limitations on Exemptions

FDA believes that the types of class II devices listed in this notice should be exempt from the premarket notification requirements found under section 510(k) of the FD&C Act. However, an exemption from the requirement of premarket notification does not mean that the device is exempt from any other statutory or regulatory requirements, unless such exemption is explicitly provided by order or regulation. FDA's determination that premarket notification is unnecessary to provide a reasonable assurance of safety and effectiveness for devices listed in this document is based, in part, on the assurance of safety and effectiveness that other regulatory controls, such as current good manufacturing practice requirements, provide.

In addition to being subject to the general limitations to the exemptions found in Title 21 of the Code of Federal Regulations (CFR) sections 862.9 to 892.9 (§§ 862.9 to 892.9), when Agency assessment determines that the factors laid out in the Class II 510(k) Exemption Guidance (Ref. 1) do not weigh in favor of exemption for all devices in a particular group, FDA may partially

limit the exemption from premarket notification requirements to specific devices within a listed device type. In such situations where a partial exemption limitation has been identified, FDA has determined that premarket notification is necessary to provide a reasonable assurance of safety and effectiveness for these devices. Partial exemption limitations can be found in table 2 of this notice. FDA has assigned new product codes to the device types that are now exempt subject to the partial limitations in order to ensure that these devices can be separated from devices that do not fall within the partial exemption limitation under the existing product code (*i.e.*, exempt and non-exempt devices within a device type will have distinct product codes). If table 2 indicates that a partial exemption limitation does apply to a device, then affected device manufacturers should review their registration and listing information to assess if they should list their device using the original classification product code, which requires premarket notification, or the new classification product code for the subset of that device type that is now 510(k) exempt (subject to the general limitations to the

exemptions found in §§ 862.9 to 892.9). In table 2, for example, FDA is listing the exemption of the tympanometer but limits the exemption to such devices that are in compliance with FDA-recognized consensus standard ANSI S3.39. Tympanometers that comply with this partial exemption limitation and the corresponding general limitations in § 874.9 are now exempt from the 510(k) requirements and should be identified under new product code "PTP" in subsequent registration and listing submissions. However, tympanometers not in compliance with each of these exemption limitations remain subject to the 510(k) requirements and will retain product code "NAS." We recommend that device manufacturers document in their records any changes in the product code of their device with appropriate justification.

IV. List of Class II Devices

In table 1, FDA is identifying the following list of class II devices that no longer require premarket notification under section 510(k) of the FD&C Act, subject to the general limitations to the exemptions found in §§ 862.9 to 892.9:

TABLE 1—CLASS II DEVICES

21 CFR section	Device type	Product code
862.1020	Acid Phosphatase, Nitrophenylphosphate	CJN
862.1020	Acid Phosphatase, Thymol Blue Monophosphate	CJR
862.1020	Acid Phosphatase, Disodium Phenylphosphate	CJX
862.1020	Acid Phosphatase, Naphthyl Phosphate	CKB
862.1020	Acid Phosphatase, Thymolphthale Inmonophosphate	CKE
862.1020	Acid Phosphatase, Beta Glycerophosphate	CKH
862.1020	Acid Phosphatase (Prostatic), Tartrate Inhibited	JFH
862.1090	Radioassay, Angiotensin Converting Enzyme	KQN
862.1100	Vanillin Pyruvate, AST/SGOT	CIF
862.1100	Diazo, AST/SGOT	CIQ
862.1100	Hydrazone Colorimetry, AST/SGOT	CIS
862.1100	NADH Oxidation/NAD Reduction, AST/SGOT	CIT
862.1150	Calibrator, Primary	JIS
862.1150	Calibrator, Secondary	JIT
862.1150	Calibrator, Surrogate	JIW
862.1150	Calibrator, Multi-Analyte Mixture	JIX
862.1345	Drink, Glucose Tolerance	MRV
862.1350	Continuous Glucose Monitor Secondary Display	PJT
862.1445	Chromatographic Separation, Lactate Dehydrogenase Isoenzymes	CEX
862.1445	Electrophoretic, Lactate Dehydrogenase Isoenzymes	CFE
862.1445	Differential Rate Kinetic Method, Lactate Dehydrogenase Isoenzymes	JGF
862.1509	System, Test, Urinary Methylmalonic Acid	LPT
862.1685	Radioimmunoassay, Thyroxine-Binding Globulin	CEE
862.1700	Radioimmunoassay, Total Thyroxine	CDX
862.1700	Enzyme Immunoassay, Non-Radiolabeled, Total Thyroxine	KLI
862.2265	High Throughput DNA Sequence Analyzer	PFF
862.2570	Instrumentation For Clinical Multiplex Test Systems	NSU
862.2570	Real Time Nucleic Acid Amplification System	OOI
862.2570	Mass Spectrometer For Clinical Multiplex Test Systems	OTA
862.2570	Micro Total Analysis Instrument System	OUE
862.2570	Complete Gene Expression Profiling Accessory Reagents	OVA
862.2570	DNA Genetic Analyzer	PCA
862.2570	Data Acquisition Software	PQQ
862.3200	Calibrators, Drug Mixture	DKB
862.3200	Calibrators, Drug Specific	DLJ

TABLE 1—CLASS II DEVICES—Continued

21 CFR section	Device type	Product code
862.3200	Calibrators, Ethyl Alcohol	DNN
864.5400	Fibrometer	GIE
864.5400	Timer, Coagulation	JBT
864.5425	Control, Plasma, Abnormal	GGC
864.5425	Plasma, Coagulation Control	GGN
864.5425	Plasma, Control, Normal	GIZ
864.6550	Control, Fecal Occult Blood	OSL
864.6650	Study, Platelet Adhesive	JBZ
864.7275	Test, Euglobulin Lysis	JBO
864.7300	Fibrin Monomer Paracoagulation	JBN
864.7340	Fibrinogen Standard	GFX
864.7340	Plasma, Fibrinogen Control	GIL
864.7375	Glutathione, Red-Cell	GII
864.7375	Fluorescence, Visual Observation (Qual., U.V.), Glutathione Reductase	JMH
864.7375	Assay, Glutathione Reductase	KQF
864.7415	Control, Hemoglobin, Abnormal	JCM
864.7455	Stain, Fetal Hemoglobin	GHQ
864.7500	Acid Hematin	GGF
864.7720	Test, Prothrombin Consumption	GGQ
864.7735	Prothrombin-Proconvertin and Thrombotest	JPF
864.8150	Calibrator for Cell Indices	KRX
864.8165	Calibrator for Hemoglobin and Hematocrit Measurement	KRZ
864.8175	Calibrator for Platelet Counting	KRY
864.8185	Calibrator for Red-Cell and White-Cell Counting	KSA
864.8625	Standards and Controls, Hemoglobin, Normal and Abnormal	GFS
864.8625	Control, White-Cell	GGL
864.8625	Control, Hemoglobin	GGM
864.8625	Control, Platelet	GJP
864.8625	Control, Red-Cell	GJR
864.8625	Control, Hematocrit	GLK
864.8625	Mixture, Control, White-Cell and Red-Cell Indices	GLQ
864.8625	Control, Cell Counter, Normal and Abnormal	JCN
864.8625	Mixture, Hematology Quality Control	JPk
864.8625	Material, Quality Control, Semen Analysis	NRF
864.8625	Control Material, Blood Circulating Epithelial Cancer Cell	NRS
864.9400	Solution, Stabilized Enzyme	KSK
866.3395	Norovirus Serological Reagents	OUC
866.5210	Immunochemical, Ceruloplasmin	CHN
866.5210	Ceruloplasmin, Rhodamine, Antigen, Antiserum, Control	DCT
866.5210	Ceruloplasmin, FITC, Antigen, Antiserum, Control	DCY
866.5210	Ceruloplasmin, Antigen, Antiserum, Control	DDB
866.5210	P-Phenyl-Enediamine/EDTA (Spectrophotometric), Ceruloplasmin	JFQ
866.5210	Indirect Copper Assay, Ceruloplasmin	JFR
866.5470	Hemoglobin, Chain Specific, Antigen, Antiserum, Control	DAM
866.5620	<i>Alpha</i> -2-Macroglobulin, Rhodamine, Antigen, Antiserum, Control	DDT
866.5620	<i>Alpha</i> -2-Macroglobulin, FITC, Antigen, Antiserum, Control	DDY
866.5620	<i>Alpha</i> -2-Macroglobulin, Antigen, Antiserum, Control	DEB
866.5630	System, Test, <i>Beta</i> -2-Microglobulin Immunological	JZG
866.5910	Quality Control Material, Genetics, DNA	NZB
868.1040	Algesimeter, Powered	BSI
868.1400	Legging, Compression, Non-Inflatable	LLK
868.2500	Monitor, Oxygen, Cutaneous, For Infant Not Under Gas Anesthesia	KLK
868.2500	Monitor, Oxygen, Cutaneous, For Uses Other Than For Infant Not Under Gas Anesthesia	LPP
868.2550	Pneumotachometer	JAX
868.5180	Bed, Rocking, Breathing Assist	CCO
868.6250	Compressor, Air, Portable	BTI
870.1390	Trocar	DRC
870.1875	Lung Sound Monitor	OCR
870.2675	Oscillometer	DRZ
870.4280	Filter, Prebypass, Cardiopulmonary Bypass	KRJ
870.4290	Adaptor, Stopcock, Manifold, Fitting, Cardiopulmonary Bypass	DTL
870.4340	Monitor and/or Control, Level Sensing, Cardiopulmonary Bypass	DTW
870.4420	Sucker, Cardiotomy Return, Cardiopulmonary Bypass	DTS
870.4430	Suction Control, Intracardiac, Cardiopulmonary Bypass	DWD
872.1720	Tester, Pulp	EAT
872.3260	External Cleaning Solution	PME
872.3300	Coating, Denture Hydrophilic, Resin	EBE
872.3540	Pad, Denture, Over The Counter	EHR
872.3540	Cushion, Denture, Over The Counter	EHS
872.3560	Reliner, Denture, Over The Counter	EBP
872.3590	Denture, Plastic, Tooth	ELM

TABLE 1—CLASS II DEVICES—Continued

21 CFR section	Device type	Product code
872.3600	Denture Preformed (Partially Prefabricated Denture)	EKO
872.3890	Splint, Endodontic Stabilizing	ELS
872.5550	Ring, Teething, Fluid-Filled	KKO
872.6770	Syringe, Cartridge	EJI
874.1120	Generator, Electronic Noise (for Audiometric Testing)	ETS
874.1325	Electroglottograph	KLX
874.3310	Calibrator, Hearing Aid/Earphone and Analysis Systems	ETW
874.3320	Hearing Aid, Group and Auditory Trainer	EPF
874.3320	Device, Assistive Listening	LZI
874.3330	Hearing Aid, Master	KHL
874.3430	Mold, Middle-Ear	ETC
874.3730	Device, Voice Amplification	MCK
876.1500	Light Source, Incandescent, Diagnostic	FCQ
876.1500	Light Source, Photographic, Fiberoptic	FCR
876.1500	Light Source, Fiberoptic, Routine	FCW
876.1500	Carrier, Sponge, Endoscopic	FGS
876.1500	Light Source, Endoscope, Xenon Arc	GCT
876.1500	Transformer, Endoscope	GCW
876.1500	LED Light Source	NTN
876.1500	Endoscopic Guide Wire, Gastroenterology-Urology	OCY
876.4020	Light, Catheter, Fiberoptic, Glass, Ureteral	FCS
876.4270	Rod, Colostomy	EZP
876.4400	Ligator, Hemorrhoidal	FHN
876.4400	Ligator, Esophageal	MND
876.4500	Lithotripter, Biliary Mechanical	LQC
876.4770	Urethrotome	EZO
876.5010	Bag, Bile Collecting	EXF
876.5025	Vibrator for Climax Control of Premature Ejaculation	PIA
876.5365	Dilator, Esophageal (Metal Olive) Gastro-Urology	EZM
876.5365	Bougie, Esophageal, and Gastrointestinal, Gastro-Urology	FAT
876.5365	Dilator, Esophageal	KNQ
876.5520	Dilator, Urethral	KOE
876.5665	Disinfectant, Subsystem, Water Purification	NIH
876.5820	Set, Dialyzer Holder	FKI
876.5895	Irrigator, Ostomy	EXD
876.5980	Catheter, Retention, Barium Enema With Bag	FGD
876.5980	Gastrostomy Tube Holder	PLI
878.4370	Drape, Surgical, ENT	ERY
878.4370	Drape, Pure Latex Sheet, With Self-Retaining Finger Cot	EYX
878.4370	Drape, Urological, Disposable	EYY
878.4370	Pad, Kelly	FNW
878.4370	Drape, Patient, Ophthalmic	HMT
878.4370	Drape, Microscope, Ophthalmic	HMW
878.4370	Ring (Wound Protector), Drape Retention, Internal	KGW
878.4580	Lamp, Operating-Room	FQP
878.4580	Light, Surgical, Instrument	FSQ
878.4580	Light, Surgical, Floor Standing	FSS
878.4580	Light, Surgical, Endoscopic	FSW
878.4580	Light, Surgical, Connector	FSX
878.4580	Light, Surgical, Ceiling Mounted	FSY
878.4580	Light, Surgical, Carrier	FSZ
878.4580	Light, Surgical, Accessories	FTA
878.4580	Lamp, Surgical	FTD
878.4580	Illuminator, Remote	FTG
878.4580	Lamp, Surgical, Incandescent	GBC
878.5070	Apparatus, Air Handling, Bench	FZG
878.5070	Apparatus, Air Handling, Room	FZH
878.5070	Apparatus, Air Handling, Enclosure	FZI
880.5580	Locator, Acupuncture Point	BWJ
880.5580	Needle, Acupuncture, Single Use	MQX
880.5780	Stocking, Medical Support (to Prevent Pooling of Blood in Legs)	DWL
882.1020	Analyzer, Rigidity	GZM
882.1540	Device, Galvanic Skin Response Measurement	GZO
882.1560	Device, Skin Potential Measurement	H CJ
882.1855	Encephalogram Telemetry System	GYE
882.5895	Vibratory Counter-Stimulation	OVP
884.2990	Sheet, Recording, Breast Examination	NHM
884.3200	Drain, Cervical	HFL
884.4400	Forceps, Obstetrical	HDA
884.4530	Clamp, Umbilical	HFW
884.4530	Speculum, Vaginal, Nonmetal	HIB

TABLE 1—CLASS II DEVICES—Continued

21 CFR section	Device type	Product code
884.4530	Speculum, Vaginal, Nonmetal, Fiberoptic	HIC
884.4530	Clamp and Cutter, Umbilical	NBZ
884.4900	Table, Obstetrical, AC-Powered (and Accessories)	HDD
884.4900	Table, Obstetrical, Manual (and Accessories)	HHP
884.4900	Table, Obstetric (and Accessories)	KNC
884.5200	Hemorrhoid Prevention Pressure Wedge	OOA
884.5390	Heater, Perineal, Direct Contact	HGZ
884.5390	Heater, Perineal, Radiant, Non-Contact	HHA
884.5390	Heater, Perineal	KND
884.5400	Cup, Menstrual	HHE
884.5425	Pad, Menstrual, Scented	HHL
884.6150	Micromanipulators and Microinjectors, Assisted Reproduction	MQJ
886.1120	Photorefractor	MMF
886.1120	Camera, Ophthalmic, General-Use	PJZ
886.1250	Euthyscope, AC-Powered	HMK
886.1570	Ophthalmoscope, AC-Powered	HLI
886.1570	Ophthalmoscope, Battery-Powered	HLJ
886.1570	Ophthalmoscopes, Replacement Batteries, Hand-Held	MSG
886.1780	Retinoscope, AC-Powered	HKL
886.1945	Transilluminator, AC-Powered	HJM
886.4150	Tubing, Replacement, Phacofragmentation Unit	MSR
886.4250	Unit, Electrolysis, AC-Powered, Ophthalmic	HRO
886.4335	Headlight, Fiberoptic Focusing	FCT
886.4335	Light, Headband, Surgical	FSR
886.4335	Headlamp, Operating, AC-Powered	HPQ
886.4400	Locator, Metal, Electronic	HPM
886.4440	Magnet, AC-Powered	HPO
886.4790	Sponge, Ophthalmic	HOZ
886.4790	Eye Tray	OJK
888.1240	Dynamometer, AC-Powered	LBB
888.4580	Instrument, Surgical, Sonic and Accessory/Attachment	JDX
888.4580	System, Cement Removal Extraction	LZV
890.1450	Hammer, Reflex, Powered	IKO
890.5100	Bath, Hydro-Massage	ILJ
890.5100	Bath, Sitz, Powered	ILM
890.5110	Bath, Paraffin	IMC
890.5250	Cabinet, Moist Steam	IMB
890.5360	Exerciser, Measuring	ISD
890.5500	Lamp, Infrared, Therapeutic Heating	ILY
890.5575	Device, Warning, Overload, External Limb, Powered	IRN
892.1000	MRI Disposable Kit	OIM
892.1560	Biopsy Needle Guide Kit	OIJ
892.1610	Aperture, Radiographic	IZS
892.1610	Cone, Radiographic	IZT
892.1610	Collimator, Automatic, Radiographic	IZW
892.1610	Collimator, Manual, Radiographic	IZX
892.1610	Device, Beam Limiting, X-Ray, Diagnostic	KPW
892.1650	Arthrogram Tray	OII
892.1650	Radiology Dental Tray	OIK
892.1670	Device, Spot-Film	IXL
892.1680	Radiographic Contrast Tray	OIO
892.1680	Radiology Diagnostic Kit	OIP
892.1730	Discography Kit	OIL
892.1820	Chair, Pneumocephalographic	HBK
892.1850	Cassette, Radiographic Film	IXA
892.1860	Changer, Radiographic Film/Cassette	KPX
892.1870	Programmer, Changer, Film/Cassette, Radiographic	IZP
892.1900	Controller, Temperature, Radiographic	EGT
892.1900	Dryer, Film, Radiographic	EGW
892.1900	Processor, Radiographic-Film, Automatic, Dental	EGY
892.1900	Processor, Radiographic-Film, Automatic	IXW
892.1900	Processor, Cine Film	IXX
892.2030	Digitizer, Image, Radiological	LMA
892.2030	Digitizer, Images, Ophthalmic	NFH
892.2040	Camera, Multi Format, Radiological	LMC
892.2040	Device, Hardcopy, Images, Ophthalmic	NFI
892.5730	Prostate Seeding Kit	OIN

In table 2, FDA is identifying a list of class II devices that no longer require premarket notification under section 510(k) of the FD&C Act, subject to the general limitations to the exemptions

found in §§ 862.9 to 892.9, as well as the indicated partial exemption limitations. Devices listed in table 2 are now exempt, but only if they are in concurrent compliance with both the

partial exemption limitation specified in table 2 and its corresponding general limitation found in the .9 section of Parts 862 to 892 of Title 21 of the CFR.

TABLE 2—CLASS II DEVICES

21 CFR Section	Device type	Exempt product code	Former product code (non-exempt)	Partial exemption limitation
862.3100	Enzyme Immunoassay, Amphetamine.	PUX	DKZ	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3100	Radioimmunoassay, Amphetamine.	PUX	DJP	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3100	Thin Layer Chromatography, Amphetamine.	PUX	DIT	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3100	Gas Chromatography, Amphetamine.	PUX	DOD	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3100	Liquid Chromatography, Amphetamine.	PUX	DNI	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3100	Free Radical Assay, Amphetamine.	PUX	DJL	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3150	Enzyme Immunoassay, Barbiturate.	PUY	DIS	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)

TABLE 2—CLASS II DEVICES—Continued

21 CFR Section	Device type	Exempt product code	Former product code (non-exempt)	Partial exemption limitation
862.3150	Radioimmunoassay, Barbiturate.	PUY	DKN	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3150	Thin Layer Chromatography, Barbiturate.	PUY	DKX	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3150	Mercury Dithiazone, Colorimetry, Barbiturate.	PUY	DJN	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3150	Hemagglutination Inhibition, Barbiturate.	PUY	DLX	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3150	Gas Liquid Chromatography, Barbiturate.	PUY	DMF	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3150	High Pressure Liquid Chromatography, Barbiturate.	PUY	KZY	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3170	Enzyme Immunoassay, Benzodiazepine.	PUZ	JXM	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3170	High Pressure Liquid Chromatography, Benzodiazepine.	PUZ	LAA	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)

TABLE 2—CLASS II DEVICES—Continued

21 CFR Section	Device type	Exempt product code	Former product code (non-exempt)	Partial exemption limitation
862.3170	Test, Benzodiazepine, Over The Counter.	PUZ	NFV	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3170	Gas Chromatography, Benzodiazepine.	PUZ	KZZ	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3170	Thin Layer Chromatography, Benzodiazepine.	PUZ	LAB	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3250	Enzyme Immunoassay, Cocaine and Cocaine Metabolites.	PVA	DIO	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3250	Radioimmunoassay, Cocaine Metabolite.	PVA	KLN	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3250	Enzyme Immunoassay, Cocaine.	PVA	JXO	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3250	Hemagglutination, Cocaine Metabolites (Benzoyllecgonine).	PVA	DLN	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3250	Thin Layer Chromatography, Cocaine.	PVA	DMN	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)

TABLE 2—CLASS II DEVICES—Continued

21 CFR Section	Device type	Exempt product code	Former product code (non-exempt)	Partial exemption limitation
862.3250	Free Radical Assay, Cocaine	PVA	DIR	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3250	Gas Chromatography, Cocaine.	PVA	DIN	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3250	Thin Layer Chromatography, Benzoyllecgonine.	PVA	DOM	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3250	High Pressure Liquid Chromatography, Cocaine and Cocaine Metabolites.	PVA	LAC	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3270	High Pressure Liquid Chromatography, Codeine.	PVB	LAE	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3270	Thin Layer Chromatography, Codeine.	PVB	DLD	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3270	Gas Chromatography, Codeine.	PVB	LAD	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3580	Radioimmunoassay, LSD (125-I).	PVC	DLB	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)

TABLE 2—CLASS II DEVICES—Continued

21 CFR Section	Device type	Exempt product code	Former product code (non-exempt)	Partial exemption limitation
862.3580	Free Radical Assay, LSD	PVC	DOL	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3610	Gas Chromatography, Methamphetamine.	PVD	LAF	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3610	Thin Layer Chromatography, Methamphetamine.	PVD	DJC	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3610	High Pressure Liquid Chromatography, Methamphetamine.	PVD	LAG	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3610	Test, Methamphetamine, Over The Counter.	PVD	NGG	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3620	Enzyme Immunoassay, Methadone.	PVE	DJR	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3620	Hemagglutination Inhibition, Methadone.	PVE	DIW	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3620	Gas Chromatography, Methadone.	PVE	DMB	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)

TABLE 2—CLASS II DEVICES—Continued

21 CFR Section	Device type	Exempt product code	Former product code (non-exempt)	Partial exemption limitation
862.3620	Thin Layer Chromatography, Methadone.	PVE	DKR	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3620	Liquid Chromatography, Methadone.	PVE	DNT	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3620	Free Radical Assay, Methadone.	PVE	DPP	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3630	Radioimmunoassay, Methadone.	PVF	KXS	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3640	Thin Layer Chromatography, Morphine.	PVG	DNK	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3640	Radioimmunoassay, Morphine (123-I), Goat Antibody Ammonium Sulfate Sep..	PVG	DOE	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3640	Fluorometry, Morphine	PVG	DJJ	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3640	Liquid Chromatography, Morphine.	PVG	DPK	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)

TABLE 2—CLASS II DEVICES—Continued

21 CFR Section	Device type	Exempt product code	Former product code (non-exempt)	Partial exemption limitation
862.3640	Gas Chromatography, Morphine.	PVG	DMY	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3640	Hemagglutination Inhibition, Morphine.	PVG	DLR	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3640	Free Radical Assay, Morphine.	PVG	DOK	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3640	Radioimmunoassay, Morphine (3-H), Goat Antibody Ammonium Sulfate Sep..	PVG	DIQ	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3640	Radioimmunoassay, Morphine-Barbiturate (125-I), Goat Antibody.	PVG	DNA	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3650	Enzyme Immunoassay, Opiates.	PVH	DJG	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3650	Gas Chromatography, Opiates.	PVH	DJF	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3650	Hemagglutination, Opiates	PVH	DLT	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)

TABLE 2—CLASS II DEVICES—Continued

21 CFR Section	Device type	Exempt product code	Former product code (non-exempt)	Partial exemption limitation
862.3650	Thin Layer Chromatography, Opiates.	PVH	LAI	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3650	Free Radical Assay, Opiates	PVH	DKT	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3650	High Pressure Liquid Chromatography, Opiates.	PVH	LAH	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3700	Enzyme Immunoassay, Propoxyphene.	PVI	JXN	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3700	Thin Layer Chromatography, Propoxyphene.	PVI	DPN	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3700	Gas Chromatography, Propoxyphene.	PVI	LAJ	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3700	High Pressure Liquid Chromatography, Propoxyphene.	PVI	LAK	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3870	Enzyme Immunoassay, Cannabinoids.	PVJ	LDJ	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)

TABLE 2—CLASS II DEVICES—Continued

21 CFR Section	Device type	Exempt product code	Former product code (non-exempt)	Partial exemption limitation
862.3870	Reagents, Test, Tetrahydrocannabinol.	PVJ	DKE	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3870	Radioimmunoassay, Cannabinoid(S).	PVJ	LAT	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3910	High Pressure Liquid Chromatography, Tricyclic Antidepressant Drugs.	PVK	LFI	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3910	U.V. Spectrometry, Tricyclic Antidepressant Drugs.	PVK	LFH	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
862.3910	Thin Layer Chromatography, Tricyclic Antidepressant Drugs.	PVK	MLK	Exemption is limited to test systems intended for employment and insurance testing that include a statement in their labeling that the device is intended solely for use in employment and insurance testing, and does not include test systems intended for Federal drug testing programs (e.g., programs run by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Transportation (DOT), and the U.S. military.)
866.5750	System, Test, Radioallergosorbent (RAST) Immunological.	PUW	DHB	Exemption is limited to devices classified under 21 CFR 866.5750 that are intended to detect any of the allergens included in table 3 of this document.
868.2385	Analyzer, Nitrogen Dioxide	PUG	MRQ	Exemption is limited to standalone nitrogen dioxide analyzers and not those that are components of nitric oxide delivery systems intended to monitor nitrogen dioxide levels during inhaled nitric oxide therapy.
870.1330	Wire, Guide, Catheter	PTL	DQX	Exemption is limited to accessory torque devices that are manually operated, non-patient contacting, and intended to manipulate non-cerebral vascular guide wires.
870.1650	Syringe, Balloon Inflation	PTM	MAV	Exemption is limited to non-patient contacting balloon inflation syringes intended only to inflate/deflate balloon catheters and monitor pressure within the balloon.
870.2770	Analyzer, Body Composition	PUH	MNW	Exemption is limited to body composition analyzers which are not intended to diagnose or treat any medical condition.
870.4400	Reservoir, Blood, Cardiopulmonary Bypass.	PTN	DTN	Exemption is limited to cardiopulmonary bypass blood reservoirs that do not contain defoamers or blood filters.
874.1090	Tester, Auditory Impedance ..	PTO	ETY	Exemption is limited to auditory impedance testers that are in compliance with FDA-recognized consensus standard ANSI S3.39.
874.1090	Tympanometer	PTP	NAS	Exemption is limited to tympanometers that are in compliance with FDA-recognized consensus standard ANSI S3.39.
876.1500	Endoscopic Magnetic Retriever.	PTQ	FCC	Exemption is limited to endoscopic magnetic retrievers intended for single use.
876.1500	Scissors For Cystoscope	PTR	KGD	Exemption is limited to sterile scissors for cystoscope intended for single use.

TABLE 2—CLASS II DEVICES—Continued

21 CFR Section	Device type	Exempt product code	Former product code (non-exempt)	Partial exemption limitation
876.1500	Endoscopic Grasping/Cutting Instrument, Non-Powered.	PTS	OCZ	Exemption is limited to disposable, non-powered endoscopic grasping/cutting instruments intended for single use.
876.5010	Catheter, Biliary, Surgical	PTT	GCA	Exemption is limited to surgical biliary catheters that do not include a balloon component.
876.5630	Catheter, Peritoneal, Long-Term Indwelling.	PTU	FJS	Exemption is limited to non-patient contacting catheter finger grips intended for single use.
876.5630	Catheter, Peritoneal Dialysis, Single Use.	PTV	FKO	Exemption is limited to non-patient contacting catheter finger grips intended for single use.
876.5630	System, Peritoneal, Automatic Delivery.	PTW	FKX	Exemption is limited to continuous ambulatory peritoneal dialysis (CAPD) belts and catheter stands that do not include weigh scales.
878.4370	Drape, Surgical	PUI	KKX	Exemption is limited to surgical drapes that do not include an antimicrobial agent.
878.4495	Suture, Nonabsorbable, Steel, Monofilament And Multifilament, Sterile.	PTX	GAQ	Exemption is limited to steel monofilament sutures that are uncoated and do not incorporate barbs.
882.1470	Computerized Cognitive Assessment Aid.	PTY	PKQ	Exemption is limited to computerized cognitive assessment aids that are not intended for diagnostic assessment of specific diseases or conditions and rely on inputs from visual cues, auditory cues, and/or functional use of the hand.
884.1630	Colposcope (and Colpomicroscope).	PTZ	HEX	Exemption is limited to standard colposcopes (and colpomicroscopes) that use only a white light source, do not use filters other than a green filter, do not include image analysis software, and are not smartphone-based.
884.4530	Tenaculum, Uterine	PUA	HDC	Exemption is limited to sterile uterine tenaculum devices that do not use suction and are intended for single use.
884.6120	Accessory, Assisted Reproduction.	PUB	MQG	Exemption is limited to simple embryo incubators with temperature, gas, and humidity control only; syringe pumps; collection tube warmers; dish/plate/microscope stage warmers; and controlled-rate cryopreservation freezers.
884.6130	Microtools, Assisted Reproduction (Pipettes).	PUC	MQH	Exemption is limited to assisted reproduction microtools (pipettes) manufactured from glass.
884.6160	Labware, Assisted Reproduction.	PUD	MQK	Exemption is limited to dishes and plates that are intended for general assisted reproduction technology procedures.
886.1850	Biomicroscope, Slit-Lamp, AC-Powered.	PUE	HJO	Exemption is limited to slit-lamp, AC-powered biomicroscopes intended only for the visual examination of the anterior segment of the eye, are classified as Group 1 per FDA-recognized consensus standard ANSI Z80.36, do not provide any quantitative output, and are not intended for screening or automated diagnostic indications.
886.3320	Ocular Peg	PUF	MQU	Exemption is limited to ocular pegs supplied sterile.

In table 2, FDA included devices classified under § 866.5750 (Radioallergosorbent (RAST) immunological test system). FDA does not believe that all devices classified under this regulation meet the

exemption criteria from premarket notification requirements. The devices listed in table 3 are also classified under § 866.5750, but this subset no longer requires premarket notification under section 510(k) of the FD&C Act, subject

to the general limitations to the exemptions found in § 866.9. While the non-exempt devices classified under § 866.5750 will retain product code “DHB”, these devices listed in table 3 are reassigned product code “PUW.”

TABLE 3—CLASS II DEVICES
[§ 866.5750—Radioallergosorbent (RAST) Immunological Test Systems]

Allergen code	Allergen product	Source (taxonomical name)
Grass Pollens		
g1	Sweet vernal grass	<i>Anthoxanthum odoratum</i> .
g3	Cocksfoot grass, Orchard grass	<i>Dactylis glomerata</i> .
g4	Meadow fescue	<i>Festuca elatior</i> .
g5	Rye-grass (perennial rye grass)	<i>Lolium perenne</i> .
g7	Common reed (common reed grass)	<i>Phragmites communis</i> .
g8	Meadow grass, Kentucky blue (June grass)	<i>Poa pratensis</i> .

TABLE 3—CLASS II DEVICES—Continued
[§ 866.5750—Radioallergosorbent (RAST) Immunological Test Systems]

Allergen code	Allergen product	Source (taxonomical name)
g9	Redtop, Bentgrass	<i>Agrostis stolonifera</i> <i>Agrostis gigantea</i> (<i>Agrostis alba</i>).
g11	Brome grass	<i>Bromus inermis</i> .
g12	Cultivated rye (cultivated rye grass)	<i>Secale cereale</i> .
g13	Velvet grass	<i>Holcus lanatus</i> .
g14	Cultivated oat (cultivated oat grass)	<i>Avena sativa</i> .
g15	Cultivated wheat (cultivated wheat grass)	<i>Triticum aestivum</i> (<i>Triticum</i> spp.).
g16	Meadow foxtail (meadow foxtail grass)	<i>Alopecurus pratensis</i> .
g17	Bahia grass	<i>Paspalum notatum</i> .
g24	Wheat grass, Western	<i>Agropyron smithii</i> (<i>Elymus smithii</i>).
g30	Bluegrass, annual	<i>Poa annua</i> .
g70	Wild rye grass	<i>Elymus triticoides</i> <i>Elymus condensatus</i> .
g71	Canary grass	<i>Phalaris arundinacea</i> .
g201	Barley, cultivated	<i>Hordeum vulgare</i> .
g202	Maize, corn (cultivated corn)	<i>Zea mays</i> .
g203	Salt grass	<i>Distichlis spicata</i> .
g204	False oat-grass	<i>Arrhenatherum elatius</i> .
g216	Cyn d 1	<i>Cynodon dactylon</i> .
g701	Phl p 1.0102, Phl p 5.0101	<i>Phleum pratense</i> .
g702	Phl p 7.0101	<i>Phleum pratense</i> .
g703	Phl p 12.0101	<i>Phleum pratense</i> .
Weed Pollens		
w2	Western ragweed	<i>Ambrosia psilostachya</i> .
w4	False ragweed	<i>Ambrosia acanthicarpa</i> (<i>Franseria acanthicarpa</i>).
w5	Wormwood	<i>Artemisia absinthium</i> <i>Artemisia annua</i> .
w6	Mugwort	<i>Artemisia vulgaris</i> .
w7	Marguerite, ox-eye daisy	<i>Chrysanthemum leucanthemum</i> .
w8	Dandelion	<i>Taraxacum vulgare</i> <i>Taraxacum officinale</i> .
w9	Plantain (English), Ribwort	<i>Plantago lanceolata</i> .
w10	Goosefoot, lamb's quarters	<i>Chenopodium album</i> .
w11	Saltwort (prickly), Russian thistle	<i>Salsola kali</i> (<i>Salsola pestifer</i>).
w12	Goldenrod	<i>Solidago virgaurea</i> (<i>Solidago</i> spp.).
w13	Cocklebur, common	<i>Xanthium commune</i> .
w14	Common pigweed (rough pigweed)	<i>Amaranthus retroflexus</i> .
w15	Scale, Lenscale	<i>Atriplex lentiformis</i> .
w16	Rough marsh elder	<i>Iva ciliata</i> <i>Iva annua</i> .
w17	Firebush (Kochia)	<i>Kochia scoparia</i> .
w18	Sheep sorrel	<i>Rumex acetosella</i> .
w19	Wall pellitory	<i>Parietaria officinalis</i> .
w20	Nettle (Common stinging nettle)	<i>Urtica dioica</i> .
w21	Wall pellitory	<i>Parietaria judaica</i> .
w22	Japanese hop (careless weed)	<i>Humulus japonicas</i> (<i>Humulus scandens</i>).
w23	Yellow dock, Yellow dockweed	<i>Rumex crispus</i> .
w24	Spiny pigweed	<i>Amaranthus spinosus</i> .
w27	Carnation	<i>Dianthus</i> spp.
w28	Rose	<i>Rosa rugosa</i> .
w33	Clover	<i>Trifolium pratense</i> .
w35	Mexican tea	<i>Chenopodium ambrosioides</i> .
w36	Rabbit bush	<i>Ambrosia deltoidea</i> (<i>Franseria deltoidea</i>).
w37	Salt bush, annual	<i>Atriplex wrightii</i> .
w39	Water hemp, Western	<i>Amaranthus rudis</i> (<i>Acnida tamariscina</i>).
w41	Burrobrush	<i>Hymenoclea salsola</i> .
w42	Poverty weed	
w43	Common sagebrush	<i>Artemisia tridentata</i> .
w45	Alfalfa	<i>Medicago sativa</i> .
w46	Dog fennel	<i>Eupatorium capillifolium</i> .

TABLE 3—CLASS II DEVICES—Continued
[§ 866.5750—Radioallergosorbent (RAST) Immunological Test Systems]

Allergen code	Allergen product	Source (taxonomical name)
w53	Geranium	<i>Geranium</i> spp.
w67	Groundsel bush	<i>Baccharis halimifolia</i> .
w69	Iodine bush	<i>Allenrolfea occidentalis</i> .
w70	Ragweed, slender	<i>Ambrosia confertiflora</i> .
w75	Wing scale (wingscale)	<i>Atriplex canescens</i> .
w82	Careless weed	<i>Amaranthus palmeri</i> <i>Amaranthus hybridus</i> .
w90	Japanese hop	<i>Humulus japonicas</i> (<i>Humulus scandens</i>).
w203	Rape (rape pollen)	<i>Brassica napus</i> .
w204	Sunflower	<i>Helianthus annuus</i> .
w206	Camomile	<i>Matricaria chamomilla</i> .
w207	Lupin	<i>Lupinus</i> spp.
w210	Sugar-beet	<i>Beta vulgaris</i> .
w211	Par j 2.0101	<i>Parietaria judaica</i> .
w231	Art v 1	<i>Artemisia vulgaris</i> (Mugwort).
w232	Sal k 1	<i>Salsola kali</i> .
w233	Art v 3	<i>Artemisia vulgaris</i> (LTP, Mugwort).
w234	Pla l 1	<i>Plantago lanceolata</i> .
w235	Che a 1.0101	<i>Chenopodium album</i> .
w236	Mer a 1.0101	<i>Mercurialis annua</i> .
a753	Art v 1	<i>Artemisia vulgaris</i> (Mugwort weed).
Tree Pollens		
t1	Box-elder (Maple)	<i>Acer negundo</i> .
t2	Gray alder, speckled alder (alder)	<i>Acer saccharum</i> .
t4	Hazel, hazelnut	<i>Alnus incana</i> .
t5	American beech (beech)	<i>Corylus avellana</i> .
t6	Mountain juniper, Mountain cedar	<i>Corylus americana</i> .
t8	Elm	<i>Fagus grandifolia</i> .
t9	Olive	(<i>Fagus americana</i>).
t10	Walnut	<i>Juniperus ashei</i> (<i>Juniperus sabinoideis</i>).
t11	Maple leaf sycamore, London plane, Plane tree	<i>Ulmus americana</i> .
t61	Sycamore	<i>Olea europaea</i> .
t12	Willow	<i>Juglans californica</i> <i>Juglans nigra</i> .
t14	Cottonwood (Eastern Cottonwood/Black Cottonwood)	<i>Platanus acerifolia</i> .
t15	White ash	<i>Platanus occidentalis</i> .
t16	White pine	<i>Salix caprea</i> .
t18	Eucalyptus, gum-tree	<i>Salix nigra</i> .
t19/t26	Acacia	<i>Populus deltoides</i> .
t20	Mesquite	<i>Fraxinus americana</i> .
t21	Melaleuca, cajeput tree	<i>Pinus strobus</i> .
t22	Pecan, hickory	<i>Eucalyptus globulus</i> .
t23	Italian/Mediterranean/funeral cypress	(<i>Eucalyptus</i> spp.).
t24	Japanese cypress	<i>Acacia longifolia</i> (<i>Acacia</i> spp.).
t25	Ash	<i>Prosopis glandulosa</i> / <i>Prosopis juliflora</i> .
t27	Maple, red	<i>Melaleuca quinquenervia</i> (<i>Melaleuca leucadendron</i>).
t29	Acacia	<i>Carya illinoensis</i> (<i>Carya pecan</i>).
t30	Birch, white	<i>Cupressus sempervirens</i> .
t32	Willow, black	<i>Chamaecyparis obtusa</i> (<i>Chamaecyparis</i> spp.).
t33	Ash, Arizona	<i>Fraxinus excelsior</i> .
t35	Cedar, salt	<i>Acer rubrum</i> .
t37	Bald cypress (white bald cypress)	<i>Acacia</i> spp.
t38	Elm, Chinese/Siberian	<i>Betula populifolia</i> .
t40	Hazelnut tree	<i>Salix nigra</i> .
t41	White hickory	<i>Fraxinus velutina</i> .
t42	Oak, red	<i>Tamarix gallica</i> .
t43	Loblolly pine	<i>Taxodium distichum</i> .
t44	Hackberry	<i>Ulmus pumila</i> .
		<i>Corylus americana</i> .
		<i>Carya alba</i> (<i>Carya tomentosa</i>).
		<i>Quercus rubra</i> .
		<i>Pinus taeda</i> .
		<i>Celtis occidentalis</i> .

TABLE 3—CLASS II DEVICES—Continued
 [§ 866.5750—Radioallergosorbent (RAST) Immunological Test Systems]

Allergen code	Allergen product	Source (taxonomical name)
t45	Cedar elm	<i>Ulmus crassifolia</i> .
t47	Juniper, one seed	<i>Juniperus monosperma</i> .
t48	Pine, lodgepole	<i>Pinus contorta</i> .
t49	Pine, ponderosa	<i>Pinus ponderosa</i> .
t50	Beech, European	<i>Fagus sylvatica</i> .
t51	Tree of Heaven	<i>Ailanthus altissima</i> .
t52	Western white pine	<i>Pinus monticola</i> .
t54	Russian olive	<i>Elaeagnus angustifolia</i> .
t55	Scotch broom	<i>Cytisus scoparius</i> .
t56	Bayberry	<i>Myrica cerifera</i> .
t57	Red cedar	<i>Juniperus virginiana</i> .
t60	Western juniper	<i>Juniperus occidentalis</i> .
t61	Sycamore	<i>Platanus occidentalis</i> .
t70	Mulberry (white mulberry)	<i>Morus alba</i> .
t71	Red mulberry	<i>Morus rubra</i> .
t72	Queen palm	<i>Arecastrum romanzoffianum</i> .
t73	Australian pine	<i>Casuarina equisetifolia</i> .
t77	Oak mix (red, white, black)	<i>Quercus</i> spp.
t80	Japanese cypress	<i>Chamaecyparis obtusa</i> .
t81	Japanese alder	<i>Alnus japonica</i> .
t83	Mango tree	<i>Mangifera indica</i> .
t90	Walnut, black	<i>Juglans nigra</i> .
t96	Poplar, white (poplar)	<i>Populus alba</i> .
t103/	Virginia live oak (live oak)	<i>Quercus virginiana</i> .
t218		
t105	Pepper tree	<i>Schinus molle</i> .
t110	Orange tree	<i>Citrus sinensis</i> .
t201	Spruce, Norway spruce	<i>Picea abies</i> (<i>Picea excelsa</i>).
t202	Alder, smooth	<i>Alnus incana</i> spp. <i>Rugosa</i> (<i>Alnus rugosa</i>).
t203	Horse chestnut	<i>Aesculus hippocastanum</i> .
t205	Elder	<i>Sambucus nigra</i> .
t206	Chestnut	<i>Castanea sativa</i> .
t207	Douglas fir	<i>Pseudotsuga menziesii</i> (<i>Pseudotsuga taxifolia</i>).
t208	Linden	<i>Tilia cordata</i> .
t209	Horn beam	<i>Carpinus betulus</i> .
t210	Privet	<i>Ligustrum vulgare</i> .
t211	Sweet gum	<i>Liquidambar styraciflua</i> .
t212	Cedar	<i>Libocedrus decurrens</i> .
t213	Pine	<i>Pinus radiata</i> .
t214	Date palm	<i>Phoenix canariensis</i> .
t215	Lilac	<i>Syringa vulgaris</i> .
t217	Pepper tree	<i>Schinus molle</i> .
t217	Red alder	<i>Alnus rubra</i> .
t218	Virginia live oak	<i>Quercus virginiana</i> .
t218	Bayberry (bayberry/sweet gale)	<i>Myrica gale</i> .
t219	Palo verde	<i>Cercidium floridum</i> .
t219	Red cedar	<i>Juniperus virginiana</i> .
t220	Bet v 4	<i>Betula verrucosa</i> (Birch).
t221	Bet v 2.0101, Bet v 4	<i>Betula verrucosa</i> (Birch).
t222	Cypress (Arizona cypress)	<i>Cupressus arizonica</i> .
t223	Oil palm	<i>Elaeis guineensis</i> .
t224	Ole e 1	<i>Olea europaea</i> .
t225	Bet v 6	<i>Betula verrucosa</i> (Birch).
t226	Cup a 1	<i>Cupressus arizonica</i> .
t227	Ole e 7	<i>Olea Europaea</i> .
t228	Aspen, quaking	<i>Populus tremuloides</i> .
t229	Eastern hemlock	<i>Tsuga canadensis</i> .
t230	Redwood (sequoia)	<i>Sequoia sempervirens</i> .
t232	Pussy willow	<i>Salix discolor</i> .
t240	Ole e 9.0101	<i>Olea Europaea</i> .
t241	Pla a 1.0101	<i>Platanus acerifolia</i> .
t242	Pla a 2	<i>Platanus acerifolia</i> .
t243	Pla a 3.0101	<i>Platanus acerifolia</i> .
t244	Cor a 1.0103	<i>Corylus avellana</i> .
t245	Aln g 1.0101	<i>Alnus glutinosa</i> .
t246	Cry j 1	<i>Cryptomeria japonica</i> .
t280	Locust tree	<i>Robinia pseudoacacia</i> .
t401	Brazilian peppertree	<i>Schinus terebinthifolius</i> .
t402	Mastic tree	<i>Pistacia lentiscus</i> .

TABLE 3—CLASS II DEVICES—Continued
[§ 866.5750—Radioallergosorbent (RAST) Immunological Test Systems]

Allergen code	Allergen product	Source (taxonomical name)
t404	Tree of heaven	<i>Ailanthus altissima</i> .
t406	Date palm	<i>Phoenix dactylifera</i> .
a482	Ole e 1	<i>Olea europaea</i> (Olive Oil).
Mites		
d207	Blo t 5.0101	<i>Blomia tropicalis</i> .
d208	Lep d 2.0101	<i>Lepidoglyphus destructor</i> .
Microorganisms, Molds, Yeast		
m1	<i>Penicillium chrysogenum</i>	<i>Penicillium chrysogenum</i> (<i>Penicillium notatum</i>).
m2	(<i>Penicillium notatum</i>)	
m3	<i>Cladosporium herbarum</i> (<i>Hormodendrum</i>)	<i>Cladosporium herbarum</i> (<i>Hormodendrum</i>).
m4	<i>Aspergillus fumigatus</i>	<i>Aspergillus fumigatus</i> .
m5	<i>Mucor racemosus</i>	<i>Mucor racemosus</i> .
m7	<i>Candida albicans</i>	<i>Candida albicans</i> .
m8	<i>Botrytis cinerea</i>	<i>Botrytis cinerea</i> .
m8	<i>Drechslera halodes</i> (<i>Setomelanomma rostrata</i> , <i>Helminthosporium halodes</i> , <i>Helminthosporium</i> <i>interseminatum</i>)	<i>Drechslera halodes</i> (<i>Setomelanomma rostrata</i> , <i>Helminthosporium halodes</i>).
m9	<i>Fusarium moniliforme</i> (<i>Fusarium proliferatum</i>)	<i>Fusarium moniliforme</i> (<i>Fusarium proliferatum</i>).
m10	<i>Stemphylium botryosum</i>	<i>Stemphylium herbarum</i> (<i>Stemphylium botryosum</i>).
m11	<i>Rhizopus nigricans</i>	<i>Rhizopus nigricans</i> .
m12	<i>Aureobasidium pullulans</i>	<i>Aureobasidium pullulans</i> .
m13	<i>Phoma betae</i>	<i>Phoma betae</i> .
m14	<i>Epicoccum purpurascens</i>	<i>Epicoccum purpurascens</i> (<i>Epicoccum nigrum</i>).
m15	<i>Trichoderma viride</i>	<i>Trichoderma viride</i> .
m16	<i>Curvularia lunata</i>	<i>Curvularia lunata</i> <i>Curvularia specifera</i> (K923044).
m17	<i>Cladosporium fulvum</i>	<i>Cladosporium fulvum</i> .
m18	<i>Fusarium culmorum</i>	<i>Fusarium culmorum</i> .
m19	<i>Aspergillus versicolor</i>	<i>Aspergillus versicolor</i> .
m20	<i>Mucor mucedo</i>	<i>Mucor mucedo</i> .
m21	<i>Aspergillus clavatus</i>	<i>Aspergillus clavatus</i> .
m22	<i>Micropolyspora faeni</i>	<i>Saccharopolyspora rectivirgula</i> (<i>Micropolyspora faeni</i>).
m23	<i>Thermoactinomyces vulgaris</i>	<i>Thermoactinomyces vulgaris</i> .
m24	<i>Stachybotrys atra</i>	<i>Stachybotrys chartarum</i> (<i>Stachybotrys atra</i>).
m24	<i>Paecilomyces</i> spp.	<i>Paecilomyces</i> spp.
m25	<i>Aspergillus versicolor</i>	<i>Aspergillus versicolor</i> .
m25	<i>Penicillium brevicompactum</i>	<i>Penicillium brevicompactum</i> .
m26	<i>Cladosporium cladosporioides</i>	<i>Cladosporium cladosporioides</i> .
m26	<i>Penicillium citrinum</i>	<i>Penicillium citrinum</i> .
m27	<i>Penicillium</i> spp.	<i>Penicillium</i> spp.
m29	<i>Aspergillus repens</i>	<i>Aspergillus repens</i> .
m30	<i>Penicillium roqueforti</i>	<i>Penicillium roqueforti</i> .
m32	<i>Cladosporium cladosporioides</i>	<i>Cladosporium cladosporioides</i> .
m34	<i>Serpula lacrymans</i>	<i>Serpula lacrymans</i> .
m36	<i>Aspergillus terreus</i>	<i>Aspergillus terreus</i> .
m37	<i>Trichophyton mentagrophytes</i>	<i>Trichophyton mentagrophytes</i> .
m40	<i>Aspergillus amstelodami</i>	<i>Aspergillus amstelodami</i> .
m43	<i>Saccharomyces carlsberg</i>	<i>Saccharomyces carlsbergensis</i> .
m44	<i>Saccharomyces cerevisiae</i>	<i>Saccharomyces cerevisiae</i> .
m45	<i>Hormodendrum hordei</i>	<i>Hormodendrum hordei</i> .
m46	<i>Bipolaris spicifera</i>	<i>Bipolaris spicifera</i> .
m47	<i>Aspergillus nidulans</i>	<i>Aspergillus nidulans</i> .
m48	<i>Aspergillus oryzae</i>	<i>Aspergillus oryzae</i> .
m49	<i>Fusarium oxysporum</i>	<i>Fusarium oxysporum</i> .
m50	<i>Micropolyspora faeni</i>	<i>Saccharopolyspora rectivirgula</i> (<i>Micropolyspora faeni</i>).
m51	<i>Thermoactinomyces vulgaris</i>	<i>Thermoactinomyces vulgaris</i> .
m53	<i>Microspora canis</i>	<i>Microsporum canis</i> (<i>Microspora canis</i>).
m54	<i>Aspergillus flavus</i>	<i>Aspergillus flavus</i> .
m63	<i>Helminthosporium intersemin</i>	<i>Helminthosporium intersemin</i> .
m66	<i>Mucor plumbeus</i>	<i>Mucor plumbeus</i> .
m67	<i>Mycogone</i>	<i>Mycogone perniciosa</i> .
m68	<i>Nigrospora oryzae</i>	<i>Nigrospora oryzae</i> .

TABLE 3—CLASS II DEVICES—Continued
[§ 866.5750—Radioallergosorbent (RAST) Immunological Test Systems]

Allergen code	Allergen product	Source (taxonomical name)
m69	<i>Rhodotorula</i>	<i>Rhodotorula rubra</i> (<i>Rhodotorula mucilaginosa</i>).
m70	<i>Malassezia furfur</i> (<i>Pityrosporum orbiculare</i>)	<i>Malassezia furfur</i> (<i>Pityrosporum orbiculare</i>).
m71	<i>Spondylocadium</i>	<i>Spondylocadium</i> spp.
m72	<i>Epidermophyton</i>	<i>Epidermophyton floccosum</i> .
m73	<i>Epicoccum nigrum</i>	<i>Epicoccum purpurascens</i> (<i>Epicoccum nigrum</i>).
m80	<i>Staphylococcal enterotoxin A</i> (<i>Sta a SEA</i>)	<i>Staphylococcus aureus</i> .
m80	<i>Helminthosporium</i> spp.	<i>Helminthosporium</i> spp.
m81	<i>Staphylococcal enterotoxin B</i> (<i>Sta a SEB</i>)	<i>Staphylococcus aureus</i> .
m88	<i>Stemphylium solani</i>	<i>Stemphylium solani</i> .
m93	<i>Gliocladium fimbriatum</i>	<i>Gliocladium fimbriatum</i> .
m94	<i>Phycomyces blakesleeanus</i>	<i>Phycomyces blakesleeanus</i> .
m201	<i>Tilletia tritici</i> (<i>Ustilago nuda</i> , <i>Ustilago tritici</i>) (Barley smut)	<i>Tilletia tritici</i> (<i>Ustilago nuda</i> , <i>Ustilago tritici</i>).
m202	<i>Acremonium kiliense</i> (<i>Cephalosporium acremonium</i>)	<i>Acremonium kiliense</i> (<i>Cephalosporium acremonium</i>).
m203	<i>Trichosporon pullulans</i>	<i>Trichosporon pullulans</i> .
m204	<i>Ulocladium chartarum</i>	<i>Ulocladium chartarum</i> .
m205	<i>Trichophyton rubrum</i>	<i>Trichophyton rubrum</i> .
m207	<i>Aspergillus niger</i>	<i>Aspergillus niger</i> .
m208	<i>Chaetomium globosum</i>	<i>Chaetomium globosum</i> .
m209	<i>Penicillium frequentans</i>	<i>Penicillium glabrum</i> (<i>Penicillium frequentans</i>).
m209	<i>Stachybotrys chartarum</i>	<i>Stachybotrys chartarum</i> (<i>Stachybotrys atra</i>).
m210	<i>Trichophyton mentagrophytes</i> var. <i>goetzii</i>	<i>Trichophyton mentagrophytes</i> var. <i>goetzii</i> .
m211	<i>Trichophyton mentagrophytes</i> var. <i>interdigitale</i>	<i>Trichophyton mentagrophytes</i> var. <i>interdigitale</i> .
m211	Oat smut	<i>Ustilago avenae</i> .
m212	<i>Micropolyspora faeni</i>	<i>Saccharopolyspora rectivirgula</i> (<i>Micropolyspora faeni</i>).
m212	<i>Geotrichum candidum</i>	<i>Geotrichum candidum</i> .
m213	Bermuda grass smut	<i>Ustilago cynodontis</i> .
m214	Johnson grass smut	<i>Sphacelotheca cruenta</i> .
m215	Corn smut	<i>Ustilago maydis</i> .
m218	Asp f 1.0101	<i>Aspergillus fumigatus</i> .
a3050	Asp r 1	<i>Aspergillus restrictus</i> .
m219	Asp f 2	<i>Aspergillus fumigatus</i> .
m220	Asp f 3.0101	<i>Aspergillus fumigatus</i> .
m221	Asp f 4	<i>Aspergillus fumigatus</i> .
m222	Asp f 6.0101	<i>Aspergillus fumigatus</i> .
m223	<i>Staphylococcal enterotoxin C</i> (<i>Sta a SEC</i>)	<i>Staphylococcus aureus</i> .
m224	<i>Staphylococcal enterotoxin D</i> (<i>Sta a SED</i>)	<i>Staphylococcus aureus</i> .
m226	<i>Staphylococcal enterotoxin TSST</i> (<i>Sta a TSST</i>)	<i>Staphylococcus aureus</i> .
m227	<i>Malassezia</i> spp. (<i>Pityrosporum</i> spp.)	<i>Malassezia</i> spp. (<i>Pityrosporum</i> spp.).
m228	<i>Aspergillus flavus</i>	
m229	Alt a 1.0101	<i>Alternaria alternata</i> (<i>Alternaria tenuis</i>).
m230	Alt a 6.0101	<i>Alternaria alternata</i> (<i>Alternaria tenuis</i>).
m231	Cla h 8.0101	<i>Cladosporium herbarum</i> (<i>Hormodendrum</i>).
m300	<i>Eurotium</i> spp.	<i>Eurotium</i> spp.
m304	<i>Aspergillus oryzae</i>	<i>Aspergillus oryzae</i> .
m305	<i>Penicillium brevicompactum</i>	<i>Penicillium brevicompactum</i> .
m309	<i>Aspergillus terreus</i>	<i>Aspergillus terreus</i> .
m310	<i>Aspergillus nidulans</i>	<i>Aspergillus nidulans</i> .
m311	<i>Aspergillus flavus</i>	<i>Aspergillus flavus</i> .
m312	<i>Aspergillus clavatus</i>	<i>Aspergillus clavatus</i> .
Epidermal & Animal		
e6	Guinea pig epithelium	<i>Cavia porcellus</i> .
e7	Pigeon droppings	<i>Columba palumbus</i> <i>Columba livia</i> .
e25	Chicken serum	<i>Gallus domesticus</i> (<i>Gallus gallus domesticus</i> ; <i>Gallus</i> spp.).
e26	Parrot serum	<i>Psittacoidea</i> spp.
e62	Camel	<i>Camelus dromedaries</i> .
e70	Goose feathers	<i>Anser anser</i> .
e71	Mouse epithelium	<i>Mus musculus</i> (<i>Mus</i> spp.).
e73	Rat epithelium	<i>Rattus norvegicus</i> .
e74	Rat urine proteins	<i>Rattus norvegicus</i> <i>Rattus rattus</i> .

TABLE 3—CLASS II DEVICES—Continued
 [§ 866.5750—Radioallergosorbent (RAST) Immunological Test Systems]

Allergen code	Allergen product	Source (taxonomical name)
e75	Rat serum proteins	<i>Rattus norvegicus</i> <i>Rattus rattus</i> .
e76	Mouse serum proteins	<i>Mus musculus</i> (<i>Mus</i> spp.).
e77	Budgerigar droppings	<i>Melopsittacus undulatus</i> .
e78	Budgerigar feathers	<i>Melopsittacus undulatus</i> .
e79	Budgerigar serum proteins	<i>Melopsittacus undulatus</i> .
e80	Goat epithelium	<i>Capra hircus</i> .
e81	Sheep epithelium	<i>Ovis aries</i> (<i>Ovis</i> spp.).
e82	Rabbit epithelium	<i>Oryctolagus cuniculus</i> (<i>Oryctolagus</i> spp.).
e83	Swine epithelium	<i>Sus scrofa</i> (<i>Sus scrofa domesticus</i> ; <i>Sus</i> spp.).
e84	Hamster epithelium	<i>Cricetus cricetus</i> , <i>Mesocricetus auratus</i> , and <i>Phodopus sungorus</i> .
e85	Chicken feathers	<i>Gallus domesticus</i> (<i>Gallus gallus domesticus</i> ; <i>Gallus</i> spp.).
e86	Duck feathers	<i>Anas platyrhynchos</i> .
e87	Rat epithelium, serum proteins, and urine proteins	<i>Rattus norvegicus</i> <i>Rattus rattus</i> .
e88	Mouse epithelium, serum proteins, and urine proteins (mouse)	<i>Mus musculus</i> (<i>Mus</i> spp.).
e89	Turkey feathers	<i>Meleagris gallopavo</i> .
e90	Budgerigar serum proteins, feathers, and droppings	<i>Melopsittacus undulatus</i> .
e91	Pigeon serum proteins, feathers, and droppings	<i>Streptopelia roseogrisea</i> <i>Psittacidae</i> spp.
e92	Parrot serum proteins, feathers, and droppings	<i>Ara</i> spp.
e93	Pigeon serum proteins	<i>Streptopelia roseogrisea</i> .
e94	Fel d 1.0101	<i>Felis domesticus</i> .
a345	Fel d 1	<i>Felis domesticus</i> .
e98	Parrot droppings	<i>Psittacoidea</i> spp.
e101	Can f 1.0101	<i>Canis familiaris</i> (<i>Canis domesticus</i>).
a174	Can f 1	<i>Canis familiaris</i> (<i>Canis domesticus</i>).
e102	Can f 2.0101	<i>Canis familiaris</i> (<i>Canis domesticus</i>).
e196	Parakeet feathers	<i>Nymphicus hollandicus</i> .
e197	Parakeet droppings	<i>Nymphicus hollandicus</i> .
e198	Parakeet serum	<i>Nymphicus hollandicus</i> .
e199	Canary bird serum	<i>Serinus canarius</i> .
e200	Canary bird droppings	<i>Serinus canarius</i> .
e201	Canary bird feathers (Canary feathers)	<i>Serinus canarius</i> .
e202	Reindeer epithelium	<i>Rangifer tarandus</i> .
e203	Mink epithelium	<i>Mustela</i> spp.
e204	Bos d 6	<i>Bos domesticus</i> (<i>Bos taurus</i> ; <i>Bos</i> spp.).
e205	Horse, serum proteins	<i>Equus caballus</i> (<i>Equus</i> spp.).
e206	Rabbit, serum proteins	<i>Oryctolagus cuniculus</i> (<i>Oryctolagus</i> spp.).
e208	Chinchilla epithelium	<i>Chinchilla laniger</i> .
e209	Gerbil epithelium	<i>Meriones unguiculatus</i> .
e210	Fox epithelium	<i>Vulpes vulpes</i> .
e211	Rabbit, urine proteins	<i>Oryctolagus cuniculus</i> (<i>Oryctolagus</i> spp.).
e212	Swine, urine proteins	<i>Sus scrofa</i> (<i>Sus scrofa domesticus</i> ; <i>Sus</i> spp.).
e213	Parrot feathers	<i>Ara</i> spp.
e214	Finch feathers	<i>Lonchura domestica</i> .
e215	Pigeon feathers	<i>Streptopelia roseogrisea</i> (<i>Streptopelia</i> spp.) <i>Columbia</i> spp.
e216	Deer epithelium	<i>Dama dama</i> .
e217	Ferret epithelium	<i>Mustela putorius</i> .
e218	Chicken droppings	<i>Gallus domesticus</i> (<i>Gallus gallus domesticus</i> ; <i>Gallus</i> spp.).
e219	Chicken, serum proteins	<i>Gallus domesticus</i> (<i>Gallus gallus domesticus</i> ; <i>Gallus</i> spp.).
e220	Fel d 2, Cat serum albumin	<i>Felis domesticus</i> .
e221	Can f 3	<i>Canis familiaris</i> (<i>Canis domesticus</i>) (Dog serum albumin).
e222	Swine serum albumin (<i>Sus</i> s PSA)	<i>Sus scrofa</i> (<i>Sus scrofa domesticus</i> ; <i>Sus</i> spp.).
e225	Lovebird feathers	<i>Psittacoidea agapomis</i> .
e226	Can f 5.0101	<i>Canis familiaris</i> .
e227	Equ c 1.0101	<i>Equus caballus</i> .
e228	Fel d 4.0101	<i>Felis domesticus</i> .
e230	Equ c 3	<i>Equus caballus</i> .

TABLE 3—CLASS II DEVICES—Continued
[§ 866.5750—Radioallergosorbent (RAST) Immunological Test Systems]

Allergen code	Allergen product	Source (taxonomical name)
e231	Mus m 1	<i>Mus musculus</i> .
Food		
f9	Rice	<i>Oryza sativa</i> .
f12	Pea (green pea)	<i>Pisum sativum</i> .
f15	White bean	<i>Phaseolus vulgaris</i> .
f19	Cayenne pepper	<i>Capsicum frutescens</i> (<i>Capsicum annum</i>).
f21	Sugar cane	<i>Saccharum officinarum</i> .
f22	Raspberry	<i>Rubus idaeus</i> .
f26	Pork	<i>Sus scrofa</i> (<i>Sus scrofa domesticus</i> ; <i>Sus</i> spp.).
f29	Watermelon	<i>Citrullus lanatus</i> (<i>Citrullus vulgaris</i>).
f31	Carrot	<i>Daucus carota</i> .
f32	Oyster mushroom	<i>Pleurotus ostreatus</i> .
f33	Orange	<i>Citrus sinensis</i> .
f35	Potato	<i>Solanum tuberosum</i> .
f43	Mother's milk	<i>Homo sapiens</i> .
f44	Strawberry	<i>Fragaria vesca</i> (<i>Fragaria</i> spp.).
f45	Yeast, baker's	<i>Saccharomyces cerevisiae</i> .
f46	Pepper, Red	<i>Capsicum annum</i> .
f47	Garlic	<i>Allium sativum</i> .
f48	Onion	<i>Allium cepa</i> .
f49	Apple	<i>Malus x domestica</i> (<i>Malus</i> spp.).
f51	Bamboo shoot	<i>Phyllostachys pubescens</i> .
f52	Cacao/chocolate	<i>Theobroma cacao</i> .
f54	Sweet potato	<i>Ipomoea batatas</i> .
f55	Common millet	<i>Panicum miliaceum</i> .
f56	Foxtail millet	<i>Setaria italica</i> .
f57	Japanese millet	<i>Echinochloa crus-galli</i> .
f58	Pacific squid	<i>Todarodes pacificus</i> .
f59	Octopus	<i>Octopus vulgaris</i> (<i>Octopus</i> spp.).
f63	Kefir	NA.
f67	Parmesan cheese	NA.
f81	Cheese, cheddar type	NA.
f82	Cheese, mold type	NA.
f83	Chicken	<i>Gallus domesticus</i> (<i>Gallus gallus domesticus</i> ; <i>Gallus</i> spp.).
f86	Parsley	<i>Petroselinum crispum</i> .
f87	Melon	<i>Cucumis melo Cucumis melo + Citrullus lanatus</i> .
f88	Mutton (lamb)	<i>Ovis aries</i> (<i>Ovis</i> spp.).
f90	Malt	<i>Hordeum vulgare</i> .
f92	Banana	<i>Musa</i> spp.
f93	Cacao	<i>Theobroma cacao</i> .
f94	Pear	<i>Pyrus communis</i> (<i>Pyrus</i> spp.).
f97	Yam	<i>Dioscorea</i> spp.
f97	Chamomile tea	<i>Dioscorea opposita</i> .
f98	Gliadin	<i>Matricaria chamomilla</i> .
f102	Cantaloupe	<i>Triticum aestivum</i> (<i>Triticum</i> spp.).
f105	Chocolate	<i>Cucumis melo var. cantalupensis</i> .
f109	Cottonseed	<i>Theobroma cacao</i> .
f110	Giant radish	<i>Gossypium hirsutum</i> .
f118	Zucchini	<i>Raphanus sativus</i> .
f119	Radish	<i>Cucurbita pepo</i> .
f120	Venison	<i>Raphanus sativus</i> .
f121	Pinto bean	<i>Capreolus capeolus</i> .
f122	Cheese, American	<i>Phaseolus vulgaris</i> .
f127	Black-eyed pea	NA.
f131	Black Olive	<i>Vigna unguiculata</i> .
f136	Red beet	<i>Olea europaea</i> .
f139	Goat's Cheese	<i>Beta vulgaris var. conditiva</i> .
f140	Bran	<i>Capra aegagrus</i> .
f141	Corn (vegetables)	NA.
f152	Green bell pepper	<i>Zea mays</i> .
f155	Brewer's yeast	<i>Capsicum annum</i> .
f157	Duck	<i>Saccharomyces carlsbergensis</i> .
f158	Goose	<i>Anas domesticus</i> .
f160	Camembert cheese	<i>Anser anser</i> .
		NA.

TABLE 3—CLASS II DEVICES—Continued
 [§ 866.5750—Radioallergosorbent (RAST) Immunological Test Systems]

Allergen code	Allergen product	Source (taxonomical name)
f162	Nectarine	<i>Prunus persica</i> var. <i>nucipersica</i> .
f163	Kohlrabi	<i>Brassica oleracea</i> var. <i>gongylodes</i> .
f65	Perch.	
f166	Leek	<i>Allium porrum</i> .
f170	Cheese (Switzerland) (Swiss cheese)	NA.
f174	Fig	<i>Ficus carica</i> .
f177	Cranberry	<i>Vaccinium macrocarpon</i> .
f179	Raisin	<i>Vitis</i> spp.
f182	Lima bean	<i>Phaseolus lunatus</i> .
f198	Flaxseed (bruised grain)	<i>Linum usitatissimum</i> .
f199	Untreated native milk	<i>Bos domesticus</i> (<i>Bos taurus</i> ; <i>Bos</i> spp.).
f208	Lemon	<i>Citrus limon</i> .
f209	Grapefruit	<i>Citrus paradisi</i> .
f210	Pineapple	<i>Ananas comosus</i> .
f211	Blackberry	<i>Rubus fruticosus</i> .
f212	Mushroom (champignon)	<i>Agaricus hortensis</i> (<i>Agaricus</i> spp.).
f213	Rabbit	<i>Oryctolagus cuniculus</i> (<i>Oryctolagus</i> spp.).
f214	Spinach	<i>Spinacia oleracea</i> .
f215	Lettuce	<i>Lactuca sativa</i> .
f216	Cabbage	<i>Brassica oleracea</i> var. <i>capitata</i> .
f217	Brussels sprouts	<i>Brassica oleracea</i> var. <i>gem</i> .
f218	Paprika, sweet pepper	<i>Capsicum annuum</i> .
f219	Fennel seed	<i>Foeniculum vulgare</i> .
f219	Sage	<i>Salvia officinalis</i> .
f220	Cinnamon	<i>Cinnamomum</i> spp.
f221	Coffee	<i>Coffea</i> spp.
f222	Tea	<i>Camellia sinensis</i> .
f223	Green olive	<i>Olea europaea</i> .
f225	Summer squash, pumpkin	<i>Cucurbita pepo</i> .
f225	Pumpkin	<i>Cucurbita maxima</i> .
f226	Pumpkin seed	<i>Cucurbita pepo</i> .
f227	Sugar-beet seed	<i>Beta vulgaris</i> .
f229	Safflower Seed	<i>Carthamus tinctorius</i> .
f231	Milk, boiled	<i>Bos domesticus</i> (<i>Bos taurus</i> ; <i>Bos</i> spp.).
f234	Vanilla	<i>Vanilla planifolia</i> .
f237	Apricot	<i>Prunus armeniaca</i> .
f241	Gouda cheese	NA.
f242	Cherry	<i>Prunus avium</i> .
f244	Cucumber	<i>Cucumis sativus</i> .
f246	Guar, guar gum	<i>Cyamopsis tetragonoloba</i> .
f247	Honey	NA.
f248	Rosemary	<i>Rosmarinus officinalis</i> .
f254	Plaice	<i>Pleuronectes platessa</i> .
f255	Plum	<i>Prunus domestica</i> <i>Prunus americana</i> .
f258	Squid	<i>Loligo</i> spp.
f259	Grape	<i>Vitis vinifera</i> (<i>Vitis</i> spp.).
f260	Broccoli	<i>Brassica oleracea</i> var. <i>italica</i> (<i>Brassica oleracea</i> var. <i>cultivar</i>).
f261	Asparagus	<i>Asparagus officinalis</i> .
f262	Aubergine, eggplant	<i>Solanum melongena</i> .
f263	Green pepper	<i>Piper nigrum</i> <i>Capsicum annuum</i> .
f264	Eel	<i>Anguilla anguilla</i> .
f265	Caraway	<i>Carum carvi</i> .
f265	Cumin	<i>Cuminum cyminum</i> .
f266	Mace	<i>Myristica fragrans</i> .
f267	Cardamon	<i>Elettaria cardamomum</i> .
f268	Clove	<i>Syzygium aromaticum</i> .
f269	Basil	<i>Ocimum basilicum</i> .
f270	Ginger	<i>Zingiber officinale</i> .
f271	Anise	<i>Pimpinella anisum</i> .
f272	Tarragon	<i>Artemisia dracunculus</i> .
f273	Thyme	<i>Thymus vulgaris</i> .
f274	Marjoram	<i>Origanum majorana</i> .
f275	Lovage	<i>Levisticum officinale</i> .
f276	Fennel, fresh	<i>Foeniculum vulgare</i> .

TABLE 3—CLASS II DEVICES—Continued
 [§ 866.5750—Radioallergosorbent (RAST) Immunological Test Systems]

Allergen code	Allergen product	Source (taxonomical name)
f277	Dill	<i>Anethum graveolens</i> .
f278	Bay leaf	<i>Laurus nobilis</i> .
f279	Chili pepper	<i>Capsicum frutescens</i> .
f280	Black pepper	<i>Piper nigrum</i> .
f281	Curry (Santa Maria)	NA.
f282	Nutmeg	<i>Myristica fragrans</i> .
f283	Oregano	<i>Origanum vulgare</i> .
f284	Turkey meat	<i>Meleagris gallopavo</i> .
f285	Elk/moose meat	<i>Alces</i> spp.
f286	Mare's milk	<i>Equus caballus</i> (<i>Equus</i> spp.).
f287	Red kidney bean	<i>Phaseolus vulgaris</i> .
f288	Blueberry	<i>Vaccinium myrtillus</i> (<i>Vaccinium</i> spp.).
f289	Date	<i>Phoenix dactylifera</i> .
f291	Cauliflower	<i>Brassica oleracea</i> var. <i>botrytis</i> .
f292	Guava	<i>Psidium guajava</i> .
f293	Papaya	<i>Carica papaya</i> .
f294	Passion fruit, Maracuja	<i>Passiflora edulis</i> (<i>Passiflora</i> spp.).
f295	Carambola	<i>Averrhoa carambola</i> .
f296	Carob	<i>Ceratonia siliqua</i> .
f297	Gum arabic	<i>Acacia senegal</i> (<i>Acacia</i> spp.).
f298	Tragacanth	<i>Astragalus</i> spp.
f299	Sweet chestnut (chestnut)	<i>Castanea sativa</i> .
f300	Pinto bean	<i>Phaseolus</i> spp.
f301	Persimmon (kaki fruit, sharon)	<i>Diospyros kaki</i> .
f302	Mandarin (tangerine, clementine, satsumas)	<i>Citrus reticulata</i> .
f305	Fenugreek	<i>Trigonella foenum-graecum</i> .
f306	Lime	<i>Citrus aurantifolia</i> .
f307	Hake	<i>Merluccius merluccius</i> .
f308	Sardine (pilchard)	<i>Sardina pilchardus</i> .
f310	Blue vetch	<i>Lathyrus sativus</i> .
f311	Megrim	<i>Lepidorhombus whiffiagonis</i> .
f315	Green bean	<i>Phaseolus vulgaris</i> .
f316	Rape seed	<i>Brassica napus</i> .
f317	Coriander	<i>Coriandrum sativum</i> .
f318	Jack fruit	<i>Artocarpus heterophyllus</i> .
f319	Beetroot	<i>Beta vulgaris</i> .
f320	Crayfish	<i>Astacus astacus</i> .
f321	Horse meat	<i>Equus caballus</i> (<i>Equus</i> spp.).
f322	Red currant	<i>Ribes sylvestre</i> .
f324	Hop (fruit cone)	<i>Humulus lupulus</i> .
f325	Saffron	<i>Colchicum autumnale</i> .
f328	Fig	<i>Ficus carica</i> .
f329	Watermelon	<i>Citrullus lanatus</i> .
f330	Rose hip	<i>Rosa</i> spp.
f331	Saffron	<i>Crocus sativus</i> .
f332	Mint	<i>Mentha piperita</i> .
f333	Linseed	<i>Linum usitatissimum</i> .
f336	Jujube	<i>Ziziphus jujuba</i> .
f336	Wine vinegar	<i>Vitis vinifera</i> (<i>Vitis</i> spp.).
f337	Sole	<i>Solea solea</i> .
f337	English sole	<i>Parophrys vetulus</i> .
f338	Wine, white	<i>Vitis vinifera</i> (<i>Vitis</i> spp.).
f339	Allspice	<i>Pimenta dioica</i> .
f339	Wine, red	<i>Vitis vinifera</i> (<i>Vitis</i> spp.).
f341	Cranberry	<i>Vaccinium oxycoccus</i> <i>Vaccinium macrocarpon</i> .
f342	Olive (black, fresh)	<i>Olea europaea</i> .
f343	Raspberry	<i>Rubus idaeus</i> .
f344	Sage	<i>Salvia officinalis</i> .
f346	Chives	<i>Allium schoenoprasum</i> .
f347	Quinoa	<i>Chenopodium quinoa</i> .
f348	Litchi	<i>Litchi chinensis</i> .
f349	Chum salmon roe	<i>Oncorhynchus keta</i> .
f358	Artichoke	<i>Cynara scolymus</i> .
f360	Yogurt	NA.
f368	Black bass	<i>Micropterus dolomieu</i> (<i>Micropterus dolomieu</i>).
f374	Karaya gum	<i>Sterculia urens</i> .
f375	Horseradish	<i>Armoracia rusticana</i> .
f377	Maple syrup	NA.
f379	Okra	<i>Abelmoschus esculentus</i> .

TABLE 3—CLASS II DEVICES—Continued
[§ 866.5750—Radioallergosorbent (RAST) Immunological Test Systems]

Allergen code	Allergen product	Source (taxonomical name)
f382	Beet, sugar	<i>Beta vulgaris</i> var. <i>altissima</i> .
f401	Loquat	<i>Eriobotrya japonica</i> .
f402	Fig	<i>Ficus carica</i> .
f403	Brewer's yeast	<i>Saccharomyces cerevisiae</i> .
f405	Mint	<i>Mentha</i> spp.
f406	Arugula	<i>Eruca vesicaria</i> .
House Dust		
h1	Greer Labs., Inc.	NA.
h2	Hollister-Stier Labs.	NA.
h6	Japan	NA.
Venoms & Insects		
i7	Midge	<i>Chironomus yoshimatsui</i> .
i8	Moth	<i>Bombyx mori</i>
		<i>Heterocera</i> spp.
i47	Water flea	<i>Daphnia</i> spp.
i49	Deer fly	<i>Chrysops</i> spp.
i51	Black ant	<i>Camponotus pennsylvanicus</i> .
i54	Flea mix (dog/cat), common flea	<i>Ctenocephalides</i> spp.
i71	Mosquito	<i>Aedes communis</i>
		<i>Aedes</i> spp. and <i>Culex</i> spp.
i72	Green nimitti	<i>Cladotanytarsus lewisi</i> .
i73	Blood worm	<i>Chironomus thummi</i>
		<i>Chironomusri parius</i>
		<i>Chironomus</i> spp.
i75	European hornet	<i>Vespa crabro</i> .
i76	Berlin beetle	<i>Trogoderma angustum</i> .
i77	European paper wasp	<i>Polistes dominulus</i> .
i78	Fly	<i>Musca domestica</i> .
i80	Bumblebee	<i>Bombus pennsylvanicus</i> .
i201	Horse bot fly	<i>Gasterophilus intestinalis</i> .
i202	Grain weevil	<i>Sitophilus granarius</i> .
i203	Mediterranean flour moth	<i>Ephestia kuehniella</i> (<i>Anagasta kuehniella</i>).
i204	Horse fly	<i>Tabanus</i> spp.
i205	Bumblebee	<i>Bombus terrestris</i> .
i208	Api m 1.0101	<i>Apis mellifera</i> .
a45	Api m 1	<i>Apis mellifera</i> .
i209	Ves v 5.0101	<i>Vespula vulgaris</i> .
a670	Ves v 5	<i>Vespula vulgaris</i> .
i210	Pol d 5.0101	<i>Polistes dominulus</i> .
i211	Ves v 1.0101	<i>Vespula vulgaris</i> .
i213	Api m 4	<i>Apis mellifera</i> .
i214	Api m 2	<i>Apis mellifera</i> .
i215	Api m 3	<i>Apis mellifera</i> .
i216	Api m 5	<i>Apis mellifera</i> .
i217	Api m 10	<i>Apis mellifera</i> .
i220	Bla g 1.0101	<i>Blattella germanica</i> .
i221	Bla g 2.0101	<i>Blattella germanica</i> .
i222	Bla g 5.0101	<i>Blattella germanica</i> .
i223	Bla g 7	<i>Blattella germanica</i> .
a46	Api m 2	<i>Apis mellifera</i> .
Miscellaneous		
o1	Cotton, crude fibers	<i>Gossypium</i> spp.
o3	Cotton (treated)	<i>Gossypium</i> spp.
o70	Seminal fluid	<i>Homo sapiens</i> .
o71	<i>Staphylococcus aureus</i>	<i>Staphylococcus aureus</i> .
o72	<i>Pichia pastoris</i> crude extract customer specific	<i>Pichia pastoris</i> .
o72	Sperm-sediment	<i>Homo sapiens</i> .
o73	<i>Pichia pastoris</i> crude extr. vector customer specific	<i>Pichia pastoris</i> .
o74	<i>Pichia pastoris</i> with vector customer specific	<i>Pichia pastoris</i> .
o201	Tobacco leaf, tobacco dust	<i>Nicotiana tabacum</i> .
o202	Artemia salina, fish feed	<i>Artemia salina</i> .
o203	Tetramin, fish feed	NA.
o207	Daphnia, fish feed	<i>Daphnia</i> spp.
o211	Mealworm	<i>Tenebrio molitor</i> .

TABLE 3—CLASS II DEVICES—Continued
[§ 866.5750—Radioallergosorbent (RAST) Immunological Test Systems]

Allergen code	Allergen product	Source (taxonomical name)
o212	Streptavidin	<i>Streptomyces avidini</i> .
o213	MBP (maltose binding protein)	<i>Escherichia coli</i> .
o214	CCD; MUXF3 from bromelain	<i>Ananas comosus</i> .
o72	Enterotoxin A (Sta a SEA)	<i>Staphylococcus aureus</i> .
o73	Enterotoxin B (Sta a SEB)	<i>Staphylococcus aureus</i> .
Parasites		
p1	Ascaris	<i>Ascaris suum</i> .
p2	Echinococcus	<i>Echinococcus granulosus</i> .
p3	Schistosoma	<i>Schistosoma mansoni</i> .
p4	Anisakis (Herring Worm)	<i>Anisakis simplex</i> (<i>Anisakis</i> spp.).
p5	Toxocara canis	<i>Toxocara canis</i> .
p10	Ani s 3.0101	<i>Anisakis simplex</i> (<i>Anisakis</i> spp.).
p11	Ani s 1	<i>Anisakis simplex</i> (<i>Anisakis</i> spp.).
Occupational		
k4	Threshing dust	NA.
k5	Flax	NA.
k7	Hay Dust	NA.
k8	Hop (hops)	<i>Humulus lupulus</i> .
k12	Grain mill dust	NA.
k14	Kapok	NA.
k20	Sheep's wool (treated) (wool)	<i>Ovis aries</i> (<i>Ovis</i> spp.).
k21	Sheep's wool (Untreated)	<i>Ovis aries</i> (<i>Ovis</i> spp.).
k23	Straw Dust	NA.
k33	Oak	NA.
k70	Green coffee bean	<i>Coffea</i> spp.
k71	Castor bean	<i>Ricinus communis</i> .
k72	Ispaghula	<i>Plantago psyllium/Plantago ovata</i> .
k73	Silk waste	NA.
k74	Silk	<i>Bombyx mori</i> .
k75	Isocyanate TDI (Toluene diisocyanate)	NA.
k76	Isocyanate MDI (Diphenylmethane diisocyanate)	NA.
k77	Isocyanate HDI (Hexamethylen diisocyanate)	NA.
k78	Ethylene oxide	NA.
k79	Phthalic anhydride	NA.
k80	Formaldehyde/Formalin	NA.
k81	Ficus	<i>Ficus benjamina</i> (<i>Ficus</i> spp.).
k83	Cotton seed	<i>Gossypium hirsutum</i> .
k84	Sunflower seed	<i>Helianthus annuus</i> .
k85	Chloramin T	NA.
k86	Trimellitic anhydride, TMA	NA.
k87	Asp o 21, alpha-amylase	<i>Aspergillus oryzae</i> .
k89	Orris root	<i>Iris florentina</i> .
k99	HSA (Human Serum Albumin) (Hom s HSA)	<i>Homo sapiens</i> .
k201	Car p 1, Papain	<i>Carica papaya</i> .
k202	Ana c 2, Bromelain	<i>Ananas comosus</i> .
k204	Maxatase	<i>Bacillus licheniformis</i> .
k205	Alcalase	<i>Bacillus</i> spp.
k206	Savinase, Protease 1 (Bac l Subtilisin)	<i>Bacillus</i> spp.
k208	Gal d 4, Lysozyme	<i>Gallus domesticus</i> (<i>Gallus gallus domesticus</i> ; <i>Gallus</i> spp.).
k209	Hexahydrophthalic anhydrid	NA.
k210	Maleic anhydride	NA.
k211	Methyltetrahydrophthalic anhydrid	NA.
k212	Abachi wood dust	<i>Triplochiton scleroxylon</i> .
k213	Pepsin (Sus s Pepsin)	<i>Sus scrofa</i> (<i>Sus scrofa domesticus</i> ; <i>Sus</i> spp.).
k213	TCPA	NA.
k214	Bougainvillea	<i>Bougainvillea</i> spp.
k225	Horse radish peroxidase (Arm r HRP)	<i>A Armoracia rusticana</i> .
k226	Ascorbate oxidase (Cuc p ascorbate oxidase)	<i>Cucurbita pepo</i> .
k301	Flour dust	<i>Triticum</i> spp.
k501	Savinase customer specific	Proprietary knowledge of customer.
k502	Lipolase customer specific	Proprietary knowledge of customer.
k503	Termamyl customer specific	Proprietary knowledge of customer.
k504	Clazinase customer specific	Proprietary knowledge of customer.

V. Reference

The following reference is on display in the Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, and is available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; it is also available electronically at <https://www.regulations.gov>. FDA has verified the Web site address, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. FDA Guidance, "Procedures for Class II Device Exemptions From Premarket Notification, Guidance for Industry and CDRH Staff," February 19, 1998, available at <http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/UCM080199.pdf>.

Dated: July 5, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017-14453 Filed 7-10-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA-2016-E-0627 and FDA-2016-E-0629]

Determination of Regulatory Review Period for Purposes of Patent Extension; Intercept Blood System for Platelets

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for Intercept Blood System for Platelets and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by September 11, 2017. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for

extension acted with due diligence during the regulatory review period by January 8, 2018. See "Petitions" in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 11, 2017. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of September 11, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

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

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

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

Instructions: All submissions received must include the Docket Nos. FDA-2016-E-0627 and FDA-2016-E-0629 for "Determination of Regulatory Review Period for Purposes of Patent Extension; INTERCEPT BLOOD SYSTEM FOR PLATELETS." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51,

Rm. 6250, Silver Spring, MD 20993, 301-796-3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until FDA grants permission to market the device. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device Intercept Blood System for Platelets. Intercept Blood System for Platelets is indicated for *ex vivo* preparation of apheresis platelet components in order to reduce the risk of transfusion-transmitted infection including sepsis, and to potentially reduce the risk of transfusion-associated graft versus host disease. Subsequent to this approval, the USPTO received patent term restoration applications for Intercept Blood System for Platelets (U.S. Patent Nos. 7,037,642 and 7,611,831) from Cerus Corporation, and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated April 29, 2016, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of Intercept Blood System for Platelets represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO

requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for Intercept Blood System for Platelets is 7,080 days. Of this time, 6,909 days occurred during the testing phase of the regulatory review period, while 171 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360j(g)) involving this device became effective:* August 2, 1995. The applicant claims that the investigational device exemption (IDE) required under section 520(g) of the FD&C Act for human tests to begin became effective on July 26, 1995. However, FDA records indicate that the IDE was determined substantially complete for clinical studies to have begun on August 2, 1995, which represents the IDE effective date.

2. *The date an application was initially submitted with respect to the device under section 515 of the FD&C Act (21 U.S.C. 360e):* July 1, 2014. The applicant claims August 15, 2014, as the date the premarket approval application (PMA) for Intercept Blood System for Platelets (PMA BP140143) was initially submitted. However, FDA records indicate that the complete PMA BP140143 was submitted on July 1, 2014.

3. *The date the application was approved:* December 18, 2014. FDA has verified the applicant's claims that PMA BP140143 was approved on December 18, 2014.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 1,640 days or 999 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in 21 CFR 60.30, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must be

timely (see **DATES**) and contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA-2013-S-0610. Submit written petitions (two copies are required) to the Dockets Management Staff (see **ADDRESSES**).

Dated: July 5, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017-14455 Filed 7-10-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2017-N-2166]

Draft Standardization of Pharmaceutical Quality/Chemistry Manufacturing and Control Data Elements and Terminologies; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA or Agency) is requesting comment on the draft standardized Pharmaceutical Quality/Chemistry Manufacturing and Control (PQ/CMC) data elements and terminologies for the electronic submission of PQ/CMC data. The establishment of standardized pharmaceutical quality data elements and terminologies will provide opportunities for FDA and industry to transform PQ/CMC submission data into a readily useable electronic format. As a result, these established data elements and terminologies will improve the efficiency and quality of the drug review process. The Agency is seeking comment on the accuracy, suitability, and appropriateness of these data elements and terminologies for submission of PQ/CMC data. FDA is considering implementing PQ/CMC requirements as a Health Level 7 (HL7) Structured Product Labeling (SPL) document. The proposed data elements and terminologies can be obtained on <https://www.regulations.gov> in Docket No. FDA-2017-N-2166.

DATES: Submit either electronic or written comments by September 11, 2017. Late, untimely filed comments

will not be considered. Electronic comments must be submitted on or before September 11, 2017. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of September 11, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

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

Instructions: All submissions received must include the Docket No. FDA-2017-N-2166 for "Draft Standardization of Pharmaceutical Quality/Chemistry Manufacturing and Control Data Elements and Terminologies; Request

for Comments." Received comments, those filed in a timely manner (see **DATES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

FOR FURTHER INFORMATION CONTACT:

Norman Schmuff, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 21, Rm. 2526, Silver Spring, MD 20993-0002, 301-796-1454; Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7911; Norman Gregory, Center for Veterinary Medicine, Food

and Drug Administration, 7500 Standish Pl. (HFV-143), Rockville, MD 20855, 240-402-0684; or Michael Kerrigan, Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl. (HFV-143), Rockville, MD 20855, 240-402-0644. Alternatively, send questions to the PQ-CMC mailbox: PQ-CMC@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

PQ/CMC is a term used to describe manufacturing and testing data of pharmaceutical products. PQ/CMC encompasses topics such as drug stability, quality specification, and batch analysis, which are important aspects of drug development. PQ/CMC plays an integral part in the regulatory review process and life cycle management of pharmaceutical products. The standardization of PQ/CMC data elements and terminologies will facilitate the Agency's transition to an electronic review environment.

FDA intends to identify and standardize data elements and terminologies for information commonly used and submitted in support of drug product applications. The impetus for this standardization effort was the provisions from the 2012 Food and Drug Administration Safety and Innovation Act (FDASIA) (Pub. L. 112-144), which authorized the Agency to require certain submissions to be in a specified electronic format. The development of a structured format for PQ/CMC data will enable consistency in the content and format of PQ/CMC data submitted, thus providing a harmonized language for submission content, allowing reviewers to query the data, and, in general, contributing to a more efficient and effective regulatory decision-making process by creating a standardized data dictionary.

After receiving comments, the Agency will consider future actions on the standardization of PQ/CMC data elements and terminologies for electronic submissions.

II. Electronic Access

Persons with access to the Internet may obtain the proposed data elements and terminologies at <https://www.regulations.gov>.

Dated: July 5, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017-14456 Filed 7-10-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Allergy and Infectious Diseases; Notice of Closed 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 NIAID Resource-Related Research Projects (R24).

Date: July 31, 2017.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Dharmendar Rathore, Ph.D., Senior Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G30, National Institutes of Health/NIAID, 5601 Fishers Lane, Drive, MSC 9823, Bethesda, MD 20892-9823, 240-669-5058, rathored@mail.nih.gov.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Opportunities for Collaborative Research at the NIH Clinical Center (U01).

Date: August 2, 2017.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Roberta Binder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G21A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892-9823, (240) 669-5050, rbinder@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 5, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-14432 Filed 7-10-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****Center for Scientific Review; Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pharmacology.

Date: July 19, 2017.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard D. Crosland, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, 301-694-7084, crosland@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Risk, Prevention, and Health Behavior Overflow.

Date: July 20, 2017.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: John H. Newman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3222, MSC 7808, Bethesda, MD 20892, (301) 435-0628, newmanjh@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Molecular and Cellular Mechanisms of Neurodegenerative Disease.

Date: July 26, 2017.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Christine A. Piggee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4186, MSC 7850, Bethesda, MD 20892, 301-435-0657, christine.piggee@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 5, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-14431 Filed 7-10-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****Proposed Collection; 60-Day Comment Request; The National Institute of Mental Health Data Archive (NDA), (NIMH)**

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Melba Rojas, NIMH Project Clearance Liaison, Science Policy and Evaluation Branch, Office of Science Policy, Planning and Communications, NIMH, Neuroscience Center, 6001 Executive Boulevard, MSC 9667, Bethesda, Maryland 20892, call 301-443-4335, or email your request, including your mailing address, to nimhprapubliccomments@mail.nih.gov. Formal requests for additional plans and

instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function 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, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: The National Institute of Mental Health Data Archive (NDA), REVISION, OMB Control Number 0925-0667, National Institute of Mental Health (NIMH), National Institutes of Health (NIH).

Need and Use of Information Collection: This REVISION request seeks approval of updates to the previously approved National Database for Autism Research Data Access Request and Data Use Certification documents. The NIMH Data Archive (NDA), formerly known as the National Database for Autism Research (NDAR), is an infrastructure that allows for the submission and storage of human subjects data from researchers conducting studies related to many scientific domains, regardless of the source of funding. The NIH and NIMH developed this resource to allow for the public collection of information from: (1) Individuals who seek permission to access data from the NDA for the purpose of scientific investigation, scholarship or teaching, or other forms of research and research development, via the Data Use Certification (DUC),

and (2) individuals who request permission to submit data to the NDA for the purpose of scientific investigation, scholarship or teaching, or other forms of research and research development, via the Data Submission Agreement (DSA). The extensive information stored in the NDA continues to provide a rare and valuable scientific resource to the field, and plays an integral part in fulfilling research objectives in multiple scientific domains. The NIH and the NIMH seek to encourage use of the NDA by investigators in the field of multiple scientific research domains to achieve rapid scientific progress. In order to take full advantage of this resource and maximize its research value, it is important that data are made broadly available, on appropriate terms and conditions, to the largest possible number of investigators.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 1000.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
NDA Data Submission Agreement (DSA).	Researchers submitting data	250	1	1 hour	250
NDA Data Use Certification (DUC)	Researchers requesting access to data.	750	1	1 hour	750
Total	1000	1000	1000

Melba Rojas,

Project Clearance Liaison, National Institute of Mental Health, National Institutes of Health.

[FR Doc. 2017-14451 Filed 7-10-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and

the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; T Cell Reagent Resource for the Study of Allergic Diseases (U19).

Date: August 1-2, 2017.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Thomas F. Conway, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G51, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892-9823, 240-507-9685, thomas.conway@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: July 5, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-14433 Filed 7-10-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of

information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276-1243.

Project: National Mental Health Study Field Test—NEW

The Substance Abuse and Mental Health Services Administration (SAMHSA) plans to conduct a methodological field test for a potential national mental health study, provisionally named the National Mental Health Study (NMHS). The NMHS will use mental disorder assessments similar to studies last conducted over a decade ago in the National Comorbidity Survey-Replication among adults in 2001–2003 and the National Comorbidity Survey-Adolescent supplement among adolescents in 2001–2002. SAMHSA is collaborating with the National Institute of Mental Health (NIMH) to implement this field test.

The purpose of the NMHS Field Test is to test the procedures for a potential NMHS. The field test consists of three general components. The first component is sample selection using a household screener. The household screener will be used to determine eligibility of individuals and to make selections of individuals to recruit for participation in the second component. The second component consists of an in-person survey of the selected adult and adolescent respondents. The NMHS procedures vary somewhat between adults (aged 18 or older) and adolescents (aged 13 to 17). For all respondents, the in-person assessment (using either the adult or adolescent instrument) will be conducted primarily using audio computer-assisted self-interviewing (ACASI), with an emphasis on respondents completing the interview in a single session. In addition to the adolescent in-person assessment, parents/legal guardians of adolescent respondents will receive an additional web or phone interviews (the parent instrument). The final component

consists of a telephone clinical reappraisal of a selected subgroup of adult and adolescent respondents, with an additional parent/guardian reporting for adolescents.

The NMHS field test will include 1,200 English speaking respondents—900 adults and 300 adolescents in the United States excluding Alaska and Hawaii. Approximately 210 parents/legal guardians of adolescent respondents will complete an additional parent interview. A subsample of approximately 150 adult and adolescent respondents and 50 parent respondents will complete a telephone-based clinical reappraisal follow-up interview. In addition, a subsample of completed screening and interview cases will be re-contacted for a brief telephone interview to verify that interviewers followed proper protocols when collecting data. The sample size supports testing of field procedures, sampling algorithms, and data processing steps. The total annual burden estimate is shown in the table below.

ANNUALIZED ESTIMATED BURDEN FOR THE NATIONAL MENTAL HEALTH STUDY FIELD TEST

Instrument	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
Household Screening	2,331	1	2,331	0.083	193
Interview (including interviews with Adults and Adolescents)	1,200	1	1,200	1.083	1,300
Parent Interview	210	1	210	0.500	105
Clinical Interview	150	1	150	1.000	150
Clinical Parent Interview	50	1	50	0.500	25
Screening Verification	142	1	142	0.067	10
Interview Verification	180	1	180	0.067	12
Total	4,263	4,263	1,795

Written comments and recommendations concerning the proposed information collection should be sent by August 10, 2017 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: OIRA_Submission@omb.eop.gov. Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202-395-7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory

Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,
Statistician.

[FR Doc. 2017-14374 Filed 7-10-17; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5997-N-32]

30-Day Notice of Proposed Information Collection: FHA-Insured Mortgage Loan Servicing Involving the Claims and Conveyance Process, Property Inspection/Preservation

AGENCY: Office of the Chief Information Officer, 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 30 days of public comment.

DATES: *Comments Due Date:* August 10, 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: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806, Email: OIRA_Submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT:

Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette.Pollard@hud.gov, or telephone 202-402-3400. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 24, 2017 at 82 FR 8200.

A. Overview of Information Collection

Title of Information Collection: FHA-Insured Mortgage Loan Servicing Involving the Claims and Conveyance Process, Property Inspection/Preservation.

OMB Approval Number: 2502-0429.

Type of Request: Revision of currently approved collection.

Form Number: HUD-27011, HUD-50002, HUD-50012, HUD-9519a, HUD-9539.

Description of the need for the information and proposed use: This information collection consists of the claims and conveyance process involving mortgage loan servicers; mortgagees, who service Federal Housing Administration "FHA" insured mortgage loans and the mortgagors, who are the homeowners.

Respondents (i.e., affected public): Servicers of FHA-insured mortgages.

Estimated Number of Respondents: 357.

Estimated Number of Responses: 1,198,168.

Frequency of Response: Monthly.
Average Hours per Response: 30 minutes.

Total Estimated Burden: 1,086,582.

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 21, 2017.

Colette Pollard,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2017-14495 Filed 7-10-17; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5998-N-07]

60-Day Notice of Proposed Information Collection: Continuum of Care Homeless Assistance Grant Application—Continuum of Care Registration

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice of proposed information collection.

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:* September 11, 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:

Sherri Boyd, Senior Program Specialist, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Room 7264, Washington, DC 20410; telephone (202) 402-6070 (This is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Copies of available documents submitted to OMB may be obtained from Ms. Boyd.

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: Continuum of Care Program Registration.

OMB Approval Number: 2506-0182.

Type of request: Revision.

Form Number: Not Applicable.

Description of the need for the information and proposed use: This submission is to request an extension of an Existing Collection in use without an OMB Control Number for the Recordkeeping for HUD's Continuum of Care Program. Continuum of Care Program recipients will be expected to implement and retain the information collection for the recordkeeping requirements. The statutory provisions and implementing interim regulations govern the Continuum of Care Program recordkeeping requirements for recipient and subrecipients and the standard operating procedures for ensuring that Continuum of Care Program funds are used in accordance with the program requirements. To see the regulations for the new CoC Program and applicable supplementary documents, visit HUD's Homeless Resource Exchange at <https://www.onecpd.info/resource/2033/hearth-coc-program-interim-rule/>.

Respondents (i.e. affected public): States, units of local governments, private nonprofit organizations, and public housing authorities.

Estimated Number of Respondents: 410 Respondents.

Estimated Number of Responses: 410 responses per year.

Frequency of Response: Once a year.

Average Hours per Response: Two to three hours per response (two for most

applicants and three for UFA applicants).

Total Estimated Burdens: 1,245 hours.

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 28, 2017.

Ralph Gaines,

Principal Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2017-14502 Filed 7-10-17; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5997-N-30]

30-Day Notice of Proposed Information Collection: Application for Mortgage Insurance for Cooperative and Condominium Housing

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* August 10, 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: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806, Email: *OIRA Submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Inez C. Downs, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email *Inez.C.Downs@hud.gov*, or telephone 202-402-8046. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Downs.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 21, 2017 at 82 FR 18766.

A. Overview of Information Collection

Title of Information Collection: Application for Mortgage Insurance for Cooperative and Condominium Housing.

OMB Approval Number: 2502-0141.

Type of Request: Extension of a currently approved collection.

Form Number: HUD-93201.

Description of the need for the information and proposed use: The information collected on the Application for Mortgage Insurance for Cooperative and Condominium Housing form is used to analyze data, cost data, drawings, and specifications to determine cooperative or condominium project eligibility for FHA mortgage insurance.

Respondents (i.e. affected public): Business or other for profit.

Estimated Number of Respondents: 20.

Estimated Number of Responses: 20.

Frequency of Response: On occasion.

Average Hours per Response: 4 hours.

Total Estimated Burden: 80 hours.

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 16, 2017.

Inez C. Downs,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2017-14497 Filed 7-10-17; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5997-N-31]

30-Day Notice of Proposed Information Collection: Compliance Inspection Report and Mortgagee's Assurance of Completion

AGENCY: Office of the Chief Information Officer, 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 30 days of public comment.

DATES: *Comments Due Date:* August 10, 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: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806, Email: *OIRA Submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street

SW., Washington, DC 20410; email Colette.Pollard@hud.gov, or telephone 202-402-3400. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 21, 2017 at 82 FR 18770.

A. Overview of Information Collection

Title of Information Collection: Compliance Inspection Report and Mortgagee's Assurance of Completion.
OMB Approval Number: 2502-0189.

Type of Request: Revision of a currently approved collection.

Form Number: HUD-92051, HUD-92300.

Description of the need for the information and proposed use: Accurate and thorough property information is critical to the accuracy of underwriting for the mortgage insurance process. This information collection is needed to ensure newly built homes financed with FHA mortgage insurance are constructed in accordance with acceptable building standards and that deficiencies found in newly constructed and existing dwellings are corrected.

Respondents (i.e., affected public): Business or other for profit.

Estimated Number of Respondents: 4,674.

Estimated Number of Responses: 26,969.

Frequency of Response: On occasion.

Average Hours per Response: .175.

Total Estimated Burden: 4,720.

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 20, 2017.

Colette Pollard,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2017-14496 Filed 7-10-17; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5997-N-36]

30-Day Notice of Proposed Information Collection: Condominium Project Approval Document Collection

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* August 10, 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: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806. Email: OIRA_Submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT:

Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette.Pollard@hud.gov or telephone 202-402-3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the

information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on February 14, 2017 at 82 FR 10586.

A. Overview of Information Collection

Title of Information Collection: Condominium Project Approval Document Collection.

OMB Approval Number: 2502-0610.

Type of Request: Reinstatement with change of a previously approved collection.

Form Number: HUD-92541, HUD-935.2c, HUD-93201, and HUD-92544.

Description of the need for the information and proposed use: The Housing and Economic Recovery Act of 2008 (HERA) moved the insurance of a single unit condominium from Section 234 to Section 203 of the National Housing Act (NHA). This change required that HUD establish new regulations for condominium project and unit approval. To approve a project and/or insure a unit within an FHA-approved project, certain documentation and data are required for review and approval or denial. Therefore, requiring a specific collection item is appropriate. Further, the information collected will be used for performance, risk, market trending, and other analyses.

Respondents (i.e. affected public): Business and other for profit.

Estimated Number of Respondents: 10,000.

Estimated Number of Responses: 10,000.

Frequency of Response: Biennially.

Average Hours per Response: 3.

Total Estimated Burdens: 3,173,000.

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 using 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 26, 2017.

Colette Pollard,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2017-14494 Filed 7-10-17; 8:45 am]

BILLING CODE 4210-67-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-565 and 731-TA-1341 (Final)]

Hardwood Plywood From China; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701-TA-565 and 731-TA-1341 (Final) pursuant to the Tariff Act of 1930 (“the Act”) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of hardwood plywood from China, provided for in heading 4412 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce to be subsidized and sold at less-than-fair-value.¹

DATES: Effective June 23, 2017.

FOR FURTHER INFORMATION CONTACT: Drew Dushkes (202-205-3229), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

¹ For purposes of these investigations, the Department of Commerce has defined the subject merchandise as hardwood and decorative plywood, and certain veneered panels. For Commerce’s complete scope, see 82 FR 28629, June 23, 2017.

General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China of hardwood plywood, and that such products are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on November 18, 2016, by the Coalition for Fair Trade of Hardwood Plywood.²

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission’s Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission’s rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO)

² The Coalition for Fair Trade of Hardwood Plywood consists of Columbia Forest Products, Greensboro, North Carolina; Commonwealth Plywood Inc., Whitehall, New York; Murphy Plywood Co., Eugene, Oregon; Roseburg Forest Products Co., Roseburg, Oregon; States Industries, Inc., Eugene, Oregon; and Timber Products Company, Springfield, Oregon.

and BPI service list.—Pursuant to section 207.7(a) of the Commission’s rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on October 11, 2017, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission’s rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Thursday, October 26, 2017, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before October 19, 2017. A nonparty who has testimony that may aid the Commission’s deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on October 25, 2017, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission’s rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission’s rules; the deadline for filing is October 18, 2017. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission’s rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission’s rules. The deadline for

filing posthearing briefs is November 2, 2017. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before November 2, 2017. On November 22, 2017, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before November 27, 2017, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing*, available on the Commission's Web site at https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: July 6, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-14499 Filed 7-10-17; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-563 and 731-TA-1331-1332 (Final)]

Finished Carbon Steel Flanges From India and Italy; Supplemental Schedule for the Subject Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: Effective June 29, 2017.

FOR FURTHER INFORMATION CONTACT: Drew Dushkes (202-205-3229), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: Effective February 8, 2017, the Commission established a general schedule for the conduct of the final phase of its investigations on finished carbon steel flanges from India, Italy, and Spain.¹ The Department of Commerce's preliminary determinations for imports from India and Italy were published on November 29, 2016 and February 8, 2017.² The Department of Commerce's final determinations for imports from India and Italy were published on June 29, 2017.³ The Commission, therefore, is

¹ *Finished Carbon Steel Flanges from India, Italy and Spain; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations*, 82 FR 11056, February 17, 2017.

² *Finished Carbon Steel Flanges from India: Preliminary Affirmative Countervailing Duty Determination*, 81 FR 85928, November 29, 2016; *Finished Carbon Steel Flanges from Italy: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 82 FR 9711, February 8, 2017; *Finished Carbon Steel Flanges from India: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 21 FR 9719, February 8, 2017.

³ *Finished Carbon Steel Flanges from India: Final Affirmative Countervailing Duty Determination*, 82 FR 29479, June 29, 2017; *Finished Carbon Steel Flanges from Italy: Final Determination of Sales at Less Than Fair Value*, 82 FR 29481, June 29, 2017; *Finished Carbon Steel Flanges from India: Final Determination of Sales at Less Than Fair Value*, 82 FR 29483, June 29, 2017.

issuing a supplemental schedule for its investigations on imports of finished carbon steel flanges from India and Italy.

The Commission's supplemental schedule is as follows: The deadline for filing supplemental party comments on Commerce's final determinations is July 11, 2017; the staff report in the final phase of these investigations will be placed in the nonpublic record on July 21, 2017; and a public version will be issued thereafter.

Supplemental party comments may address only Commerce's final determinations regarding imports from India and Italy. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length.

For further information concerning these investigations see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: July 6, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-14498 Filed 7-10-17; 8:45 am]

BILLING CODE 7020-02-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (17-049)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the NASA Advisory Council (NAC).

DATES: Thursday, July 27, 2017, 9:00 a.m.–5:15 p.m. EDT. Friday, July 28, 2017, 9:00 a.m.–11:30 a.m. EDT.

ADDRESSES: National Institute of Aerospace, Room 101, 100 Exploration Way, Hampton, VA 23666.

FOR FURTHER INFORMATION CONTACT: Ms. Marla King, NAC Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358-1148.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public up

to the capacity of the meeting room. This meeting is also available telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the toll number 1-210-234-0004 or toll free number 1-888-957-9873, and then the numeric passcode: 4568996, followed by the # sign, on both days. Note: If dialing in, please "mute" your phone. To join via WebEx, the link is <https://nasa.webex.com/>. The meeting number is 993 279 030 and the password is WCQCWX2@ (case sensitive) on both days.

The agenda for the meeting will include reports from the following:

- Aeronautics Committee
- Human Exploration and Operations Committee
- Institutional Committee
- Science Committee
- Technology, Innovation and Engineering Committee
- Ad Hoc Task Force on STEM Education

Attendees will be requested to sign a register. It is imperative that the meeting be held on these dates to the scheduling priorities of the key participants.

Patricia D. Rausch,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 2017-14500 Filed 7-10-17; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (17-050)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Aerospace Safety Advisory Panel.

DATES: Thursday, July 20, 2017, 11:00 a.m.–12:30 p.m., EDT.

ADDRESSES: NASA Headquarters, Program Review Center, Room 9H40, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Carol Hamilton, Executive Director, Aerospace Safety Advisory Panel, NASA Headquarters, Washington, DC 20546, (202) 358-1857 or carol.j.hamilton@nasa.gov.

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its Third Quarterly Meeting for 2017. This meeting is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight.

The agenda will include:

- Updates on the Exploration Systems Development
- Updates on the Commercial Crew Program
- Updates on the International Space Station Program

The meeting will be open to the public up to the seating capacity of the room. Seating will be on a first-come basis. This meeting is also available telephonically. Any interested person may dial the toll access number 1-210-234-0044 or the toll free access number 1-888-790-3721, and then the numeric participant passcode: 2453604 followed by the # sign. Attendees will be requested to sign a register and to comply with NASA Headquarters security requirements, including the presentation of a valid picture ID before receiving access to NASA Headquarters. Due to the Real ID Act, Public Law 109-13, any attendees with driver's licenses issued from non-compliant states/territories must present a second form of ID [Federal employee badge; passport; active military identification card; enhanced driver's license; U.S. Coast Guard Merchant Mariner card; Native American tribal document; school identification accompanied by an item from LIST C (documents that establish employment authorization) from the "List of the Acceptable Documents" on Form I-9]. Non-compliant states/territories are: Minnesota and Missouri. Foreign nationals attending this meeting are required to provide a copy of their passport and visa in addition to providing the following information no less than 7 days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ms. Carol Hamilton via email at carol.j.hamilton@nasa.gov. To expedite admittance, U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status no less than 3

working days prior to the meeting to Ms. Carol Hamilton via email at carol.j.hamilton@nasa.gov. This meeting is taking place with less than 15 calendar days notice due to schedule conflicts that impacted the final agenda. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 2017-14501 Filed 7-10-17; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: The National Endowment for the Humanities will hold seventeen meetings of the Humanities Panel, a federal advisory committee, during August, 2017. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates. The meetings will open at 8:30 a.m. and will adjourn by 5:00 p.m. on the dates specified below.

ADDRESSES: The meetings will be held at Constitution Center at 400 7th Street SW., Washington, DC 20506, unless otherwise indicated.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW., Room 4060, Washington, DC 20506; (202) 606-8322; evoyatzis@neh.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given of the following meetings:

1. *Date:* August 1, 2017. This meeting will discuss applications on the subjects of American Literature and Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

2. *Date:* August 1, 2017. This meeting will discuss applications on the subjects of French and Francophone Literature and Studies, for the Fellowships grant

program, submitted to the Division of Research Programs.

3. *Date:* August 2, 2017. This meeting will discuss applications on the subject of Latin American History, for the Fellowships grant program, submitted to the Division of Research Programs.

4. *Date:* August 2, 2017. This meeting will discuss applications on the subjects of Political Science and Jurisprudence, for the Fellowships grant program, submitted to the Division of Research Programs.

5. *Date:* August 2, 2017. This meeting will discuss applications on the subjects Media Studies and Performing Arts, for Digital Humanities Advancement Grants, submitted to the Office of Digital Humanities.

6. *Date:* August 3, 2017. This meeting will discuss applications on the subject of Scholarly Communications, for Digital Humanities Advancement Grants, submitted to the Office of Digital Humanities.

7. *Date:* August 3, 2017. This meeting will discuss applications on the subjects of Anthropology and New World Archaeology, for the Fellowships grant program, submitted to the Division of Research Programs.

8. *Date:* August 4, 2017. This meeting will discuss applications on the subject of Religious Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

9. *Date:* August 4, 2017. This meeting will discuss applications on the subjects of Public Programs and Education, for Digital Humanities Advancement Grants, submitted to the Office of Digital Humanities.

10. *Date:* August 7, 2017. This meeting will discuss applications on the subjects of the History of Science and the Social Sciences, for the Fellowships grant program, submitted to the Division of Research Programs.

11. *Date:* August 7, 2017. This meeting will discuss applications on the subject of Art History, for the Fellowships grant program, submitted to the Division of Research Programs.

12. *Date:* August 8, 2017. This meeting will discuss applications on the subjects of Medieval and Renaissance Literature and Studies, for the Fellowships grant program, submitted to the Division of Research Programs.

13. *Date:* August 8, 2017. This meeting will discuss applications on the subjects of Ancient and Classical Literature and Studies, and Old World Archaeology, for the Fellowships grant program, submitted to the Division of Research Programs.

14. *Date:* August 14, 2017. This meeting will discuss applications on the subjects of Digital Collections and

Archives, for Digital Humanities Advancement Grants, submitted to the Office of Digital Humanities.

15. *Date:* August 14, 2017. This meeting will discuss applications on the subject of Conservation Science, for the Research and Development grant program, submitted to the Division of Preservation and Access.

16. *Date:* August 15, 2017. This meeting will discuss applications on the subjects of Geospatial and Visualization, for Digital Humanities Advancement Grants, submitted to the Office of Digital Humanities.

17. *Date:* August 17, 2017. This meeting will discuss applications on the subject of Cultural Heritage, for the Research and Development grant program, submitted to the Division of Preservation and Access.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C., as amended. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: July 6, 2017.

Elizabeth Voyatzis,

Committee Management Officer.

[FR Doc. 2017-14518 Filed 7-10-17; 8:45 am]

BILLING CODE 7536-01-P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

Agenda

TIME AND DATE: 9:30 a.m., Tuesday, July 25, 2017.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The two items are open to the public.

MATTERS TO BE CONSIDERED:

56754 Highway-Railroad Grade Crossing Collision, Valhalla, New York, February 3, 2015

56821 Safety Study Report—Reducing Speeding-Related Crashes Involving Passenger Vehicles

NEWS MEDIA CONTACT: Telephone: (202) 314-6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact

Rochelle McCallister at (202) 314-6305 or by email at Rochelle.McCallister@ntsb.gov by Wednesday, July 19, 2017.

The public may view the meeting via a live or archived webcast by accessing a link under "News & Events" on the NTSB home page at www.nts.gov.

Schedule updates, including weather-related cancellations, are also available at www.nts.gov.

FOR MORE INFORMATION CONTACT: Candi Bing at (202) 314-6403 or by email at bingc@ntsb.gov.

FOR MEDIA INFORMATION CONTACT: Eric Weiss at (202) 314-6100 or by email at eric.weiss@ntsb.gov for the Highway-Railroad Report or Keith Holloway at (202) 314-6100 or by email at keith.holloway@ntsb.gov for the Safety Study Report.

Dated: Thursday, July 6, 2017.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2017-14548 Filed 7-7-17; 11:15 am]

BILLING CODE 7533-01-P

NUCLEAR REGULATORY COMMISSION

[License No. XW008/05; Docket No. 11005323; Docket ID NRC-2017-0156]

Diversified Scientific Services, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Export license amendment/renewal application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering issuing an export license amendment/renewal (XW008/05), requested by Diversified Scientific Services, Inc. (DSSI) by application submitted on March 24, 2017. The request seeks the NRC's approval for renewal and amendment of an existing license authorizing the export of radioactive waste to Canada.

DATES: Submit comments by August 10, 2017. Requests for a hearing or a petition for leave to intervene must be filed by August 10, 2017.

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-2017-0156. 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.

- *Email comments to:* Hearingdocket@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301-415-1677.

- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301-415-1677.

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: Andrea Jones, Office of International Programs, telephone: 301-287-9072, email: Andrea.Jones2@nrc.gov; U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

You may obtain publicly-available information related to this export license application (amendment/renewal) from DSSI action by the following methods:

- *Federal rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2017-0156.

- *NRC's public Web site:* Go to <http://www.nrc.gov> and search for XW008/05, Docket No. 11005323, Docket ID NRC-2017-0156, or ML17089A176.

- *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 export license application (amendment/renewal) from DSSI is available in ADAMS under Accession No. ML17089A176 and additional information is available in ADAMS under XW008/05 and under Docket No. 11005323.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC-2017-0156 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

In accordance with 10 CFR 110.70(b) the NRC is noticing the receipt of an export license amendment application submitted by Diversified Scientific

Services, Inc., on March 29, 2017, for the export of Canadian-origin radioactive waste from the State of Tennessee to Canada. The existing license authorizes the export of up to 420 kilograms of radioactive waste. The amendment/renewal requests an extension of the license for five years, a change to the name of an ultimate consignee, and other minor revisions to the existing license. The NRC is noticing the request to amend/renew the license to export radioactive waste; opening the opportunity for public comment; and opening the opportunity to file a request for a hearing or petition for leave to intervene for 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520. Hearing requests and intervention petitions must include the information specified in 10 CFR 110.82(b).

A request for a hearing or petition for leave to intervene may be filed with the NRC electronically in accordance with NRC's E-Filing rule promulgated in August 2007 (72 FR 49139; August 28, 2007). Information about filing electronically is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. To ensure timely electronic filing, at least 5 days prior to the filing deadline, the petitioner/requestor should contact the Office of the Secretary by email at hearingdocket@nrc.gov, or by calling 301-415-1677, to request a digital ID certificate and allow for the creation of an electronic docket.

The information concerning this application for an export license amendment/renewal follows.

NRC EXPORT LICENSE AMENDMENT APPLICATION

[Description of material]

Name of applicant date of application date received application No. docket No. ADAMS accession No.	Material type	Total quantity	End use	Country of destination
Diversified Scientific Services, Inc. (DSSI), March 24, 2017, March 29, 2017, XW008/05, 11005323, ML17089A176.	Class A, B, or C radioactive waste.	420 kilograms (no change).	Amend to: (1) extend the license for five years (from 3/31/2017 to 3/31/2022); (2) change the license point of contact; (3) change the name of ultimate foreign consignee, Atomic Energy of Canada, Limited, to Canadian Nuclear Laboratories; (3) remove reference to Waste Classification as defined in Title 10 of the Code of Federal Regulations (CFR) 61.55, and reference to Table A2 values of 49 CFR 173.435 from the waste description; (4) remove previous references to Import License IW012/05; and (5) allow for the export of Class A, B, and/or C radioactive waste.	Canada (no change).

For The Nuclear Regulatory Commission.

Dated this 3rd day of July 2017 at Rockville, Maryland.

Peter Habighorst,*Acting Deputy Director, Office of International Programs.*

[FR Doc. 2017-14485 Filed 7-10-17; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2017-0001]

Sunshine Act Meeting Notice**DATE:** Weeks of July 10, 17, 24, 31, August 7, 14, 2017.**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.**STATUS:** Public and Closed.**Week of July 10, 2017**

There are no meetings scheduled for the week of July 10, 2017.

Week of July 17, 2017—Tentative

There are no meetings scheduled for the week of July 17, 2017.

Week of July 24, 2017—Tentative

There are no meetings scheduled for the week of July 24, 2017.

Week of July 31, 2017—Tentative

There are no meetings scheduled for the week of July 31, 2017.

Week of August 7, 2017—Tentative

There are no meetings scheduled for the week of August 7, 2017.

Week of August 14, 2017—Tentative

There are no meetings scheduled for the week of August 14, 2017.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301-415-0681 or via email at Denise.McGovern@nrc.gov.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/public-involve/public-meetings/schedule.html>.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301-287-0739, by videophone at 240-428-3217, or by email at Kimberly.Meyer-Chambers@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

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Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301-415-1969), or email Brenda.Akstulewicz@nrc.gov or Patricia.Jimenez@nrc.gov.

Dated: July 6, 2017.

Glenn Ellmers,*Policy Coordinator, Office of the Secretary.*

[FR Doc. 2017-14542 Filed 7-7-17; 11:15 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2016-0129]

Information Collection: Licenses, Certifications, and Approvals for Nuclear Power Plants**AGENCY:** Nuclear Regulatory Commission.**ACTION:** Notice of submission to the Office of Management and Budget; 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 titled "Licenses, Certifications, and Approvals for Nuclear Power Plants."

DATES: Submit comments by August 10, 2017.

ADDRESSES: Submit comments directly to the OMB reviewer at: Aaron Szabo, Desk Officer, Office of Information and Regulatory Affairs (3150-0151), NEOB-10202, Office of Management and Budget, Washington, DC 20503; telephone: 202-395-3621, email: oira_submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance 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-2016-0129 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-2016-0129.
- *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 burden spreadsheet are available in ADAMS under Accession Nos. ML17171A173 and ML17171A188.

- *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 the 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

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. All comment submissions are posted at <http://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review titled "10 CFR part 52, Licenses, Certifications, and Approvals for Nuclear Power Plants." The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on April 4, 2017 (82 FR 16435).

1. *The title of the information collection:* 10 CFR part 52, Licenses, Certifications, and Approvals for Nuclear Power Plants.

2. *OMB approval number:* 3150-0151.

3. *Type of submission:* Extension.

4. *The form number if applicable:* Not applicable.

5. *How often the collection is required or requested:* On occasion. Applications are submitted only when licensing action is sought.

6. *Who will be required or asked to respond:* Applicants for early site permits (ESPs), standard design approvals (SDAs) and certifications, manufacturing licenses (MLs), and licenses which combine construction permits (CPs) and conditional operating licenses (OLs), e.g., COLs, for commercial nuclear power reactors.

7. *The estimated number of annual responses:* 1,175 (1,150 reporting responses plus 25 recordkeepers).

8. *The estimated number of annual respondents:* 25.

9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 243,854 hours (220,414 hours reporting plus 23,440 hours recordkeeping).

10. *Abstract:* The licensing processes in part 52 of title 10 of the *Code of Federal Regulations* (10 CFR) provide for issuance of ESPs, SDAs, MLs, CPs, and COLs for commercial nuclear power reactors. The applicants submit updated reports, applications for renewals, exemption requests and maintain records of changes to the facility and records of detailed design related information. These licensing procedures

are options to the two-step licensing process in 10 CFR part 50, which provides for a CP and an OL. The part 52 licensing process places procedural requirements in part 52 and technical requirements in part 50. Part 52 reduces the overall paperwork burden borne by applicants for CPs and OLs because part 52 only requires a single application and provides options for referencing standardized designs. The information in 10 CFR part 52 is needed by the agency to assess the adequacy and suitability of an applicant's site, plant design, construction, training and experience, plans and procedures for the protection of public health and safety.

Dated at Rockville, Maryland, this 6th day of July 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017-14491 Filed 7-10-17; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-334 and 50-412; NRC-2017-0157]

FirstEnergy Nuclear Operating Company; Beaver Valley Power Station, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Facility Operating License Nos. 50-334 and 50-412, issued to FirstEnergy Nuclear Operating Company, for operation of the Beaver Valley Power Station (Beaver Valley), Units 1 and 2. The proposed amendments would modify requirements on control and shutdown rods, and rod and bank position indication for Beaver Valley, Unit 2, and make additional, supporting changes to Beaver Valley, Units 1 and 2, Technical Specifications.

DATES: Submit comments by August 10, 2017. A request for a hearing or petition for leave to intervene must be filed by September 11, 2017.

ADDRESSES: Please refer to Docket ID NRC-2017-0157 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available

information related to this document using any of the following methods:

- *Federal Rulemaking Web site*: Go to <http://www.regulations.gov> and search for Docket ID NRC–2017–0157. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- *NRC's PDR*: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Booma Venkataraman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2934, email: Booma.Venkataraman@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0157 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–2017–0157.

- *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. The application for amendments, dated June 30, 2017, is available in ADAMS under Accession No. ML17181A464.

- *NRC's PDR*: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0157 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering issuance of amendments to Facility Operating License Nos. 50–334 and 50–412, issued to FirstEnergy Nuclear Operating Company, for operation of Beaver Valley, Units 1 and 2, located in Beaver County, Pennsylvania.

The proposed amendments would modify requirements on control and shutdown rods, and rod and bank position indication for Beaver Valley, Unit 2. The proposed changes are consistent with the NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF–547–A, Revision 1, "Clarification of Rod Position Requirements" (ADAMS Package Accession No. ML16012A126). The licensee also proposed additional supporting changes to Beaver Valley, Units 1 and 2, Technical Specifications.

Before any issuance of the proposed license amendments, the NRC will need to make the findings required by the

Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Control and shutdown rods are assumed to insert into the core to shut down the reactor in evaluated accidents. Rod insertion limits ensure that adequate negative reactivity is available to provide the assumed shutdown margin (SDM). Rod alignment and overlap limits maintain an appropriate power distribution and reactivity insertion profile.

Control and shutdown rods are initiators to several accidents previously evaluated, such as rod ejection. The proposed change does not change the limiting conditions for operation for the rods or make any technical changes to the Surveillance Requirements (SRs) governing the rods. Therefore, the proposed change has no significant effect on the probability of any accident previously evaluated.

Revising the TS [Technical Specification] Actions to provide a limited time to repair rod movement control has no effect on the SDM assumed in the accident analysis as the proposed Actions require verification that SDM is maintained. The effects on power distribution will not cause a significant increase in the consequences of any accident previously evaluated as all TS requirements on power distribution continue to be applicable.

Revising the TS Actions to provide an alternative to frequent use of the moveable incore detector system to verify the position of rods with inoperable rod position indicator does not change the requirement for the rods to be aligned and within the insertion limits.

Therefore, the assumptions used in any accidents previously evaluated are unchanged and there is no significant increase in the consequences.

The proposed change to resolve the conflicts in the TS ensure that the intended Actions are followed when equipment is inoperable. Actions taken with inoperable equipment are not assumptions in the

accidents previously evaluated and have no significant effect on the consequences.

The proposed change to eliminate an unnecessary action has no effect on the consequences of accidents previously evaluated as the analysis of those accidents did not consider the use of the action.

The proposed change to increase consistency within the TS has no effect on the consequences of accidents previously evaluated as the proposed change clarifies the application of the existing requirements and does not change the intent.

The proposed change to renumber the TS and make other supporting changes has no effect on the probability or consequences of previously evaluated accidents.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant (that is, no new or different type of equipment will be installed). The change does not alter assumptions made in the safety analyses. The proposed change does not alter the limiting conditions for operation for the rods or make any technical changes to the SRs governing the rods.

The proposed change to actions maintains or improves safety when equipment is inoperable and does not introduce new failure modes.

The proposed change to renumber the TS and make other supporting changes will not create the possibility of a new or different kind of accident from those previously evaluated.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change to allow an alternative method of verifying rod position has no effect on the safety margin as actual rod position is not affected. The proposed change to provide time to repair rods that are Operable but immovable does not result in a significant reduction in the margin of safety because all rods must be verified to be Operable, and all other banks must be within the insertion limits.

The remaining proposed changes to make the requirements internally consistent and to eliminate unnecessary actions do not affect the margin of safety as the changes do not affect the ability of the rods to perform their specified safety function.

The proposed change to renumber the TS and make other supporting changes has no effect on a margin of safety.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves a no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendments before expiration of the 60-day notice period if the Commission concludes the amendments involve no significant hazards consideration. In addition, the Commission may issue the amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1-F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the "Electronic

Submissions (E-Filing)” section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendments. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendments unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner’s interest in the proceeding. The petition should be submitted to the Commission by September 11, 2017. The petition must be filed in accordance with the filing instructions in the “Electronic Submissions (E-Filing)” section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the

limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC’s E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC’s public Web site at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions

must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC’s public Web site at <http://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC’s E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC’s Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC’s adjudicatory E-Filing system may seek assistance by contacting the NRC’s Electronic Filing Help Desk through the “Contact Us” link located on the NRC’s public Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is

considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendments dated June 30, 2017.

Attorney for licensee: David W. Jenkins, FirstEnergy Nuclear Operating Company, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Branch Chief: James G. Danna.

Dated at Rockville, Maryland, this 6th day of July 2017.

For the Nuclear Regulatory Commission.

Booma Venkataraman,

*Project Manager, Plant Licensing Branch I,
Division of Operating Reactor Licensing,
Office of Nuclear Reactor Regulation.*

[FR Doc. 2017-14517 Filed 7-10-17; 8:45 am]

BILLING CODE 7590-01-P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Mergers and Transfers Between Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of a collection of information contained in its regulation on Mergers and Transfers Between Multiemployer Plans. This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments must be submitted on or before August 10, 2017.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at OIRA_DOCKET@omb.eop.gov or by fax to 202-395-6974.

A copy of PBGC's request may be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005-4026, or by calling 202-326-4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4040.) The request is also available at <http://www.reginfo.gov>.

FOR FURTHER INFORMATION CONTACT:

Hilary Duke (duke.hilary@pbgc.gov), Attorney, Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington DC 20005-4026; 202-326-4400, extension 3839. TTY and TDD users may call the Federal relay service toll-free at 800-877-8339 and ask to be connected to 202-326-4400, extension 3839.

SUPPLEMENTARY INFORMATION: Section 4231(a) and (b) of the Employee Retirement Income Security Act of 1974 (ERISA) requires plans that are involved in a merger or transfer to give PBGC notice at least 120 days before the transaction and provides that if PBGC determines that specified requirements are satisfied, the transaction will be deemed not to be in violation of ERISA section 406(a) or (b)(2) (dealing with prohibited transactions).

PBGC's regulation on Mergers and Transfers Between Multiemployer Plans (29 CFR part 4231) sets forth the procedures for giving notice of a merger or transfer under section 4231 and for requesting a determination that a transaction complies with section 4231.

PBGC uses information submitted by plan sponsors under the regulation to determine whether mergers and transfers conform to the requirements of ERISA section 4231 and the regulation.

The collection of information under the regulation has been approved by OMB under control number 1212-0022 through July 31, 2017. PBGC is requesting that OMB extend its approval for another three years. 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.

PBGC estimates that there are 14 transactions each year for which plan sponsors submit notices and approval requests under this regulation. The estimated annual burden of the collection of information is 9.50 hours and \$42,800.

Issued in Washington, DC.

Deborah Chase Murphy,

Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2017-14438 Filed 7-10-17; 8:45 am]

BILLING CODE 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 date:* July 11, 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 July 3, 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 47 to Competitive Product List*. Documents are available at

www.prc.gov, Docket Nos. MC2017–154, CP2017–218.

Stanley F. Mires,
Attorney, Federal Compliance.

[FR Doc. 2017–14421 Filed 7–10–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81079; File No. SR–NYSE–2017–11]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, to Amend Listing Standards for Special Purpose Acquisition Companies to Modify the Initial and Continued Distribution Requirements

July 5, 2017.

I. Introduction

On March 20, 2017, the New York Stock Exchange LLC (“NYSE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder,² a proposed rule change to amend listing standards for Special Purpose Acquisition Companies (“SPACs”) to modify the initial and continued distribution requirements, and to make other minor changes. The proposed rule change was published for comment in the **Federal Register** on April 6, 2017.³ The Commission received no comments on the proposal. On May 19, 2017, the Commission designated a longer period for Commission action until July 5, 2017.⁴ On May 23, 2017, NYSE filed Amendment No. 1 to the proposal. On June 19, 2017, NYSE withdrew Amendment No. 1 and filed Amendment No. 2 to, among other things, revise the proposed continued listing distribution standard from a requirement of 300 total stockholders to a requirement of 300 public stockholders.⁵ The Commission is

publishing this notice of Amendment No. 2 and approving the proposed rule change, as modified by Amendment No. 2, on an accelerated basis.

II. Description of the Proposal, as Modified by Amendment No. 2

A. General Background on SPACs

A SPAC is a special purpose company that raises capital in an initial public offering (“IPO”) to enter into future undetermined business combinations through mergers, capital stock exchanges, assets acquisitions, stock purchases, reorganizations or similar business combinations with one or more operating businesses or assets. The Exchange represented that in an IPO, a SPAC typically sells units consisting of one share of common stock and one or more warrants (or fraction of a warrant) to purchase common stocks. The units are separable at some point after the IPO. The Exchange also noted that management of the SPAC typically receives a percentage of the equity at the outset and may be required to purchase additional shares in a private placement at the time of the IPO. Due to their different structure, SPACs do not have any prior financial history, at the time of their listing, like operating companies.

B. Proposed Changes to Round Lot Holders in Initial Listing Standards

NYSE Manual Section 102.06 sets forth the initial listing standards that apply to SPACs.⁶ Currently, in order to list on the Exchange, a SPAC is required to meet, among other standards, initial distribution requirements including having at least 400 round lot holders.⁷ The Exchange proposes to lower the initial distribution requirements of round lot holders from 400 to 300 for a SPAC listing either in connection with an IPO or a transfer from another exchange or a quotation listing.⁸

total stockholders as originally proposed, specifies that NYSE Listed Company Manual (“Manual”) Section 802.01A does not apply to SPACs, defines the term “public stockholders,” and corrects typographical errors. Text of Amendment No. 2 is available as a comment letter to this filing.

⁶ The Commission notes that throughout this order we have used the term “SPAC” or “SPACs”, but these terms have the same meaning as “Acquisition Company” or “Acquisition Companies” which are the terms used for listing, and continued listing, in Section 102.06 of the Manual.

⁷ See NYSE Manual Section 102.01A.

⁸ The other alternative distribution criteria that currently apply to transfers and quotation listings will remain unchanged but is being moved so that all the criteria for listing SPACs will be contained in Section 102.06 of the Manual. See Notice, *supra* note 3 and discussion below.

C. Proposed Changes to Total Stockholders in Continued Listing Standards

NYSE Manual Section 802.01B sets forth the continued listing standards that apply to SPACs. Currently, a SPAC is deemed below the continued listing standards if, among other things, the SPAC’s total number of stockholders is less than 400. The Exchange proposes to change this continued distribution requirement to 300 public stockholders.⁹ In connection with the amendment, the Exchange proposes to define “public stockholders” to exclude holders that are directors, officers, or their immediate families and holders of other concentrated holdings of 10% or more.¹⁰

D. Technical Changes

The Exchange also has proposed four technical changes to its initial and continued listing standards on SPACs. First, the Exchange proposed to consolidate the SPAC initial listing standards in Section 102.06 of the Manual, rather than referring to Section 102.01A of the Manual, which applies for operating companies. Second, the Exchange proposed to move a sentence in Section 102.06 of the Manual that details the minimum price per share for a SPAC at the time of initial listing from the end to the beginning of the same paragraph. Third, the Exchange proposed to delete an incorrect reference to footnote (A) that is included following the aggregate market value requirement in Section 102.06 of the Manual.¹¹ Finally, the Exchange proposed to add language to the continued listing criteria applicable to SPACs set forth in Section 801.01B of the Manual clarifying that the distribution standards in Section

⁹ See Amendment No. 2, *supra* note 5 and accompanying text. As with the initial standards, the alternative shareholder and other distribution continued listing standards will remain unchanged.

¹⁰ The Exchange represents that it primarily relies on the beneficial ownership disclosure included in the issuers’ registration statements and annual meeting proxy statements in calculating publicly held shares and public stockholders, but also refers to other SEC filings where appropriate and its determinations are made in accordance with Rule 13d-3 under the Act. The Exchange stated that this is its practice under all of its rules where these calculations must be made. The Exchange also stated that this is the practice of NYSE MKT and the Exchange believes that its approach is generally consistent with that of the NASDAQ Stock Market.

¹¹ The Exchange also proposes correct two instances of a typographical error included in the original filing by adding a second “or” to the phrase “Number of holders of 100 shares or more or of a unit of trading. . .” in Section 102.06 of the Manual. See Amendment No. 2.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 80358 (March 31, 2017), 82 FR 16865 (April 6, 2017) (“Notice”).

⁴ See Securities Exchange Act Release No. 80735 (May 19, 2017), 82 FR 24173 (May 25, 2017) (“Extension”).

⁵ In Amendment No. 2, the Exchange replaced the proposal in its entirety. Amendment No. 2, in addition to changing the proposed distribution standard to 300 public stockholders, rather than 300

802.01A of the Manual do not apply to SPACs.¹²

III. Solicitation of Comments on Amendment No. 2

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 2 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-NYSE-2017-11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-NYSE-2017-11. 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 will also 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 publicly available. All submissions should refer to File Number SR-NYSE-2017-11 and should be submitted on or before August 1, 2017.

IV. Discussion and Commission's Findings

The Commission has carefully reviewed the proposed rule change, as modified by Amendment No. 2, and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act and the rules and regulations thereunder.¹³ Specifically, the Commission finds that the proposal is consistent with Sections 6(b)(5) of the Act,¹⁴ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and 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.

The development and enforcement of adequate listing standards governing the initial and continued distribution of securities on an exchange is an activity of critical importance to financial markets and the investing public. Listing standards, among other things, serve as a means for an exchange to screen issuers and to provide listed status only to bona fide companies that have, or in the case of an IPO, will have, sufficient public float, investor base, and trading interest to provide the depth and liquidity necessary to promote fair and orderly markets. Adequate listing standards are especially important given the expectations of investors regarding exchange trading and the imprimatur of listing on a particular market. Once a security has been distributed, maintenance criteria allow an exchange to monitor the status and trading characteristics of that security to ensure that the security continues to meet the

exchange's standards for market depth and liquidity so that fair and orderly markets can be maintained.

As noted above, SPACs are companies that raise capital in IPOs, with the purpose of purchasing existing operating companies or assets within a certain time frame. One of the important investor protection safeguards incorporated into the Exchange's listing standards for SPACs is the right of public shareholders¹⁵ to convert their shares for a pro rata share of the cash held in the trust account, provided that the business combination is approved and consummated.¹⁶ The Exchange noted that the securities of SPACs typically have a trading price very close to their liquidation value. The Exchange stated its belief that due to this trading characteristic, liquidity and market efficiency concerns relevant to listed operating companies do not arise to the same degree.

The Exchange proposes to amend the initial and continued distribution requirement for a SPAC listing. For initial distribution, either in connection with an IPO or a transfer from another exchange or a quotation listing, the Exchange proposes to lower the round lot holders requirement from at least 400 round lot holders to at least 300 round lot holders. For continued distribution, the Exchange proposes to change the stockholders requirement from 400 total stockholders to 300 public stockholders. The Commission notes that Nasdaq Capital Market has similar distribution requirements, and unlike the stockholders of many operating companies, public stockholders of a SPAC have a cash conversion right in certain limited circumstances related to the SPAC's business combination.¹⁷ The Commission has previously stated that the conversion right is an important part of the investor protection mechanism for SPAC stockholders.

In support of its proposal, the Exchange stated that the stockholder

¹² The Exchange represented that the proposed rule change would not affect the status of NYSE listed securities under Rule 3a51-1(a) of the Act ("Penny Stock Rule")¹ because the proposed standards will satisfy the requirements of Rule 3a51-1(a)(2) under the Act.¹ While the proposed requirements do not include a requirement that newly-listed SPACs have at least \$5 million in stockholders' equity as required by Rule 3a51-1(a)(2)(i)(A)(1) under the Act,¹ the Exchange represented that the current requirement for a SPAC to place at least 90% of its offering proceeds in trust upon consummation of its IPO would ensure that all SPACs meet the Penny Stock Rule's requirement. To be considered for listing, the Exchange requires SPACs to demonstrate, among other things, an aggregate market value of \$100,000,000 and a market value of publicly-held shares of \$80,000,000. See NYSE Listed Company Manual Sections 102.06.

¹³ 15 U.S.C. 78f. In approving this proposed rule change, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ Section 801.01B of the Manual defines public shareholders would exclude holders that are directors, officers, or their immediate families and holders of other concentrated holdings of 10% or more.

¹⁶ See NYSE Listed Company Manual Sections 102.06(b). If a shareholder vote is not held on a Business Combination for which the company must file and furnish a proxy or information statement subject to Regulation 14A or 14C under the Act, the company must provide all shareholders with the opportunity to redeem all their shares for cash equal to their pro rata share of the aggregate amount then in the deposit account, pursuant to Rule 13e-4 under the Act (which regulates issuer tender offers). See NYSE Listed Company Manual Sections 102.06(c).

¹⁷ If the tender offer option is used all shareholders must be provided an opportunity to redeem their shares for cash. See note 16, *supra*.

requirements are important because the existence of a significant number of stockholders can be an indicia of a liquid trading market which helps to support price discovery. The Exchange further represented, in contrast to operating companies, that the securities of a SPAC trade very close to their liquidation value. The Exchange concludes that because the pricing of a SPAC is related to its liquidation value there is less reliance on stockholder requirements when listing SPACs, as opposed to operating companies, to assure appropriate price discovery.

The Commission believes that the conversion right and the nature of SPAC securities pricing support the proposed amendment to treat securities of SPACs and operating companies differently. In approving the NYSE's proposal, the Commission notes that we are doing so only in the narrow context of SPACs based on the NYSE's representations that the added liquidity and price discovery that additional shareholders can provide to the market place is less important in the context of a SPAC due to the price discovery issues noted above. As NYSE also notes in its filing, once the SPAC becomes an operating company it will have to meet the higher 400 round lot holder requirement to remain listed and the 400 total stockholders continued listing standard requirement, which is the same standard for any operating company. As noted earlier, the Exchange proposed to make a number of technical amendments. The Commission finds these technical changes should clarify the Exchange's rules, as well as help to avoid confusion on which continued distribution standards apply, and are consistent with the requirements of the Act. Based on the foregoing, the Commission finds that the proposed changes to SPAC listing standards are consistent with the requirements of the Act.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 2

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,¹⁸ for approving the proposed rule change, as modified by Amendment No. 2, prior to the 30th day after publication of Amendment No. 2 in the **Federal Register**. Amendment No. 2 revises the proposed continued listing distribution standards from a requirement of 300 total stockholders to a requirement of 300 public stockholders, specifies that Section 802.01A does not apply to SPACs, defines the term "public

stockholders", and corrects typographical errors. The Commission notes that the other changes proposed in the rule change are not being amended and was subject to a full notice-and-comment period and no comments were received.¹⁹ The revisions in Amendment No. 2 align the proposal more closely to Nasdaq Capital Market with respect to the public stockholders continued distribution requirement and definition of the term, adds clarity to the proposal, and does not raise any novel regulatory concerns. Accordingly, the Commission finds that good cause exists to approve the proposal, as modified by Amendment No. 2, on an accelerated basis.

VI. Conclusion

*It is therefore ordered that pursuant to Section 19(b)(2) of the Act*²⁰ that the proposed rule change, as modified by Amendment No. 2, (SR-NYSE-2017-11) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²¹

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-14430 Filed 7-10-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81077; File No. SR-NYSEArca-2017-55]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, To List and Trade Shares of the GraniteShares Gold Trust Under NYSE Arca Equities Rule 8.201

July 5, 2017.

I. Introduction

On March 8, 2017, NYSE Arca, Inc. ("NYSE Arca" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares ("Shares") of the GraniteShares Gold Trust ("Trust") under NYSE Arca Equities Rule 8.201. The proposed rule change was published for comment in

the **Federal Register** on May 25, 2017.³ On June 21, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.⁴ The Commission has not received any comments on the proposed rule change. This order approves the proposed rule change, as modified by Amendment No. 1.

II. The Description of the Proposed Rule Change, as Modified by Amendment No. 1⁵

The Exchange proposes to list and trade shares ("Shares") of the GraniteShares Gold Trust ("Trust") under NYSE Arca Equities Rule 8.201.⁶ NYSE Arca Equities Rule 8.201 governs the listing and trading, or trading pursuant to unlisted trading privileges of Commodity-Based Trust Shares on the Exchange.⁷

The investment objective of the Trust will be for the Shares to reflect the performance of the price of gold, less the expenses and liabilities of the Trust. The Trust will issue Shares which represent units of fractional undivided beneficial interest in and ownership of the Trust.

The Sponsor of the Trust is GraniteShares LLC, a Delaware limited liability company. The Bank of New York Mellon is the trustee of the Trust ("Trustee")⁸ and ICBC Standard Bank

³ See Securities Exchange Act Release No. 80730 (May 19, 2017), 82 FR 24180 ("Notice").

⁴ In Amendment No. 1, the Exchange: (1) Clarified the process for Authorized Participants to surrender Baskets of Shares; and (2) provided additional information regarding which futures exchanges are members of the Intermarket Surveillance Group ("ISG")." Amendment No. 1 is available at: <https://www.sec.gov/comments/sr-nysearca-2017-55/nysearca201755-1818378-154146.pdf>. Amendment No. 1 is not subject to notice and comment because it is a technical amendment that does not materially alter the substance of the proposed rule change or raise any novel regulatory issues.

⁵ A more detailed description of the Trust and the Shares, as well as investment risks, creation and redemption procedures, NAV calculation, availability of information and fees, among other things, is included in the Registration Statement, *infra* note 6.

⁶ On January 3, 2017, the Trust submitted to the Commission its draft registration statement on Form S-1 ("Registration Statement") under the Securities Act of 1933 (15 U.S.C. 77a).

⁷ A "Commodity-Based Trust Share" is a security (a) that is issued by a trust that holds a specified commodity deposited with the trust; (b) that is issued by such trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder's request by such trust which will deliver to the redeeming holder the quantity of the underlying commodity. See NYSE Arca Equities Rule 8.201(c)(1).

⁸ The Trustee is responsible for the day-to-day administration of the Trust. The responsibilities of the Trustee include (1) processing orders for the creation and redemption of Baskets; (2) coordinating with the Custodian the receipt and delivery of gold transferred to, or by, the Trust in

¹⁹ See note 6, *supra*.

²⁰ *Id.*

²¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁸ 15 U.S.C. 78s(b)(2).

PLC is the custodian of the Trust (“Custodian”).⁹

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange’s proposed rule change to list and trade the Shares is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.¹⁰ In particular, the Commission finds that the proposal is consistent with Section 11A(a)(1)(C)(iii) of the Act,¹¹ which sets forth Congress’ finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. The last-sale price for the Shares will be disseminated over the Consolidated Tape. According to the Exchange, there is a considerable amount of information about gold and gold markets available on public Web sites and through professional and subscription services. Investors may obtain gold pricing information on a 24-hour basis based on the spot price for an ounce of gold from various financial information service providers.¹²

connection with each issuance and redemption of Baskets; (3) calculating the net asset value of the Trust on each business day; and (4) selling the Trust’s gold as needed to cover the Trust’s expenses.

⁹ The Custodian is responsible for safekeeping the gold owned by the Trust, and will facilitate the transfer of gold in and out of the Trust (i) through the unallocated gold accounts it may maintain for each authorized participant or unallocated gold accounts that may be maintained for an authorized participant by another gold clearing bank, and (ii) through the unallocated gold accounts it will maintain for the Trust. The Trust will take delivery of physical gold that complies with the London Bullion Markets Association (“LBMA”) gold delivery rules.

¹⁰ In approving this proposed rule change, the Commission has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹¹ 15 U.S.C. 78k–1(a)(1)(C)(iii).

¹² The Exchange states that Reuters and Bloomberg, for example, provide at no charge on their Web sites delayed information regarding the spot price of gold and last sale prices of gold futures, as well as information about news and developments in the gold market. Reuters and Bloomberg also offer a professional service to subscribers for a fee that provides information on gold prices directly from market participants. Complete real-time data for gold futures and options prices traded on the COMEX are available by subscription from Reuters and Bloomberg. There are a variety of other public Web sites providing information on gold, ranging from those specializing in precious metals to sites maintained by major newspapers. In addition, the LBMA Gold Price is publicly available at no charge at www.lbma.org.uk. See Notice, *supra* note 3, 82 FR at 24182–3.

Additionally, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,¹³ which requires, among other things, that the Exchange’s rules be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission notes that the Exchange has surveillance-sharing agreements with significant, regulated markets for trading futures on gold. Specifically, according to the Exchange, (1) the most significant gold futures exchange in the U.S. is COMEX, a subsidiary of New York Mercantile Exchange, Inc., and a subsidiary of the Chicago Mercantile Exchange Group (“CME Group”), and ICE Futures US (“ICE”) also lists gold futures;¹⁴ and (2) the CME Group and ICE are members of the ISG,¹⁵ which will allow NYSE Arca to obtain surveillance information from COMEX and ICE. Both COMEX and ICE are regulated by the U.S. Commodity Futures Trading Commission (“CFTC”).¹⁶

The Commission believes that the proposed rule change is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately. NYSE Arca Equities Rule 8.201(e)(2)(v) requires that an intraday indicative value (“IIV,” which is referred to in the rule as the “Indicative Trust Value”) be calculated and disseminated at least every 15 seconds. The IIV will be calculated based on the amount of gold held by the Trust and a price of gold derived from updated bids and offers indicative of the spot price of gold. The Exchange states that the IIV relating to the Shares will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.¹⁷ The NAV of the Trust will be published by the Sponsor on each day that the NYSE Arca is open for regular trading and will be posted on the Trust’s Web site.¹⁸ The Trust also will publish the following

information on their Web site: (1) The mid-point of the bid-ask price as of the close of trading (“Bid/Ask Price”), and a calculation of the premium or discount of such price against such NAV; (2) data in chart format displaying the frequency distribution of discounts and premiums of the Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters; (3) the Trust’s prospectus, as well as the two most recent reports to stockholders; and (4) the last-sale price of the Shares as traded in the U.S. market.¹⁹ In addition, information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers’ computer screens and other electronic services. Information regarding the previous day’s closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

The Commission also believes that the proposal is reasonably designed to prevent trading when a reasonable degree of transparency cannot be assured. With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. Trading on the Exchange in the Shares may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which conditions in the underlying gold market have caused disruptions and/or lack of trading, or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, trading in Shares will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange’s “circuit breaker” rule.²⁰ The Exchange will halt trading in the Shares if the NAV of the Trust is not calculated or disseminated daily.²¹ The Exchange may halt trading during the day in which an interruption occurs to the dissemination of the IIV; if the interruption to the dissemination of the IIV persists past the trading day in which it occurs, the Exchange will halt trading no later than the beginning of the trading day following the interruption.²²

Additionally, the Commission notes that market makers in the Shares would be subject to the requirements of NYSE

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ See Notice, *supra* note 3, 82 FR at 24181.

¹⁵ See Amendment No. 1, *supra* note 4.

¹⁶ See <https://www.theice.com/futures-us/regulation> (“ICE Futures U.S. is a Designated Contract Market pursuant to the Commodity Exchange Act and regulated by the CFTC.”); Securities Exchange Act Release No. 68440 (December 14, 2012), 78 FR 75468, 75469 (December 20, 2012) (SR–NYSEArca–2012–28) (COMEX is regulated by the CFTC).

¹⁷ See Notice, *supra* note 3, 82 FR at 24182–3.

¹⁸ See *id.* at 24184.

¹⁹ See *id.* at 24183.

²⁰ See *id.*

²¹ See *id.*

²² See *id.*

Arca Equities Rule 8.201(g), which allow the Exchange to ensure that they do not use their positions to violate the requirements of Exchange rules or applicable federal securities laws.²³

In support of this proposal, the Exchange has made the following additional representations:

(1) The Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.201.²⁴

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.²⁵

(3) The Exchange deems the Shares to be equity securities.²⁶

(4) The Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.²⁷

(5) Trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws, and that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.²⁸

(6) The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares from such markets and other entities. In addition, the Exchange may obtain information

regarding trading in the Shares from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.²⁹

(7) Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Baskets (including noting that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) how information regarding the IIV is disseminated; (4) ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (5) the possibility that trading spreads and the resulting premium or discount on the Shares may widen as a result of reduced liquidity of gold trading during the Core and Late Trading Sessions after the close of the major world gold markets; and (6) trading information.³⁰

(8) All statements and representations made in this filing regarding (a) the description of the portfolio, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in this rule filing shall constitute continued listing requirements for listing the Shares of the Trust on the Exchange.³¹

(9) The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Trust to comply with the continued listing requirements and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Trust is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the NYSE Arca Equities Rule 5.5(m).³²

This approval order is based on all of the Exchange's representations—including those set forth above, in the Notice, and in Amendment No. 1—and the Exchange's description of the Trust.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment

No. 1, is consistent with Section 6(b)(5) of the Act³³ and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,³⁴ that the proposed rule change (SR–NYSEArca–2017–55), as modified by Amendment No. 1 be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁵

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–14428 Filed 7–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81078; File No. SR–IEX–2017–22]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing of Proposed Rule Change To Introduce a New Market Maker Peg Order

July 5, 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 30, 2017, the Investors Exchange LLC (“IEX” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (“Act”),⁴ and Rule 19b–4 thereunder,⁵ Investors Exchange LLC (“IEX” or the “Exchange”) is filing with the Securities and Exchange Commission (“Commission”) a proposed rule change to introduce a new Market Maker Peg Order, designed

²³ Commentary .04 of NYSE Arca Equities Rule 6.3 requires that an ETP Holder acting as a registered market maker in the Shares, and its affiliates, establish, maintain and enforce written policies and procedures reasonably designed to prevent the misuse of any material nonpublic information with respect to such products, any components of the related products, any physical asset or commodity underlying the product, applicable currencies, underlying indexes, related futures or options on futures, and any related derivative instruments.

²⁴ See *id.*

²⁵ See *id.*

²⁶ See *id.* The Commission notes that, as a result, trading of the Shares will be subject to the Exchange's existing rules governing the trading of equity securities.

²⁷ See *id.* at 24184.

²⁸ See *id.* at 24183. 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. See *id.* at 24183, n.28.

²⁹ See *id.* at 24183–84.

³⁰ See *id.* at 24184.

³¹ See *id.* at 24184.

³² See *id.*

³³ 15 U.S.C. 78f(b)(5).

³⁴ 15 U.S.C. 78s(b)(2).

³⁵ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ 15 U.S.C. 78s(b)(1).

⁵ 17 CFR 240.19b–4.

to simplify market maker compliance with IEX Rule 11.151 (Market Maker Obligations), and make a conforming change regarding connectivity within the Exchange System. In addition, the Exchange proposes to amend paragraph (d) of Rule 11.340 to describe how Market Maker Peg Orders in a Pilot Security⁶ would be priced in order to comply with the Plan to Implement a Tick Size Pilot Program ("Tick Pilot Plan").⁷

The text of the proposed rule change is available at the Exchange's Web site at www.iextrading.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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization 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

Background

IEX Rule 11.151 (Market Maker Obligations) requires market makers for each stock in which they are registered to continuously maintain a two-sided quotation within a designated percentage of the National Best Bid ("NBB") and National Best Offer ("NBO"),⁸ as appropriate. In addition to the market maker quoting and pricing obligations set forth in the Exchange's rules, market makers must meet their obligations under Rule 15c3-5 under the Act (the "Market Access Rule")⁹ and Regulation SHO.¹⁰

The Market Access Rule requires a broker-dealer with market access, or that provides a customer or any other person with access to an exchange or alternative trading system through use of its market participant identifier or otherwise, to establish, document, and maintain a system of risk management controls and supervisory procedures reasonably designed to manage the financial, regulatory, and other risks of this business activity. These controls must be reasonably designed to ensure compliance with all regulatory requirements, which are defined as "all federal securities laws, rules and regulations, and rules of self-regulatory organizations, that are applicable in connection with market access."¹¹

In addition to the obligations of the Market Access Rule, broker-dealers have independent obligations that arise under Regulation SHO. Regulation SHO obligations generally include properly marking sell orders, obtaining a "locate" for short sale orders, closing out fail to deliver positions, and, where applicable, complying with the short sale price test.¹² While there are certain exceptions to some of the requirements of Regulation SHO where a market maker is engaged in bona-fide market making activities,¹³ the availability of those exceptions is distinct and independent from whether a market

maker submits an order that is a Market Maker Peg Order.

Proposed Rule

The Exchange is proposing to introduce a new Market Maker Peg Order type, designed to simplify market maker compliance with the continuous quoting and pricing obligations, as well as market maker compliance with the requirements of the Market Access Rule and Regulation SHO. The Market Maker Peg Order, as proposed, is substantially similar to equivalent order types offered by other market centers, including Bats BZX Exchange, Inc. ("Bats"), Nasdaq Stock Market LLC ("Nasdaq"), and Bats EDGX Exchange, Inc. ("EDGX").¹⁴ Specifically, the Market Maker Peg Order would be a one-sided limit order and, similar to other peg orders available to market participants, priced in reference to or "pegged" to the NBB or NBO,¹⁵ but is distinguishable in that it would always be displayed.

The Exchange believes that this order-based approach would provide an effective compliance tool to facilitate market makers compliance with the requirements of the Market Access Rule and Regulation SHO while also providing quotation adjusting functionality to its market makers. Market makers would have control of order origination, as required by the Market Access Rule, while also allowing market makers to make marking and locate determinations prior to order entry, as required by Regulation SHO. As such, market makers using Market Maker Peg Orders would be fully able to comply with the requirements of the Market Access Rule and Regulation SHO, as they would when placing any order, while also facilitating compliance with their Exchange market making obligations. In this regard, the Market Maker Peg Order does not by itself ensure that the market maker is satisfying the requirements of Regulation SHO, including the satisfaction of the locate requirements of Rule 203(b)(1) or an exception thereto. It is expected that market makers will perform the necessary checks to comply with Regulation SHO, prior to entry of a Market Maker Peg Order.

The Market Maker Peg Order would be limited to registered market makers¹⁶ and would have its price automatically set and adjusted by the System, both upon entry and any time thereafter, in order to comply with the Exchange's rules regarding market maker quoting

¹¹ See *supra* note 5.

¹² See *supra* note 6.

¹³ See 17 CFR 242.203(b)(1). The Commission adopted a narrow exception to Regulation SHO's "locate" requirement for market makers engaged in bona fide market making that may need to facilitate customer orders in a fast moving market without being subject to the possible delays associated with complying with such requirement. See Exchange Act Release No. 50103 (July 28, 2004), 69 FR 48008, 48015 (August 6, 2004) (providing guidance as to what does not constitute bona-fide market making for purposes of claiming the exception to Regulation SHO's "locate" requirement). See also Exchange Act Release No. 58775 (October 14, 2008), 73 FR 61690, 61698-9 (October 17, 2008) (providing guidance regarding what is bona-fide market making for purposes of complying with the market maker exception to Regulation SHO's "locate" requirement including without limitation whether the market maker incurs any economic or market risk with respect to the securities, continuous quotations that are at or near the market on both sides and that are communicated and represented in a way that makes them widely accessible to investors and other broker-dealers and a pattern of trading that includes both purchases and sales in roughly comparable amounts to provide liquidity to customers or other broker-dealers). Thus, market makers would not be able to rely solely on quotations priced in accordance with the Designated Percentages under proposed Rule 11.190(b)(13) for eligibility for the bona-fide market making exception to the "locate" requirement based on the criteria set forth by the Commission. It should also be noted that a determination of bona-fide market making is relevant for the purposes of a broker-dealer's close-out obligations under Rule 204 of Regulation SHO. See 17 CFR 242.204(a)(3).

⁶ Pilot Security has the meaning specified in the Tick Pilot Plan.

⁷ See Securities and Exchange Act Release No. 74892 (May 6, 2015), 80 FR 27513 (File No. 4-657) ("Tick Plan Approval Order"). See also Securities and Exchange Act Release No. 76382 (November 6, 2015) (File No. 4-657), 80 FR 70284 (File No. 4-657) (November 13, 2015), which extended the pilot period commencement date from May 6, 2015 to October 3, 2016.

⁸ As defined by Regulation NMS Rule 600(b)(42). 17 CFR 242.600.

⁹ 17 CFR 240.15c3-5.

¹⁰ 17 CFR 242.200 through 204.

¹⁴ See e.g., Bats Rule 11.9(c)(16), Nasdaq Rule 4702(b)(7), and EDGX Rule 11.8(e).

¹⁵ See Rule 11.190(a)(3).

¹⁶ See Rule 11.150.

and pricing obligations.¹⁷ Specifically, upon entry or at the beginning of the Regular Market Session, as applicable, the entered bid or offer is automatically priced by the System at the Designated Percentage (as defined in Rule 11.151(a)(6)) away from the then current NBB or NBO, as applicable, or if there is no NBB or NBO, at the Designated Percentage away from the last reported sale from the responsible single plan processor in order to comply with the quotation requirements for market makers set forth in Rule 11.151(a). Market makers may submit Market Maker Peg Orders to the Exchange starting at the beginning of the Pre-Market Session, but the order will not be executable or automatically priced until the beginning of the Regular Market Session, and will expire at the end of the Regular Market Session.

Upon reaching the Defined Limit (as defined in Rule 11.151(a)(7)), the price of a Market Maker Peg Order bid or offer will be adjusted by the System to the Designated Percentage away from the then current NBB or NBO, or, if there is no NBB or NBO, the order will, by default, be the Designated Percentage away from the last reported sale from the responsible single plan processor. If a Market Maker Peg Order bid or offer moves a specified number of percentage points away from the Designated Percentage towards the then current NBB or NBO, which number of percentage points will be determined and published in a circular distributed to Members from time to time, the price of such bid or offer will be adjusted by the System to the Designated Percentage away from the then current NBB or NBO, as applicable. If there is no NBB or NBO, as applicable, the order will be adjusted by the System to the Designated Percentage away from the last reported sale from the responsible single plan processor. In the event that pricing a Market Maker Peg Order at the Designated Percentage away from the then current National Best Bid and National Best Offer, or, if no National Best Bid or National Best Offer, to the Designated Percentage away from the last reported sale from the responsible single plan processor, would result in the order exceeding its limit price, the order will be cancelled or rejected. The limit price entered on a Market Maker Peg Order is designed to allow a market maker to specify a price at which the initial pricing and any subsequent

repricing of the order to the Designated Percentage will be constrained.

If, after entry, the Market Maker Peg Order is priced based on the last reported sale from the single plan processor and such Market Maker Peg Order is established as the NBB or NBO, the Market Maker Peg Order will not be subsequently adjusted in accordance with this rule until either there is a new consolidated last sale, or a new NBB or NBO is established by a national securities exchange.

Market Maker Peg Orders are not eligible for routing pursuant to Rule 11.230(b) and are always displayed on the Exchange. In addition, a new timestamp is created for the order each time that it is automatically adjusted in accordance with the proposed rule. Market Maker Peg Orders may only be entered by a registered Market Maker, pursuant to IEX Rule 11.150.

In addition, the Exchange proposes to amend paragraph (d) of Rule 11.340 to describe changes to System functionality with respect to Market Maker Peg Orders in order to comply with the Tick Pilot Plan. Specifically, the Exchange proposes to add new subparagraph (d)(1)(A) to Rule 11.340 to specify that if, pursuant to proposed Rule 11.190(b)(13), a Market Maker Peg Order in a Pilot Security would be priced at an increment other than \$0.05, the System will round such order to buy (sell) up (down) to the nearest permissible increment. This approach, which is substantially similar to Bats Rule 11.27(c)(5), is designed to ensure that Market Maker Peg Orders for Pilot Securities are appropriately priced in \$0.05 increments by rounding such order to the nearest permissible increment, that is also compliant with the minimum market maker quoting obligations set forth in IEX Rule 11.151. In addition, if the rounding methodology results in a Market Maker Peg Order being priced to a price below \$0.05, the order will be cancelled back to the market maker that entered the order.

The Exchange notes that notwithstanding the availability of the proposed Market Maker Peg Order functionality, a market maker remains responsible for entering, monitoring, and resubmitting, as applicable, quotations that meet the requirements of Rule 11.151.

As proposed, the Exchange will apply the Designated Percentage and Defined Limit as set forth in Rules 11.151(a)(6) and (7), respectively, subject to the following exception: For all NMS stocks with a price less than \$1 per share that are not included in the S&P 500® Index, Russell 1000® Index, and a pilot list of

Exchange Traded Products, the Exchange will use the Designated Percentage and Defined Limit applicable to NMS stocks equal to or greater than \$1 per share that are not included in the S&P 500® Index, Russell 1000® Index, and a pilot list of Exchange Traded Products.

The System will be available for entry, modification, and cancellation of Market Maker Peg Orders under proposed Rule 11.190(b)(13) only via the POP pursuant to Rule 11.510(b), and thus are subject to the Inbound and Outbound POP Latency upon entry, accordingly.¹⁸ Furthermore, each time a Market Maker Peg Order is automatically adjusted by the System thereafter in accordance with proposed Rule 11.190(b)(13), all inbound and outbound communications related to the modified order instruction would traverse an additional POP between the Market Maker Peg Order repricing logic, and the Order Book, which is subject to an equivalent 350 microseconds of latency pursuant to proposed Rule 11.510(c)(1).¹⁹ This approach is designed so that a market maker using a Market Maker Peg Order to facilitate compliance with the Exchange's continuous quoting and pricing obligations is in the same position as a market maker updating its own quote, whose orders would need to traverse a POP. As discussed more fully in the Statutory Basis section, the Exchange believes that it is appropriate to treat Market Maker Peg Orders differently in this regard from other pegged orders (which are repriced without traversing a POP) because of substantially distinguishing characteristics.

The Exchange also proposes to make a conforming change to Rule 11.510(c) regarding connectivity, to provide that, pursuant to Rule 11.190(b)(13), each time a Market Maker Peg Order is automatically adjusted by the System, all inbound and outbound communications related to the modified order instruction will traverse an additional POP between the Market

¹⁸ See 11.510(b)(1) and (2), respectively, which define the Inbound POP Latency as an equivalent 350 microseconds of latency from the Exchange-provided network interface at the IEX POP to the System at the primary data center; and Outbound POP Latency as an equivalent 350 microseconds of latency from the System at the primary data center to the Exchange-provided network interface at the IEX POP.

¹⁹ The Exchange notes that the same "additional POP" that is used to implement an equivalent 350 microseconds of latency to all routable orders sent by the System to the Order Book pursuant to Rule 11.510(c)(1) will be used to implement such delay to all modified order instructions for Market Maker Peg Orders pursuant to proposed Rule 11.190(b)(13).

¹⁷ The Market Maker Peg Order is one-sided, and thus a market maker seeking to use Market Maker Peg Orders to comply with the Exchange's continuous two-sided quotation requirements would need to submit both a bid and an offer using the order type.

Maker Peg Order repricing logic and the Order Book.

The Exchange plans to implement the proposed changes during the third quarter of 2017 pending completion of necessary technology changes and subject to Commission approval. The Exchange will announce the implementation date of the proposed changes by Trader Alert at least 10 business days in advance of such implementation date and within 90 days of approval of this proposed rule change.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with Section 6(b) of the Act in general,²⁰ and further the objectives of Section 6(b)(5) of the Act,²¹ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. As noted above, the Exchange believes that the proposed rule is designed to simplify market maker compliance with the minimum continuous quoting and pricing obligations, as well as facilitate market maker compliance with the requirements of the Market Access Rule and Regulation SHO.

Specifically, the Exchange believes that simplifying compliance with this rule will remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest, because it will provide a simplified means by which market makers may offer liquidity, even in circumstances where they are not willing to quote at the inside market. As a result, in circumstances where liquidity available at displayed prices closer to the inside than the price of a Market Maker Peg Order is exhausted during an aggressive market wide sweep, the Market Maker Peg Order may nevertheless be available to support executions at prices that are at least within the applicable Designated Percentage or Defined Limit. Moreover, the methodology for repricing Market Maker Peg Orders is consistent with the requirements of the Act because it is designed to ensure that the displayed price of the order is at least within the

applicable Designated Percentage or Defined Limit, as applicable.²²

The proposed rule change also is designed to support the principles of Section 11A(a)(1) of the Act²³ in that it seeks to assure fair competition among brokers and dealers and among exchange markets. The Exchange believes that offering the Market Maker Peg Order to market makers exclusively is consistent with fair competition among brokers and dealers in that market makers have chosen to subject themselves to the obligations of Rule 11.151, and the benefit conferred on such market participants by this order type is commensurate with the obligations. Furthermore, all Members are eligible to apply for registration as a market maker under Rule 11.150 on a fair and equal basis.

The Exchange also believes that it is fair and reasonable for all inbound and outbound communications related to the repricing of a Market Maker Peg Order to traverse a POP that is subject to an equivalent 350 microseconds of latency for several reasons. First, as noted in the Purpose section, this approach is designed so that a market maker using a Market Maker Peg Order to facilitate compliance with the Exchange's continuous quoting and pricing obligations is in the same position as a market maker updating its own quote, whose orders would need to traverse a POP. Similarly, price adjustments to Market Maker Peg Orders will experience the same latency as any other displayed order entered on the Exchange.

IEX believes that it is appropriate to treat Market Maker Peg Orders differently in this regard than other pegged order types (which are repriced within the System without traversing a POP) offered by the Exchange because the fundamental characteristics of a Market Maker Peg Order is substantially different from such other peg orders.²⁴ Specifically, the other peg order types offered are non-displayed and designed to generally execute at or within the NBBO. A primary function of the IEX POP access delay, in conjunction with the Exchange's consumption of direct

proprietary market data without any such delay, is to protect resting non-displayed orders from adverse selection by latency arbitrage whereby market participants with access to fast market data send orders to trade against resting non-displayed interest at soon to be stale prices. Subjecting all inbound and outbound communications related to the repricing of such non-displayed orders to POP latency would frustrate the purpose of the IEX POP since the pegged order would be subject to execution at a stale price before the repricing instruction is received. Moreover, market participants entering non-displayed pegged orders to the Exchange are often large institutional investors that do not have the technical capabilities of market makers or other latency sensitive Members to manage their orders to avoid adverse selection. Such market participants entrust the Exchange, pursuant to its design and System architecture, to accurately price and protect such order from adverse selection. In contrast, and by design, a Market Maker Peg Order is a compliance tool for market makers rather than an order type to facilitate trading at the most current pricing. In this regard, Market Maker Peg Orders are designed to reprice significantly outside the NBBO and are thus are materially less susceptible to adverse selection. Furthermore, such orders are not "pegged" to the NBBO in the same manner as non-displayed pegged orders, in that Market Maker Peg Orders only reprice to remain in compliance with the Exchange's quoting and pricing obligations rather than to peg at, close to, or better than the NBBO with each NBBO update.

Accordingly, the Exchange believes that it is consistent with the public interest and the protection of investors to reprice Market Maker Peg Orders through the POP in the interest of ensuring that market makers will not have any unfair advantage over market makers that updates its own quote, as well as with other market participants using displayed orders.

Furthermore, the Exchange believes that it is consistent with the public interest and the protection of investors to apply a new timestamp to a Market Maker Peg Order each time it is repriced so that a Market Maker Peg Order does not achieve execution priority superior to a displayed order entered at that price earlier in time. Accordingly, market makers will not have any unfair advantage over a market makers updating its own quote, or other market participants using displayed orders on the Exchange.

²⁰ 15 U.S.C. 78f.

²¹ 15 U.S.C. 78f(b)(5).

²² The Exchange notes that in certain scenarios the applicable Designated Percentage or Defined Limit price may be outside of the industry wide limit-up, limit-down price bands, and/or the clearly erroneous parameters. Nevertheless, Market Maker Peg Orders may be less likely to execute at a clearly erroneous price or a price that would trigger a limit-up, limit-down trading pause than other displayed orders that are not subject to the market maker pricing obligations.

²³ 15 U.S.C. 78k-1.

²⁴ See IEX Rule 11.190(b)(8), (9) and (10) with respect to Primary Peg, Midpoint Peg, and Discretionary Peg Orders respectively.

Additionally, the Exchange believes that its proposed rounding of a buy (sell) Market Maker Peg Order in a Pilot Security that would be priced at an increment other than \$0.05 up (down) to the nearest permissible increment, as well as to cancel such orders if the rounding methodology results in a Market Maker Peg Order being priced to a price below \$0.05, is consistent with the protection of investors and the public interest in that it enables the Exchange to comply with the Tick Pilot Plan. Further, the Exchange believes it is also consistent with the protection of investors and the public interest to cancel or reject (as applicable) a Market Maker Peg Order that would otherwise be priced at a price exceeding its limit price because such price would not be consistent with the market maker's instructions.

Lastly, the Exchange believes that the proposed conforming rule change to Rule 11.510(c)(1) is consistent with the protection of investors and the public interest in that it is designed to provide clarity to market participants regarding Market Maker Peg Order repricing methodology, and make the Exchange's rule more clear and explicit.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that the proposal will enhance the Exchange's competitiveness by providing market makers on IEX with a means to offer liquidity even in circumstances where they are not willing to quote at the inside market. Based on informal discussion with market participants that serve as market maker on other trading centers, the Exchange believes that this functionality will be appealing to potential market makers, and therefore will make it more likely that market participants will choose to become registered market makers on the Exchange. This may, in turn, increase the extent of liquidity available on IEX and increase its ability to compete with other execution venues to attract orders that are seeking liquidity. The Exchange further notes that the Market Maker Peg Order, as proposed, is substantially similar to equivalent order types offered by other market centers, including Bats, Nasdaq, and EDGX, and therefore will not impair market participants or other market centers from competing, but would in fact allow the Exchange to compete with existing functionality

offered by competing market centers.²⁵ Moreover, there is no barrier to other exchanges adopting the same repricing functionality.

With regard to intra-market competition, the Exchange does not believe that the method of repricing Market Maker Peg Orders will result in any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, as described in the Statutory Basis section, the Exchange's proposed method of repricing is designed in the interest of ensuring that market makers using Market Maker Peg Orders will be in the same position as market makers updating their own quotes, as well as other market participants using displayed orders.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-IEX-2017-22 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.

²⁵ See *supra* note 9.

All submissions should refer to File Number SR-IEX-2017-22. 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-IEX-2017-22, and should be submitted on or before August 1, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁶

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-14429 Filed 7-10-17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81074; File Nos. SR-DTC-2017-008; SR-FICC-2017-014; SR-NSCC-2017-008]

Self-Regulatory Organizations; The Depository Trust Company; Fixed Income Clearing Corporation; National Securities Clearing Corporation; Notice of Filings of Proposed Rule Changes To Adopt the Clearing Agency Model Risk Management Framework

July 5, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, as

²⁶ 17 CFR 200.30-3(a)(12).

amended (“Act”)¹ and Rule 19b–4 thereunder,² notice is hereby given that on June 20, 2017, The Depository Trust Company (“DTC”), Fixed Income Clearing Corporation (“FICC”), and National Securities Clearing Corporation (“NSCC,” and together with FICC, the “Central Counterparties” or “CCPs,” and together with DTC and FICC, the “Clearing Agencies”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule changes as described in Items I, II and III below, which Items have been prepared primarily by the Clearing Agencies. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Clearing Agencies’ Statements of the Terms of Substance of the Proposed Rule Changes

The proposed rule changes would adopt the Clearing Agency Model Risk Management Framework (“Framework”) of Clearing Agencies, described below. The Framework would be maintained by the Clearing Agencies in compliance with Rule 17Ad–22(e)(4)(i), (e)(4)(vii), (e)(6)(iii), (e)(6)(vi), (e)(6)(vii), and (e)(7)(vii), under the Act, as described below.³

Although the Clearing Agencies would consider the Framework to be a rule, the proposed rule changes do not require any changes to the DTC Rules, By-laws and Organizational Certificate (“DTC Rules”), the Rulebook of the Government Securities Division of FICC (“GSD Rules”), the Clearing Rules of the Mortgage-Backed Securities Division of FICC (“MBSD Rules”), or the Rules & Procedures of NSCC (“NSCC Rules”), as the Framework would be a standalone document.⁴

II. Clearing Agencies’ Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the Clearing Agencies included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments they

received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The Clearing Agencies have prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agencies’ Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

1. Purpose

The Clearing Agencies are proposing to formalize the Framework in order to facilitate compliance with Rule 17Ad–22(e)(4)(i), (e)(4)(vii), (e)(6)(iii), (e)(6)(vi), (e)(6)(vii), and (e)(7)(vii) under the Act.⁵ The Framework would set forth the model risk management practices adopted by the Clearing Agencies, which have been designed to assist the Clearing Agencies in identifying, measuring, monitoring, and managing the risks associated with the design, development, implementation, use, and validation of quantitative models. The Framework would be owned and managed by the Clearing Agencies’ risk management area generally responsible for model validation (“Model Validation”) ⁶ and control matters, the DTCC Model Validation and Control Group (“MVC”), on behalf of each Clearing Agency, with review and oversight by senior management and the Boards, as described below.⁷

The Framework would provide that (i) any change to the Framework must be approved by the Boards or such committees as may be delegated authority by the Boards from time to time pursuant to their charters, (ii) MVC shall review this Framework no less frequently than annually, and (iii) any and all changes to this Framework are subject to regulatory review and approval. The Framework would (i) articulate the Clearing Agencies’ model

risk management framework; and (ii) describe the Clearing Agencies’ model risk reporting and escalation processes.

The Clearing Agencies have adopted the following definition for the term “model”:

“[M]odel” refers to a quantitative method, system, or approach that applies statistical, economic, financial, or mathematical theories, techniques, and assumptions to process input data into quantitative estimates. A “model” consists of three components: An information input component, which delivers assumptions and data to the model; a processing component, which transforms inputs into estimates; and a reporting component, which translates the estimates into useful business information. The definition of “model” also covers quantitative approaches whose inputs are partially or wholly qualitative or based on expert judgment, provided that the output is quantitative in nature.⁸

The term “Model Risk,” as defined in the Framework, would refer to the potential for adverse consequences from decisions based on incorrect or misused Model outputs and reports,⁹ and primarily occurring due to (i) fundamental errors in the design/development of Models; (ii) incorrect Model input or assumptions; (iii) erroneous implementation of Models; (iv) unauthorized and/or incorrect changes to Models; (v) changes in market conditions rendering existing Models unfit for their intended purpose; and (vi) misuse of or overreliance on Models. The Framework is designed to minimize the Clearing Agencies’ potential for financial loss, inaccurate financial or regulatory reporting, misaligned business strategies, and/or damage to their respective reputations resulting from a failure to properly manage Model Risk.

Any model developed for use by any of the Clearing Agencies and meeting the above definition for the term “Model” would be subject to tracking within each Clearing Agency’s Model inventory (“Model Inventory”). The Framework would describe how a Model Inventory survey is conducted at least annually across the Clearing Agencies to confirm the Model Inventory is current. During this survey period, all Clearing Agency business areas and support functions that intend to develop models for Clearing Agency use would submit a list of their planned models to MVC in order for MVC to review and assess whether such

⁵ *Supra* note 3.

⁶ “Model Validation” has the meaning set forth in Rule 17Ad–22(a)(9) under the Act, which provides that “Model validation means an evaluation of the performance of each material risk management model used by a covered clearing agency (and the related parameters and assumptions associated with such models), including initial margin models, liquidity risk models, and models used to generate clearing or guaranty fund requirements, performed by a qualified person who is free from influence from the persons responsible for the development or operation of the models or policies being validated.” See Rule 17Ad–22(a)(9), *supra* note 3.

⁷ The parent company of the Clearing Agencies is The Depository Trust & Clearing Corporation (“DTCC”). DTCC operates on a shared services model with respect to the Clearing Agencies. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides a relevant service to a Clearing Agency.

⁸ See Supervisory Guidance on Model Risk Management, SR Letter 11–7, dated April 4, 2011, issued by the Board of Governors of the Federal Reserve System and the Office of the Comptroller of the Currency, at 3.

⁹ *Id.*

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 17 CFR 240.17Ad–22(e)(4)(i), (e)(4)(vii), (e)(6)(iii), (e)(6)(vi), (e)(6)(vii), and (e)(7)(vii). Each of DTC, NSCC and FICC is a “covered clearing agency” as defined in Rule 17Ad–22(a)(5), and must comply with subsection (e) of Rule 17Ad–22. References to Rule 17Ad–22(e)(6) and its subparagraphs cited herein, and compliance therewith, apply to FICC and NSCC only and do not apply to DTC.

⁴ Capitalized terms not defined herein are defined in the DTC Rules, GSD Rules, MBSD Rules, or NSCC Rules, as applicable, available at <http://dtcc.com/legal/rules-and-procedures>.

planned models meet the definition of “Model” under the Framework.

The Framework would outline how MVC would assign a materiality/complexity index rating to each Model when it is added to a Model Inventory, which rating would impact the Model’s validation in terms of prioritization and approval authority. All Model materiality/complexity index assignments would be reviewed at least annually by MVC, as well as by the committee specifically created by the Clearing Agencies to address Model Risk governance matters, the DTCC Model Risk Governance Committee (“MRGC”).

The Framework would describe the initial and periodic validation protocols that would be applicable to all Models in the Model Inventory. As required by regulatory requirements, all Model Validations would be performed by qualified persons who are free from influence from the persons responsible for the development or operation of the Models being validated. MVC, which is responsible for performing all Model Validations, is functionally separate from all Clearing Agency areas that develop or operate Models. The head of MVC directly reports to the head of the DTCC Group Chief Risk Office, rather than to anyone that is in charge of developing or operating Models for the Clearing Agencies.

Each new Model would undergo a full Model Validation (unless provisionally approved, as discussed below) pursuant to which MVC would verify that the Model is performing as expected in accordance with its design objectives and business purpose. The full Model Validation standards for any new Model would include, but not be limited to, the following core Model Validation activities:

- Evaluation of the Model development documentation and testing;
- evaluation of Model theory and assumptions, and identification of potential limitations;
- evaluation of data inputs and parameters;
- review of numerical implementation including replication for certain key Model components, which would vary from Model to Model;
- independent testing: sensitivity analysis, stress testing, and benchmarking, as appropriate; and
- evaluation of Model outputs, Model performance, and back testing.

Full Model Validation would be applied under the following circumstances: (i) For all new Models prior to their use in production; (ii)

during periodic Model Validations (as described below); and (iii) when Model changes are made that require independent Model Validation (as further described below).

All Models approved for use in production would also be subject to periodic Model Validations for purposes of confirming that the Models continue to operate as intended, identifying any deficiencies that would call into question the continuing validity of any such Model’s original approval and evaluating whether the Model and its prior validation remain valid within the dynamics of current market conditions.

In this regard, the Framework would describe that MVC would perform a Model Validation for each Clearing Agency Model approved for use in production not less than annually (or more frequently as may be contemplated by such Clearing Agency’s established risk management framework), including each credit risk Model,¹⁰ liquidity risk Model,¹¹ and in the case of FICC and NSCC, as central counterparties, on their margin systems and related Models.¹²

Periodic Model Validations would follow full Model Validation standards. In certain cases, MVC may determine extra Model Validation activities are warranted based on previous Model Validation work and findings, changes in market conditions, or because performance monitoring of a particular Model warrants extra validation.

Occasionally, an active Model may require changes in either structure or technique. Details for any Model change request would be provided to MVC for review and a determination of whether full Model Validation is required.

The Framework would outline the approval process applicable to all new Models.

The DTCC Quantitative Risk Management Financial Engineering Unit, which is functionally separate from MVC, would be responsible for developing, testing, and signing-off on new Clearing Agency Models and enhancements to existing Clearing Agency Models before submitting any such Model to MVC for Model Validation and approval.

All new Clearing Agency Models, and all material changes to existing Clearing Agency Models, would undergo Model Validation by MVC and be approved prior to business use. In cases where such Model’s materiality is “Medium” or “High,” such Model Validation

would be reviewed by the MRGC and recommended by the MRGC to the Clearing Agencies’ management level committee responsible for model risk management matters, the Management Risk Committee (“MRC”), for approval.

The Framework would provide that provisional approvals with respect to new Clearing Agency Models and material changes to existing Clearing Agency Models may be issued to allow a Model to be published for urgent business use prior to MVC’s Model Validation thereof. Provisional approval requests for a Model along with appropriate control measures would be presented by the applicable DTCC personnel responsible for the development or operation of the Model¹³ to MVC and the MRGC for review. Models may be provisionally approved by MVC for a limited period, not to exceed six months unless also approved by the MRGC. MVC would track all such provisional approvals and oversee compliance with control measures and provisional approval periods.

Each periodic Model Validation would be presented to the MRGC for its review, and its recommendation for approval to the MRC. The Framework would provide that MRC approval must be obtained in order for any such periodic validation to be deemed complete.

All findings that result from a new Model Validation, a change Model Validation, a periodic Model Validation, or in connection with implementation of a new Model or Model change, would be centrally tracked by MVC. The status of findings resolution for approved Models would be reported to the MRGC on a monthly basis. Where there is a finding related to Model implementation errors, the applicable Model Owner would report such findings/incidents in accordance with the policies and procedures of the Operational Risk Management unit (“ORM”) within the Group Chief Risk Office. If an adverse Model Validation finding cannot be resolved, the Model Owner would work with MVC and ORM to submit the finding for risk acceptance in accordance with ORM policies and procedures.

In addition to periodic validation, MVC would be responsible for Model performance monitoring and for each Clearing Agency’s backtesting process, which would be integral parts of each

¹⁰ Rule 17Ad-22(e)(4)(vii). See *supra* note 3.

¹¹ Rule 17Ad-22(e)(7)(vii). See *supra* note 3.

¹² Rule 17Ad-22(e)(6)(vi) and (vii). See *supra* note 3.

¹³ Such personnel would be defined in the Framework as “Model Owners.”

Clearing Agency's model risk management framework.¹⁴

As part of Model performance monitoring, on at least a monthly basis, sensitivity analysis would be performed by MVC on each of the CCP's margin Model, the key parameters and assumptions for backtesting would be reviewed, and modifications would be considered to ensure the CCP's backtesting practices are appropriate for determining the adequacy of the applicable CCP's margin resources.

MVC would prepare Model performance monitoring reports on a monthly basis. Model performance monitoring, which includes review of risk-based Models used to calculate margin requirements and relevant parameters/threshold indicators,

sensitivity analysis, and model backtesting results would be subject to review by the MRGC, which will escalate serious performance concerns to the MRC.

In circumstances where the products cleared or the markets served by a CCP display high volatility or become less liquid, or when the size or concentration of positions held by the applicable CCP's Members increases or decreases significantly, such sensitivity analysis and review of key model parameters and assumptions would be conducted more frequently than monthly.

VaR and Clearing Fund requirement ("CFR") coverage backtesting for the CCPs would be performed by MVC on a daily basis or more frequently.¹⁵ CFR

coverage would be backtested on an overall basis and for individual Members and families of affiliated Members. DTC backtesting would be performed by MVC on a daily basis for collateral group¹⁶ Collateral Monitor coverage, collateral group level haircut¹⁷ coverage and Security-level haircut coverage.

Thresholds for all backtests would be established for the rolling 12-month period coverage computed as the number of instances without deficiency over the total number of backtest instances, where deficiency is defined as the loss amount that exceeds the measure being tested (*i.e.*, VaR, CFR, Collateral Monitor, or haircut rate). Thresholds would be set as follows:

Applicable to	Backtesting risk metrics	Threshold (%)
CCPs	Overall CFR Coverage	99
	VaR Model Coverage	99
	Member Level CFR Coverage	99
	Family Level CFR Coverage	99
DTC	Collateral Group Collateral Monitor Coverage	99
	Collateral Group Level Haircut Coverage	99
	Security-Level Haircut Coverage	95

The CFR coverage thresholds have been set to meet applicable regulatory requirements that require a CCP to cover its credit exposure to its participants by establishing a risk-based margin system that, among other things calculates margin sufficient to cover its potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default.¹⁸ The collateral group Collateral Monitor coverage threshold, among other controls, has been set to support the requirement that DTC maintain sufficient financial resources to cover its credit exposures to each participant fully with a high degree of confidence.¹⁹ The "VaR Model Coverage", "Collateral Group Level Haircut Coverage", and "Security-Level Haircut Coverage" have been set and are designed for Model performance monitoring purposes.

The MRGC would be the primary forum for MVC's regular reporting of

Model Validation activities and material Model Risks identified through regular Model performance monitoring. Reports and recommendations with respect to Model Risk management would be made to the MRC.

Periodic reporting to the Risk Committee of the Clearing Agencies' Boards ("BRC") with regard to Model Risk matters may include:

- Updates of Model Validation findings and the status of annual validations.
- Updates on significant Model Risk matters, and on compliance matters with respect to Model Risk policies and procedures (including the Framework).
- Escalation of Model Risk matters as set forth in the market risk tolerance statement, which establishes the Clearing Agencies' Model Risk tolerances ("Market Risk Tolerance Statement"), and subsequent, regular updates with respect thereto.

On at least a monthly basis, the key metrics relating to Model backtesting would be reviewed by the Market and Liquidity Risk Management unit within the Group Chief Risk Office and MVC, and reported to the MRC. Threshold breaches would be reviewed by the Managing Directors within the Financial Risk Management area (including the Market and Liquidity Risk Management unit) of the Group Chief Risk Office, and in the case of CFR Coverage breaches by the CCPs and Collateral Group Collateral Monitor Coverage by DTC, escalated to the BRC in accordance with the Market Risk Tolerance Statement. The Managing Director of the Market and Liquidity Risk Management unit within the Group Chief Risk Office would be responsible for reviewing the Market Risk Tolerance Statement on at least an annual basis. The BRC would review and approve the Market Risk Tolerance Statement at least annually.

¹⁴ Model performance monitoring is the process of (i) evaluating an active Model's ongoing performance based on theoretical tests, (ii) monitoring the Model's parameters through the use of threshold indicators, and/or (iii) backtesting using actual historical data/realizations to test a Value at Risk ("VaR") Model's predictive power.

¹⁵ VaR Model backtesting tests Model performance at a specified confidence level, while the CFR backtest tests margin sufficiency in case of a Member default.

¹⁶ A DTC Participant with multiple accounts may group its accounts into "families" (*i.e.*, "collateral

groups") and instruct DTC to allocate a specified portion of its overall Collateral Monitor and Net Debit Cap to each family. All accounts that a Participant designates as belonging to a common collateral group share a single Collateral Monitor and single Net Debit Cap. See Securities Exchange Act Release No. 38201 (January 23, 1997), 62 FR 4561 (January 30, 1997) (SR-DTC-96-17).

¹⁷ A haircut represents a percentage decrease applied to a Security's Market Value solely for purposes of determining the Collateral Value of the Security. See DTC Settlement Service Guide, available at <http://www.dtcc.com/-/media/Files/>

Downloads/legal/service-guides/Settlement.pdf, at 5.

¹⁸ See 17 CFR 240.17Ad-22(e)(6)(iii). 17 CFR 240.17Ad-22(a)(13) defines the term "potential future exposure" to mean the maximum exposure estimated to occur at a future point in time with an established single-tailed confidence level of at least 99 percent with respect to the estimated distribution of future exposure.

¹⁹ See 17 CFR 240.17Ad-22(e)(4)(i). See *supra* note 3.

With respect to any proposed change to any backtesting methodology, prior to implementation thereof (and before any reporting thereof in any management and regulatory report), a description of the proposed change and impact study results would be presented to the MRGC for review and approval. If the impact study results reflect that implementation of the methodology would negatively impact any existing risk tolerance threshold range, such results would be escalated by the MRGC to the MRC, and subsequently to the BRC, for approval prior to implementation.

All Model performance concerns would be escalated by MVC to the MRGC, including Model performance enhancement concerns. The MRGC may further recommend certain such matters for further escalation to the MRC and/or the BRC.

2. Statutory Basis

The Clearing Agencies believe that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, DTC believes that the Framework is consistent with Section 17A(b)(3)(F) of the Act,²⁰ as well as Rule 17Ad-22(e)(4)(i), (e)(4)(vii) and (e)(7)(vii) thereunder,²¹ for the reasons described below. FICC and NSCC believe that the Framework is consistent with Section 17A(b)(3)(F) of the Act,²² as well as Rule 17Ad-22(b)(4)²³ and Rule 17Ad-22(e)(4)(vii), (e)(6)(iii), (e)(6)(vi), (e)(6)(vii) and (e)(7)(vii) thereunder,²⁴ for the reasons described below.

Section 17A(b)(3)(F) of the Act²⁵ requires, *inter alia*, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions. As described in greater detail above, the Framework would describe the process by which the Clearing Agencies identify, measure, monitor, and manage the risks associated with the design, development, implementation, use, and validation of quantitative models. The quantitative models covered by the Framework would be applied by the Clearing Agencies, as applicable, to evaluate and address their respective risk exposures associated with their settlement activity and allow them to continue the prompt and accurate

clearance and settlement of securities. In this regard, the Framework would facilitate their ability to develop models that would be applied to evaluate and address risk exposure, and allow them to continue the prompt and accurate clearance and settlement of securities. Therefore, the Clearing Agencies believe that the Framework is consistent with the requirements of Section 17A(b)(3)(F) of the Act.²⁶

Rule 17Ad-22(b)(4) under the Act²⁷ requires, *inter alia*, that a covered clearing agency that is a central counterparty establish, implement, maintain, and enforce policies and procedures reasonably designed to provide for an annual Model Validation consisting of evaluating the performance of the clearing agency's margin models and the related parameters and assumptions associated with such models by a qualified person who is free from influence from the persons responsible for the development or operation of the models being validated. As described in the Framework and as described above, MVC is an area that is functionally separate from all areas within NSCC and FICC that develop and operate models. Pursuant to the Framework, MVC would perform a Model Validation on all approved margin systems and related Models for NSCC and FICC, not less than annually. Therefore, NSCC and FICC believe the Framework is consistent with Rule 17Ad-22(b)(4) under the Act.²⁸

Rule 17Ad-22(e)(4)(i)²⁹ under the Act requires, *inter alia*, that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence. The collateral group Collateral Monitor coverage threshold has been set to support the requirement that DTC maintain sufficient financial resources to cover its credit exposures to each participant fully with a high degree of confidence by using the threshold, established as discussed above, of 99 percent, and therefore, DTC believes that the Framework is consistent with Rule 17Ad-22(e)(4)(i) under the Act.³⁰

Rule 17Ad-22(e)(4)(vii)³¹ and (e)(7)(vii)³² under the Act requires, *inter*

alia, that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to perform Model Validations on its credit risk models and liquidity risk models not less than annually or more frequently as may be contemplated by the clearing agency's risk management framework established pursuant to Rule 17Ad-22(e)(3).³³ As discussed above, the Framework would describe the Clearing Agencies' Model Risk validation process, which would be performed not less than annually on its credit risk models and liquidity risk models. Therefore, the Clearing Agencies believe that the Framework is consistent with Rule 17Ad-22(e)(4)(vii)³⁴ and (e)(7)(vii)³⁵ under the Act.

Rule 17Ad-22(e)(6)(iii) under the Act³⁶ requires that a covered clearing agency that is a central counterparty establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that at a minimum, *inter alia*, calculates margin sufficient to cover its potential future exposure³⁷ to participants in the interval between the last margin collection and the close out of positions following a participant default. As discussed above, the CFR coverage thresholds have been set at 99 percent. Therefore, NSCC and FICC believe that the Framework is consistent with Rule 17Ad-22(e)(6)(iii) under the Act.³⁸

Rule 17Ad-22(e)(6)(vi) under the Act³⁹ requires, *inter alia*, that a covered clearing agency that is a central counterparty establish, implement, maintain and enforce written policies and procedures reasonably designed to (a) conduct backtests of its margin model at least once each day using standard predetermined parameters and assumptions, (b) conduct a sensitivity analysis of its margin model and a review of its parameters and assumptions for backtesting on at least a monthly basis, and consider modifications to ensure the backtesting practices are appropriate for determining the adequacy of such

³³ 17 CFR 240.17Ad-22(e)(3). See *supra* note 3.

³⁴ *Supra* note 30.

³⁵ *Supra* note 31.

³⁶ 17 CFR 240.17Ad-22(e)(6) (in particular, 17 CFR 240.17Ad-22(e)(6)(iii)). See *supra* note 3.

³⁷ 17 CFR 240.17Ad-22(a)(13) defines the term "potential future exposure" to mean the maximum exposure estimated to occur at a future point in time with an established single-tailed confidence level of at least 99 percent with respect to the estimated distribution of future exposure.

³⁸ *Supra* note 33.

³⁹ 17 CFR 240.17Ad-22(e)(6) (in particular, 17 CFR 240.17Ad-22(e)(6)(vi)). See *supra* note 3.

²⁰ 15 U.S.C. 78q-1(b)(3)(F).

²¹ *Supra* note 3.

²² 15 U.S.C. 78q-1(b)(3)(F).

²³ 17 CFR 240.17Ad-22(b)(4). See *supra* note 3.

²⁴ *Supra* note 3.

²⁵ 15 U.S.C. 78q-1(b)(3)(F).

²⁶ *Id.*

²⁷ *Supra* note 21.

²⁸ *Id.*

²⁹ 17 CFR 240.17Ad-22(e)(4) (in particular, 17 CFR 240.17Ad-22(e)(4)(i)). See *supra* note 3.

³⁰ *Id.*

³¹ 17 CFR 240.17Ad-22(e)(4) (in particular, 17 CFR 240.17Ad-22(e)(4)(vii)). See *supra* note 3.

³² 17 CFR 240.17Ad-22(e)(7) (in particular, 17 CFR 240.17Ad-22(e)(7)(vii)). See *supra* note 3.

central counterparty's margin resources, (c) conduct a sensitivity analysis of its margin model and a review of its parameters and assumptions for backtesting more frequently than monthly during periods of time when the products cleared or markets served display high volatility or become less liquid, or when the size or concentration of positions held by such central counterparty's participants increases or decreases significantly and (d) report the results of its analyses under (b) and (c) to appropriate decision makers at the central counterparty, including but not limited to, its risk management committee or Board, and using these results to evaluate the adequacy of and adjust its margin methodology, model parameters, and any other relevant aspects of its credit risk management framework. As discussed above, the Framework would provide that (a) the CCPs would perform VaR and CFR backtesting on a daily basis, (b) as part of Model performance monitoring, on at least a monthly basis, sensitivity analysis would be performed by MVC on each of the margin Models of the CCPs, the key parameters and assumptions for backtesting would be reviewed, and modifications would be considered to ensure the applicable CCP's backtesting practices are appropriate for determining the adequacy of the applicable CCP's margin resources, (c) MVC would, in circumstances where the products cleared or the markets served by the applicable CCP display high volatility or become less liquid, or when the size or concentration of positions held by the applicable CCP's Members increases or decreases significantly, sensitivity analysis and review of key model parameters and assumptions would be conducted more frequently than monthly, and (d) each CCP would report the results of its analyses under (b) and (c) to key decision makers, including but not limited to the MRC and/or BRC, as discussed above. Therefore NSCC and FICC believe the Framework is consistent with Rule 17Ad-22(e)(6)(vi) under the Act.⁴⁰

Rule 17Ad-22(e)(6)(vii) under the Act⁴¹ requires, *inter alia*, that a covered clearing agency that is a central counterparty establish, implement, maintain and enforce written policies and procedures reasonably designed to perform Model Validations on its margin system and related models not less than annually or more frequently as may be contemplated by the clearing

agency's risk management framework established pursuant to Rule 17Ad-22(e)(3).⁴² As discussed above, the Framework would describe the Model Risk validation processes of the CCPs, which would be performed not less than annually on their margin system and related models. Therefore, NSCC and FICC believe that the Framework is consistent with Rule 17Ad-22(e)(6)(vii) under the Act.⁴³

(B) Clearing Agencies' Statements on Burden on Competition

None of the Clearing Agencies believe that the Framework would have any impact, or impose any burden, on competition because the proposed rule changes reflect the existing framework that the Clearing Agencies employ to manage model risk, and would not effectuate any changes to the Clearing Agencies' model risk management tools as they currently apply to their respective Members or Participants.

(C) Clearing Agencies' Statements on Comments on the Proposed Rule Changes Received From Members, Participants, or Others

The Clearing Agencies have not solicited or received any written comments relating to this proposal. The Clearing Agencies will notify the Commission of any written comments received by the Clearing Agencies.

III. Date of Effectiveness of the Proposed Rule Changes, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the clearing agency consents, the Commission will:

(A) By order approve or disapprove such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule changes are 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-DTC-2017-008, SR-FICC-2017-014, or SR-NSCC-2017-008 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.
- All submissions should refer to File Number SR-DTC-2017-008, SR-FICC-2017-014, or SR-NSCC-2017-008. One of these file numbers 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 changes that are filed with the Commission, and all written communications relating to the proposed rule changes 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 Clearing Agencies and on DTCC's Web site (<http://dtcc.com/legal/sec-rule-filings.aspx>). 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-DTC-2017-008, SR-FICC-2017-014, or SR-NSCC-2017-008 and should be submitted on or before August 1, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴⁴

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2017-14425 Filed 7-10-17; 8:45 am]

BILLING CODE 8011-01-P

⁴⁰ *Id.*

⁴¹ 17 CFR 240.17Ad-22(e)(6) (in particular, 17 CFR 240.17Ad-22(e)(6)(vii)). See *supra* note 3.

⁴² *Supra* note 32.

⁴³ *Supra* note 40.

⁴⁴ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81075; File No. SR-ICEEU-2017-009]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Amendments to the ICE Clear Europe Finance Procedures

July 5, 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 21, 2017, ICE Clear Europe Limited (“ICE Clear Europe”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule changes described in Items I, II and III below, which Items have been primarily prepared by ICE Clear Europe. ICE Clear Europe filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(4)(ii) thereunder,⁴ so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency’s Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to amend the ICE Clear Europe Finance Procedures to add Australian dollars (“AUD”) as a currency eligible for variation margin and settlement payments for financials and softs contracts in the F&O product category which settle in that currency.

II. Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

i. Purpose

ICE Clear Europe proposes revising its Finance Procedures to add AUD as a currency eligible for variation margin and settlement payments for financials and softs contracts in the F&O product category which settle in that currency. These revisions do not involve any changes to the ICE Clear Europe Clearing Rules.⁵

Specifically, ICE Clear Europe proposes to add AUD to the list of eligible variation margin and settlement currencies for financials and softs contracts in paragraph 2.1 of the Finance Procedures. Other conforming changes have been made in paragraphs 4.1(a), (b) and (c) and 4.4(a) of the Finance Procedures. As with the other currencies currently eligible to be used as variation margin and settlement payments for financials and softs contracts, AUD will be subject to haircuts determined pursuant to the Finance Procedures and existing ICE Clear Europe haircut policies and procedures.

ii. Statutory Basis

ICE Clear Europe believes that the changes described herein are consistent with the requirements of Section 17A of the Act⁶ and the regulations thereunder applicable to it, including the standards under Rule 17Ad-22,⁷ and in particular are consistent with the prompt and accurate clearance of and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts and transactions, the safeguarding of securities and funds in the custody or control of ICE Clear Europe or for which it is responsible and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.⁸ The amendments are intended to revise the Finance Procedures to permit variation margin and settlement payments to be made in AUD for certain financials and softs contracts that settle in such currency. In ICE Clear Europe’s view, the amendments will enhance the procedures for settlement of cash variation margin and settlement payments, and thus promote the prompt and accurate clearance and settlement of cleared financials and softs contracts. As a result, ICE Clear Europe believes

the amendments are consistent with the requirements of Section 17A of the Act and the regulations thereunder.

B. Clearing Agency’s Statement on Burden on Competition

ICE Clear Europe does not believe the proposed changes to the rules would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purpose of the Act. ICE Clear Europe is adopting the amendments to the Finance Procedures in order to permit Clearing Members to provide AUD, on an optional basis, as variation margin and settlement payments for certain financials and softs contracts. ICE Clear Europe does not believe the amendments would materially affect the cost of clearing, adversely affect access to clearing in these products for Clearing Members or their customers, or otherwise adversely affect competition in clearing services. As a result, ICE Clear Europe believes that any impact or burden on competition from such amendments would be appropriate in furtherance of the purpose of the Act.

C. Clearing Agency’s Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed changes to the rules have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act⁹ and Rule 19b-4(f)(4)(ii).¹⁰ ICE Clear Europe believes that summary effectiveness is warranted with respect to the proposed rule changes because the proposed amendments effect a change in an existing service of a registered clearing agency that primarily affects the operations of the clearing agency with respect to products that are not securities, including futures that are not security futures, swaps that are not security-based swaps or mixed swaps, and forwards that are not security forwards, and does not significantly affect any securities clearing operations of the clearing agency or any rights or obligations of the clearing agency with respect to securities clearing or persons using such securities clearing service, within the meaning of Rule 19b-4(f)(4)(ii). Use of AUD will be limited to

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(4)(ii).

⁵ Capitalized terms used but not defined herein have the meanings specified in the ICE Clear Europe Clearing Rules (the “Rules”).

⁶ 15 U.S.C. 78q-1.

⁷ 17 CFR 240.17Ad-22.

⁸ 15 U.S.C. 78q-1(b)(3)(F).

⁹ 15 U.S.C. 78s(b)(3)(A).

¹⁰ 17 CFR 240.19b-4(f)(4)(ii).

F&O contracts that are financial and softs contracts. As a result, the proposed changes will not affect the Clearing House's CDS clearing operations or CDS Clearing Members acting in their capacity as such. In addition, the proposed amendments will not affect ICE Clear Europe's financial resources or risk management applicable to the CDS clearing business. Accordingly, ICE Clear Europe does not believe that the proposed amendments will have a significant effect on its securities clearing activity as a registered securities clearing agency or the rights or obligations of clearing members with respect thereto. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>) or
- Send an email to rule-comments@sec.gov. Please include File Number SR-ICEEU-2017-009 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-ICEEU-2017-009. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet 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 filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at <https://www.theice.com/clear-europe/regulation#rule-filings>.

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-ICEEU-2017-009 and should be submitted on or before August 1, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-14426 Filed 7-10-17; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81076; File No. SR-ICEEU-2017-005]

Self-Regulatory Organizations; ICE Clear Europe Limited; Order Approving Proposed Rule Change Relating to Clearing House Contributions to CDS Default Resources

July 5, 2017.

I. Introduction

On May 4, 2017, ICE Clear Europe Limited ("ICE Clear Europe") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change (SR-ICEEU-2017-005) to modify its Finance Procedures with respect to ICE Clear Europe's contributions to funds available in the event of a clearing member's default. The proposed rule change was published for comment in the **Federal Register** on May 23, 2017.³ The Commission received no comment letters regarding the proposed change.

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 34-80706 (May 17, 2017), 82 FR 23692 (May 23, 2017) (SR-ICEEU-2017-005) (the "Notice").

For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

ICE Clear Europe maintains financial resources to cover potential losses resulting from a CDS Clearing Member default by collecting margin from CDS Clearing Members, maintaining the CDS Guaranty Fund which is made up of CDS Member Contributions, and allocating its own contribution. In the event that ICE Clear Europe experiences losses from the default of a CDS Clearing Member, it first looks to the margin and CDS Guaranty Fund contributions provided by that defaulting CDS Clearing Member. Next, ICE Clear Europe applies part of its own contribution—the Clearing House CDS Initial Contribution. Third, ICE Clear Europe applies the CDS Guaranty Fund contributions of non-defaulting CDS Clearing Members together with the remainder of its own contribution (the Clearing House CDS GF Contribution).

ICE Clear Europe has proposed revisions to its Finance Procedures to permit ICE Clear Europe to redesignate all or a part of the Clearing House CDS GF Contribution as the Clearing House CDS Initial Contribution. If such redesignation were to occur, the Clearing House CDS GF Contributions would no longer be used *pari passu* with non-defaulting CDS Clearing Members' contributions to the CDS Guaranty Fund. Instead, the redesignated amounts would be used before non-defaulting CDS Clearing Members' contributions. Accordingly, ICE Clear Europe has proposed amending paragraph 15.2(a) of the Finance Procedures, which establishes the amount of the Clearing House CDS Initial Contribution, to provide that "[t]he amount of the Clearing House CDS Initial Contribution may be further increased by [ICE Clear Europe] redesignating all or part of any of the Clearing House CDS GF Contributions as Clearing House CDS Initial Contributions." Section 15.2(a) will also provide that any redesignation will be notified by circular. ICE Clear Europe has also proposed additional, conforming changes to paragraphs 15.2(b) to refer to amounts so redesignated as Clearing House CDS Initial Contribution; 15.2(c) to take into account amounts that are redesignated when establishing the Clearing House CDS GF Contributions; 15.2(d) to include redesignated amounts in the Clearing House CDS GF Contribution when calculating any replenishment to the Clearing House CDS GF

Contribution; and 15.2(g) to clarify that redesignation for purposes of top-up as a result of exchange rate fluctuations is not required, and that redesignation for purposes of withdrawal as a result of exchange rate fluctuations is not permitted.

ICE Clear Europe believes that redesignation will reduce the likelihood that non-defaulting CDS Clearing Members' contributions will be used in a default scenario, and has represented that it "does not propose to change the aggregate amount of, or basis for calculating, the Clearing House CDS GF Contribution and Clearing House CDS Initial Contribution."⁴ ICE Clear Europe has represented that its Board, in consultation with its CDS Risk Committee, will make any redesignation decision.⁵ With respect to flexibility on the redesignation amount, ICE Clear Europe noted that there are "ongoing industry discussions concerning the appropriate level and seniority of clearing house contributions to default resources" and that market participants have "evolving views" on the subject.⁶

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.⁷ Section 17A(b)(3)(F) of the Act requires,⁸ among other things, that the rules of a registered clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and the protection of investors and the public interest. Rule 17Ad-22(b)(3) requires that a clearing agency that performs central counterparty services for security-based swaps shall establish, implement, maintain, and enforce written policies and procedures reasonably designed to maintain sufficient financial resources to withstand, at a minimum, a default by the two participant families to which it has the largest exposures in extreme but plausible market conditions, in its capacity as a central counterparty for

security-based swaps.⁹ Rule 17Ad-22(e)(4) requires that a covered clearing agency involved in activities with a more complex risk profile shall establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by, in relevant part, (i) maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence, (ii) maintaining additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for the covered clearing agency in extreme but plausible market conditions, (iv) including prefunded financial resources, exclusive of assessments for additional guaranty fund contributions or other resources that are not prefunded, when calculating the financial resources available, and (v) maintaining the financial resources required under Rule 17Ad-22(e)(4)(ii) in combined or separately maintained clearing or guaranty funds, as applicable.¹⁰ Rule 17Ad-22(e)(2) requires that a covered clearing agency shall establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and support the public interest requirements in Section 17A of the Act applicable to clearing agencies, and the objectives of owners and participants.¹¹

The Commission finds that the proposed rule change is consistent with Section 17A of the Act and Rule 17Ad-22 thereunder. Because ICE Clear Europe has not proposed changing the amount of financial resources it contributes to cover default losses, but rather, to give itself the authority to apply some or all of those amounts in a default scenario sooner than it otherwise would, the proposed rule change is consistent with Section 17A(b)(3)(F)¹² and Rules 17Ad-22(b)(3) and (e)(4).¹³ ICE Clear Europe's flexibility in deciding whether and, if so, how much, of the Clearing House CDS GF Contribution to designate is

consistent with the public interest in light of ongoing industry discussions, consistent with Section 17A(b)(3)(F) of the Act.¹⁴ Finally, ICE Clear Europe's proposal to vest redesignation authority with its Board, in consultation with its CDS Risk Committee and publication by circular, is consistent with the requirement in Rule 17Ad-22(e)(2) concerning governance arrangements that are clear and transparent and support the public interest requirements of Section 17A of the Act applicable to clearing agencies and the objectives of participants.¹⁵

IV. Conclusion

It is therefore ordered pursuant to Section 19(b)(2) of the Act that the proposed rule change (SR-ICEEU-2017-005) be, and hereby is, approved.¹⁶

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-14427 Filed 7-10-17; 8:45 am]

BILLING CODE 8011-01-P

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, July 13, 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.

Chairman Clayton, 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:

¹⁴ 15 U.S.C. 78q-1(b)(3)(F).

¹⁵ 17 CFR 240.17Ad-22(e)(2)(i) and (iii).

¹⁶ In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁷ 17 CFR 200.30-3(a)(12).

⁴ Notice, 82 FR at 23693. ICE Clear Europe noted that "The respective amounts [] are determined in accordance with paragraph 15.2 of the Finance Procedures, and are notified to Clearing Members by Circular." *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ 15 U.S.C. 78s(b)(2)(C).

⁸ 15 U.S.C. 78q-1(b)(3)(F).

⁹ 17 CFR 240.17Ad-22(b)(3).

¹⁰ 17 CFR 240.17Ad-22(e)(4)(i), (ii), (iv) and (v).

¹¹ 17 CFR 240.17Ad-22(e)(2)(i) and (iii).

¹² 15 U.S.C. 78q-1(b)(3)(F).

¹³ 17 CFR 240.17Ad-22(b)(3) and (e)(4).

Institution and settlement of injunctive actions;
Institution and settlement of administrative proceedings; 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: July 6, 2017.

Brent J. Fields,
Secretary.

[FR Doc. 2017-14560 Filed 7-7-17; 11:15 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15200 and #15201; Nebraska Disaster #NE-00067]

Administrative Declaration of a Disaster for the State of Nebraska

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Nebraska dated 07/03/2017.

Incident: Storms, Tornadoes and Extremely High Winds.

Incident Period: 06/12/2017 through 06/16/2017.

DATES: Effective 07/03/2017.

Physical Loan Application Deadline Date: 09/01/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 04/03/2018.

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: Cass
Contiguous Counties:

Nebraska: Lancaster, Otoe, Sarpy, Saunders

Iowa: Fremont, Mills
The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
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
<i>For Economic Injury:</i>	
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 15200 B and for economic injury is 15201 O.

The States which received an EIDL Declaration # are Nebraska, Iowa.

(Catalog of Federal Domestic Assistance Number 59008)

Linda E. McMahon,
Administrator.

[FR Doc. 2017-14406 Filed 7-10-17; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF STATE

[Public Notice: 10053]

Notice of Issuance of a Presidential Permit to NuStar Logistics, L.P.

AGENCY: Department of State

ACTION: Notice

SUMMARY: The Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs issued a Presidential permit to NuStar Logistics, L.P. ("NuStar") on June 28, 2017, authorizing NuStar to operate and maintain existing pipeline facilities ("Dos Laredos pipeline facilities") at the U.S.-Mexico border near Laredo, Texas for the transport of refined petroleum products, to include liquefied petroleum gas, regular and premium gasoline, kerosene, and diesel. In accordance with Executive Order 13337 (April 30, 2004), the Acting Assistant Secretary determined that issuance of this permit would serve the national interest.

FOR FURTHER INFORMATION CONTACT: Matthew T. McManus, Deputy Director,

Office of Policy Analysis and Public Diplomacy, Energy Resources Bureau, U.S. Department of State, 2201 C St. NW., Suite 4422, Washington, DC 20520.

SUPPLEMENTARY INFORMATION:

Additional information concerning the Dos Laredos pipeline facilities and documents related to the Department of State's review of the application for a Presidential permit can be found at <https://www.state.gov/e/enr/applicant/applicants/c61192.htm>. Following is the text of the permit, as issued:

Presidential Permit

Authorizing NUSTAR Logistics, L.P. To Operate And Maintain Existing Pipeline Facilities at the International Boundary Between the United States and Mexico

By virtue of the authority vested in me as Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, including those authorities under Executive Order 13337, 69 FR 25299 (2004), Department of State Delegation of Authority 118-2 of January 26, 2006, and Department of State Delegation of Authority 415 of January 18, 2017; having considered the environmental effects of the proposed action consistent with the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 *et seq.*), Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), and other statutes relating to environmental concerns; having considered the proposed action consistent with the National Historic Preservation Act of 1966 (80 Stat. 917, 16 U.S.C. 470f *et seq.*); and having requested and received the views of members of the public, various federal and state agencies, and various Indian tribes; I hereby grant permission, subject to the conditions herein set forth, to NuStar Logistics, L.P., formerly known as Valero Logistics Operations, L.P. (hereinafter referred to as the "permittee"), a limited partnership formed under the laws of the state of Delaware, with its principal place of business in San Antonio, Texas, to operate and maintain existing pipeline facilities at the border of the United States and Mexico for the transport of refined petroleum products, to include liquefied petroleum gas, regular and premium gasoline, kerosene, and diesel between the United States and Mexico.

The term "facilities" as used in this permit means the relevant portion of the pipeline and any land, structures, installations or equipment appurtenant thereto.

The term "United States facilities" as used in this permit means those parts of

the facilities located in the United States. The United States facilities consist of an 8–5/8 inch diameter pipeline in existence at the time of this permit's issuance extending from the international border between the United States and Mexico underneath the Rio Grande at a point near Laredo, Texas to the first mainline shutoff valve in the United States located approximately 0.9 miles from the Rio Grande. The United States facilities also include certain appurtenant facilities.

This permit is subject to the following conditions:

Article 1. (1) The United States facilities herein described, and all aspects of their operation, shall be subject to all the conditions, provisions, and requirements of this permit and any amendment thereof. This permit may be terminated or amended at any time at the discretion of the Secretary of State or the Secretary's delegate or upon proper application therefor. The permittee shall make no substantial change in the United States facilities, the location of the United States facilities, or in the operation authorized by this permit until such changes have been approved by the Secretary of State or the Secretary's delegate.

(2) The operation and maintenance of the United States facilities shall be in all material respects as described in the permittee's application for a Presidential permit under Executive Order 13337, filed on December 4, 2013, and the Final Supplemental Environmental Assessment (SEA) dated May 5, 2016, including any construction, mitigation, and reclamation measures, emergency response measures, standard operating procedures, and other mitigation and control plans that are already approved or that are approved in the future by the Department of State or other relevant federal agencies.

Article 2. The standards for, and the manner of, the operation and maintenance of the United States facilities shall be subject to inspection and approval by the representatives of appropriate federal, state and local agencies. The permittee shall allow duly authorized officers and employees of such agencies free and unrestricted access to said facilities in the performance of their official duties.

Article 3. The permittee shall comply with all applicable federal, state, local, and tribal laws and regulations regarding the operation and maintenance of the United States facilities and with all applicable industrial codes. The permittee shall obtain requisite permits from relevant

state and local governmental entities, and relevant federal agencies.

Article 4. All operation and maintenance of the United States facilities under this permit shall be subject to the limitations, terms, and conditions issued by any competent agency of the U.S. government. The permittee shall continue the operations hereby authorized and conduct maintenance in accordance with such limitations, terms, and conditions. Such limitations, terms, and conditions could address, for example, environmental protection and mitigation measures, safety requirements, export or import and customs regulations, measurement capabilities and procedures, requirements pertaining to the pipeline's capacity, and other pipeline regulations. This permit shall continue in force and effect only so long as the permittee shall continue the operations hereby authorized in accordance with such limitations, terms, and conditions.

Article 5. Upon the termination, revocation, or surrender of this permit, and unless otherwise agreed by the Secretary of State or the Secretary's delegate, the United States facilities in the immediate vicinity of the international boundary shall be removed by and at the expense of the permittee within such time as the Secretary of State or the Secretary's delegate may specify, and upon failure of the permittee to remove, or to take such other appropriate action with respect to, this portion of the United States facilities as ordered, the Secretary of State or the Secretary's delegate may direct that possession of such facilities be taken and that they be removed or other appropriate action taken, at the expense of the permittee; and the permittee shall have no claim for damages by reason of such possession, removal, or other action.

Article 6. When, in the opinion of the President of the United States, the national security of the United States demands it, due notice being given by the Secretary of State or the Secretary's delegate, the United States shall have the right to enter upon and take possession of any of the United States facilities or parts thereof; to retain possession, management, or control thereof for such length of time as may appear to the President to be necessary; and thereafter to restore possession and control to the permittee. In the event that the United States shall exercise such right, it shall pay to the permittee just and fair compensation for the use of such United States facilities upon the basis of a reasonable profit in normal conditions, and the cost of restoring said facilities to as good condition as existed

at the time of entering and taking over the same, less the reasonable value of any improvements that may have been made by the United States.

Article 7. Any transfer of ownership or control of the United States facilities or any part thereof shall be immediately notified in writing to the Department of State, including the submission of information identifying the transferee. This permit shall remain in force subject to all the conditions, permissions and requirements of this permit and any amendments thereto unless subsequently terminated or amended by the Secretary of State or the Secretary's delegate.

Article 8. (1) The permittee is responsible for acquiring any right-of-way grants or easements, permits, and other authorizations as may become necessary and appropriate.

(2) The permittee shall hold harmless and indemnify the United States from any claimed or adjudged liability arising out of construction, connection, operation, or maintenance of the facilities, including but not limited to environmental contamination from the release or threatened release or discharge of hazardous substances and hazardous waste.

(3) The permittee shall maintain the United States facilities and every part thereof in a condition of good repair for their safe operation, and in compliance with prevailing environmental standards and regulations.

Article 9. The permittee shall take all necessary measures to prevent or mitigate adverse impacts on or disruption of the human environment in connection with the operation and maintenance of the United States facilities. Such measures will include construction, mitigation, and reclamation measures, emergency response measures, standard operating procedures, and other mitigation and control plans identified or described in the Final SEA, all of which are appended to and made part of this permit, or that are approved in the future by the Department of State or other relevant federal or state agencies, as well as any other measures deemed prudent by the permittee.

Article 10. The permittee shall file with the appropriate agencies of the U.S. government such statements or reports under oath with respect to the United States facilities, and/or permittee's activities and operations in connection therewith, as are now, or may hereafter, be required under any laws or regulations of the U.S. government or its agencies. The permittee shall file electronic Export Information where required.

Article 11. The permittee shall provide information upon request to the Department of State with regard to the United States facilities. Such requests could include, for example, information concerning current conditions or anticipated changes in ownership or control, construction, connection, operation, or maintenance of the United States facilities.

In witness whereof, I, Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, have hereunto set my hand this 28th day of June 2017 in the City of Washington, District of Columbia.

Judith G. Garber
Acting Assistant Secretary of State for
Oceans and International Environmental
and Scientific Affairs
End of permit text.

Matthew T. McManus,
*Deputy Director, Office of Policy Analysis and
Public Diplomacy, Energy Resources Bureau,
Department of State.*

[FR Doc. 2017-14439 Filed 7-10-17; 8:45 am]

BILLING CODE 4710-AE-P

DEPARTMENT OF STATE

[Public Notice: 10054]

Notice of Issuance of a Presidential Permit to NuStar Logistics, L.P.

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs issued a Presidential permit to NuStar Logistics, L.P. (“NuStar”) on June 28, 2017, authorizing NuStar to construct, connect, operate, and maintain pipeline facilities (“New Burgos pipeline facilities”) at the U.S.-Mexico border near Peñitas, Texas for the import or export of refined petroleum products, to include naphtha, liquefied petroleum gas, natural gas liquids, jet fuel, gasoline, and diesel. In accordance with Executive Order 13337 (April 30, 2004), the Acting Assistant Secretary determined that issuance of this permit would serve the national interest.

FOR FURTHER INFORMATION CONTACT:
Matthew T. McManus, Deputy Director,
Office of Policy Analysis and Public
Diplomacy, Energy Resources Bureau,
U.S. Department of State, 2201 C St.
NW., Suite 4422, Washington, DC
20520.

SUPPLEMENTARY INFORMATION:
Additional information concerning the
New Burgos pipeline facilities and

documents related to the Department of State’s review of the application for a Presidential permit can be found at <https://www.state.gov/e/enr/applicant/applicants/c66757.htm>. Following is the text of the permit, as issued:

Presidential Permit

*Authorizing NUSTAR Logistics, L.P. To
Construct, Connect, Operate, and
Maintain Pipeline Facilities at the
International Boundary Between the
United States and Mexico*

By virtue of the authority vested in me as Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, including those authorities under Executive Order 13337, 69 FR 25299 (2004), Department of State Delegation of Authority 118–2 of January 26, 2006, and Department of State Delegation of Authority 415 of January 18, 2017; having considered the environmental effects of the proposed action consistent with the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 *et seq.*), Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), and other statutes relating to environmental concerns; having considered the proposed action consistent with the National Historic Preservation Act of 1966 (80 Stat. 917, 16 U.S.C. 470f *et seq.*); and having requested and received the views of members of the public, various federal and state agencies, and various Indian tribes; I hereby grant permission, subject to the conditions herein set forth, to NuStar Logistics, L.P., (hereinafter referred to as the “permittee”), a limited partnership formed under the laws of the state of Delaware, with its principal place of business in San Antonio, Texas, to construct, connect, operate, and maintain pipeline facilities at the border of the United States and Mexico for the import or export of refined petroleum products, to include naphtha, liquefied petroleum gas, natural gas liquids, jet fuel, gasoline, and diesel between the United States and Mexico.

The term “facilities” as used in this permit means the relevant portion of the pipeline and any land, structures, installations or equipment appurtenant thereto.

The term “United States facilities” as used in this permit means those parts of the facilities located in the United States. The United States facilities consist of a 10-inch diameter pipeline extending from the international border between the United States and Mexico underneath the Rio Grande at a point southeast of Peñitas, Texas to the first mainline shutoff valve in the United

States located approximately 1.6 miles from the Rio Grande. The United States facilities also include certain appurtenant facilities.

This permit is subject to the following conditions:

Article 1. (1) The United States facilities herein described, and all aspects of their operation, shall be subject to all the conditions, provisions, and requirements of this permit and any amendment thereof. This permit may be terminated or amended at any time at the discretion of the Secretary of State or the Secretary’s delegate or upon proper application therefor. The permittee shall make no substantial change in the United States facilities, the location of the United States facilities, or in the operation authorized by this permit until such changes have been approved by the Secretary of State or the Secretary’s delegate.

(2) The construction, operation, and maintenance of the United States facilities shall be in all material respects as described in the permittee’s application for a Presidential permit under Executive Order 13337, filed on December 18, 2014, and consistent with the resource protection measures identified in the Final Environmental Assessment (EA) dated June 10, 2016.

Article 2. The standards for, and the manner of, the construction, connection, operation, and maintenance of the United States facilities shall be subject to inspection and approval by the representatives of appropriate federal, state and local agencies. The permittee shall allow duly authorized officers and employees of such agencies free and unrestricted access to said facilities in the performance of their official duties.

Article 3. The permittee shall comply with all applicable federal, state, local, and tribal laws and regulations regarding the construction, connection, operation, and maintenance of the United States facilities and with all applicable industrial codes. The permittee shall obtain requisite permits from relevant state and local governmental entities, and relevant federal agencies.

Article 4. All construction, connection, operation, and maintenance of the United States facilities under this permit shall be subject to the limitations, terms, and conditions issued by any competent agency of the U.S. government. The permittee shall continue the operations hereby authorized and conduct maintenance in accordance with such limitations, terms, and conditions. Such limitations, terms, and conditions could address, for example, environmental protection and mitigation measures, safety

requirements, export or import and customs regulations, measurement capabilities and procedures, requirements pertaining to the pipeline's capacity, and other pipeline regulations. This permit shall continue in force and effect only so long as the permittee shall continue the operations hereby authorized in accordance with such limitations, terms, and conditions.

Article 5. Upon the termination, revocation, or surrender of this permit, and unless otherwise agreed by the Secretary of State or the Secretary's delegate, the United States facilities in the immediate vicinity of the international boundary shall be removed by and at the expense of the permittee within such time as the Secretary of State or the Secretary's delegate may specify, and upon failure of the permittee to remove, or to take such other appropriate action with respect to, this portion of the United States facilities as ordered, the Secretary of State or the Secretary's delegate may direct that possession of such facilities be taken and that they be removed or other appropriate action taken, at the expense of the permittee; and the permittee shall have no claim for damages by reason of such possession, removal, or other action.

Article 6. When, in the opinion of the President of the United States, the national security of the United States demands it, due notice being given by the Secretary of State or the Secretary's delegate, the United States shall have the right to enter upon and take possession of any of the United States facilities or parts thereof; to retain possession, management, or control thereof for such length of time as may appear to the President to be necessary; and thereafter to restore possession and control to the permittee. In the event that the United States shall exercise such right, it shall pay to the permittee just and fair compensation for the use of such United States facilities upon the basis of a reasonable profit in normal conditions, and the cost of restoring said facilities to as good condition as existed at the time of entering and taking over the same, less the reasonable value of any improvements that may have been made by the United States.

Article 7. Any transfer of ownership or control of the United States facilities or any part thereof shall be immediately notified in writing to the Department of State, including the submission of information identifying the transferee. This permit shall remain in force subject to all the conditions, permissions and requirements of this permit and any amendments thereto unless subsequently terminated or amended by

the Secretary of State or the Secretary's delegate.

Article 8. (1) The permittee is responsible for acquiring any right-of-way grants or easements, permits, and other authorizations as may become necessary and appropriate.

(2) The permittee shall hold harmless and indemnify the United States from any claimed or adjudged liability arising out of construction, connection, operation, or maintenance of the facilities, including but not limited to environmental contamination from the release or threatened release or discharge of hazardous substances and hazardous waste.

(3) The permittee shall maintain the United States facilities and every part thereof in a condition of good repair for their safe operation, and in compliance with prevailing environmental standards and regulations.

Article 9. The permittee shall take all necessary measures to prevent or mitigate adverse impacts on or disruption of the human environment in connection with the construction, connection, operation, and maintenance of the United States facilities. Such measures will include the resource protection measures identified in the Final EA and any that are approved in the future by the Department of State or other relevant federal or state agencies, as well as any other measures deemed prudent by the permittee.

Article 10. The permittee shall file with the appropriate agencies of the U.S. government such statements or reports under oath with respect to the United States facilities, and/or permittee's activities and operations in connection therewith, as are now, or may hereafter, be required under any laws or regulations of the U.S. government or its agencies. The permittee shall file electronic Export Information where required.

Article 11. The permittee shall provide information upon request to the Department of State with regard to the United States facilities. Such requests could include, for example, information concerning current conditions or anticipated changes in ownership or control, construction, connection, operation, or maintenance of the United States facilities.

Article 12. The permittee shall provide written notice to the Department of State at such time as the construction authorized by this permit is begun, at such time as construction is completed, interrupted, or discontinued, and at other times as may be designated by the Department of State.

Article 13. This permit shall expire five years from the date of issuance in the event that the permittee has not commenced construction of the United States facilities by that deadline.

In witness whereof, I, Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, have hereunto set my hand this 28th day of June 2017 in the City of Washington, District of Columbia.

Judith G. Garber

Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs

End of permit text.

Matthew T. McManus,

Deputy Director, Office of Policy Analysis and Public Diplomacy, Energy Resources Bureau, Department of State.

[FR Doc. 2017-14440 Filed 7-10-17; 8:45 am]

BILLING CODE 4710-AE-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2017-0005]

African Growth and Opportunity Act (AGOA): Request for Public Comments on Annual Review of Country Eligibility for Benefits Under AGOA in Calendar Year 2018; Scheduling of Hearing, and Request for Public Comments

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of review, public hearing and request for comments.

SUMMARY: This notice announces the initiation of the annual review of the eligibility of the sub-Saharan African countries to receive the benefits of the African Growth and Opportunity Act (AGOA). The AGOA Implementation Subcommittee of the Trade Policy Staff Committee (Subcommittee) is developing recommendations for the President on AGOA country eligibility for calendar year 2018. The Subcommittee is requesting written public comments for this review and will conduct a public hearing on this matter. The Subcommittee will consider the written comments, written testimony, and oral testimony in developing recommendations for the President. Comments received related to the child labor criteria may also be considered by the Secretary of Labor in the preparation of the Department of Labor's report on child labor as required under section 504 of the Trade Act of 1974. This notice identifies the eligibility criteria under AGOA that

must be considered under AGOA, and lists those sub-Saharan African countries that are currently eligible for the benefits of AGOA and those that were ineligible for such benefits in 2017.

DATES: August 4, 2017: Deadline for filing requests to appear at the August 23, 2017 public hearing, and for filing pre-hearing briefs, statements, or comments on sub-Saharan African countries' AGOA eligibility.

August 23, 2017: AGOA Implementation Subcommittee of the TPSC will convene a public hearing on AGOA country eligibility.

August 30, 2017: Deadline for filing post-hearing briefs, statements, or comments on this matter.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking portal: <http://www.regulations.gov>. Follow the instructions for submitting comments in section 3 below. The docket number is USTR-2017-0005. For alternatives to on-line submissions, please contact Yvonne Jamison, Trade Policy Staff Committee, at (202) 395-3475.

FOR FURTHER INFORMATION CONTACT: For procedural questions, please contact Yvonne Jamison at (202) 395-3475. All other questions should be directed to Alan Treat, Director for African Affairs, Office of the U.S. Trade Representative, at (202) 395-9514.

SUPPLEMENTARY INFORMATION:

1. Background

AGOA (Title I of the Trade and Development Act of 2000, Pub. L. 106-200) (19 U.S.C. 2466a *et seq.*), as amended, authorizes the President to designate sub-Saharan African countries as beneficiaries eligible for duty-free treatment for certain additional products not included for duty-free treatment under the Generalized System of Preferences (GSP) (Title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*) (1974 Act), as well as for the preferential treatment for certain textile and apparel articles.

The President may designate a country as a beneficiary sub-Saharan African country eligible for these benefits of AGOA if he determines that the country meets the eligibility criteria set forth in Section 104 of AGOA (19 U.S.C. 3703) section 502 of the 1974 Act (19 U.S.C. 2462).

Section 104 of AGOA includes requirements that the country has established or is making continual progress toward establishing, *inter alia*: A market-based economy; the rule of law, political pluralism, and the right to due process; the elimination of barriers

to U.S. trade and investment; economic policies to reduce poverty; a system to combat corruption and bribery; and the protection of internationally recognized worker rights. In addition, the country may not engage in activities that undermine U.S. national security or foreign policy interests or engage in gross violations of internationally recognized human rights. Please see section 104 of the AGOA and section 502 of the 1974 Act for a complete list of the AGOA eligibility criteria.

Section 502 of the 1974 Act provides for country eligibility criteria under GSP, which is generally reviewed as a result of a petition process. For more information on the GSP criteria and review process, see section 502 of the 1974 Act and the annual **Federal Register** notice initiating the GSP product and country practices review.

Section 506A of the 1974 Act provides that the President shall monitor and review annually the progress of each sub-Saharan African country in meeting the foregoing eligibility criteria in order to determine whether each beneficiary sub-Saharan African country should continue to be eligible, and whether each sub-Saharan African country that is currently not a beneficiary, should be designated as such a country. If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the eligibility requirements, he must terminate the designation of the country as a beneficiary sub-Saharan African country. The President may also withdraw, suspend, or limit the application of duty-free treatment with respect to specific articles from a country if he determines that it would be more effective in promoting compliance with AGOA-eligibility requirements than terminating the designation of the country as a beneficiary sub-Saharan African country.

For 2017, 38 countries were designated as beneficiary sub-Saharan African countries. These countries, as well as the countries currently designated as ineligible, are listed below. The Subcommittee is seeking public comments in connection with the annual review of sub-Saharan African countries' eligibility for AGOA's benefits. The Subcommittee will consider any such comments in developing recommendations to the President related to this review. Comments related to the child labor criteria may also be considered by the Secretary of Labor in making the findings required under section 504 of the 1974 Act.

The following sub-Saharan African countries were designated as beneficiary sub-Saharan African countries in 2017:

Angola
 Republic of Benin
 Republic of Botswana
 Burkina Faso
 Republic of Cabo Verde
 Republic of Cameroon
 Central African Republic
 Republic of Chad
 Federal Islamic Republic of Comoros
 Republic of Congo
 Republic of Cote d'Ivoire
 Republic of Djibouti
 Ethiopia
 Gabonese Republic
 Republic of Ghana
 Republic of Guinea
 Republic of Guinea-Bissau
 Republic of Kenya
 Kingdom of Lesotho
 Republic of Liberia
 Republic of Madagascar
 Republic of Malawi
 Republic of Mali
 Islamic Republic of Mauritania
 Republic of Mauritius
 Republic of Mozambique
 Republic of Namibia
 Republic of Niger
 Federal Republic of Nigeria
 Republic of Rwanda
 Sao Tome & Principe
 Republic of Senegal
 Republic of Sierra Leone
 Republic of South Africa
 United Republic of Tanzania
 Republic of Togo
 Republic of Uganda
 Republic of Zambia

The following sub-Saharan African countries were not designated as beneficiary sub-Saharan African countries in 2017:

Democratic Republic of Congo
 The Gambia
 Republic of Equatorial Guinea (graduated from GSP)
 State of Eritrea
 Republic of Seychelles (graduated from GSP)
 Somalia
 Republic of South Sudan
 Republic of Sudan
 Kingdom of Swaziland
 Republic of Zimbabwe

II. Notice of Public Hearing

In addition to written comments from the public on the matters listed above, the Subcommittee of the TPSC will convene a public hearing at 10:00 a.m. on Wednesday, August 23, 2017, to receive testimony related to sub-Saharan African countries' eligibility for AGOA's benefits. Requests to present oral testimony at the hearing and pre-hearing briefs, statements, or comments must be received by noon August 4, 2017.

The hearing will be held at 1724 F Street NW., Washington, DC 20508 and will be open to the public and to the

press. We will make a transcript of the hearing available on www.regulations.gov within approximately two weeks of the hearing.

We must receive your written requests to present oral testimony at the hearing and pre-hearing briefs, statements, or comments by noon on Friday, August 4, 2017. You must make the intent to testify notification in the "Type Comment" field under docket number USTR-2017-0005 on the www.regulations.gov Web site and you should include the name, address, telephone number and email address, if available, of the person presenting the testimony. You should attach a summary of the testimony by using the "Upload File" field. The name of the file also should include who will be presenting the testimony. Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the Subcommittee. You should submit all documents in accordance with the instructions in section III below.

III. Requirements for Submissions

In order to be assured of consideration, persons submitting a notification of intent to testify and/or written comments must do so in English by noon on Friday, August 4, 2017. USTR strongly encourages commenters to make on-line submissions, using the www.regulations.gov Web site. To submit comments via www.regulations.gov, enter docket number USTR-2017-0005 on the home page and click "search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled "Comment Now!" For further information on using the www.regulations.gov Web site, please consult the resources provided on the Web site by clicking on "How to Use Regulations.gov" on the bottom of the home page. We will not accept hand-delivered submissions.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters "BC". Any page containing business confidential information must be clearly marked "BUSINESS CONFIDENTIAL" on the top of that page. Filers of submissions containing business confidential information also must submit a public version of their comments that we will place in the docket for public inspection. The file name of the public version should begin with the character "P". The "BC" and

"P" should be followed by the name of the person or entity submitting the comments or reply comments. Filers submitting comments containing no business confidential information should name their file using the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

As noted, USTR strongly urges submitters to file comments through www.regulations.gov. You must make any alternative arrangements with Yvonne Jamison in advance of transmitting a comment. You can contact Ms. Jamison at (202) 395-3475. General information concerning USTR is available at www.ustr.gov.

We will post comments in the docket for public inspection, except business confidential information. You can view comments on the www.regulations.gov Web site by entering the relevant docket number in the search field on the home page.

IV. Petitions

15 CFR part 2017 permits any interested party to submit a petition to USTR, at any time, with respect to whether a beneficiary sub-Saharan African country is meeting the AGOA eligibility requirements. An interested party may file such a petition through www.regulations.gov, under docket number USTR-2017-0005.

Edward Gresser,

*Chair of the Trade Policy Staff Committee,
Office of the United States Trade Representative.*

[FR Doc. 2017-14436 Filed 7-10-17; 8:45 am]

BILLING CODE 3290-F7-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2017-0007]

Request for Comments on Operation of the Caribbean Basin Economic Recovery Act and the Caribbean Basin Trade Partnership Act

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: The Trade Policy Staff Committee (TPSC) is seeking comments

on the operation of the Caribbean Basin Economic Recovery Act (CBERA), as amended by the Caribbean Basin Trade Partnership Act (CBTPA) (19 U.S.C. 2701 *et seq.*). Section 212(f) of the CBERA, as amended, requires the United States Trade Representative to submit a report to Congress regarding the operation of the CBERA and CBTPA (together commonly referred to as the Caribbean Basin Initiative, or CBI) on or before December 31, 2017. The TPSC invites written comments concerning the operation of the CBI, including the performance of each CBERA and CBTPA beneficiary country under the criteria described in sections 212(b), 212(c), and 213(b)(5)(B) of CBERA, as amended. The TPSC will use this information to prepare the report to Congress on the operation of the program.

DATES: The TPSC must receive your written comment by September 15, 2017.

ADDRESSES: The TPSC strongly prefers electronic submissions made through the Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments in section III below. The docket number is USTR-2017-0007. For alternatives to on-line submissions, please contact Yvonne Jamison at (202) 395-3475.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments, contact Yvonne Jamison at (202) 395-3475. Direct all other questions to Albert Pyott at (202) 395-9539.

SUPPLEMENTARY INFORMATION:

I. Background

Section 212(f)(1) of CBERA (19 U.S.C. 2702(f)(1)) requires the United States Trade Representative to report on the performance of each CBERA or CBTPA beneficiary country. Barbados, Belize, Curacao, Guyana, Haiti, Jamaica, Saint Lucia, and Trinidad and Tobago receive benefits under both CBERA and CBTPA. Antigua and Barbuda, Aruba, the Bahamas, British Virgin Islands, Dominica, Grenada, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines currently receive benefits only under CBERA.

As described in more detail below, the TPSC seeks comments on any aspect of the program's operation, including the performance of CBERA and CBTPA beneficiary countries under the criteria described in sections 212(b), 212(c), and 213(b)(5)(B) of the CBERA, as amended. You can access these criteria at <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title19/html/USCODE-2011-title19-chap15.htm>. The report also will examine the CBI's effect on the volume

and composition of trade and investment between the United States and the CBI beneficiary countries and on advancing U.S. trade policy goals. You can access the most recent CBI report at <https://ustr.gov/sites/default/files/2015-CBI-Report-Final.pdf>.

II. Reporting Requirements on the Eligibility Criteria for All CBI Beneficiary Countries

The TSPC seeks comments on any aspect of the program's operation, including the performance of CBERA and CBTPA beneficiary countries using the following criteria:

A. CBERA "Mandatory" Criteria

Under section 212(b) (19 U.S.C. 2702(b)), unless the President determines that is in the national economic or security interest of the United States, s/he may not designate as a CBI beneficiary country any country that:

1. Is a Communist country.
2. Has expropriated or nationalized property of U.S. citizens, unless the President determines that the country is taking steps to resolve the citizen's claim.
3. Fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of U.S. citizens or corporations owned by U.S. citizens.
4. Affords preferential treatment to the products of a developed country other than the United States that has, or is likely to have, a significant adverse effect on U.S. commerce, unless the President has received satisfactory assurances that the country will eliminate the preferential treatment or acts to assure that there will be no significant adverse effect.
5. Allows the broadcast of copyrighted material, including films or television material belonging to United States copyright owners without their express consent.
6. Is not a signatory to a treaty, convention, protocol, or other agreement regarding the extradition of U.S. citizens.
7. Has not or is not taking steps to afford internationally recognized worker rights as defined in section 507(4) of the Trade Act of 1974, as amended (19 U.S.C. 2467(4)) to workers in the country (including any designated zone in that country).

8. Whether or not a country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights.

B. CBERA "Discretionary" Factors

Under section 212(c) (19 U.S.C. 2702(c)), the President may consider the following factors in determining whether to designate any country as a CBI beneficiary country:

1. An expression of a country's desire to be so designated.
2. The economic conditions and living standards in a country.
3. The extent to which a country has assured the United States that it will provide equitable and reasonable access to the markets and basic commodity resources of the country.
4. The degree to which the country follows the international trade rules of the WTO.
5. The degree to which a country uses export subsidies or imposes export performance requirements or local content requirements that distort international trade.
6. The degree to which the trade policies of a country as they relate to other beneficiary countries are contributing to the revitalization of the region.
7. The degree to which a country is undertaking self-help measures to promote its own economic development.
8. Whether or not a country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights.
9. The extent to which a country provides adequate and effective legal means for foreign nationals to secure, exercise, and enforce exclusive intellectual property rights.
10. The extent to which a country prohibits its nationals from broadcasting U.S. copyrighted materials, including film and television material, without their express consent.
11. The extent to which a country cooperates with the United States in the administration of CBI preferences.

C. CBTPA Eligibility Criteria

Under section 213(b)(5)(B) (19 U.S.C. 2703(b)(5)(B)), in considering the eligibility of the CBI countries and dependent territories that have expressed an interest in receiving the enhanced preferences of the CBTPA, the President must take into account the existing eligibility criteria of the CBERA, as well as several additional revised criteria elaborated in the CBTPA. These additional criteria are:

1. Whether the beneficiary country has demonstrated a commitment to undertake its obligations under the World Trade Organization (WTO) on or ahead of schedule and participate in negotiations toward the completion of the Free Trade Area of the Americas (FTAA) or another free trade agreement.
2. The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded

under the Agreement on Trade-Related Aspects of Intellectual Property Rights.

3. The extent to which the country provides internationally recognized worker rights including: The right of association; the right to organize and bargain collectively; a prohibition on the use of any form of forced or compulsory labor; a minimum age for the employment of children; and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

4. Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974, as amended (19 U.S.C. 2467(6)).

5. The extent to which the country has met U.S. counter-narcotics certification criteria under the Foreign Assistance Act of 1961.

6. The extent to which the country has taken steps to become a party to and implement the Inter-American Convention Against Corruption.

7. The extent to which the country applies transparent, nondiscriminatory and competitive procedures in government procurement, and contributes to efforts in international fora to develop and implement rules on transparency in government procurement.

III. Requirements for Submissions

In order to ensure the timely receipt and consideration of comments, the TPSC strongly encourages on-line submissions, using the www.regulations.gov Web site. We must receive your electronic submission by the September 15, 2017 deadline. You must submit all comments in English and must identify on the first page of the submission the subject matter of the comment as the "CBI Report to Congress."

To submit a comment via www.regulations.gov, enter docket number USTR-2017-0007 on the home page and click "search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled "Comment Now!" For further information on using the www.regulations.gov Web site, please consult the resources provided on the Web site by clicking on "How to Use Regulations.gov" on the bottom of the home page. We will not accept hand-delivered submissions.

The www.regulations.gov Web site allows users to provide comments by filling in a "Type Comment" field, or by attaching a document using an "Upload

File” field. The TPSC prefers that you provide submissions as an attached document. If you attach a document, please type “CBI Report to Congress” in the “Type Comment” field. The TPSC prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf) format. If the submission is in another file format, please indicate the name of the software application in the “Type Comment” field. File names should reflect the name of the person or entity submitting the comments. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files. Submissions should not exceed 30 single-spaced, standard letter-size pages in 12-point type, including attachments.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters “BC”. Any page containing business confidential information must be clearly marked “BUSINESS CONFIDENTIAL” on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. A submitter requesting business confidential treatment must certify that the information is business confidential and would not customarily be released to the public by the submitter. Additionally, the submitter should type “Business Confidential CBI Report to Congress” in the “Type Comment” field. If you file comments containing business confidential information, you also must separately submit a public version of the comments that we will place in the docket for public inspection. The file name of the public version should begin with the character “P”. The “BC” and “P” should be followed by the name of the person or entity submitting the comments. Filers submitting comments containing no business confidential information should name their file using the name of the person or entity submitting the comments.

You will receive a submission tracking number upon completion of the submissions procedure at www.regulations.gov. The tracking number is your confirmation that the submission was received into www.regulations.gov. The TPSC is not able to provide technical assistance for the Web site. The TPSC may not

consider documents that are not submitted in accordance with these instructions.

As noted, the TPSC strongly urges submitters to file comments through www.regulations.gov. You must make any alternative arrangements with Yvonne Jamison in advance of transmitting a comment. You can contact Ms. Jamison at (202) 395-3475.

We will post comments in the docket for public inspection, except business confidential information. You can view comments on the www.regulations.gov Web site by entering the relevant docket number in the search field on the home page. You can find general information about the Office of the United States Trade Representative on its Web site: <http://www.ustr.gov>.

Edward B. Gresser,

Chair, Trade Policy Staff Committee, Office of the United States Trade Representative.

[FR Doc. 2017-14510 Filed 7-10-17; 8:45 am]

BILLING CODE 3290-F7-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land Use Assurance Arlington Municipal Airport, Arlington, WA

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

ACTION: Notice.

SUMMARY: Notice is being given that the FAA is considering a proposal from the City of Arlington Airport Director to change certain portions of the airport from aeronautical use to non-aeronautical use at Arlington Municipal Airport, Arlington, WA. The proposal consists of ten parcels on the east side of the airfield adjacent to 59th Avenue, Northeast.

DATES: Comments must be received August 10, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Ryan, Airport Director, City of Arlington, 18204 59th Avenue NE., Arlington, WA 98223; or Ms. Cayla D. Morgan, Environmental Protection Specialist, Seattle Airports District Office, 1601 Lind Avenue SW., Suite 250, Renton, WA 98057-3356, (425) 227-2653. Documents reflecting this FAA action may be reviewed at the above locations.

Written comments can be provided to Ms. Cayla D. Morgan, Environmental Protection Specialist, Seattle Airports District Office, 1601 Lind Avenue SW., Suite 250, Renton, WA 98057-3356.

SUPPLEMENTARY INFORMATION: Under the provisions of Title 49, U.S.C. 47153(c), and 47107(h)(2), the FAA is considering a proposal from the Airport Director, City of Arlington, to change a portion of the Arlington Municipal Airport from aeronautical use to non-aeronautical use. The proposal consists of ten parcels on the east side of the airport adjacent to 59th Avenue, Northeast.

The parcels are landlocked and do not have airfield access. They are currently being used for aerospace manufacturing, office space, and parking. They will remain rental property with all lease revenues going to the airport operating budget. The FAA concurs that the parcels are no longer needed for aeronautical purposes. The proposed use of this property is compatible with other airport operations in accordance with FAA’s Policy and Procedures Concerning the Use of Airport Revenue, published in **Federal Register** on February 16, 1999.

Issued in Renton, Washington, on June 30, 2017.

Joelle Briggs,

Manager, Seattle Airports District Office.

[FR Doc. 2017-14523 Filed 7-10-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FAA Approval of Noise Compatibility Program; Westfield-Barnes Regional Airport, Westfield, Massachusetts

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program submitted by the City of Westfield under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979. On June 14, 2017 the New England Region Airports Division Manager approved the Noise Compatibility Program under Part 150. On December 22, 2015, the FAA had determined the noise exposure maps submitted by the City of Westfield were in compliance with applicable requirements of Part 150.

DATES: The effective date of the FAA’s approval of the Westfield-Barnes Regional Airport noise compatibility program is June 14, 2017.

FOR FURTHER INFORMATION CONTACT: Richard Doucette, Federal Aviation Administration, New England Region, Airports Division, ANE-600, 1200

District Avenue, Burlington, MA 01803, telephone (781) 238-7613.

SUPPLEMENTARY INFORMATION:

Authority: 49 U.S.C. 47501-47510; 14 CFR part 150.

This notice announces that the FAA has given its overall approval to Westfield-Barnes Regional Airport noise compatibility program, effective June 14, 2017.

Under Section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter the Act), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps.

The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulation (FAR), Part 150 is a local program, not a federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations:

(a) The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

(b) Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

(c) Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the federal government; and

(d) Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems,

or adversely affecting other powers and responsibilities of the Administrator as prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute a FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action.

Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA under the Airport and Airway Improvement Act of 1982. Where Federal funding is sought, requests for project grants must be submitted to the FAA Regional Office in Burlington, Massachusetts.

The City of Westfield previously submitted to the FAA noise exposure maps and associated documentation produced during the noise compatibility planning study. The Westfield-Barnes Regional Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on December 22, 2015. Notice of this determination was published in the **Federal Register** on January 11, 2016.

The Westfield-Barnes Regional Airport study contains a proposed noise compatibility program comprised of actions designed for implementation by airport. The City of Westfield requested that the FAA evaluate and approve this material as a noise compatibility program as described in Section 104(b) of the Act. The FAA began its review of the program on March 13, 2017, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such a program within the 180-day period shall be deemed to be an approval of such a program.

The submitted program contained several changes to noise mitigation measures in the Noise Compatibility Program. Four measures were not recommended for approval and the FAA concurred. Three measures were recommended but the FAA disapproved those measures. One substantive change was recommended and approved by the FAA. This change allows for voluntary

acquisition of residential properties located in the 65DNL noise contour. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The New England Region Airports Division Manager therefore approved the overall program on June 14, 2017. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of Westfield-Barnes Regional Airport.

Issued in Burlington, Massachusetts, on June 14, 2017.

Mary T. Walsh,

Manager, Airports Division, FAA New England Region.

[FR Doc. 2017-14522 Filed 7-10-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2017-42]

Petition for Exemption; Summary of Petition Received; Ela Aviation USA

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

ACTION: Notice

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 31, 2017.

ADDRESSES: Send comments identified by docket number FAA-2017-0569 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, 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: Clarence Garden (202) 267-7489, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

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

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA-2017-0569.

Petitioner: Ela Aviation USA.

Section(s) of 14 CFR Affected: 21.181, 21.190.

Description of Relief Sought:

Petitioner seeks exemption from the requirements of Title 14 of the Code of Federal Regulations (CFR) §§ 21.181 and 21.190 for the issuance of a special airworthiness certificate in the light-sport category to operate the ELA 10-Eclipse Gyroplane. The proposed exemption will permit the ELA 10-Eclipse Gyroplane to be certificated, operated, and maintained under the regulations applicable to aircraft issued a special airworthiness certificate in the light-sport category within the National Airspace System (NAS).

[FR Doc. 2017-14405 Filed 7-10-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2017-46]

Petition for Exemption; Summary of Petition Received; Embry-Riddle Aeronautical University

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

ACTION: Notice

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 31, 2017.

ADDRESSES: Send comments identified by docket number FAA-2017-0612 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, 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:

Clarence Garden (202) 267-7489, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 30, 2017.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA-2017-0612.

Petitioner: Embry-Riddle Aeronautical University.

Section(s) of 14 CFR Affected: 61.195 (h)(2)(iii).

Description of Relief Sought:

Petitioner seeks exemption from the requirements of Title 14 of the Code of Federal Regulations (CFR) § 61.195(h)(3)(ii) which requires a person to hold a flight instructor certificate for two years before providing training to another initial flight instructor applicant. The proposed exemption will permit persons employed as Embry-Riddle Flight Instructors who have held a Flight Instructor certificate for less than 2 years to train flight instructor applicants.

[FR Doc. 2017-14404 Filed 7-10-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Disposal of 4.9 Acres of Airport Land at Southbridge Municipal Airport in Southbridge, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comments.

SUMMARY: Notice is being given that the FAA is considering a request from the Town of Southbridge, MA, to dispose of a 4.9 acre parcel of airport land. The parcel, located on the southwest side of the airport, is segregated by Barefoot Road and not contiguous with the main airport parcel.

The 4.9 acre parcel is located adjacent to the Town owned landfill and is not suited for aeronautical use as a wetland and Barefoot Road lie between the airport proper and the 4.9 acre parcel. The disposal of this property will have

no effect on aviation land or future development opportunities for the airport. An aviation easement will be placed on the land to protect the airport's airspace.

The property has a fair market value of \$130,000. The Town installed a new sewer line and pump station to serve the airport terminal building and restaurant at a value of \$844,000 and as such, the in-kind services substantiates the fair market value of the land to be transferred to the Town.

DATES: Comments must be received on or before August 10, 2017.

ADDRESSES: You may send comments using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>, and follow the instructions on providing 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.

Interested persons may inspect the request and supporting documents by contacting the FAA at the address listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Mr. Jorge E. Panteli, Compliance and Land Use Specialist, Federal Aviation Administration New England Region Airports Division, 1200 District Avenue, Burlington, Massachusetts 01803. Telephone: 781-238-7618.

Issued in Burlington, Massachusetts, on June 5, 2017.

Mary T. Walsh,
Manager, ANE-600.

[FR Doc. 2017-14520 Filed 7-10-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2017-0034; Notice 1]

Michelin North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Receipt of petition.

SUMMARY: Michelin North America, Inc. (MNA), has determined that certain

BFGoodrich gForce Rival S summer performance tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles*. MNA filed a noncompliance report dated April 17, 2017. MNA also petitioned NHTSA on May 5, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is August 10, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

- Comments may also be faxed to (202) 493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also

be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at <https://www.regulations.gov> by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477-78).

SUPPLEMENTARY INFORMATION:

I. Overview: Michelin North America, Inc. (MNA), has determined that certain BFGoodrich gForce Rival S summer performance tires do not fully comply with paragraph S5.2(d) of FMVSS No. 139, *New Pneumatic Radial Tires for Light Vehicles*. MNA filed a noncompliance report dated April 17, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. MNA also petitioned NHTSA on May 5, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of MNA's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Tires Involved: Approximately 370 BFGoodrich gForce Rival S summer performance tires, size P335/30ZR18 95W LL, manufactured between March 2, 2017, and March 30, 2017, are potentially involved. Specifically, these tires are marketed to sports car owners who compete in track racing, autocross, and other such activities and events.

III. Noncompliance: MNA explains that the noncompliance is that the tire size designation markings on the sidewalls of the subject tires do not contain the tire type code designator symbol from The Tire and Rim Association yearbook, as required by paragraph S5.2(d) of FMVSS No. 139. Specially, the subject tire size reads "335/30ZR18 95W LL" but should read "P335/30ZR18 95W LL."

IV. Rule Text: Paragraph S5.2(d) of FMVSS No. 139 states, in pertinent part:

S5.2 *Performance requirements.* Each tire shall conform to each of the following:

(d) Its load rating shall be that specified either in a submission made by an individual manufacturer, pursuant to S4, or in one of the publications described in S4 for its size designation, type and each appropriate inflation pressure. If the maximum load rating for a particular tire size is shown in more than one of the publications described in S4, each tire of that size designation shall have a maximum load rating that is not less than the published maximum load rating, or if there are differing maximum load ratings for the same tire size designation, not less than the lowest published maximum load rating.

V. Summary of MNA's Petition: MNA described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, MNA submitted the following reasoning:

(a) **Application**—The subject tires are marked with the correct maximum load and pressure load index, and load description ("Light Load") to ensure proper application. Additionally, the tires have the correct tread sticker label showing the correct size designation, part number, etc. to ensure proper application.

(b) **Usage**—The tire is marketed as a performance summer tire commonly used for competition events on tracks or autocross courses. Thus, the users of these products are enthusiasts who are attentive to details about vehicles and equipment such as tires. In such competition events the vehicles are normally operated at the lightest loads possible for performance optimization. These tires are normally not used in situations involving vehicles with full passenger or cargo loads.

(c) **Other Markings**—All other markings conform to the applicable regulations.

(d) **Performance**—The subject tire meets all performance requirements of FMVSS No. 139. In the event the tire is fitted to an application calling for the European Tire and Rim Technical Organization (ETRTO) standard load application of up to 850 kgs because of the missing "P" prefix, there should be no performance concerns. The tire has been tested to FMVSS No. 139 using the

ETRTO standard load as a basis and it fulfills all performance requirements.

MNA concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject tires that MNA no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after MNA notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017-14420 Filed 7-10-17; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before August 10, 2017.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT:

Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue SE., Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue SE., Washington DC or at <http://regulations.gov>.

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 29, 2017.

Donald Burger,

Chief, Office of the Special Permits and Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
Special Permits Data				
20476-N	A123 Systems LLC	172.101(j), 173.185(b)	To authorize the transportation in commerce of lithium ion batteries exceeding 35 kg by cargo-only aircraft. (mode 4)

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20477-N	Lithionics Battery, LLC	172.101(j)	To authorize the transportation in commerce of lithium ion batteries exceeding 35 kg by cargo-only aircraft. (mode 4)
20478-N	Thermo MF Physics LLC ..	173.304(a)	To authorize the transportation in commerce of sulfur hexafluoride in non-specification packaging.
20480-N	Carolina Logistics Services, L.L.C.	172.301(c), 172.303(a), 173.185(c)(1)(ii), 173.185(c)(1)(iii), 173.185(c)(1)(iv), 173.185(c)(3).	To authorize the transportation in commerce of packages containing lithium cells and batteries without certain package markings when contained in over-packs and transported via motor vehicle and rail. (modes 1, 2)
20481-N	Advanced Green Innovations, LLC.	173.212	To authorize the manufacture, mark, sale, and use of non-DOT specification pressure vessels for the transportation of certain Division 4.2 materials. (modes 1, 2, 3)
20482-N	Phosphorus Derivatives Inc..	173.35(e)	To authorize the transportation in commerce of residue contained in IBCs where the closure nearest to the hazardous materials cannot be secured. (mode 1)
20484-N	Teledyne Brown Engineering, Inc.	173.62(c), 173.62(c)(2), 173.62(c)(4), 173.302(a).	To authorize the transportation in commerce of Class 1 materials and non-DOT specification cylinders contained in space launch systems. (modes 1, 3)
20490-N	Rotak LLC	172.101(j), 172.200, 172.204(c)(3), 172.301(c), 173.27(b)(2), 175.30(a)(1), 175.75.	To authorize the transportation in commerce of certain hazardous materials which are forbidden for transportation by air or exceed quantity limitations, to be transported by cargo aircraft either inside the aircraft or in external load configuration within the state of Alaska and the 48 contiguous states when other means of transportation are impracticable or not available. (mode 4)
20491-N	Rotak LLC	172.101(j), 172.204(c)(3), 172.301(c), 173.27(b)(2), 175.30(a)(1), 175.75.	To authorize the transportation in commerce of certain class 1 hazardous materials which are forbidden for transportation by air, to be transported in Part 133 rotorcraft external load operations attached to or suspended from an aircraft, in remote areas of the State of Alaska and the contiguous 48 states, without being subject to hazard communication requirements, quantity limitations and certain loading and stowage requirements. (mode 4)

[FR Doc. 2017-14468 Filed 7-10-17; 8:45 am]

BILLING CODE 4909-60-P

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials Safety Administration****Hazardous Materials: Notice of Applications for Special Permits**

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described

herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before July 26, 2017.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety

Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington DC or at <http://regulations.gov>.

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 29, 2017.

Donald Burger,

Chief, Office of the Special Permits and Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
Special Permits Data				
10784-M	UNITED STATES SECRET SERVICE.	173.25, 175.75(b)	To modify the special permit to authorize an additional DOT-specification cylinder to be transported in First Aid/Trauma Kits aboard passenger carrying aircraft. (mode 5)
11691-M	THE COCA-COLA COMPANY.	172.301(c), 176.83(d), 176.800(a), 176.800(b).	To modify the special permit to authorize additional Class 3, 8 and 9 hazardous materials. (mode 3)
12130-M	FIBA TECHNOLOGIES, INC.	173.315, 173.318, 176.76(g).	To modify the special permit to change it from a manufacturing permit to a use permit. (modes 1, 3)
13583-M	STRUCTURAL COMPOSITES INDUSTRIES LLC.	173.302a(a)(1), 173.304a(a)(1), 180.205.	To modify the special permit to authorize spare cylinders to be included in the lot used for qualification testing. (modes 1, 2, 3)
14301-M	GASCON (PTY) LTD	178.274(b), 178.276(a)(2), 178.276(b)(1).	To modify the special permit to authorize portable tanks to be designed, constructed, certified and stamped in accordance with Section VIII Division 2 of the ASME Code. (modes 1, 2, 3)
15806-M	INTEGRATED ENVIRONMENTAL SERVICES, INC.	173.201, 173.202, 173.203, 173.302, 173.304, 180.209.	To modify the special permit to authorize use of single hatch openings on cylinders, increase the MAWP to 745 psig and decrease the working temperature to 131 degrees. (mode 1)
16095-M	CLAY AND BAILEY MANUFACTURING COMPANY.	172.203(a), 178.345-1, 178.347-3, 180.413.	To modify the special permit to remove MC 307 and DOT 407 cargo tanks motor vehicles and to lower the hydrostatic testing pressure from 53 psig to 36 due to these tanks being removed. (modes 1, 3)
16212-M	ENTEGRIS, INC	173.302c(a), 176.83(b) ...	To modify the special permit to remove items from paragraph 6 that are no longer authorized in the packaging authorized by the permit, and to add new additional packaging to the permit. (modes 1, 3)
16524-M	QUANTUM FUEL SYSTEMS LLC.	173.302(a)	To modify the special permit to authorize Modal Acoustic Emission testing for periodic requalification of permitted cylinders. (modes 1, 2, 3)

[FR Doc. 2017-14467 Filed 7-10-17; 8:45 am]

BILLING CODE 4909-60-P

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials Safety Administration****Hazardous Materials: Notice of Applications for Special Permits**

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material

Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before August 10, 2017.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety

Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington DC or at <http://regulations.gov>.

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 30, 2017.

Donald Burger,
Chief, Office of the Special Permits and Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
Special Permits Data				
11911-M	TRANSFER FLOW, INC	177.834(h), 178.700(c)(1).	To authorize an additional fuel type to be added to the permit.
20438-N	TOYOTA MOTORSPORT GMBH.	172.101(j), 173.185(a)	To authorize the transportation in commerce of prototype lithium ion batteries in excess of 35 kg by cargo-only aircraft.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20458-N	KAVOK EIR, TOV	172.204(c)(3), 175.30(a)(1), 173.27(b)(2), 173.27(b)(3).	To authorize the transportation in commerce of certain explosives which are forbidden for transport by cargo only aircraft.
20460-N	KALITTA AIR, L.L.C	172.101(j)(1), 175.30(a)(1), 173.27(b)(2), 173.27(b)(3).	To authorize the transportation of explosives forbidden aboard aircraft to be transported aboard cargo-only aircraft.
20465-N	TOYOTA MOTOR SALES USA INC.	172.446(b)	To authorize the use of Class 9 labels whose vertical stripes are not equal in size.
20467-N	CHEMTRONICS INC	171.8, 171.23(b), 173.304a(a).	To authorize the transportation in commerce of certain DOT Specification 2Q containers containing hazardous materials identified in paragraph 6 as ORM-D materials.
20468-N	KALITTA AIR, L.L.C	172.204(c)(3), 175.30(a)(1), 173.27(b)(2), 173.27(b)(3).	To authorize the transportation in commerce of anhydrous ammonia by cargo aircraft, which is forbidden in the regulations.
20472-N	UKRAINE AIR ALLI- ANCE.	175.30(a)(1), 173.27(b)(2), 173.27(b)(3),.	To authorize the transportation in commerce of explosives by cargo aircraft which is forbidden by the regulations.

[FR Doc. 2017-14466 Filed 7-10-17; 8:45 am]

BILLING CODE 4909-60-P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Internal Revenue Service Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before August 10, 2017 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at OIRA_Submission@OMB.EOP.gov and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at PRA@treasury.gov.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be

obtained from Jennifer Leonard by emailing PRA@treasury.gov, calling (202) 622-0489, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: Quarterly Federal Excise Tax Return.

OMB Control Number: 1545-0023.

Type of Review: Revision of a currently approved collection.

Abstract: The information supplied on Form 720 is used by the IRS to determine the correct tax liability. Additionally, the data is reported by the IRS to Treasury so that funds may be transferred from the general revenue funds to the appropriate trust funds.

Form: IRS Form 720.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 4,474,785.

Title: Representation of Taxpayers before the Internal Revenue Service.

OMB Control Number: 1545-0150.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 2848 is used to authorize someone to act for the respondent in tax matters. It grants all powers that the taxpayer has except signing a return and cashing refund checks. Data is used to identify representatives and to ensure that confidential information is not divulged to unauthorized persons.

Form: IRS Form 2848.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 1,092,883.

Title: Application for Determination for Employee Benefit Plan.

OMB Control Number: 1545-0197.

Type of Review: Extension without change of a currently approved collection.

Abstract: IRS needs certain information on the financing and operating of employee benefit and employee contribution plans set up by employers. IRS uses Form 5300 to obtain the information needed to determine whether the plans qualify under Code sections 401(a) and 501(a).

Form: IRS Form 5300.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 7,201,200.

Title: Application for Determination for Adopters of Modified Volume Submitter Plans.

OMB Control Number: 1545-0200.

Type of Review: Extension without change of a currently approved collection.

Abstract: This form is filed by employers or plan administrators who have adopted a prototype plan approved by the IRS National Office or a regional prototype plan approved by the IRS District Director to obtain a ruling that the plan adopted is qualified under IRC sections 401(a) and 501(a). It may not be used to request a letter for a multiple employer plan.

Form: IRS Form 5307.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 5,139,000.

Title: Statements to Recipients of Dividend Payments.

OMB Control Number: 1545-0747.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 5498 is used by trustees and issuers to report contributions to, and the fair market value of, an individual retirement arrangement. The information on the form will be used by IRS to verify compliance with reporting rules under regulation section 1.408–5 and to verify that the participant of the IRA has made the contribution for which he or she is taking the deduction.

Form: IRS Form 5498.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 48,731,780.

Title: General Business Credit.

OMB Control Number: 1545–0895.

Type of Review: Extension without change of a currently approved collection.

Abstract: Internal Revenue Code section 38 permits taxpayers to reduce their income tax liability by the amount of their general business credit, which is an aggregation of their investment credit, jobs credit, alcohol fuel credit,

research credit, low-income housing credit, disabled access credit, enhanced oil recovery credit, etc. Form 3800 is used to figure the correct credit.

Form: IRS Form 3800.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 8,345,000.

Title: Treatment of Dual Consolidated Losses.

OMB Control Number: 1545–1083.

Type of Review: Extension without change of a currently approved collection.

Abstract: Section 1503(d) denies use of the losses of one domestic corporation by another affiliated domestic corporation where the loss corporation is also subject to the income tax of another country. The regulation allows an affiliate to make use of the loss if the loss has not been used in the foreign group, to take the loss into income upon future use of the loss in the foreign country. The regulation also requires separate accounting for a dual consolidated loss where the dual resident corporation files a consolidated return.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 1,620.

Title: Valuation Tables.

OMB Control Number: 1545–1343.

Type of Review: Extension without change of a currently approved collection.

Abstract: The regulations require individuals or fiduciaries to report information on Forms 706 and 709 in connection with the valuation of an annuity, an interest for life or a term of years, or a remainder or reversionary interest.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 4,500.

Authority: 44 U.S.C. 3501 et seq.

Dated: July 5, 2017.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017–14448 Filed 7–10–17; 8:45 am]

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Part II

Department of Defense

Civilian Acquisition Workforce Personnel Demonstration (AcqDemo) Project;
Department of Defense (DoD) Notices

DEPARTMENT OF DEFENSE**Office of the Secretary****[Docket ID: DOD–2017–OS–0031]****Civilian Acquisition Workforce
Personnel Demonstration (AcqDemo)
Project; Department of Defense (DoD)****AGENCY:** Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) (DASD (CPP)), DoD.**ACTION:** Proposed notice of consolidation, modification, and republication as amended of a Personnel Demonstration Project Plan.

SUMMARY: The DoD, with the approval of the Office of Personnel Management (OPM), received authority to conduct a personnel demonstration project within DoD's civilian acquisition workforce and among those supporting personnel assigned to work directly with it. The purpose of this notice is to consolidate the original AcqDemo project plan and, as appropriate, the still relevant interventions described in the six subsequent amendments and one notice of intent as listed in Appendix A into a single document for better understanding and ease of use; record the modifications made to existing demonstration project initiatives as a result of experience gained from their use; describe additional personnel management initiatives undertaken to generate further improvement of and increased efficiencies in support for the DoD acquisition workforce; and republish the AcqDemo Project Plan as amended and as updated for corrections, deletions, additions, and clarifications.

DATES: DoD will consider written comments if received no later than August 10, 2017.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are

received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT:

DoD: Scott Wortman, Program Manager, Civilian Acquisition Workforce Personnel Demonstration Project, 9820 Belvoir Road, Ft. Belvoir, VA 22060, 703–805–5050; DoD: Ms. Megan Maciejewski, Defense Civilian Personnel Advisory Service, Human Resources Operational Programs and Advisory Services, Staffing Policy Division, 4800 Mark Center Drive, Suite 05F16, Alexandria, VA 22350–1100, 571–372–1538.

SUPPLEMENTARY INFORMATION:**A. Background**

The AcqDemo Project was established under the authority of the Secretary of Defense, with the approval of OPM. Subject to the authority, direction, and control of the Secretary, the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) carries out the powers, functions, and duties of the Secretary concerning the DoD acquisition workforce (AWF). Title 10 United States Code (U.S.C.) Chapter 87 describes general authorities and responsibilities, defense acquisition positions, Acquisition Corps, education and training, and general management provisions applicable to the Defense AWF. The purpose of the AcqDemo, as stated in 10 U.S.C. Chapter 87, Section 1762, is “to determine the feasibility or desirability of one or more proposals for improving the personnel management policies or procedures that apply with respect to the acquisition workforce of the [DoD] and supporting personnel assigned to work directly with the acquisition workforce.”

This demonstration project was originally authorized under Section 4308 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 1996 (Pub. L. 104–106, 110 Stat. 669; 10 United States Code Annotated (U.S.C.A.) 1701 note), as amended by section 845 of NDAA for FY 1998 (Pub. L. 105–85, 111 Stat. 1845); Section 813 of NDAA for FY 2003 (Pub. L. 107–314, 116 Stat. 2609); and Section 1112 of NDAA for FY 2004 (Pub. L. 108–136, 117 Stat. 1634). The NDAA for FY 2004 authorized the National Security Personnel System (NSPS) and most AcqDemo employees converted to the NSPS in 2006. Section 1113 of NDAA for FY 2010 (Pub. L. 111–84, 123 Stat. 2190) repealed the NSPS and directed conversion of all NSPS employees to their previous pay system by January 1, 2012. All NSPS employees formerly in AcqDemo were transitioned

back to AcqDemo during the month of May 2011. On January 7, 2011, the original demonstration project authority was repealed and codified at 10 U.S.C. 1762 pursuant to Section 872 of the Ike Skelton NDAA for FY 2011 (Pub. L. 111–383, 124 Stat. 4300, 4302). With the enactment of Section 872 of the Ike Skelton NDAA for Fiscal Year (FY) 2011, Public Law 111–383, Congress extended the authority for AcqDemo until September 30, 2017, and increased the total number of persons who may participate in the project from 95,000 to 120,000. Congress further extended the authority for AcqDemo to December 31, 2020, in Section 846 of NDAA for FY 2016 (Pub. L. 114–92). Through Section 867 of NDAA for FY 2017 (Pub. L. 114–328), Congress provided that the Secretary of Defense shall exercise the authorities granted to the OPM under 5 U.S.C. 4703 for purposes of the demonstration project.

OPM approved and published the final project plan for the AcqDemo on January 8, 1999, in 64 **Federal Register** (FR) 1426–1492. Since that time, six amendments have been approved and published, and one notice of intent to amend published by OPM. These are listed in Appendix A.

B. Overview

The project was initially designed in the 1997–1999 timeframe by a Process Action Team under the authority of then-Under Secretary of Defense for Acquisition and Technology with the participation of and review by DoD and the OPM. The purpose of the project is to enhance the quality, professionalism, and management of the DoD acquisition workforce through improvements in the efficiency and effectiveness of the human resources management system. The project interventions strive to support DoD's efforts to “create a professional, agile, and motivated workforce that consistently makes smart business decisions, acts in an ethical manner, and delivers timely and affordable capabilities to the warfighter.”¹

The original AcqDemo Project Plan included streamlined hiring and appointment authorities; a Voluntary Emeritus Program; broadbanding; simplified classification; combined classification and appraisal criteria into six factors; revised reduction-in-force procedures; a contribution-based compensation and appraisal system; academic degree and certification

¹ DoD Directive 5000.52, January 12, 2005, Subject: Defense Acquisition, Technology, and Logistics Workforce Education, Training, and Career Development Program.

training; and sabbaticals. A number of new initiatives have been added and clarifications made to this updated project plan based on experience gained with the original processes and procedures since implementation in January 1999; feedback from participants at all AcqDemo organizational levels; changes in title 5 U.S.C. and title 5 Code of Federal Regulations (CFR); changes in legislative language impacting AcqDemo employee/organization coverage and project evaluation; environmental conditions such as a weak economy, government downsizing, and sequestration; and concerns with the relationship between position management, Contribution-based Compensation and Appraisal System (CCAS) scoring; compensation management; and appropriate pay. The new or modified initiatives and/or topics include target broadband level; reduction of the six classification and appraisal factors to three factors; direct hire authority; modified expedited hiring authority; rule of many; expanded supervisory probationary period; expanded detail and temporary promotion authority; revised reduction-in-force procedures basing order of retention primarily on individual employee performance; compensation management; clarification of various pay setting procedures for conversions, new hires, employee movement within AcqDemo, and employees voluntarily joining AcqDemo; supervisory and team leader cash differentials; accelerated compensation for developmental positions; student intern relocation incentive; overall assessment of the quality of performance; CCAS very high score methodology; and modified contribution improvement plan procedures. The text of the original FRN and its amendments have been realigned and rewritten, as necessary, to improve clarity, organize by topic, remove duplication, eliminate outdated and cancelled items, and include revisions to existing flexibilities and descriptions of new interventions. Consequently, the document needs to be read in its entirety to obtain the full scope of the modernized demonstration project.

C. Evaluation Results

Since its implementation in early 1999, the AcqDemo interventions have confirmed that a human resources system tailored to the mission and needs of the AWF increases workforce satisfaction with the personnel management system, while providing quality acquisition products to DoD customers as evidenced by the 2006

AcqDemo Summative Evaluation² and periodic AcqDemo employee attitude surveys.

The June 2006 Summative Evaluation Report stated: "AcqDemo had a positive impact on overall workforce quality by enabling managers to compete with the private sector for the best talent available and make timely job offers to potential employees. When AcqDemo procedures were fully implemented, hiring timeliness was significantly improved. AcqDemo succeeded in retaining 'high contributors' and increasing the separation rates of 'low contributors' without damaging employees' overall sense of fairness. AcqDemo resulted in high levels of customer satisfaction, and both employees and supervisors realized the benefits of AcqDemo flexibilities in responding to customer requirements quickly. Finally, a variety of data indicated that there was a positive shift in workforce satisfaction with the AcqDemo personnel management system."

Since the return of employees from NSPS in May 2011, there continues to be strong evidence that the initiatives implemented under the AcqDemo are effective:

(1) Component acquisition leaders' feedback on effectiveness of AcqDemo programs on recruitment and retention has been positive.

(2) Senior Leader interviews were positive on the outcomes of programs but suggested processes may need to be tweaked, e.g., two recommended changes were (a) to decrease the number of classification and appraisal factors from six factors to three factors to further simplify position classification and streamline the CCAS appraisal process, and (b) add a very high score scheme to each of the three factors for contributions above the maximum score for each career path to provide more gradation and increase flexibility for assessment of different levels of contribution. Following receipt of the Senior Leader feedback, the workforce was polled on a draft proposal for three factors in 2014. Over 56% of the workforce was in favor of converting to the more concise language recommended by the Senior Leaders. Additionally, overwhelming support on the three-factor format was received during follow-on Senior Leader Interviews that were conducted as well as numerous requests for a very high

score contribution appraisal structure for each of the factors as initially suggested. Therefore, the three new factors, each with their very high score scheme, are included in the updated AcqDemo Project Plan described in this FRN.

(3) Additional organizations are seeking to join AcqDemo.

(4) Analysis³ provided evidence that people who entered the acquisition workforce and were covered by an AcqDemo pay plan (or any demonstration pay plan) were retained longer compared to those in the General Schedule (GS) plan. Retention was 24 percent higher for the AcqDemo pay plan than for the GS plan.

(5) Results from the 2015 OPM Federal Employee Viewpoint Survey (FEVS) indicated that 87% of the 2015 AcqDemo FEVS responses were better than the 2014 AcqDemo FEVS responses.

(6) Interview and survey data suggest that many aspects of AcqDemo are positively perceived, i.e., supervisory perceptions regarding the ability to hire people as needed and to reassign or reclassify employees in response to changing mission needs.

(7) Survey respondents reported being more optimistic about opportunities for promotion and were more likely to believe that their organization is retaining the highest-performing employees among their peers in the organizations selected for comparison.

(8) A 2016 independent research report⁴ indicated that unionized employees have fared well in AcqDemo as compared to unionized employees in the GS system. AcqDemo provided higher starting salaries, paid higher salaries overall, and offered a more rapid increase in salaries. The annualized basic pay was \$700 to \$1,400 higher for bargaining union members compared to their GS counterparts. Unionized employees were more likely to receive promotions than nonunionized employees, while within the GS comparison group the reverse occurred. The four-year retention rate for AcqDemo unionized employees was 80.3 percent compared

³ RAND Corporation, *Retention and Promotion of High-Quality Civil Service Workers in the Department of Defense Acquisition Workforce*, by Christopher Guo, Philip Hall-Partyka, Susan M. Gates; Copyright 2014; Chapter 4, Effects of Acquisition Demonstration Pay Plan on Retention, page 34, 1st partial paragraph; and Conclusion, page 36, 1st paragraph.

⁴ RAND Corporation, *2016 Assessment of the Civilian Acquisition Workforce Personnel Demonstration Project*, by Jennifer Lamping Lewis, Laura Werber, Cameron Wright, Irina Danescu, Jessica Hwang, Lindsay Daugherty; Copyright 2017; Report Number RR1783.

² Department of Defense (DoD) Civilian Acquisition Workforce Personnel Demonstration Project (AcqDemo), *Summative Evaluation Report, June 2006*, prepared by the AcqDemo Project Office, 2001 N. Beauregard Street, Suite 210, Alexandria, Virginia 22311.

to a corresponding rate of 78.5 percent for the weighted GS control group.

(9) The 2016 OPM FEVS Employee Engagement Index questions, which best exemplify “an employee’s sense of purpose,” and the New Inclusive Intelligence (IQ) Index questions, which “center on behaviors that help create an inclusive environment,” show continued year after year improvement from 2014 through 2016 and consistently higher positive responses than the DoD and overall Federal workforce across all subcomponents. The top three AcqDemo 2016 positive items reflect sense of pride in work and are shown below with their respective percentage of positive responses:

(a) When needed I am willing to put in the extra effort to get a job done. (95.2%)

(b) Pay raises depend on how well employees perform their jobs. (39.8%)

(c) How satisfied are you with your opportunity to get a better job in your organization? (37.9%)

This information is a testament to the success of AcqDemo as a valuable human resources management tool in the efforts of the USD(AT&L) to emphasize and achieve broader and stronger workforce professional and technical qualifications, abilities, and capabilities for all sixteen DoD acquisition career fields. With the extension of the AcqDemo authority until December 31, 2020, the Department now has an additional opportunity to better adjust AcqDemo to the emergent qualifications associated with the myriad, complex defense acquisition situations with timely workforce development and more efficient, agile, and effective processes and procedures. New as well as modified flexibilities in human resources management activities can be tested and adjusted for maximum effectiveness in support of the USD(AT&L) “principle that continuous improvement is the best approach to improving the performance of the defense acquisition enterprise.”⁵

D. Notification Responsibilities

The DoD AcqDemo Program Office will post this amendment on the Program Office’s Web site at <http://AcqDemo.hci.mil>. In addition, Participating Organizations will be requested to notify employees, appropriate union officials, and other stakeholders of this FRN as well as their communication vehicles, e.g., Web site;

letters to employees and union officials; consultation and negotiation with union officials; town halls; etc.; and the DoD Program Office Web site and information contained therein.

Dated: June 30, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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DoD Civilian Acquisition Workforce

Personnel Management Demonstration Project

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2017), Competitive Area: Local

Commuting Area; Fort Husky, Virginia;

Supply Directorate; Business

Management and Technical Management

Career Path (NH)

⁵ Better Buying Power 3.0, *White Paper*, Office of the Under Secretary of Defense Acquisition, Technology and Logistics, Honorable Frank Kendall, 19 September 2014.

I. Introduction

A. Executive Summary

AcqDemo is an acquisition-based alternative human resource management pay and personnel system that provides managers and organizations with increased flexibilities in recruitment, staffing, classification, performance management, compensation, and employee development. The purpose of the project is to enhance the quality, professionalism, and management of the DoD AWF through improvements in the efficiency, effectiveness, and agility of the human resources management system. This project not only provides a system that retains, recognizes, and rewards employees for their contributions, but also supports their personal and professional growth as acquisition specialists and professionals. In addition, this demonstration project provides managers, at the lowest practical level, the authority, control, and flexibility they need to achieve effective workforce management, quality acquisition processes, and superior products.

B. Governance

1. Management Oversight

The AcqDemo Project was established under the authority of the Secretary of Defense (SECDEF), with the approval of OPM. Subject to the authority, direction, and control of the SECDEF, the USD(AT&L) carries out the powers, functions, and duties of the SECDEF concerning the DoD AWF. The USD(AT&L) is authorized to establish policies and procedures, in coordination with the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), for the effective management of the acquisition, technology, and logistics workforce in the DoD, which includes management and oversight of the DoD AcqDemo. To assist in this endeavor, the USD(AT&L) chartered the DoD Civilian Acquisition Workforce Personnel Demonstration Project Program Office in September 1999. The Office of Human Capital Initiatives was chartered by the USD(AT&L) in November 2015, and the Director designated as the senior official responsible for the AcqDemo program. The Director, Human Capital Initiatives, is responsible for oversight, policy, direction, design and centralized management of the AcqDemo. Subject to the authority, direction, and control of the Director, Human Capital Initiatives, the AcqDemo Program Manager is responsible for the centralized management of the DoD AcqDemo Project. The Program Manager also has

authority to establish and chair an Executive Council comprised of a representative from each DoD Component, Agency, and Field Activity with organizations and/or teams participating in the AcqDemo Project (hereafter referred to as Participating Organizations) plus USD(P&R) and/or USD(AT&L) representatives serving in an advisory role as appropriate. Each Participating Organization has authority to manage and oversee AcqDemo implementation and operation within overarching USD(AT&L), HCI, and/or AcqDemo Program Office policy and guidance.

2. Personnel Policy Boards

It is envisioned that each Participating Organization, to include subordinate AcqDemo participating organizations and/or teams, shall establish a Personnel Policy Board (PPB). The PPB is the body to manage, evaluate, and make policy and procedural changes for its respective organization within the parameters of the AcqDemo Project Plan published in the **Federal Register** notice 64 FR 1426–1492, DoD AcqDemo Program Office guidance, and Department of Defense Instructions (DoDIs). The Executive Director, members, and staff of the Board are designated by the Head of the Participating Organization. Should any Participating Organization elect not to establish a PPB, the charter of an existing group within the respective organization must be modified to include the duties detailed in Section I.B.2(a) through (i). In either case, the Board is tasked, at a minimum, with the following:

- (a) Overseeing the civilian pay budget;
- (b) Addressing issues associated with two or more pay systems (e.g., AcqDemo, GS, and other pay banded systems);
- (c) Determining the composition of the CCAS pay pool in accordance with the established guidelines and statutory constraints;
- (d) Reviewing operation of the organization's CCAS pay pools;
- (e) Providing guidance to pay pool managers;
- (f) Administering funds to CCAS pay pool managers;
- (g) Reviewing hiring and promotion salaries;
- (h) Monitoring award pool distribution by organization and acquisition workforce (AWF) employees vs. non-AWF employees; and
- (i) Assessing the need for and making changes to local demonstration project procedures and policies when needed to further define specific interventions to ensure standard application across the

participating AcqDemo organization(s) and/or team(s).

3. AcqDemo Project Plan Revisions

Modifications to the AcqDemo Project Plan must be made from time to time as experience is gained, results are analyzed, and conclusions are reached on how the various flexibilities are working individually and within the overall project. Minor policy and procedural modifications of this published AcqDemo project plan within already existing waivers may be made by the Director, Human Capital Initiatives, with delegation to the Program Manager, and published in internal issuances and AcqDemo Memorandums and/or at <http://www.acqdemo.hci.mil> to inform stakeholders such as USD(P&R); AcqDemo Executive Council; Defense Civilian Personnel Advisory Service; Participating Organizations; employees; Unions; and/or other interested parties as appropriate. New waivers from law or regulation must be approved by the USD(AT&L) in coordination with the USD(P&R) and published in a **Federal Register** notice.

4. AcqDemo Internal Guidance

The DoD AcqDemo Program Office is responsible for preparing and/or issuing implementation, operational, sustainment, and other internal guidance such as AcqDemo Memoranda, Operating Procedures, and/or DoDIs regarding the AcqDemo provisions to Participating Organizations. This internal guidance, which can be found at <http://www.acqdemo.hci.mil>, supplements with additional details the general guidelines and parameters established through legislation and **Federal Register** notices. Participating Organizations may issue additional internal guidance to ensure standard application across AcqDemo participating subordinate organizations and teams. All personnel laws, regulations, and guidelines not waived by the AcqDemo Project Plan will remain in effect. Basic employee protections and entitlements such as grievance, merit system principles, equal opportunity, leave, insurance, annuities, etc., are unchanged by AcqDemo and remain applicable.

5. Legal Authority

For actions taken under the auspices of the demonstration project, the legal authority code Z2W, Public Law 111–383, will be used. For all other actions, the nature of action codes (NOAC) and legal authority codes prescribed by OPM and/or DoD will continue to be used unless revised or new codes are

developed for specific AcqDemo interventions. Information and guidance on codes specific to AcqDemo will be published in internal implementing issuances.

C. Organization and Team Participation

1. Scope of Acquisition Organizations. The DoD has numerous civilian acquisition organizations and teams in the Departments of the Army, the Navy (including the Marine Corps), and the Air Force as well as several Defense agencies and field activities. These organizations and teams are located not only across the United States but also in various foreign countries. Various elements of these organizations may be included in AcqDemo if they request to participate in AcqDemo, meet the eligibility requirements, are coordinated with the USD(P&R), and approved by the USD(AT&L).

2. Request to Participate in AcqDemo. As a demonstration project, AcqDemo is subject to audit, evaluation, and reporting requirements as Department leaders consider expanding participation in AcqDemo and the merits of undertaking modified and installing new initiatives. Therefore, to assist in the effective management of the project, it is necessary to establish and utilize a formal application and approval process for organizations and teams desiring to participate in AcqDemo. The broad parameters of this process are described below with finite content requirements to be issued by the DoD AcqDemo Program Office using various internal DoD issuances such as AcqDemo Memorandum, AcqDemo Operating Procedures, and/or DoDIs. As experience is gained using this process, analysis is conducted, and conclusions reached, minor modifications may be made by the DoD AcqDemo Program Office.

3. Calls for Additional Participation. The AcqDemo Program Office may establish a regular schedule or periodically announce opportunities for interested acquisition organizations to apply for approval to participate in AcqDemo. Out-of-cycle participation requests will be reviewed on a case-by-case basis. During the demonstration project authority period, limited expansion of the project may be determined valuable by the USD(AT&L). In these cases, plans for such expansion will be coordinated with the USD(P&R) prior to execution.

4. Eligibility Requirements. Organizational and team participation in AcqDemo is voluntary. For an interested organization or team to be approved to participate, the following conditions must be met:

(a) At least one-third of the workforce selected to participate in the demonstration project consists of members of the acquisition workforce (civilian employees occupying positions coded as meeting the requirements of the Defense Acquisition Workforce Improvement Act (DAWIA) of 1990 as amended);

(b) At least two-thirds of the workforce participating in the demonstration project consists of members of the acquisition workforce and supporting personnel assigned to work directly with the acquisition workforce;

(c) Positions are classified to an approved occupational series; and

(d) The organization or team request is coordinated through the chain of command, to include the USD(P&R), for approval by USD(AT&L) for participation in the AcqDemo Project. Following receipt of appropriate coordination and approvals for the requesting organization to participate in AcqDemo, the AcqDemo Program Office staff will initiate appropriate notification to the requesting Military Department or DoD Component and USD(P&R). In addition, any organization approved to participate will notify affected employees, labor organizations, and other appropriate stakeholders.

5. Application Process. The organization or team seeking approval to participate in AcqDemo would follow the process steps listed below:

(a) Complete the following preliminary activities:

(1) Review the AcqDemo design with the Participating Organization's DoD AcqDemo Executive Council Representative, if applicable, and DoD AcqDemo Program Office officials;

(2) Informally coordinate concurrence of their participation within its component leadership for any enterprise planning impacts; and

(3) Assess the acceptance level of the workforce with participation, views of stakeholders such as local bargaining union leadership (if applicable), and consider any other local climate and/or operational issues that would impact effective implementation of the project.

(b) Gather and include the required information described below in an application packet:

(1) Complete DoD Component, DoD Agency, or DoD Field Activity address.

(2) Identification of the acquisition-related mission of the population requesting participation, including a brief discussion of the major functions performed.

(3) Requesting organizations are encouraged to provide any applicable local workforce challenges being

encountered that are not covered in 64 FR 1426–1492 and indicate how it is anticipated that AcqDemo could help address such challenges.

(4) Workforce Demographic Data.

(5) Identification of occupational series that need to be added.

(6) A statement of confirmation that applicable Within-Grade Increase (WGI) buy-in conversion costs, if applicable, have been estimated and do not present an adverse financial impact on payroll budgeting and execution.

(7) Communication plan, as available.

(8) Desired conversion date for candidate population.

(c) Route the application package through its command channels to the Service Acquisition Executive and the Assistant Secretary for Manpower and Reserve Affairs (M&RA) for the Military Departments or the appropriate equivalent authority for other DoD components for appropriate review and endorsement to the DoD AcqDemo Program Manager. The AcqDemo Program Office staff will review the application package for compliance with required information and eligibility requirements and facilitate coordination of eligibility with USD(P&R), Defense Civilian Personnel Advisory Services (DCPAS) and participation approval with USD(AT&L). The AcqDemo Program Manager will then ensure the approval decisions are implemented, with quarterly updates provided to USD(P&R) and USD(AT&L).

D. Eligible Organizations

Appendix B provides two tables containing lists of organizations that have been determined to be eligible to participate. Table 1 of Appendix B provides a list of those organizations that were determined to be eligible to participate as of July 1, 2002. Table 1A of Appendix B contains a list of new or realigned organizations whose eligibility to participate in AcqDemo was approved by the DoD in calendar year 2014 and by OPM in calendar year 2015.

E. Workforce Coverage

1. Covered Workforce. Section 872 of the Ike Skelton NDAA for FY 2011 increased the number of employees who may participate in AcqDemo from 95,000 to 120,000 at any one time. The scope of AcqDemo workforce coverage for the DoD-wide critical acquisition function gives primary consideration to the number and diversity of occupations within (1) the acquisition workforce; and (2) the supporting personnel assigned to work directly with the acquisition workforce. This coverage encompasses acquisition-related duties

and positions in sixteen acquisition career fields: Auditing; business-cost estimating; business-financial management; contracting; facilities engineering; information technology; life cycle logistics; production, quality, and manufacturing; program management; property; purchasing; science and technology management; engineering; test and evaluation; small business; and international acquisition, with all but two considered critical acquisition career fields. This position management structure reflects the structure described in Appendix 1 of the April 2010 DoD Strategic Human Capital Plan (SHCP) Update for the Defense Acquisition Workforce as well as in the Defense Acquisition Workforce update for the 2016 DoD SHCP. The occupational series for this collection of duties and associated positions included in the AcqDemo are listed in Appendix C.

Additionally, in determining the scope of the demonstration project, DoD human resources management design goals and priorities for the entire civilian workforce were considered. While the intent of this project is to provide DoD activities with increased control and accountability for their covered workforce, the decision was made to restrict development efforts initially to positions in the GS and GM pay plans. Employees covered under the Performance Management and Recognition System Termination Act (pay plan code GM) are GS employees and are covered under the demonstration project. The AcqDemo currently includes employees who previously held positions under the GS or GM pay plan codes or under one of the National Security Personnel System pay plan codes or under other pay systems. Employees and positions in other personnel systems and pay plans may be converted into AcqDemo as a result of reorganizations, restructuring, realignment, consolidation, Base Realignment and Closure decisions, legislative dictates, or other

organizational changes as determined appropriate by the AcqDemo Program Manager. Students and recent graduates hired through the Pathways Programs may be included as determined by Participating Organizations. Excluded from coverage of this project at this time are Senior Executive Service, Senior Level, Scientific and Technical, Federal Wage System, and Administratively Determined positions. Also excluded from the project are (1) positions allocated to a Physicians and Dentist Pay Plan, either GP or GR; (2) positions covered by the Defense Civilian Intelligence Personnel System (10 U.S.C. chapter 83); (3) positions covered by or to be included in one of the Science and Technology Reinvention Laboratory (STRL) personnel demonstration projects (Section 342(b) of the NDAA for FY 1995, Pub. L. 103–337 (10 U.S.C. 2358), as amended); (4) primary or secondary law enforcement officer (LEO) positions (5 U.S.C. 5541(3)); and (5) administrative law judge positions. To determine if an organization and series are included, locate the organization in Appendix B, either in Table 1 or Table 1A, and then find the job series in Appendix C.

2. Current Participating Employees. Table 1 provides a breakout of the AcqDemo actual population as of July 29, 2016, by Participating Organizations including number of employees by career path, broadband level, and bargaining unit representation. Of the 33,639 employees, 6.45% or 2,171 are represented by labor unions. The American Federation of Government Employees and the National Federation of Federal Employees represent the largest number of employees. The International Association of Fire Fighters, International Federation of Professional and Technical Engineers, and Laborers' International Union of North America represent the remainder of AcqDemo bargaining unit employees.

F. Bargaining Requirements

1. Written Agreements. Employees within a unit to which a labor

organization is accorded exclusive recognition under 5 U.S.C. chapter 71, shall not be included as part of the demonstration project unless the exclusive representative and the agency have entered into a written agreement covering participation in and implementation of this project. In order to ensure that the integrity of the acquisition demonstration project is maintained, parties may not change the design and intent of any of the project initiatives during negotiations. DoD has authority to operate only ONE project with the initiatives applying to all Participating Organizations. Revisions to initiatives may only be made in accordance with Section I.B.3 of this project plan.

The parties may use mediation or any other mutually acceptable means to resolve disputes over the implementation of the project with respect to unit employees. Neither party may request the assistance of the Federal Service Impasses Panel to resolve such disputes. Either labor or management may unilaterally withdraw from negotiations over the application of this demonstration project to bargaining unit members at any time up until final agreement approval, without such action being considered an unfair labor practice under 5 U.S.C. 7116, for refusing to negotiate in good faith.

Written agreements addressing the initial implementation of the demonstration project to bargaining unit members of Participating Organizations are subject to agency head review and approval within DoD prior to implementation. Thus, agreements will be reviewed as provided in 5 U.S.C. 7114(c).

2. Subsequent Negotiations. Once a written agreement is reached and approved allowing for the local implementation of the project, all subsequent negotiations during the life of the project shall be subject to binding impasse procedures under 5 U.S.C. 7119.

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**Table 1. Participating DoD Components/Service including
Number of AcqDemo Employees by Career Path,
Broadband Level, and Union Representation
Data as of February 8, 2017**

Component	Career Path	Broadband Level Number of Employees (GS Grades Included)					Bargaining Unit Employees
		2/8/2017					
		I	II	III	IV	Total	
Air Force 15,897	NH	0 (GS 1-4)	1,357 (GS 5-11)	10,686 (GS 12-13)	2,936 (GS 14-15)	14,979	449
	NJ	0 (GS 1-4)	101 (GS 5-8)	250 (GS 9-11)	256 (GS 12-13)	607	3
	NK	7 (GS 1-4)	256 (GS 5-7)	48 (GS 8-10)		311	29
Army 8,560	NH	0 (GS 1-4)	438 (GS 5-11)	4,346 (GS 12-13)	3,338 (GS 14-15)	8,122	1,549
	NJ	0 (GS 1-4)	3 (GS 5-8)	78 (GS 9-11)	77 (GS 12-13)	158	0
	NK	0 (GS 1-4)	165 (GS 5-7)	115 (GS 8-10)		280	105
Navy 4,514	NH	0 (GS 1-4)	151 (GS 5-11)	1,748 (GS 12-13)	2,501 (GS 14-15)	4,400	5
	NJ	0 (GS 1-4)	2 (GS 5-8)	11 (GS 9-11)	51 (GS 12-13)	64	0
	NK	1 (GS 1-4)	28 (GS 5-7)	21 (GS 8-10)		50	0
Marine Corps 1,822	NH	0 (GS 1-4)	111 (GS 5-11)	1,154 (GS 12-13)	535 (GS 14-15)	1,800	0
	NJ	0 (GS 1-4)	0 (GS 5-8)	3 (GS 9-11)	10 (GS 12-13)	13	0
	NK	0 (GS 1-4)	6 (GS 5-7)	3 (GS 8-10)		9	0
4th Estate 4,913	NH	3 (GS 1-4)	172 (GS 5-11)	2,163 (GS 12-13)	2,487 (GS 14-15)	4,825	0
	NJ	0 (GS 1-4)	27 (GS 5-8)	5 (GS 9-11)	0 (GS 12-13)	32	0
	NK	1 (GS 1-4)	35 (GS 5-7)	20 (GS 8-10)		56	0
Joint Services 304	NH	0 (GS 1-4)	9 (GS 5-11)	232 (GS 12-13)	63 (GS 14-15)	304	0
	NJ	0 (GS 1-4)	0 (GS 5-8)	0 (GS 9-11)	0 (GS 12-13)	0	0
	NK	0 (GS 1-4)	0 (GS 5-7)	0 (GS 8-10)		0	0
	Totals	12	2,861	20,883	12,254	36,010	2,140

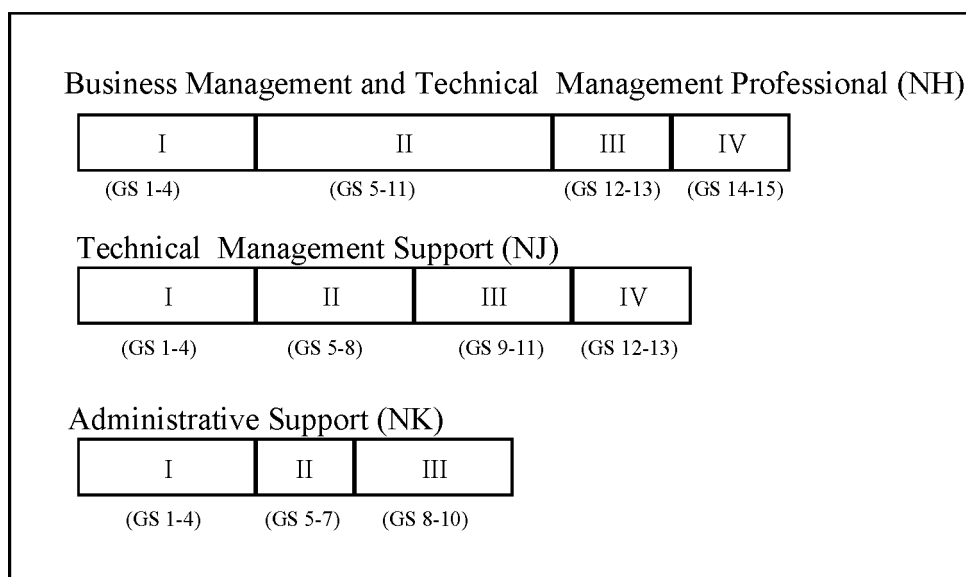
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II. Personnel System Interventions**A. Classification****1. Broadbanding**

a. The broadbanding system replaces the current GS fifteen-grade structure. The fifteen GS grades are arranged into three or four broadband levels within a career path in accordance with recognized advancement expected within the occupations assigned to the career path. Broadband level pay ranges were derived from base pay rates under 5 U.S.C. 5303 of the banded GS grades. The lowest basic pay rate of any given broadband level is that for step 1 of the lowest GS grade in that broadband level.

Likewise, the highest basic pay rate of any given broadband level is that for step 10 of the highest GS grade in that broadband level. There is a natural overlap in basic pay ranges in the GS grades that also occurs in the broadband system. Once employees move into the demonstration project, GS grades as well as WGIs and quality step increases will no longer apply and promotions will be less frequent. Movement through a broadband level will be based on employee appraisals under the CCAS; movement to a higher broadband level will be by competitive or non-competitive promotion; and voluntary or involuntary movement to a lower broadband level by a change to a lower broadband level personnel action.

b. There are three distinct career paths where AcqDemo occupations with similar characteristics are grouped together to facilitate advancement, pay progression, and more competitive recruitment of quality candidates at differing rates. The career paths are designated as Business Management and Technical Management Professional, Pay Plan NH; Technical Management Support, Pay Plan NJ; and Administrative Support, Pay Plan NK. The occupations placed within each of these career paths are listed in Appendix C. The three career paths and their associated broadband levels compared to GS grades are shown in Figure 1, Career Paths and Broadband Structure.

Figure 1. Career Paths and Broadband Structure

c. The broadband levels represent basic pay only and will be labeled I, II, III, or IV. Comparison to the GS base pay table is used in setting the minimum and maximum basic pay limits of the broadband levels. As the rates of the GS are increased for any annual across-the-board GS pay increase, the minimum and maximum basic pay rates of the broadband levels will also increase. Basic pay rates for employees are established within the minimum and maximum basic pay range for their position's broadband level. Section C, Pay Administration, offers more detail on how to set pay within a broadband level.

Since employees' pay progression through a broadband level depends on their contribution to the organization's mission and accomplishment of higher

level, broader scope, and/or more difficult work assignments, there will be no scheduled WGIs or scheduled across-the-board GS increases for employees covered by the broadbanding system. Advancement to a higher broadband level is typically through merit promotion or competitive recruitment procedures. Movement to a lower broadband level may be voluntary or involuntary. Special salary rates will no longer be applicable to demonstration project employees. Employees will be eligible for the locality pay of their geographical area with the exception of those employees stationed at an overseas location.

2. Occupational Series, Titles, and Classification Standards

The AcqDemo Project will continue to use the occupational series designators and position titles consistent with those authorized by DoD and/or OPM to identify positions. The current AcqDemo occupational series will be placed into appropriate career paths as shown in Appendix C. Appendix C has been updated to remove those series cancelled by OPM, to provide current series titles, to include additional series, and to move existing series to different or additional career paths. Other occupational series may be added or current series revised or deleted as a result of fluctuations in mission requirements or future DoD or OPM modifications to occupational series. Titling practices consistent with those

established by DoD or OPM classification standards will be used to determine the official title of positions. References in the position classification standards to grade criteria will not be used as part of the demonstration project. Rather, the AcqDemo provides definitions for each of the career paths and corresponding broadband levels within them as described in Appendix D.

3. Classification Level and Appraisal Factors

a. General. Under the demonstration project, a standard set of three classification levels and appraisal factors has been developed for each career path—Factor 1. Job Achievement and/or Innovation; Factor 2. Communication and/or Teamwork; and Factor 3. Mission Support. These factors comprised of expected contribution criteria and broadband level descriptors and discriminators, as aligned to the three career paths and their broadband levels, will be used for broadband level classification and employee contribution assessment. The employee contribution assessment includes both a determination of an Overall Contribution Score (OCS) and a performance appraisal level for each factor. While the basic classification and appraisal factors, descriptors, and discriminators cannot be changed, the factors with the addition of an employee's contribution plan are fundamental to the success of an acquisition organization and capture the critical content and expectations for positions in the three career paths—Business Management and Technical Management Professional, Technical Management Support, and Administrative Support.

b. Expected Contribution Criteria. The AcqDemo utilizes baseline expected contribution criteria prepared for each of the three factors. These criteria are applicable to all contributions at all broadband levels under the appropriate factor. The criteria form the basis from which specific contribution expectations, standards, goals, or objectives are developed for an employee's contribution plan for the classification level of work in the employee's position. These criteria may only be modified by the DoD AcqDemo Program Office.

c. Factors. The factors are derived from the Office of Personnel Management, *Introduction to the Position Classification Standards*, Appendix 3, *Primary Standard*, and represent the primary type of work and contribution typically found in

positions classified to a specific career path and broadband level.

(1) Descriptors. Descriptors are narrative statements that are written at increasing levels of complexity, scope, and value of position and employee contribution. They are meant to correspond with the broadband levels, and their associated ranges of basic pay, for classification and appraisal purposes. While the descriptors indicate a position classification and/or contribution level appropriate at the upper end of each broadband level, a broadband may actually contain an array of positions with varying levels of work, responsibilities, and value. These attributes range from just above the upper end of the next lower broadband level to an employee's position to the upper end of the employee's broadband level as defined by an organization's position management structure needed to accomplish its mission. Descriptors are not to be used individually to determine position classification or assess contributions, but rather are to be considered as a group to derive a single evaluation of each factor.

(2) Discriminators. The discriminators refine the descriptors. For example, the Communication and/or Teamwork factor has four discriminators (oral, written, contribution to team, and effectiveness), which are the same for all broadband levels. The discriminators help to define the type and complexity of work; degree of responsibility; and scope of contributions that need to be ultimately accomplished to reach the highest basic pay potential within a broadband level for an employee's position and contributions. The discriminators are often times included in the duties portion of the Position Requirements Document to clarify the generic descriptors as to type and level of work, and in contribution expectations, standards, goals, and/or objectives included in an employee's contribution plan to foster contributions at the appropriate level and value for the position within its broadband level and to support the organization's strategic goals and objectives needed to meet its mission.

(3) Summary. The three factor evaluations when taken as a whole result in either a classification determination of the broadband level for the position or an OCS and performance appraisal for an employee's contribution assessment depending on the action being addressed. This structure in turn would be used to set the stage for determination of position classification, contribution assessment, and ultimately compensation decisions. The definitions for the career paths and corresponding

broadband levels within them are found in Appendix D. The classification levels with descriptors, discriminators, and appraisal factors can be found in Appendix E.

4. Classification Authority

Under the AcqDemo, Heads of Participating Organizations (or equivalent) will have delegated classification authority and may re-delegate this authority to subordinate management levels to a level not lower than one management level above the first-line supervisor of the position under review, except in the case of those employees reporting directly to the Head of the Participating Organization or equivalent. First-line supervisors will provide classification recommendations. Individuals knowledgeable and experienced in classification methodology, to include Human Resources Specialists, may provide ongoing consultation and guidance to managers and supervisors throughout the classification process.

5. Position Requirements Document

Under the demonstration project's classification system, a position requirements document (PRD) combines the position information; staffing requirements; factors, descriptors, and discriminators; expected contribution criteria for the assigned broadband level; and position evaluation statement into a single document. The AcqDemo Program Office has developed fillable templates for each career path broadband level to aid supervisors in producing a PRD. These templates may be found on the AcqDemo Web site at: <http://acqdemo.hci.mil/PRD.html>. Participating Organizations may use an alternative automated system to support AcqDemo classification as needed. The objectives in developing the new PRD are to: (a) Simplify the descriptions and the preparation process through automation; (b) provide more flexibility in work assignments; and (c) provide a more useful tool for other functions of personnel management, e.g., recruitment, assessment of contribution, employee development, and reduction in force.

6. Fair Labor Standards Act

Fair Labor Standards Act (FLSA) exemption or non-exemption determinations will be made consistent with criteria found in 5 CFR part 551. All employees are covered by the FLSA unless they meet criteria for exemption. Positions will be evaluated as needed by comparing the duties and responsibilities assigned, the broadband level descriptors for each broadband

level, and the 5 CFR part 551 FLSA criteria.

7. Maximum Broadband Level

Each position under the demonstration project will have a designated maximum broadband level. This maximum broadband level will be identified as the top broadband level within a career path for a particular position and the broadband level to which an incumbent, selected competitively or through merit promotion for a lower broadband level, may be advanced without further competition. These broadband levels will be based upon the full performance levels of positions before conversion into AcqDemo. After conversion a newly created or re-described AcqDemo position may be assigned a different maximum broadband level based on the AcqDemo organization's position management structure, change in mission, reorganization, and similar factors. Maximum broadband levels may vary based upon occupation or career path. An employee's basic pay will be capped at the maximum rate for the designated broadband level until the employee has been promoted into the next higher broadband level.

8. Classification Appeals

An employee may appeal the occupational series, title, or broadband level of his or her own position at any time. An employee may not appeal the accuracy of the position requirements document; the demonstration project classification criteria; the pay-setting criteria; the propriety of a salary schedule; or matters grievable under an administrative or negotiated grievance procedure or an alternative dispute resolution procedure.

An employee must formally raise the areas of concern to supervisors in the immediate chain of command, either orally or in writing. If an employee is not satisfied with the supervisory response, he/she may appeal to the Head of his/her organization. If the employee is not satisfied with the supervisory response, he/she may then appeal to his/her organization's Component or Agency level in accordance with their instructions. If the employee is not satisfied with the Component or Agency decision, the employee may appeal to the DoD appellate level. Appellate decisions rendered by DoD will be final and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Department. The evaluation of classification appeals under this demonstration project is based upon the demonstration project

classification criteria. Case files will be forwarded for adjudication through the civilian personnel/human resources office providing personnel service and will include copies of appropriate demonstration project criteria. Time periods for case processing under 5 CFR 511.605 apply.

B. Recruitment and Staffing

One of the goals of the DAWIA Program is to create well-trained, multi-skilled professionals who can effectively manage multi-million-dollar programs. Hiring restrictions and complex processes unduly increase hiring timelines, exhaust valuable resources, and unnecessarily detract attention from the acquisition mission. Managers must be able to compete with academia and the private sector for the best talent and be able to make timely job offers to potential employees who display the experience, education, competencies, knowledge, skills, abilities, and motivation to be successful in the highly dynamic DoD acquisition environment. The program has statutory and regulatory requirements necessitating substantial education, training and experience, special certifications, and continuous learning designed to create a cadre of highly skilled acquisition professionals ready for assignment to the DoD's most senior acquisition positions.

The position management structure for the DAWIA Program contains three categories of AWF members and positions that may be found in each of the acquisition career fields. The largest category is comprised of persons assigned to developmental and mid-level acquisition positions. The next category encompasses Critical Acquisition Positions which are senior acquisition positions with significant responsibility, primarily involving supervisory or management duties in acquisition systems. The top level of positions, Key Leadership Positions, require special USD(AT&L) attention, have significant leadership responsibilities, are held by personnel in the most demanding acquisition positions, and are critical to the success of the DoD acquisition program.

To maintain an adequate complement of trained AWF members in each of the position categories and career fields, the DoD establishes hiring strategies and goals that are published in its biennial Human Capital Strategic Workforce Plan. A recent Government Accountability Office (GAO)⁶ review of

the results from the goals expressed in the DoD 2010 acquisition workforce plan and to be achieved by 2015, indicated that DoD did not reach the growth targets for six acquisition career fields by about 4,400 personnel. This includes four critical career fields, *i.e.*, contracting; business; production, quality, and manufacturing; and engineering along with two non-critical career fields, *i.e.*, property and purchasing. This shortfall in reaching essential growth targets illustrates the need for more efficient, agile, and effective hiring flexibilities to provide consideration of a broader spectrum of candidates from which to quickly acquire and steadfastly maintain a high quality acquisition workforce and its direct support personnel for each of the sixteen acquisition career fields.

1. Appointment Authorities

a. Competitive and Excepted Appointing Authorities. Under this demonstration project, there are two primary tenure existing competitive service appointment options used in the competitive service and excepted service: Permanent and temporary time-limited (which includes temporary and term (or term-like in the excepted service)). The permanent option consists of the existing career-conditional and career appointments (and equivalent appointments in the excepted service). The temporary limited option may be used to fill a short-term position, *i.e.*, one that is not expected to last longer than one year and is filled on a temporary basis. However, if warranted, the temporary limited appointment may be extended up to a maximum of one additional year for a total of 24 months of service. As appropriate under the provisions of this demonstration project, Participating Organizations may use other competitive service or excepted service appointing authorities and assignment mechanisms including the Veterans' Recruitment Appointment, Pathways Programs, and Appointment for Individuals with Disabilities for appointments into AcqDemo. While authorities such as Expert and Consultant and Intergovernmental Personnel Act appointments are not covered by the FRN, Participating Organizations may use them.

b. Modified Term Appointment Option.

(1) The modified term option is based on the existing term appointment. A modified term appointment is expected to last longer than one year but not to exceed five years unless a one-year

⁶ United States Government Accountability Office, Report to Congressional Committees, *Defense Acquisition Workforce, Actions Needed to*

Guide Planning Efforts and Improve Workforce Capability, December 2015, GAO-16-80.

extension is locally approved for a total not to exceed six years when the need for an employee's service is not permanent. Reasons for making a modified term appointment include, but are not limited to, carrying out special project work; staffing new or existing programs of limited duration; filling a position in activities undergoing review for reduction or closure; replacing permanent employees who have been temporarily assigned to another position, are on extended leave, or have entered military service; and hiring college students for the Acquisition Student Intern Program. Most selections for modified term appointments will be made under the competitive examining processes or by using direct-hire procedures. However, an AcqDemo Participating Organization may give a noncompetitive modified term appointment to a selectee who is qualified for the position and is eligible for one of the categories listed in 5 CFR 316.302(b), items (1) through (8).

(2) Reassignment. A Participating Organization may place a modified term employee in any other modified term position provided the employee meets the qualifying requirements of that position. However, such reassignment will not serve to extend the appointment beyond the original term appointment time period. The minimum eligibility requirements for the position will be determined according to OPM's Operating Manual "*Qualifications Standards for General Schedule Positions*" and applicable DAWIA requirements. DAWIA requirements may be used as quality ranking factors. Both sets of eligibility requirements do provide waivers by an appropriate authority.

(3) Conversion to Career-Conditional Appointment. Employees hired under the modified term appointment authority are in a temporary status but may be eligible for conversion to career-conditional appointments or career appointments if applicable. To be converted, the employee must: (a) Have been selected for the term position under competitive procedures, with the announcement specifically stating that the individual(s) selected for the term position(s) may be eligible for conversion to career-conditional appointment at a later date; (b) have served two years of continuous service in the term position; and (c) have been considered to have adequate contributions for two appraisal cycles (including the current appraisal cycle) immediately preceding conversion. Service under a modified term appointment immediately prior to a permanent appointment shall count

toward the probationary period requirements described in 10 U.S.C. 1599e.

(4) Benefits and Appeal Rights. Benefits and appeal rights are the same as those currently afforded term employees.

2. Targeted Recruitment and Outreach

Hiring managers of Participating Organizations are encouraged to use a variety of sources for their targeted recruitment and outreach efforts for both permanent and time-limited positions in the competitive and excepted services, including: Colleges/universities with degree programs that meet acquisition position requirements, job fairs, virtual career fairs, professional organizations, alumni associations, USAJOBS and non-Federal employment Web sites, employee referrals, contractors, and separating or retiring military members. Short-term or long-term job announcements may be posted for current and/or projected vacancies, multiple vacancies, broadband levels, and/or geographic locations as appropriate based upon the availability of qualified candidates and the type of position being filled. Hiring managers have, in consultation with their Human Resources Offices, the option of making on-the-spot tentative job offers at job fairs and other recruiting events when using a noncompetitive or direct hiring authority. These offers are contingent upon meeting appropriate public notice requirements, clearing local priorities to include Priority Placement Program, Reemployment Priority List, and Interagency Career Transition Assistance Plan, and meeting any other requirements (e.g., security clearances, certifications).

3. Qualifications and Assessments

For external government hiring, an applicant's basic eligibility for a position will be determined using OPM's Operating Manual, "*Qualifications Standards for General Schedule Positions*," and DAWIA requirements as appropriate. Experience gained in both permanent and time-limited competitive and excepted service positions as well as external government positions may be considered as appropriate.

a. Qualifications. Minimum eligibility requirements will be those corresponding to the lowest GS grade referenced in the broadband level of the position being filled. For internal government hiring, qualifying experience is defined as one year at the next lower broadband level in AcqDemo or an equivalent career path and

broadband level in a different pay banding system; or one GS grade or equivalent level lower than the lowest GS grade referenced in the AcqDemo broadband level of the position being filled; or a combination of both this AcqDemo and GS experience.

b. Assessments. For assessment purposes, selective placement factors may be established in accordance with OPM's Operating Manual "*Qualifications Standards for General Schedule Positions*" when judged to be critical to successful job performance. Selective factors identify any qualifications that are required when a selectee starts the job. Based on his/her characteristics, if an applicant does not meet a selective factor, he/she is ineligible for further consideration. Quality ranking factors are experience, competencies, knowledge, skills, abilities, and DAWIA certifications required that are expected to enhance performance in a position and focus on the level of proficiency the selectee brings to the job. Unlike selective factors, quality ranking factors are not used to "screen out" applicants but to focus on the level of proficiency applicants would bring to the position. Both the selective factors and/or quality ranking factors, when used for applicant assessment, will be communicated to applicants via a vacancy announcement or public notice when such is required.

4. External Hiring Authorities

a. General Principles. When exercising the AcqDemo external hiring authorities, Participating Organizations will adhere to all applicable authorities and the following principles:

(1) A highly qualified workforce is critical to the Department's acquisition mission.

(2) Recruitment efforts should be designed to attract diverse candidates who are representative of all segments of society.

(3) Merit factors shall be the basis for selecting individuals for positions. All personnel programs and practices shall be administered in accordance with DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD".

(4) The criteria in 5 U.S.C. 2108 and 5 U.S.C. 2108a for determining the preference eligibility of each applicant shall apply to AcqDemo without change. DoD AcqDemo Program Office and Participating Organizations' procedures shall ensure that, at a minimum:

(a) Selecting officials treat veterans' preference eligibility as a positive factor when making a selection from external recruitment sources or where veterans'

preference is otherwise applicable. The detailed definition of “positive factor” rests with participating organizations and is expected to be described in internal issuances and on vacancy announcements. The AcqDemo Program Office guidance is stated generally to keep veterans’ preference as a highlighted item to define how it will be addressed in external recruiting and to provide maximum flexibility to Participating Organizations in developing their policy.

(b) When making final selections, any candidates with veterans’ preference should be considered for appointments if they are found to best meet mission requirements.

(c) If a non-preference eligible candidate is selected over a veteran considered to best meet mission requirements, the reasons for non-selection of any veteran considered to best meet mission requirements must be documented in writing. Non-selection documentation must be made part of the permanent selection record. Reasons for non-selection will be provided to the veteran candidate by the servicing human resources office if requested by the veteran. Participating Organizations may establish a higher level review and/or approval process above the selecting official if appropriate.

(5) Displaced employee procedures shall be adhered to when using this authority.

(6) Participating Organizations must ensure transparency, accountability, and auditability in hiring processes.

b. Direct Hire Appointments for the Business and Technical Management Professional Career Path. The Head of a Participating Organization may appoint qualified candidates possessing at least a baccalaureate degree required by OPM or DoD qualification standards covering acquisition positions and/or qualified candidates for those positions involving 51% or more of time in direct support of acquisition positions in a critical acquisition career field classified to the Business and Technical Management Professional, NH, career path, without regard to the provisions of 5 U.S.C. chapter 33, subchapter I (other than sections 3303, 3308, and 3328 of such title).

c. Veteran Direct Hire Appointments for the Business and Technical Management Professional and Technical Management Career Paths. The Head of a Participating Organization may appoint qualified veteran candidates to acquisition positions in a critical acquisition career field and to those positions involving 51% or more of time in direct support of an acquisition position classified to either the Business

and Technical Management Professional, NH, career path or to the Technical Management Support, NJ, career path, without regard to the provisions of 5 U.S.C. chapter 33, subchapter I (other than sections 3303 and 3328 of such title). The term “veteran” has the meaning given that term in 38 U.S.C. 101.

d. Acquisition Student Intern Appointments. The Head of a Participating Organization, without regard to the provisions of 5 U.S.C. chapter 33, subchapter I (other than sections 3303 and 3328 of such title), may appoint candidates enrolled in a program of undergraduate or graduate instruction at an institution of higher education leading to either:

(1) A baccalaureate degree in a course of study required by OPM or DoD qualification standards for an acquisition position in a critical acquisition career field; or (2) A degree the completion of which (including any additional essential credit hours or related experience in an acquisition-related field as defined by DoD internal issuances) provides competencies, knowledge, skills, etc., directly linked to an acquisition position’s requirements (selective placement or quality ranking factors) for one of the critical acquisition career fields.

An “institution of higher education” for this purpose has the same meaning as that term is defined in Section 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001). Appointments under this authority may be made using a term appointment authority or the Pathways appointment authority.

e. Scholastic Achievement Appointment. This demonstration project establishes a Scholastic Achievement Appointment that provides the authority to appoint candidates with degrees to acquisition positions with positive education requirements without regard to the provisions of subchapter I of chapter 33 of title 5, U.S.C. (other than sections 3303 and 3328 of such title). This authority allows for competitive appointment to acquisition positions classified to either the NH–II or NH–III broadband level of the Business and Technical Management Professional career path. Candidates may be appointed under this procedure if:

(1) They have at least a baccalaureate degree required by OPM or DoD qualification standards, or a degree the completion of which (including any additional essential credit hours or specialized experience in an acquisition-related field as identified by DoD internal issuances) provides competencies, knowledge, skills, etc.,

directly linked to an acquisition position’s requirements for one of the critical acquisition career fields plus any selective factors, quality ranking factors, and/or DAWIA certification requirements stated in a vacancy announcement;

(2) the candidate has a cumulative grade point average (GPA) of 3.25 or better (on a 4.0 scale) in those courses in those fields of study that are specified in the OPM Qualification Standards for the occupational series and an overall undergraduate GPA of at least 3.0 on a 4.0 scale; and

(3) the appointment is into a permanent or term position at a pay level within the NH–II broadband level basic pay range. Appointments may also be made to the NH–III broadband level on the basis of graduate education and/or experience, but with the requirement of a GPA of at least 3.5 on a scale of 4.0 for graduate courses in the field of study required for the occupation.

f. Simplified Hiring Processes. The goal of the simplified hiring processes is to enable AcqDemo Participating Organizations to expedite the hiring and appointment of qualified persons to acquisition positions as well as to direct support positions in any of the sixteen acquisition career fields using the approaches described below:

(1) A name request may be submitted to expedite the appointment of a qualified candidate identified through a Participating Organization’s targeted recruitment actions.

(2) A certificate of eligibles may be developed from qualified applicants to a vacancy announcement who have been evaluated or rated under an appropriate assessment methodology such as the Administrative Careers with America examination, USA Hire, or OPM category rating procedures.

(3) This demonstration project established a streamlined AcqDemo Delegated Examining-Category Rating process. This process may be used to fill both acquisition positions and those in direct support of acquisition positions covered by this demonstration project.

An applicant’s basic eligibility will be determined using OPM’s Operating Manual “*Qualifications Standards for General Schedule Positions*” and any DAWIA requirements as needed. Minimum eligibility qualification requirements will be those corresponding to the lowest GS grade referenced in the broadband level of the position being filled. For internal government hiring (*i.e.*, promotion and internal placement in the competitive service), qualifying experience is defined as one year at the next lower broadband level in AcqDemo or an

equivalent career path and broadband level in a different pay banding system; or one GS grade or equivalent level lower than the lowest GS grade referenced in the AcqDemo broadband level of the position being filled; or a combination of both this AcqDemo and GS experience. Selective placement factors may be established in accordance with OPM's Operating Manual "Qualifications Standards for General Schedule Positions" when judged to be critical to successful job performance and become part of the minimum qualification requirements for the position being filled. Selective placement factors identify any qualifications that are required when a selectee starts the job. Based on the applicant's characteristics, if an applicant does not meet a selective factor, he/she is ineligible for further consideration. Quality ranking factors are experience, competencies, knowledge, skills, abilities, and DAWIA certifications required that are expected to enhance performance in a position and focus on the level of proficiency the selectee brings to the job. Unlike selective factors, quality ranking factors are not used to "screen out" applicants but to focus on assessing the level of proficiency applicants would bring to the position. Both the selective factors and/or quality ranking factors, when used for applicant assessment, will be communicated to applicants via a vacancy announcement, public notice, or job announcement when such notice is required.

Candidates who meet the basic minimum eligibility qualifications will be further evaluated based on knowledge, skills, and abilities which are directly linked to the position(s) to be filled. Based on this assessment, candidates will be placed in one of the quality groups, *i.e.*, Superior, Highly Qualified, or Basically Qualified. The process for listing names within each specific category is to be determined by the Participating Organization.

Selecting officials should be provided with a reasonable number of qualified candidates from which to choose. All candidates in the highest group will be certified. If there is an insufficient number of candidates in the highest group, candidates in the next lower group may then be certified; should this process not yield a sufficient number, groups will be certified sequentially until a selection is made or the qualified pool is exhausted. When two or more groups are certified, candidates will be identified by quality group (*i.e.*, Superior, Highly Qualified, or Basically Qualified). Veterans' preference eligibility will be determined when

making final selections. When making final selections, any candidates with veterans' preference should be considered for appointments if they are found to best meet mission requirements.

(4) Rule of Many. When there are no more than 25 applicants for an acquisition position or a direct support position in any career field, all eligible applicants regardless of veterans' preference may be referred. Veterans' preference eligibility will be determined when making final selections. When making final selections, any candidates with veterans' preference should be considered for appointments if they are found to best meet mission requirements.

(5) Voluntary Emeritus Program

(a) Eligibility and Program Criteria. Under the demonstration project, Heads of Participating Organizations have the authority to offer voluntary assignments in Participating Organizations and to accept the gratuitous services of the following individuals:

1—AcqDemo retired or separated civilian employees who served in either DAWIA-covered positions or positions in direct support to DAWIA-coded positions (for the Voluntary Emeritus Program, hereinafter referred to as AcqDemo employees) and

2—Non-AcqDemo DoD retired or separated civilian employees and former military members who worked in DAWIA-covered positions.

Voluntary Emeritus Program assignments are not considered employment by the Federal Government (except as indicated below). Thus, such assignments do not affect a former civilian employee's entitlement to buy-outs or severance payments based on earlier separation from Federal Service. This program may not be used to replace or substitute for work performed by civilian employees occupying regular acquisition positions required to perform the mission of the Participating Organization.

The Voluntary Emeritus Program will ensure continued quality acquisition by allowing experienced, former civilian and military DoD acquisition professionals who served in DAWIA-covered positions and former AcqDemo employees to accept retirement incentives with the opportunity to retain a presence in the acquisition community. The program will be beneficial during manpower reductions as program managers, engineers, other skilled acquisition professionals and former AcqDemo employees who provided direct support to acquisition professionals to accept retirement and

return to provide a continuing source of corporate knowledge and valuable on-the-job training or mentoring to less experienced employees.

To be accepted into the Voluntary Emeritus Program, a volunteer must be recommended to the decision-making authority by one or more acquisition managers familiar with the skills that the volunteer offers to the organization. Acquisition managers at any level may initiate the decision process, however the decision-making documentation must be routed through the senior acquisition manager of the organization where the volunteer will be assigned, in route to the Head of the Participating Organization making the decision. No one who applies is entitled to an emeritus position. The decision-making authority must document the decision process for each applicant (whether accepted or rejected) and retain the documentation throughout the assignment. Documentation of rejections will be maintained for two years.

To ensure success and encourage participation, the volunteer's Federal retirement pay (whether the retirement pay is based upon military or civilian service) will not be affected while the volunteer is serving in emeritus status. Retired or separated AcqDemo employees, non-AcqDemo DoD civilian employees and military members who served in DAWIA-coded positions may accept an emeritus position without a "break in service" or mandatory waiting period.

Voluntary Emeritus Program volunteers will not be permitted to monitor contracts on behalf of the Government but may participate on any contract if no conflict of interest exists. The volunteer may be required to submit a financial disclosure form annually and will not be permitted to participate on any contracts where a conflict of interest exists. The same rules that currently apply to source selection members will apply to volunteers.

(b) Agreement Requirements. An agreement will be established among the volunteer, the decision-making authority, and the Human Resources Office. The agreement must be finalized before the assumption of duties and shall include:

1—A statement that the service provided is gratuitous, does not constitute an appointment in the Civil Service, is without compensation or other benefits except as provided for in the agreement itself, and that, except as provided in the agreement regarding work-related injury compensation, any and all claims against the Government

because of the service are waived by the volunteer;

2—A statement that the volunteer will be considered a Federal employee for the purposes of:

a—Subchapter I of 5 U.S.C. chapter 81 (using the formula established in 10 U.S.C. 1588 for determination of compensation) (work-related injury compensation);

b—28 U.S.C. chapter 171 (tort claims procedure);

c—5 U.S.C. 552a (records maintained on individuals); and

d—18 U.S.C. chapter 11 (conflicts of interest).

3—The volunteer's work schedule;

4—Length of agreement (defined by length of project or time defined by weeks, months, or years);

5—Support provided by the activity (travel, administrative, office space, supplies, etc.);

6—A one-page statement of duties and experience;

7—A statement specifying that no additional time will be added to a volunteer's service credit for such purposes as retirement, severance pay, and leave as a result of being a member of the Voluntary Emeritus Program;

8—A provision allowing either party to void the agreement with ten days' written notice; and

9—The level of security access required by the volunteer (any security clearance required by the position will be managed by the Participating Organization and may or may not result in a delay in setting the volunteer's reporting date).

5. Expanded Initial Probationary Period. The original AcqDemo expanded initial probationary period covering periods of training beyond 1 year has been eliminated and replaced by the provisions of 10 U.S.C. 1599e (NDAA 2016 (Pub. L. 114–92), section 1105, Required Probationary Period for New Employees of the Department of Defense). 10 U.S.C. 1599e requires a two-year probationary period for “. . . any individual appointed to a permanent position within the competitive service at the Department of Defense . . .” Use of this provision will be required for Participating Organizations.

6. Staffing Within AcqDemo

a. Expanded Supervisory and/or Managerial Probationary Periods. New supervisors, that is, those who have not previously completed a civil service supervisory probationary period, will be required to complete a one-year probationary period for the initial appointment to a supervisory position. An additional supervisory probationary

period of one year may be required when an employee is officially assigned to a different supervisory position that constitutes a major change in supervisory responsibilities from any previously held supervisory position, e.g., moving from a journeyman level supervisory acquisition position to a Critical Acquisition Position or moving from a Critical Acquisition Position to a Key Leadership Position. If, during a supervisory probationary period, the decision is made to return the employee to a non-supervisory position for reasons related to conduct or supervisory contribution and/or performance, the probationary employee's supervisor will provide written notification subject to higher level management approval and the employee will be returned to a comparable position of no lower basic pay than the position from which promoted or reassigned.

b. Internal AcqDemo Assignment Process. Today's environment of downsizing and workforce transition mandates that the organization have maximum flexibility to assign individuals. The AcqDemo waivers to title 5 U.S.C. and title 5 CFR enable organizations to have the maximum flexibility under the broadbanding structure to assign an employee within broad descriptions, consistent with the needs of the organization and the individual's qualifications. Employees may receive subsequent organizational assignments to projects, tasks, or functions within their broadband level requiring the same occupational series, level and area of expertise, knowledge, skills, abilities, competencies, qualifications, and DAWIA certification, as appropriate, as their current position and typically without change in their rate of basic pay. For instance, a technical expert can be assigned to any project, task, or function requiring similar technical expertise. Likewise, a manager could be assigned to manage any similar function or organization consistent with that individual's qualifications. Assignments generally may be accomplished as Realignment using Nature of Action Code 790 and do not constitute a position change. However, if the assignment results in an occupational series change; broadband level change; change to competencies, knowledge, skills, or abilities; change in acquisition certification levels; change in official duty station; change to a different agency; or a change in CCAS pay pools, a different Nature of Action Code, an official SF–50, and/or Defense Civilian Personnel Data System (DCPDS) data field updates may be

required by the OPM *Guide to Processing Personnel Actions* or internal guidance. For example, when an employee moves to a different AcqDemo organization and becomes a member of its CCAS pay pool, the DCPDS Pay Pool Identifier data field needs to be updated to reflect the employee's new pay pool for use in internal assessments and evaluations. Further guidance on documenting the assignment will be published in implementing issuances.

c. Expanded Detail and Temporary Promotion Authority. Current regulations require that temporary promotions and details for more than 120 days to higher broadband level positions than an employee currently holds or previously held must be made competitively. Under the demonstration project, AcqDemo Participating Organizations would be able to effect temporary promotions and details to higher broadband level positions than AcqDemo employees currently hold or previously held without competition as long as the temporary promotion, detail, or a combination of a detail and temporary promotion does not exceed one year within a 24-month period to positions within the demonstration project. If any detail and/or temporary promotion is needed beyond one year, competition is required. In addition, renewing the detail or temporary promotion in 120-day or other short-term renewals is waived under this demonstration project.

d. Exceptions to Competition. The following actions are exceptions from competitive procedures:

(1) Non-competitive Movements Involving Promotion:

(a) Promotion, re-promotion, reassignment, change to a lower broadband level, transfer, or reinstatement to an AcqDemo position in a broadband level having a referenced GS grade or level of work and no greater promotion potential than the GS grade or level of work and promotion potential of the position a reinstatement candidate held or an employee currently holds or previously held on a permanent basis in the competitive service.

(b) Promotion without current competition when the employee was appointed through competitive procedures to a position with a documented GS career ladder position or target pay band/broadband level or promotion potential equivalent to a referenced GS grade or level of work in a higher broadband level than what would be the AcqDemo broadband level appropriate for the employee's current position.

(c) A temporary promotion or detail of an AcqDemo employee to a position in a higher broadband level not to exceed one year in a 24-month period.

(d) A promotion resulting from the correction of an initial classification error or the issuance of a new classification standard.

(2) Examples of Other Non-Competitive Movements

(a) Movement is to a position in a broadband level having a referenced GS grade or level of work equal to that of the employee's current position and no promotion potential. For example: Employee's current position is a GS-318-7 without promotion potential and the employee is moving to an NK-318-II position which contains the GS-7 as the highest grade and offers no promotion potential; or

(b) Movement is to a position in a broadband level having a referenced range of GS grades or levels of work containing that of the employee's current position with no potential to a higher broadband level. For example: Employee's current position is a GS-1102-12 with potential to a full performance level of GS-1102-13 and the employee is moving to an NH-1102-III position which contains both the referenced GS-12 and the referenced full performance level of GS-13 without further promotion potential to a higher referenced GS grade found in the NH-IV broadband level; or

(c) Referenced GS grade or level of work or potential of the new position is no greater than the GS grade or level of work of a position previously held by the employee on a permanent basis in the competitive service. For example: Employee held a competitive service GS-855-7 position with potential to GS-855-11 from May 1, 2012 to April 30, 2014 and is returned to an NH-855-II position on July 6, 2015 which contains the range of referenced GS grades (GS-7 through 11) and levels of work without potential to a higher referenced GS grade found in the NH-III broadband level; or

(d) Movement is to an AcqDemo position from a different demonstration project with referenced GS grades of selectee's current pay banded position split between two AcqDemo broadband levels without further promotion potential. For example: Employee's current position is an Engineering Technician, Pay Band DT-IV (includes referenced GS grades 11 and 12). Candidate being considered for either an AcqDemo NJ-802-III position containing referenced GS grades 9 and 11 or an NJ-802-IV position containing referenced GS grades 12 and 13. Candidate could be placed non-

competitively in either NJ position as both broadband levels contain one of the referenced GS grades.

(3) A position change permitted by demonstration project reduction-in-force procedures.

(4) Consideration of a candidate not given proper consideration in a prior competitive promotion action under the demonstration project.

(5) Conversion of an AcqDemo employee from a modified term appointment to a permanent appointment in the same broadband level and occupational family as the modified term position.

(6) Addition of supervisory duties within the assigned broadband level.

(7) Reclassification to include impact of person in the job or an accretion of duty promotion.

(8) Any other non-competitive action as determined by the Participating Organizations.

e. Reduction in Force

(1) Employee Separations Primarily on the Basis of Performance. For any RIF of civilians covered by the AcqDemo within DoD, the determination as to which employees will be separated from employment will be made primarily on the basis of performance.

(2) Title 10 U.S.C. 1597. AcqDemo Participating Organizations, in accordance with 10 U.S.C. 1597, may not implement any involuntary reduction or furlough of civilians and may not implement any substantial reduction of contract operations or contract employment (involving 100 or more people) during a fiscal year, until the expiration of the 45-day period beginning on the date that the Component for the Participating Organization submits to Congress a report setting forth the reasons such reductions or furloughs are required and a description of any change in workload or position requirements that will result from same.

(3) Coordination with the Office of the USD(P&R). DoD Components of Participating Organizations will coordinate with the Office of the USD(P&R) (ATTN: Office of the Deputy Assistant Secretary of Defense for Civilian Personnel Policy) regarding any proposed involuntary reduction or furlough of civilians or any substantial reduction of contract operations or contract employment (involving 100 or more people) during a fiscal year. The coordination process must occur before any notification to an employee or member of the public regarding such action, release of information to an employee or the public, or notification

to a Member or Committee of Congress, or their staffs, or other executive branch agencies.

(4) Minimizing the need for RIF as a result of Workforce Reshaping. The Heads of Participating Organizations will consider and employ every reasonably available option, consistent with applicable policies and procedures, to mitigate the size of a proposed RIF, including job changes or retraining, the use of voluntary early retirement authority or voluntary separation incentive payments, hiring freezes, termination of temporary employees, reductions in work hours, curtailment of discretionary spending, and other pre-RIF placement activities for employees eligible for placement assistance and referral programs.

(5) RIF Procedures. If a RIF becomes necessary, RIF procedures will be used when an employee faces separation or downgrading due to lack of work, shortage of funds, reorganization, insufficient personnel ceiling, the exercise of re-employment or restoration rights, or furlough for more than 30 calendar or more than 22 discontinuous days. Generally, AcqDemo RIF shall be conducted according to the provisions of 5 CFR part 351, except as otherwise specified below:

(a) Competitive Areas. A competitive area establishes the boundaries within which employees compete for retention under AcqDemo RIF regulations. AcqDemo competitive areas may be refined beyond a given component or part of a component at a given geographic location. Generally, the geographic area of coverage will be the local commuting area. Once the geographic area is determined, additional factors will be introduced to ensure that there is sufficient flexibility within the competitive area to effect such reassignments and reallocations of work as necessary to carry out the mission of the organization with minimal disruptions. Typically, these additional factors could include such items as career path (pay plan), specific broadband level(s) within a career path, and occupational series. Additional factors may include lines of business, product lines, organizational units, funding lines, and/or functional area, or a combination of these elements and must include all AcqDemo project employees within the defined competitive area. For each defined RIF competitive area, AcqDemo and non-AcqDemo employees must be placed in separate RIF competitive areas. The RIF competitive areas will be established no fewer than 90 days in advance of any planned effective date of an AcqDemo RIF. All AcqDemo project employees

within the AcqDemo defined competitive area must be included in that competitive area. Therefore, AcqDemo employees would not displace non-AcqDemo employees and vice versa.

(b) Master Retention List. Competitive service employees and excepted service employees are placed on separate Master Retention Lists which are established in accordance with this FRN. A Master Retention List contains the names and position information for all competing employees in the RIF competitive area ranked by tenure group category and within each category by three retention factors, *i.e.*, average annual rating of record, veterans' preference, and RIF service computation date (SCD). The employees are listed within the tenure groups in the order of their relative retention standing with performance being the primary retention factor. For example, the employee with the highest average annual rating of record, *i.e.*, a Level 5—Outstanding Rating, is at the top of a tenure group category list; an employee with no months of assessed performance would be at the bottom of the Tenure Group I—Less than 12 months of Assessed Performance category; and the employee who received an unacceptable performance appraisal as his/her most recent rating of record, *i.e.*, a Level 1—Unacceptable Rating, is placed in Tenure Group I—Current Unacceptable Rating of Record category ranked by average annual rating of record. Further ranking occurs in each category using additional retention factors to accommodate veterans' preference and RIF service computation date. A sample Master Retention List is contained in Appendix G.

(c) Tenure Groups

1—Tenure Group Change. Tenure Groups I and II, as defined in 5 CFR 351.501(b) for competitive service and 5 CFR 351.502(b) for excepted service, have been combined into a new Tenure Group I for the competitive service and a new Tenure Group I for the excepted service. Tenure group III remains the same and will be listed below any Tenure Group I categories. Under AcqDemo, the conversion to permanent appointment of term employees (Tenure Group III) previously selected through competitive procedures, and who otherwise meet conditions required for such conversion, may be converted to permanent appointments (Tenure Group I), provided such conversions are effective not less than 90 days prior to the effective date of the RIF.

2—Tenure Group Categories

a—Competing employees within a competitive area are listed on a master retention list in one of two tenure groups: Tenure Group I includes all permanent career and career-conditional employees and Tenure Group III includes employees on Term Appointments. Tenure Group I is divided into three categories: Tenure Group I employees who have 12 months or more of assessed performance; Tenure Group I employees who have less than 12 months of assessed performance; and Tenure Group I employees who received an unacceptable performance appraisal as their most recent rating of record. Tenure Group III employees are also divided into three categories: Tenure Group III employees who have 12 months or more of assessed performance; Tenure Group III employees who have less than 12 months or more of assessed performance; and Tenure Group III employees who received an unacceptable performance appraisal as their most recent rating of record.

b—Periods of Assessed Performance. For purposes of AcqDemo RIF, employees are placed in one of two assessed performance categories: employees with a period of assessed performance of less than 12 months and employees with a period of assessed performance of 12 months or more. An employee's period of assessed performance for RIF purposes will be the sum of the months of assessed performance associated with the employee's performance appraisals within the most recent four-year period preceding the "cutoff date" established for the RIF. Periods of time in a rating cycle for which an employee's performance was not assessed are not included in the employee's period of assessed performance. For example, if an employee receives a rating of record after serving 10 months of a 12-month appraisal cycle, the employee's period of assessed performance is "10 months" for that rating cycle.

(d) Retention Factors.

1—Average Annual Rating of Record. The average annual rating of record is the primary retention factor in determining which employees shall be separated from employment.

a—Rating of Record Criteria. A rating of record may be issued only in accordance with the AcqDemo appraisal cycle, other approved appraisal periods under AcqDemo, another DoD performance management program, or a performance management system used by another federal agency with which

an employee was formerly employed. Ratings of record may not be issued solely for purposes of documenting performance in advance of a RIF. An employee's average annual rating of record for RIF purposes is the average of the ratings of record averages drawn from the two most recent annual CCAS ratings or other official ratings of record received by the employee within the four-year period preceding the "cutoff date" established for the RIF, except when the employee's most recent rating of record is "unacceptable." When the most recent rating of record is "unacceptable," only that rating of record will be considered for purposes of RIF. Other rating of record exceptions include the following situations:

- i. Employees serving as fulltime union representatives or on a prolonged absence due to a work-related injury discussed in Section II.D.2(h)(5); and
- ii. Employees who were absent for military service referred to in Section II.D.2(h)(6).

b—"Cutoff Date." The "cutoff date" is the date after which no new rating of record will be considered for purposes of the RIF. The "cutoff date" established will be at least 60 days prior to the date of the issuance of RIF notices.

c—CCAS Ratings of Record. The CCAS average annual rating of record is the average of the averages obtained for each of the two most recent CCAS ratings of record (if less than two, the actual rating of record average) that determined the final performance appraisal level for each of the two most recent annual ratings of record in the four-year period preceding the "cutoff date" established for the RIF. The averages for the two CCAS ratings of record would be totaled and the sum divided by two to determine the average annual rating of record for RIF retention. The resulting quotient will be rounded to the nearest tenth of a decimal point. If the hundredths decimal is less than 0.05, the tenths decimal does not change. If the hundredths decimal is equal to or greater than 0.05, the tenths decimal is increased by ".1".

d—Non-CCAS Ratings of Record. An employee may have a non-CCAS rating from another Federal organization as one or both of the two most recent ratings of record within the most recent four-year period preceding the RIF "cutoff date." In this instance, the average annual rating of record will be determined by converting the employee's two non-CCAS ratings (if less than two, the actual rating) to the corresponding numeric rating, regardless of performance summary level pattern (for example: Highly Successful—Level 4; Pass—Level 3;

Marginally Successful—Level 2; or Unacceptable—Level 1) provided by the summary level pattern used by the employee's former Federal organization, totaling the numeric ratings, and dividing by the actual number of ratings. If one of the two most recent ratings is a CCAS rating, add the average obtained for determination of the annual CCAS rating of record and the numeric rating of record level for the non-CCAS rating of record to obtain a total, divide the sum by two. The resulting quotient, for either scenario, is rounded in the same manner as for two CCAS ratings as described in Section II.B.6.e(5)(d)1—a.

e—Employees without a Rating. Presumptive status ratings 1, 2, and 3 assigned pursuant to Section II.D.6.h will not be used for RIF purposes. In the event of a RIF, employees with less than 12 months of assessed performance within the most recent four-year period prior to a RIF "cutoff date" will be placed at the bottom of Tenure Group I—Less than 12 months of Assessed Performance.

f—CIP. Employees under a CIP are listed on the master retention list in their appropriate tenure group category until a decision is reached. If the decision is that the employees have improved to a fully successful level, the employees will continue to compete in their appropriate tenure group category with other employees whose average ratings of record are above unacceptable. If the decision results in an unacceptable rating of record, the employees are listed in Tenure Group 1—Current Unacceptable Rating of Record according to their retention standing and compete only within this tenure group.

g—Unacceptable Ratings of Record. If an employee's most recent annual or other official rating of record, *e.g.*, rating of record based on completion of a CIP, is "unacceptable," the employee would compete only in Tenure Group I—Current Unacceptable Rating of Record with other employees who received a current unacceptable rating of record. If a position encumbered by an unacceptable employee is the best offer for an employee with a rating of record above unacceptable, the employee with the higher retention standing may be offered the position regardless of the retention standing of the unacceptable employee. If there is no other position listed in Tenure Group I—Current Unacceptable Rating of Record for which the unacceptable employee is qualified, the employee will be separated. The unacceptable employee has no further displacement rights.

2—Veterans' Preference. Competing employees are placed in a veterans'

preference subgroup in accordance with the definitions in 5 CFR 351.501(c). The three veterans' preference subgroups are: AD (30% disabled veteran); A (a veteran who is eligible for veterans' preference for purposes of RIF, but is not eligible for placement in the AD category); and B (an employee not eligible for veterans' preference for purposes of RIF.)

3—Length of Service (DoD SCD—RIF). The DoD service computation date includes all creditable service under 5 CFR 351.503(a) and (b). Each AcqDemo Participating Organization is responsible for establishing the DoD SCD—RIF applicable to each employee competing for retention under this process. Additional service credit for outstanding and fully successful performance appraisals will not be calculated in the DoD SCD—RIF.

(e) Displacement. The AcqDemo RIF process has a single round of competition which replaces the traditional two-round (bump and retreat) process. Displacement is limited to an employee's current career path, broadband level, and one broadband level below that is within the employee's career path. Broadband level I employees would displace within their current broadband level I. Preference eligible employees with a compensable service connected disability of 30 percent or more may displace within the two broadband levels below their present broadband level within their career path not to exceed the equivalent of 5 GS grades below the employee's present GS grade-level equivalent. Broadband level I preference eligible employees with a compensable service connected disability of 30 percent or more can displace within their current broadband level. Offer of assignment shall be to the position that requires no reduction or the least possible reduction in broadband. Where more than one such position exists, the employee must be offered the position encumbered by the employee with the lowest retention standing.

(f) Qualifications for Assignment. An employee is qualified to displace another employee on the retention list if he or she meets the designated standards and requirements in 5 CFR 351.702, including DAWIA certification, if applicable, for the position. (However, statutory waivers shall continue to apply.) Recency of experience may be used, when appropriate, to determine an employee's proper placement. The "undue disruption" standard currently outlined in 5 CFR 351.203 will serve as the criteria to determine if an employee is fully qualified.

(g) Pay Retention. Employees covered by the demonstration are not eligible for grade retention. Pay retention will be granted to employees downgraded by reduction in force whose rate of basic pay exceeds the maximum basic pay range of the broadband level to which assigned. Such employees will be entitled to retain the rate of basic pay received immediately before the reduction, not to exceed 150% of the maximum salary of the lower broadband level.

(h) Appeals. Under the demonstration project, all employees affected by a reduction-in-force action, other than a reassignment, maintain the right to appeal to the Merit Systems Protection Board (MSPB) if they believe the process/procedures were not properly applied.

(i) Vacant Positions. Prior to RIF, employees may be offered a vacant position in the same broadband as the highest broadband available by displacement. Employees may also be offered placement into vacant positions for which management has waived the qualifications requirements. When an AcqDemo Participating Organization chooses to fill a vacancy with an employee who will be released from his/her position, the organization must consider the relative retention standing of all released employees. The vacant position must be offered to the released employee with the highest retention standing before offering a position to a released employee with a lower retention standing. If the employee is not placed into a vacant position and cannot be made an offer of assignment via displacement, the employee shall be separated.

(j) Interim RIF Process. In the event a RIF is necessary after the final FRN is published but before a rating of record with an average score can be established for employees in the competitive area pursuant to this FRN, the USD(P&R) may approve an interim RIF process.

C. Pay Administration

1. Introduction

AcqDemo inspires the use of a compensation strategy that utilizes all available and appropriate compensation tools to attract and retain an agile, highly-skilled, professional acquisition workforce and the supporting personnel assigned to work with that workforce. Organizations executing the DoD acquisition mission need talent with very specific skills, knowledge, and certifications. To be successful in this mission also demands a commitment to providing the warfighter with state-of-the-art effective and reliable weapon

systems that yield equally effective and predictable results. AcqDemo's compensation philosophy insures equitable pay for the duties of the position, recognizes individual competency achievements, and rewards contribution to mission. To assist in this endeavor, AcqDemo provides a number of interventions and policies for special situations such as pay setting for new hires, reinstatement eligibles, and non-AcqDemo Federal civilian employees voluntarily accepting an AcqDemo position; promotions; buy-ins on voluntary permanent lateral transfers, reassignments, and realignments into AcqDemo; changes to lower career path, broadband level, and/or basic pay; supervisory and team leader cash differentials; accelerated compensation for developmental positions; and a contribution-based compensation system that aligns employees' pay to their contributions to the organization's mission and to the scope, difficulty, and value of their positions.

The DoD AcqDemo Program Office will issue policy and guidance on pay setting. Participating Organizations are encouraged, through their Personnel Policy Boards to issue internal guidance and/or criteria to further define their compensation policy and processes based upon funding levels; qualifications and experience of selectees; market conditions; difficulty of position; organizational level of position; etc., to ensure standard application. Copies of an organization's internal pay setting guidance are to be provided to the AcqDemo Program Office.

Modifications to the AcqDemo pay administration guidance, processes, and/or procedures may be made by the DoD AcqDemo Program Manager as experience is gained, economic conditions change, results are analyzed, and conclusions are reached. Any supplemental policies, guidance, and procedures on pay setting (and modifications to those policies, guidance, and procedures) issued by the DoD AcqDemo Program Office and Participating Organizations will adhere to the pay administration provisions and waivers in this **Federal Register** notice.

2. Compensation Strategy

A primary goal of AcqDemo is to compensate employees appropriately for their individual and organizational contribution to the mission of their organization and the value of their position. This goal promotes greater compensation for those who are the highest contributors; encouragement for the lowest contributors to improve; and

appropriate compensation for all levels of contribution in between. Equal with the need to appropriately recognize and compensate employee contribution is the need to effectively manage the compensation levels of the AcqDemo organizational positions. Although each position contained within a broadband level could have access to the complete range of pay options, it does not mean that all jobs within that broadband level should be compensated at the top rate of basic pay of the broadband level. Instead, management decisions should be made about the appropriate compensation value of the organization's position management structure, based on factors such as level of effort, required skills and/or certifications, and labor market conditions. Once made, management should seek to maintain that level of compensation, unless changes occur in the stated compensation factors. Total pay set above or below the target basic pay is contingent upon the employee's overall contribution to the mission. This approach challenges the organization to consider the value identified for each position when determining an appropriate level and means of compensation (basic pay adjustment and/or award) for individual compensation.

Although broadbanding makes available a broader range of compensation choices, basic pay adjustments known within AcqDemo as Contribution Rating Increase (CRI) adjustments, are not the sole means to compensate employees, and in some cases are not the recommended means. As the compensation value of organizational positions are identified, managers should consider utilizing appropriate means to preserve those values. Compensation methodologies include the assignment of a maximum OCS, to coincide with the identified compensation value. A CRI resulting from the assignment of an OCS assumes the level of contribution, and associated basic pay, is expected to continue at least at that level and will be reflected in the employee's Contribution Plan for future assessment cycles. These scores or values should be identified against PRDs, and then considered during hiring actions and in determining compensation means to recognize contribution assessments. Means to preserve the identified compensation values may include the establishment of control points or pay ranges within a broadband level. When compared to their counterparts in other compensation systems, *e.g.*, GS and STRL, these employees as a group

should generally maintain equity with the normal pay progression scenarios in these systems. For example, for positions equivalent to GS-14 in value and level of difficulty, control points should be established based on the basic pay ranges of the lowest referenced GS grade in the appropriate broadband level, *i.e.*, GS-14, step 10, for the NH-IV broadband level. These tools should be considered to, at a minimum, require a management decision to establish an appropriate compensation value or to increase an employee's basic pay above the identified compensation value. The use of such methodologies establishes compensation equity, consistency, and transparency for employees and supervisors alike throughout the organization. No matter what the compensation system, over time positions reach a plateau where salary growth levels off; some at the top of the pay scale and others at other points.

3. Aggregate Limitation on Basic Pay

The calendar year aggregate limitation on pay under 5 U.S.C. 5307 and 5 CFR part 530, subpart B, of the rate payable for level I of the Executive Schedule applies to employees. In addition, the maximum rate of basic pay for each broadband level will be limited to the maximum rate of basic pay for the highest referenced grade covered by the broadband. Other than where a retained rate applies, basic pay rates will be limited to the maximum rate of basic pay payable for each broadband level.

4. Special Rates

AcqDemo will not utilize OPM derived special rates. Employees on special rates at the time of conversion of their organization into AcqDemo will have their pay protected under the provisions of Section II.F of this notice. New hires, reinstatement eligibles, and non-AcqDemo Federal civilian employees entering an AcqDemo position not as the result of a conversion will have pay set in accordance with Section II.C.9 of this notice.

5. Promotions

a. Permanent or Temporary Promotion. A permanent or temporary promotion action occurs when a non-AcqDemo Federal employee or an AcqDemo employee is selected under competitive or merit promotion procedures for an AcqDemo position in a broadband level with a referenced GS grade or level of work in a higher broadband level than what would be appropriate for the Federal employee's current GS grade, or the AcqDemo employee's current broadband level, or a previously held position on a

permanent basis in the competitive service. When setting pay for a promotion action, either permanent or temporary, consideration must be given to both the value of the position and the selectee's expected level of contribution in the new position. The basic pay for a permanent or temporary promotion action will be set within the broadband level for the position to be filled, not to exceed 20 percent of the selectee's current basic pay. However, if the minimum rate of the selectee's new broadband level is more than 20 percent greater than the selectee's current basic pay, then the minimum rate of the new broadband level is the new basic pay. The selectee's basic pay shall not exceed the basic pay range of the new broadband level.

b. Temporary Promotion Basic Pay Adjustment Guidelines.

(1) Upon Termination. When a temporary promotion is terminated, an employee's pay entitlements will be re-determined based on the employee's permanent position of record with appropriate adjustments to reflect any CCAS ratings, *e.g.*, a presumptive rating, and/or General Pay increases applicable to the permanent position during the period of the employee's temporary promotion. While on a temporary promotion, any basic pay adjustments to reflect a CCAS rating for contributions and General Pay increases occurring while on that temporary promotion will be applied to the temporary promotion basic pay and not the basic pay of the permanent position of record. If a temporary promotion of less than 1 year is extended so that the total time of the temporary promotion equals or exceeds 1 year, pay may be set in the permanent position based on a rate received under the temporary promotion, subject to the specific policies and rules established by the Head of the Participating Organization or Personnel Policy Board.

(2) When Made Permanent. If a temporary promotion is made permanent immediately after the temporary promotion ends, the temporary promotion is converted to a permanent promotion without a change in basic pay. If there is any period of time between the end of an employee's temporary promotion and the beginning of a permanent promotion, the employee must be returned to his/her permanent position and his/her permanent position's rate of basic pay recomputed as if the employee had never been temporarily promoted. Also, at the organization's discretion and if eligible, pay may be set in the permanent position based on a rate received under the temporary promotion if that would yield a higher

basic pay rate. However, the higher basic pay rate may not exceed the basic pay range of the new broadband level. Whatever method is used, the resulting rate is the basis for any subsequent promotion.

6. Retained Pay

a. Calculation. Retained pay under AcqDemo is the combined basic pay and locality pay compared to the maximum rate of the highest applicable rate range that applies to the highest referenced GS grade included in the broadband level of an employee's new position. If the retained rate is greater than the maximum rate of the highest applicable rate range for the new position, an employee continues to be entitled to the existing retained rate. If the retained rate is equal to or less than the maximum rate of the highest applicable rate range for the new position, the payable rate of basic pay is converted to the employee's new AcqDemo basic pay rate and appropriate locality pay, and retained pay terminates.

b. Pay Adjustments. Employees on retained pay in the demonstration project are to be treated as GS employees and will receive pay adjustments in accordance with 5 U.S.C. 5363 and 5 CFR part 536 except under the following provisions: (1) Pay retention provisions do not apply to conversions from General Schedule special rates to demonstration project pay, as long as total pay is not reduced; (2) pay retention provisions do not apply to movements to a lower broadband level as a result of not receiving the general increase due to a contribution assessment, either annual or interim, of "Unacceptable" for the most recent contribution appraisal cycle; and (3) provide that an employee on pay retention whose most recent annual or interim contribution assessment is "Unacceptable" may have the 50 percent of the amount of the increase in the maximum rate of basic pay payable for the broadband level of the employee's position reduced or denied. An employee receiving retained pay is not eligible for a CCAS contribution rating increase, since such increases are limited by the maximum basic pay rate for the employee's broadband level. Depending upon the employee's CCAS assessment, employees on retained pay may be eligible to receive a CCAS contribution award.

c. Promotion from Retained Pay. When an employee on retained pay is promoted to a higher broadband level, the employee's basic pay upon promotion will be set in the higher broadband level: (1) Not to exceed 20

percent of the maximum basic pay of the employee's existing broadband level as determined by AcqDemo internal policies, or (2) at the employee's existing retained rate, whichever is greater. The final basic pay should align with the position's value (its target basic pay) and the employee's expected contribution in the position.

d. Adverse Action or Contribution-based Reduction in Pay to Include Change to Lower Broadband Level and/or Change in Career Path. An employee may receive an involuntary reduction in broadband level with or without a reduction in basic pay; an involuntary reduction in basic pay within his/her existing broadband level and career path; and/or an involuntary move to a new position in a different career path due to an adverse or contribution-based action. Involuntary reductions in pay will result in a basic pay level consistent with an employee's demonstrated contribution level. For involuntary change to lower broadband level, the employee's basic pay will be reduced by a percentage determined by Participating Organizations, but will be set no lower than the minimum basic pay of the broadband level to which assigned. Employees placed into a lower broadband due to an adverse or contribution-based action are not entitled to pay retention.

e. Change to Lower Broadband Level/Change in Career Path, Other than by Adverse or Contribution-based Action. If an employee is subject to an involuntary change to a lower broadband level/change in career path by other than an adverse or contribution-based action, such as a reclassification of his/her position, the employee is entitled to pay retention if all conditions in title 5 U.S.C. 5363 and 5 CFR part 536, subparts A and C are met.

f. Reduction-in-Force (RIF) Action (including Employees Who are Offered and Accept a Vacancy at a Lower Broadband Level or in a Different Career Path). The employee is entitled to pay retention in accordance with 5 U.S.C. 5363 and 5 CFR part 536, subpart A.

7. General Schedule (GS) Annual Base Pay Increase

The GS base rates may be adjusted each January under the provisions in 5 U.S.C. 5303. Under AcqDemo, the minimum and maximum basic pay rate of each broadband level will be adjusted at the same time as this GPI. The amount of the increase calculated for an organization's AcqDemo employees will be based on the amount of any GPI and is allocated for use in that organization's pay pool fund and disbursed to

employees based upon their contribution assessments under the CCAS as described in Section II.D.2.d(2).

8. Locality Pay

All employees will be entitled to the locality pay authorized for their official worksite in accordance with 5 CFR part 531, subpart F, if eligible. In addition, the locality-adjusted pay of any employee may not exceed the rate for Executive Level IV. Geographic movement within the demonstration project will result in the employee's locality pay being recomputed using the newly applicable locality pay percentage, which may result in a higher or lower locality pay and thus, a higher or lower adjusted basic pay. This adjustment is not an adverse action.

9. Hires From Outside the AcqDemo

a. **New Hires.** For new hires who are receiving their first Federal government appointment as a civilian employee, initial basic pay will be set within the basic pay range for the broadband level of the position for which hired at a level consistent with the individual's qualifications and the level of work and contribution expected for the position at the time of hire. Other considerations in determining starting basic pay are available labor market conditions relative to special qualifications requirements, scarcity of qualified applicants, programmatic urgency, and education/experience of new selectees.

b. **Reinstatement Eligible Hires.** For reinstatement eligibles, initial basic pay will be set within the basic pay range for the broadband level of the position for which hired giving consideration to the various criteria mentioned for new hires from outside the AcqDemo. AcqDemo Highest Previous Rate (HPR) as defined in Section II.C.13 and AcqDemo internal guidance may provide an appropriate tool for establishing basic pay in this instance. Reinstatement eligibility refers to the ability for those individuals who previously held a career or career-conditional appointment to apply for jobs in the competitive Federal service open to status applicants.

c. **Non-AcqDemo Federal Civilian Employees Voluntarily Joining AcqDemo.** Federal employees entering into the AcqDemo from the GS or other pay systems not as the result of a conversion will be moved into a career path and broadband level with basic pay set in accordance with AcqDemo guidance and reflective of the duties and responsibilities of the AcqDemo position and an individual's qualifications. AcqDemo HPR may provide an appropriate tool for

establishing basic pay in this instance. The move will be described using the appropriate nature of action, *e.g.*, promotion, reassignment, transfer, etc., as provided by the OPM's *Guide to Processing Personnel Actions* or AcqDemo Program Office guidance.

(1) Lateral Transfers, Reassignments, and Realignment

(a) **GS Employees.** Individual GS employees who enter the project voluntarily by permanent lateral transfer, reassignment, or realignment to an AcqDemo position in a broadband level containing a referenced GS grade the same as the employee's current GS grade and no greater promotion potential than the GS grade or level of work and promotion potential of the position the employee currently holds may be subject to the same pay setting rules as those GS employees entering the demonstration project upon initial conversion of their organization. These rules provide an adjustment to an employee's basic pay for a WGI and/or non-competitive career ladder promotion buy-in, if eligible. Eligibility criteria will be defined in implementing issuances. In any case, the employee's basic pay shall not exceed the basic pay range of the new broadband level.

(b) **Non-GS Employees.** Federal employees in other pay systems, *e.g.*, a Science and Technology Reinvention Laboratory Personnel Demonstration Project, who do not have WGI eligibility under their current pay system, are not eligible for a WGI Buy-in when they move into the AcqDemo by lateral transfer, reassignment, or realignment. A Career Ladder Promotion Buy-in is not authorized for movement from a pay system other than the GS pay system to the AcqDemo pay system by a permanent lateral transfer, reassignment, or realignment.

(2) Temporary Reassignments Not to Exceed (NTE)

Current AcqDemo authorities do not contain provisions for Temporary Reassignments NTE to, from, or within AcqDemo. However, if a component or agency has established a Temporary Reassignment NTE Nature of Action Code, it may be used to move non-AcqDemo employees into AcqDemo, move AcqDemo employees out of AcqDemo to a non-AcqDemo organization, and move AcqDemo employees within AcqDemo, but no WGI Buy-in or Career Ladder Promotion Buy-in is authorized for any of these personnel actions.

10. Internal AcqDemo Employee Movements

a. **Movement within a Broadband Level.** The movement of an employee's basic pay in relation to the minimum and maximum basic pay range for his/her position's broadband level is determined by the assessment of the employee's contributions through the CCAS, Section II.D, or Accelerated Compensation for Developmental Positions (ACDP), Section II.C.11.

b. **Change to Lower Broadband Level or Different Career Path.** When an employee accepts a voluntary change to a lower broadband level or a different career path, basic pay may be set at any point within the broadband level to which assigned, except that the new basic pay will not exceed the employee's current basic pay or the maximum basic pay of the broadband level to which assigned, whichever is lower. Upon request for or acceptance of a change to a lower broadband level or different career path, the employee will be required to provide a written statement acknowledging voluntary acceptance and understanding of the influence of such a move on pay and benefits. This paragraph does not apply to promotion actions.

11. ACDP

a. AcqDemo will implement ACDP to provide recognition for employees in DAWIA-coded positions classified to Broadband Levels I, II, and III of the Business and Technical Management Professional Career Path who:

(1) Are participating in formal training programs, internships, or other developmental capacities; and

(2) Have demonstrated successful or better growth and development in the attainment of job-related competencies; and

(3) Have demonstrated effective accomplishment of a level of work higher than that represented by an AcqDemo employee's Expected Overall Contribution Score (set by current basic pay) under CCAS.

b. Standards by which ACDP increases will be provided and development criteria by which additional basic pay increases may be given will be established in combination with the CCAS and documented in internal business rules, policies, and procedures.

c. ACDPs may be awarded twice per CCAS appraisal cycle but not sooner than six months after the effective date of an ACDP for a basic pay increase ranging from 0% not to exceed a 10% increase and a growth in the employee's Overall Contribution Score. The amount

of the ACDP increase may not cause the employee's basic pay to exceed the top of the employee's broadband level, the target pay for the employee's maximum broadband level, or compensation strategy set by internal business rules, policies, or procedures for both the position's value and employee contributions.

d. ACDPs will not be funded from pay pool allocations. A general O&M budget allocation or equivalent for civilian salaries, as appropriate, would be used to cover ACDP basic pay increases. Defense Acquisition Workforce Development Funds (DAWDF) may be an additional source of funds for ACDPs.

12. Supervisory and Team Leader Cash Differentials

a. Supervisory and team leader cash differentials may be used by Heads of Participating Organizations as an additional tool to incentivize and compensate supervisors and team leaders as defined by the OPM *General Schedule Supervisory Guide or Leader Grade Evaluation Guide* in situations where:

(1) Organizational level and scope, difficulty, and value of position warrants additional compensation;

(2) Supervisory and/or team leader positions are extremely difficult to fill; or

(3) Salary inequities may exist between the supervisor's or team leader's and non-supervisory/non-team leader subordinates' basic pay.

b. A supervisory cash differential may not exceed 10 percent of basic pay and a team leader cash differential may not exceed 5 percent of basic pay. A cash differential is not paid from pay pool funds; is not included as part of basic pay for entitlement calculations (e.g., retirement and Thrift Savings Plan); and is subject to the total aggregate limitation on pay. Because it is not part of basic pay, supervisors or team leaders who are at the maximum basic pay for their respective broadband level may still receive a supervisory cash differential. It is paid on a pay period basis with a specified not to exceed date of one year or less; reviewed every year at the same time as the CCAS annual assessment and may be terminated or reduced as dictated by fiscal limitations, changes in assignment or scope of work, and/or an employee's removal from the supervisory or team leader position regardless of cause. Termination or reduction of a cash differential is not an adverse action and is not subject to appeal or grievance. A signed statement by an employee receiving a cash

differential acknowledging all of the stipulations will be required.

c. Payment criteria to be considered in determining the amount of the cash differential will be outlined in internal implementing issuances and will contain considerations such as the needs of the organization to attract, retain, and motivate high-quality supervisors and team leaders; budgetary constraints; years and quality of related experience and current level of compensation; length of the assignment and difficulty of the supervisory or team leader duties; organizational level of the position; and impact on the organization.

d. The cash differentials are not automatic by virtue of holding a supervisory or team leader position. They will be used selectively, not routinely, to compensate only those supervisors and/or team leaders who fully meet the criteria. The contribution of supervisors and team leaders to the mission of their organization will be assessed separately under the CCAS.

13. Highest Previous Rate

AcqDemo HPR may be considered in setting pay in placement actions authorized under rules that are consistent with those found in 5 CFR 531.221 through 531.223 as described in AcqDemo internal policy and guidance. Use of AcqDemo HPR will be at the discretion of the Head of the Participating Organization and subject to policies established by the organization's senior leaders and/or Personnel Policy Board. AcqDemo HPR allows a Participating Organization to set pay for an AcqDemo employee at a rate above the rate that would be established using normal AcqDemo rules, based on a higher rate of basic pay the employee received previously in another Federal job. The AcqDemo HPR may be used for reemployment, transfer, reassignment, promotion, demotion, change in type of appointment, termination of a critical position pay authority under 5 CFR part 535, movement from a non-GS pay system, or termination of grade or pay retention under 5 CFR part 536.

14. Recruitment, Relocation, and Retention Incentives

The participating AcqDemo organizations may make full use of the recruitment, retention, and relocation incentive payments under 5 U.S.C. 5753 and 5754; OPM's regulations at 5 CFR part 575, subparts A–C; and any supplemental policy guidance.

15. Awards

To provide additional flexibility in motivating and rewarding individuals and groups, some portion of the performance award budget will be reserved for special acts and other categories as they occur. Awards may include, but are not limited to, special acts, patents, invention awards, suggestions, and on-the-spot. The funds available to be used for traditional title 5 U.S.C. awards are separately allocated within the constraints of the organization's budget. The Service Acquisition Executives of AcqDemo Participating Organizations will have the authority to grant special act awards to covered employees not to exceed \$25,000 in accordance with the criteria established by DoD, Component, or Agency instructions.

D. Contribution-Based Compensation and Appraisal System

1. Overview

The purpose of the CCAS is to provide an equitable and flexible method for appraising and compensating the DoD civilian acquisition workforce and its supporting personnel. It is central to the objectives of the DAWIA and Better Buying Power 3.0 which emphasize continuing efforts to increase the productivity, efficiency, and effectiveness of the Department's many acquisition, technology, and logistics efforts and the professionalism of the acquisition workforce. CCAS integrates classification, contribution, and compensation into a cohesive management system that recognizes level of difficulty, scope, and value of an employee's position; impact of contribution results on strategic goals, objectives, and organizational mission accomplishment; and appropriate compensation in recognition of the value of an employee's contribution and position. CCAS allows for more employee involvement in the contribution/performance appraisal process, increases communication between supervisors and employees, promotes a clear accountability of contribution by each employee, facilitates employee progression tied to organizational contribution, and provides an understandable basis for basic pay changes. Most of the funds previously allocated for performance-based awards will be reserved for distribution under the CCAS system based on employee contribution.

CCAS is a contribution-based appraisal system that goes beyond a performance-based rating system. That is, it emphasizes and measures the value and effectiveness of the employee's

contribution to the mission and goals of the organization, rather than merely how well the employee performed a job as defined by a set of standards for the work to be accomplished. Past experience with the existing civilian performance appraisal system indicates that standards in performance plans are often tailored to the individual's level of previous performance. Hence, an employee may have been rewarded by basic pay step increases meeting standards of performance beneath those actually needed to achieve the expected organizational mission outcomes. Under CCAS, an employee's performance is a component of contribution that influences the employee's ultimate overall expectations and contribution assessment. CCAS promotes basic pay adjustment decisions made on the basis of an individual's overall annual contribution to the mission of the organization when compared to the classification and appraisal factors and an employee's contribution plan, expected results, and the scope, level of difficulty, and value of the employee's position. The three key components of CCAS are the appraisal process, the Integrated Pay Schedule as a mechanism to relate contribution to pay, and the compensation adjustment results.

2. CCAS Appraisal Process

a. **Annual Cycle.** The annual appraisal cycle begins on October 1 and ends on September 30 of the following year. In the event a management decision is made to terminate the demonstration project or the management of an AcqDemo Participating Organization directs conversion of its employees out of AcqDemo to a different pay and/or personnel system, the annual appraisal cycle may be condensed so that a closeout appraisal or a closeout appraisal and a payout may be completed as determined appropriate. Section II.F.3.b provides additional operating details for situations of this type.

b. **Assessment Criteria.** An employee's contribution is assessed by using the same set of three factors, descriptors, and discriminators used for classification of positions to appropriate broadband levels as discussed in Section II.A.3. Classification Level and Appraisal Factors. Taken together, these factors, descriptors, and discriminators capture the critical content of jobs in each career path that is relevant to the success of a DoD acquisition organization. Each factor has multiple levels of increasing contribution corresponding to the broadband levels. Each factor also contains descriptors and discriminators for each respective

level within the relevant career path. The descriptors are written so that all factors are considered critical and are weighted equally. However, if pay pool panel members/managers agree that some factors are more important than others to effectively accomplish the organization's mission, they may adjust the factor weights. The factors, descriptors, and discriminators may not be modified. The three factors with their descriptors and discriminators are located in Appendix E. In conjunction with the contribution factor assessment is an overall assessment of the quality of performance in achieving contribution results. A set of generic performance appraisal quality levels is provided in Table 2. A written Contribution Plan containing an employee's goals, objectives, and expected contribution in relation to each factor should be developed collaboratively by the supervisor and the employee working together to have a clear understanding of what is needed for the employee to satisfactorily and effectively contribute to the organization's mission. The supervisor is responsible for ensuring completion of the plan.

c. **Appraisal Eligibility.** To be eligible for an appraisal, employees must be under CCAS on September 30 and have served under CCAS for 90 calendar days or more immediately preceding September 30 before they may receive an annual contribution assessment. If on October 1, the employee has served under CCAS for less than 90 calendar days prior to the end of the cycle, the rating official shall wait for the subsequent annual cycle to assess the employee. The first CCAS appraisal must be rendered within 15 months of when an employee enters the demonstration project. Employees who have served under CCAS for less than 90 calendar days immediately preceding the end of the rating cycle shall not receive contribution rating increases or contribution awards for that cycle. However, their basic pay shall be increased by the amount and at the time of the next General Schedule pay increase as adjusted by 5 U.S.C. 5303.

d. Beginning of Appraisal Cycle Activities

(1) **Contribution Planning Meeting.** At the beginning of the annual appraisal period, a supervisor and an employee plan how the employee will contribute to the mission of the organization during the appraisal cycle. This contribution planning meeting typically includes discussion of career path and broadband level, contribution factors, organizational mission, expected

contribution criteria, Expected OCS (EOCS), contribution results, assessment of the quality of performance, and career development. Normally, new employees who join AcqDemo during an appraisal cycle should have their contribution plan established within 30 days, but will not have a CCAS OCS until after their first annual CCAS assessment process. However, until their contribution plan is formalized, they may determine their EOCS range by using the Expected Contribution Range (ECR) calculator found on the AcqDemo Web site at <http://acqdemo.hci.mil/tools.html> under the Tools tab. Future CCAS assessments may alter an employee's ECR. At this time, employees will be advised that all factors are critical and of any factor weights that have been established. Key terms such as "team" and "customer" will be defined or clarified.

(2) Pay Pool.

(a) **Composition.** A pay pool is a group of employees among whom the funding allocated to CCAS is distributed. This might be all the employees in a division or directorate, or employees involved in the same type of work, e.g., supervisors. The pay pool structure and allocated funds are under the authority of the Head of a Participating Organization. The following minimal guidelines will apply. A pay pool:

1—Is based on the organizational structure and should include a range of salaries and contribution levels;

2—Should be large enough to constitute a reasonable size, i.e., not less than 35 individuals (when possible) or more than 300 individuals when sensible;

3—Should be large enough to include a second level of supervision, since the CCAS process uses a group of supervisors in the pay pool to determine OCS and recommended basic pay adjustments; and

4—May have the pay pool manager as a member of the pay pool. However, the pay pool manager shall not directly influence or participate in the determination of his/her own contribution assessments, recommend his/her own individual basic pay levels, or establish the amount of his/her own individual basic pay levels. Also, the supervisors within the pay pool shall not directly influence or participate in the determination of their own contribution assessments, recommend their own individual basic pay levels, or establish the amount of their own individual basic pay levels.

(b) **Pay Pool Panel Process.** The CCAS pay pool panel process is designed to validate the evaluation of contribution

and performance against the three factors among a group of peer managers from across an organization. This process works to achieve fairness and standard application of the factor descriptors, expected contribution criteria, and performance appraisal levels. At the onset of each appraisal period, a Personnel Policy Board or equivalent board verifies the accuracy of the pay pool structure for the organization, develops and/or validates pay pool business rules, and administers funds to pay pool managers. The pay pool panel is typically composed of the pay pool manager and those who report directly to him/her. Their purpose is to share a common view of the organization mission, goals, and objectives in reviewing the contribution and performance of employees by subordinate supervisors and bring a common perspective to how employees are evaluated and, therefore, compensated and appraised.

(c) Funding. The funding allocation to be included in the pay pool will be computed based on the salaries of the employees in the pay pool as of the last calendar day of the CCAS appraisal period. The amount of funding available within a pay pool will be based on a balancing of appropriate factors, including the following: (1) General Pay Increase; (2) historical spending for WGI, quality step increases, and promotions between grades encompassed in the same broadband level; (3) awards (performance-based awards as defined in 5 U.S.C. 4505(a)); (4) labor market conditions and the need to recruit and retain a skilled workforce to meet the business needs of the organization; (5) the fiscal condition of the organization; and (6) guidance from the AcqDemo Program Office. The USD(P&R) may, at his/her discretion, adjust the minimum funding levels set forth in this paragraph to take into account factors such as the Department's fiscal condition, guidance from the Office of Management and Budget, and equity in circumstances when funding is reduced or eliminated for GS pay raises or awards. The pay pool funding allocation includes three forms of compensation:

1—General Pay Increase (GPI). The GPI is the across-the-board basic pay increase authorized by law or the President for the GS under 5 U.S.C. 5303. The funds allocated for the GPI that are not awarded may be transferred to either the CRI Fund or the

Contribution Award (CA) Fund or divided among them barring any higher authority restrictions.

2—CRI Fund. The CRI fund includes what are WGIs, quality step increases, and promotions between grades encompassed in the same broadband level. The maximum CRI funding allocation will be set each year by the DoD AcqDemo Program Manager with a minimum funding of not less than 2.0 percent of the activity's total basic pay budget. This figure will be adjusted by the DoD AcqDemo Program Manager as necessary to maintain cost discipline over the life of the demonstration project. The amount of funding available to each pay pool is determined annually by the Personnel Policy Board, or equivalent. CRI funds not awarded may be transferred to the CA fund based on DoD AcqDemo Program Office Guidance. In the event of an out-of-cycle payout, this funding floor may be suspended.

3—CA Fund. The CA Fund includes what were formerly performance awards and will be used for awards given under the CCAS process. The CA funding allocation will be set at not less than 1.0 percent of an activity's total adjusted basic pay budget. A minimum of 10% of the CA fund is withheld to be used for other awards not related to the CCAS process, *e.g.*, on-the-spot awards and group awards, which will continue to be encouraged by management to promote excellence in acquisition and attainment of organizational goals. CA funding not granted may not be transferred to other funding categories. In the event of an out-of-cycle payout, this funding floor may be suspended.

e. Feedback during the Appraisal Cycle. Ongoing supervisor (or designated rating official) and employee discussion during the appraisal cycle of specific work assignments, objectives, contribution expectations, strengths, weaknesses, and the employee's contribution results, and assessment of the quality of performance within the CCAS framework is essential. This must include discussion of any inadequate contribution and quality of performance in one or more of the factors. Approximately midway through each appraisal cycle, the supervisor will meet with the employee to discuss progress and make a notation of that discussion.

f. Evaluation at the Conclusion of the Appraisal Cycle. The CCAS, using a holistic approach, provides a process that evaluates the scope of work, level

of difficulty, value of position and contributions, performance rating levels, and quality of an employee's efforts in achieving contribution results. This methodology fosters consistency and equity in contribution assessments.

(1) Compensation Equity

(a) Contribution Scores. Rating officials use the Integrated Pay Schedule design to assess the contribution level of work against the employee's current compensation level indicated by the employee's EOCS. Each factor will receive two types of scores, the categorical score assigned by the rating official, and a numerical score assigned during the pay pool panel process. At the end of the annual appraisal period, the rating official determines preliminary categorical scores. The categorical score is determined by comparing an employee's contribution results to the set of descriptors and discriminators for a particular factor and broadband level as a group and selecting the most appropriate categorical score level shown in Table 2 below. The numerical score is selected by a pay pool panel following further refinement and rank ordering of the categorical scores. The panel selects the numerical score from the range of scores associated with the specific categorical score selected as representative of an employee's overall contribution. The numerical scores that may be available for use in the assessment process depend upon the value of an employee's position as developed through the organization's position management structure and compensation strategy. Table 2 shows the structure for the broadband and very high score levels and their associated categorical scores and numerical score ranges for each career path. Very high scores are available to recognize an employee for exemplary contributions and overall quality of performance the results of which are substantially beyond what was expected and warrant a score exceeding the top score for the highest broadband level in the employee's career path. Very high scores for factors may only be assigned to employees holding a position in Level IV of the Business and Technical Management Professional Career Path, Level IV of the Technical Management Support Career Path, or Level III of the Administrative Support Career Path.

TABLE 2—CONTRIBUTION CATEGORICAL SCORES AND NUMERICAL SCORE RANGES BY CAREER PATH

Broadband and very high score levels	Categorical scores	Business and technical professional (NH)	Technical support (NJ)	Administrative support (NK)
		Numerical score range	Numerical score range	Numerical score range
Very High Score	High	115	95	70
	Medium	110	91	67
	Low	105	87	64
IV	High	96–100	79–83	
	Med	84–95	67–78	
	Low	79–83	61–66	
III	High	79–83	62–66	57–61
	Med	67–78	52–61	47–56
	Low	61–66	43–51	38–46
II	High	62–66	47–51	42–46
	Med High	51–61	41–46	
	Med	41–50	36–40	30–41
	Med Low	30–40	30–35	
	Low	22–29	22–29	22–29
I	High	24–29	24–29	24–29
	Med High	6–23	6–23	6–23
	Low	0–5	0–5	0–5

(b) Contribution Scoring Process. The process for scoring a factor begins by assessing an employee's contributions and his/her results during the appraisal cycle in relation to his/her contribution plan, the factor descriptors, discriminators, and expected contribution criteria for the broadband level of the employee's position; and the assessment of quality of performance. At the end of the appraisal cycle, the rating official meets with his/her employees, requesting them to summarize the impact and quality of their contributions against the factor descriptions, expected contribution criteria, and the objectives and expectations described in their contribution plans. From employees' input, clients' feedback, his/her own knowledge, and other sources, the rating official assigns, from the appropriate career path broadband or very high score level for the employee's position, a preliminary categorical score. This step is repeated for each of the three factors.

During the pay pool panel process, panel members will assign a numerical score from the numerical score range appropriate for the chosen categorical score for each factor by considering contributions (documented and

addressed by panel members) against the factor level descriptors and discriminators, expected contribution criteria, the contribution plan, the quality of performance criteria, and the impact of the contributions on the organization. If the employee's contributions are awarded a very high score, the score must be one of the three numerical scores assigned to the very high score level for the employee's career path. At the discretion of the Pay Pool Manager, different weights may be applied to the factors to produce a weighted average, provided that the weights are applied uniformly across the pay pool and employees are advised in advance, *i.e.*, at the beginning of the rating period. Weighting may not result in any factor becoming zero. The preliminary numeric scores assigned for each of the three factors are totaled and the sum averaged to obtain an OCS. The OCS will be rounded to the nearest whole number. An OCS average with a decimal of less than 0.5 will be rounded down to the nearest whole number. Averages with 0.5 and higher will be rounded up to the nearest whole number.

(2) Quality of Performance

(a) Appraisal Criteria. 10 U.S.C. 1597(f) requires the determination of

which DoD employees shall be separated from employment in a reduction in force to be made primarily on the basis of performance. In order to comply with 10 U.S.C. 1597(f), the CCAS has been modified to embrace the quality of performance an employee demonstrates in achieving his/her expected contribution results through an assessment of performance under each of the three contribution factors. Three performance appraisal levels are provided as shown in Table 3 below together with generic quality criteria. The performance level to be assigned to each contribution factor should reflect an employee's characteristic level of performance during the appraisal cycle as compared to the CCAS factor descriptors and discriminators, expected contribution criteria, an employee's contribution plan, and the impact of the quality of the contributions on the organization. A Participating Organization may supplement the generic criteria with additional standards that identify milestones, production, due dates, or other measureable aspects of success contributing to the accomplishment of the goals and objectives necessary to meet an organization's mission and are achievable during the appraisal cycle.

TABLE 3—PERFORMANCE APPRAISAL QUALITY LEVELS

Performance appraisal level	Performance appraisal level quality criteria
Level 5—Outstanding	An employee's quality of performance exhibited in achieving his/her contribution results substantially and consistently surpasses the factor-specific expected contribution criteria and the employee's contribution plan goals and objectives.

TABLE 3—PERFORMANCE APPRAISAL QUALITY LEVELS—Continued

Performance appraisal level	Performance appraisal level quality criteria
Level 3—Fully Successful	An employee's performance consistently achieves, and sometimes exceeds, the factor-specific expected contribution criteria and his/her contribution plan goals and objectives.
Level 1—Unacceptable	An employee's performance fails to meet the expectations for quality of work and the required results for the goals and objectives set forth in his/her contribution plan for the appraisal cycle.

(b) Performance Appraisal Process. The quality of performance appraisal is conducted in conjunction with the contribution scoring process. As the rating official considers such items as the employee's self-assessment, clients' feedback, and personal observations in preparation for assigning preliminary CCAS categorical scores, he/she will also assess the quality of the employee's performance in achieving his/her contribution results under each of the

three contribution factors. A preliminary performance appraisal level of either Level 5—Outstanding, Level 3—Fully Successful, or Level 1—Unacceptable from Table 3 will be assigned by the rating official to each of the three contribution factors. The three performance appraisal levels are averaged to calculate the annual rating of record. The resulting quotient will be rounded to the nearest tenth of a decimal point. If the hundredths and

thousandths places of the decimal reflect forty-nine or less, they are dropped and the tenths place does not change. If the hundredths and thousandths places of the decimal is fifty or more, they are dropped and the tenths place is increased by ".1". The final average will then reflect the employee's overall job performance during the appraisal cycle based on the rating criteria outlined in Table 4.

TABLE 4—RATING CRITERIA

Rating of record	Rating criteria
Level 5—Outstanding	The average score of the three appraisal levels is 4.3 or greater, with no contribution factor being rated a "1" (Unacceptable), resulting in a rating of record that is a "5".
Level 3—Fully Successful	The average score of the three appraisal levels is less than 4.3, with no contribution factor being rated a "1" (Unacceptable), resulting in a rating of record that is a "3".
Level 1—Unacceptable	Any contribution factor rated as "1".

During the pay pool panel process, panel members will review the preliminary performance appraisal level justifications for the contribution factors and rating of record for all pay pool members for consistency and equity of application within the pay pool population before final approval. The average raw score of the three appraisal levels and the approved annual rating of record will be recorded in the Defense Civilian Personnel Data System. The annual rating of record will be recorded as a Level 5—Outstanding, Level 3—Fully Successful, or Level 1—Unacceptable.

g. Pay Pool Panel Responsibilities. The pay pool panel meets at key points in the assessment process, *e.g.*, following assignment of preliminary categorical scores, numeric score ranges, and quality of performance levels; after assignment of preliminary OCSs and ranking employees and their contributions; and/or following assignment of preliminary categorical scores and numeric score ranges; and/or following a final review of the OCS and the recommended compensation adjustments for employees of the pay pool. During the pay pool panel meetings, panel officials review contribution assessments to include employee feedback, rank order, contribution scores, compensation

adjustments, performance appraisal levels, average raw score for the three levels, and performance rating of record for all employees, correcting any inconsistencies identified and making the appropriate adjustments.

The pay pool panel members are encouraged to include initial rating officials in the process to ensure equity and consistency in the scoring, ranking, and appraisal of all employees and establish local policies and procedures to guide the inclusion of these officials in a uniform manner. Together, with the Pay Pool Manager, the pay pool panel members determine a consistent approach to involving initial rating officials in the process.

Final approval of OCS, compensation adjustments, and ratings of record rests with the Pay Pool Manager, the individual within the organization responsible for managing the CCAS process. Rating officials will communicate the factor scores, OCS, quality of performance appraisal levels, average raw score, rating of record, and compensation adjustments to each employee and discuss the results after final approval by the Pay Pool Manager.

h. Special Circumstances affecting a CCAS Assessment. When an employee cannot be evaluated readily by the normal CCAS appraisal process due to special circumstances that take the

individual away from normal duties or duty station (*e.g.*, long-term full-time training; active military duty; extended sick leave; qualified family and medical leave; full time union representation; leave without pay, etc.), the rating official will document the special circumstances on the appraisal form. The rating official will then determine which of the following five options to use, guided by local business rules and with consideration of any special legal entitlements such as the Uniformed Services Employment and Reemployment Rights Act (USERRA) which may affect that determination:

(1) Use available observations and documentation to prepare an assessment and determine a recommended OCS and an appropriate CCAS overall assessment of the quality of performance appraisal level; or

(2) Assign a Presumptive—Status 1: New AcqDemo hires with less than the necessary time to receive an actual CCAS contribution assessment.

(3) Assign a Presumptive—Status 2: Presume the employee is contributing consistently with his/her EOCS representative of his/her basic pay level by recommending the EOCS for the OCS and Level 3—Fully Successful rating of record; or

(4) Assign a Presumptive—Status 3: Recommend the pay pool panel re-

certify the employee's last contribution assessment OCS if greater than the current EOCS and the last CCAS rating of record if higher than the expected rating of record performance appraisal level. [Option (3) is not available (a) for first year AcqDemo assessments and/or (b) for employees who have changed broadband levels during the assessment period.]

(5) Assign a Presumptive—Status 4: Prolonged Absence Due to Work-related Injury or Full Time Union Representation Duties. A Presumptive—Status 4 may be used as a rating of record for purposes of RIF for those periods in which an employee did not receive a performance appraisal due to a prolonged absence resulting from a work-related injury approved for compensation pursuant to an Office of Workers' Compensation Program or while performing the duties of a full time union representative. Presumptive—Status 4 is limited to only periods of time for which the employee has no rating of record under any performance management system within

the four-year period preceding the "cutoff date" established for the RIF. A Presumptive—Status 4 presumes the employee is contributing consistently with his/her EOCS representative of his/her basic pay level by recommending the EOCS for the OCS and an overall Level 3—Fully Successful rating of record.

(6) Assign a Presumptive—Status 5: Employees Absent for Military Service. Employees who are absent for military service will receive a CCAS assessment and be assigned a rating of record provided they have performed work under an approved contribution plan for a minimum of 90 calendar days. If an employee absent for military service has not performed work under an approved contribution plan for a minimum of 90 days and has no rating of record under any performance management system within the previous four-year period, the employee will be presumed to be contributing consistently with his/her EOCS representative of his/her basic pay level and will receive the rating of record most frequently given among the

actual ratings of record in the same competitive area. Employees performing military service who do not meet the 90-calendar day requirement but have a rating of record under any performance management system within the four-year period preceding the RIF "cutoff date" will receive a CCAS rating of record consistent with this previous rating of record and will be assigned their most recent rating of record as the new CCAS rating of record for the appraisal cycle.

3. Integrated Pay Schedule. The CCAS Integrated Pay Schedule (IPS), Figure 2, is the foundation for the basic pay structure under the demonstration project. It provides a direct link between increasing levels of contribution and increasing basic pay. The IPS covers basic pay only and is the same for all AcqDemo employees, career paths, and positions regardless of geographical location. The appropriate locality pay is added following the determination of basic pay.

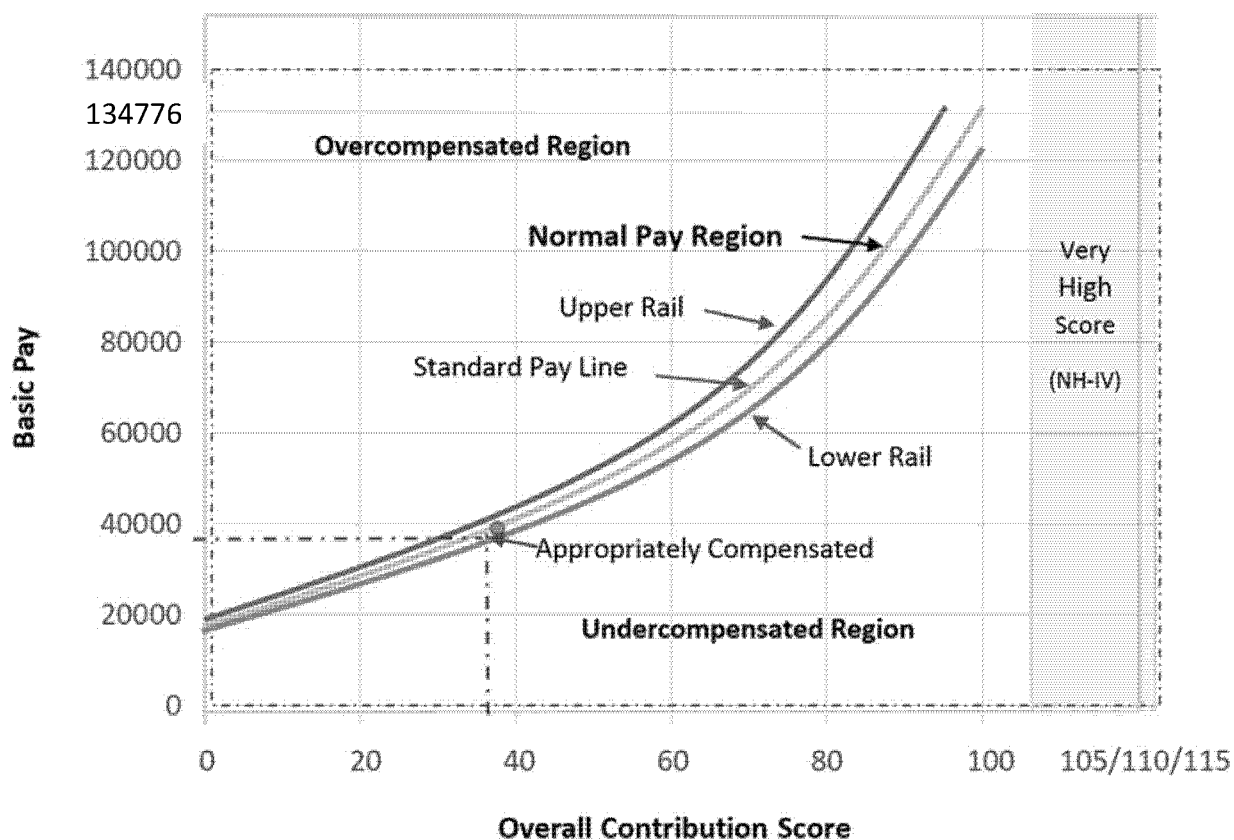


Figure 2. Integrated Pay Schedule

a. IPS Horizontal Axis. The horizontal axis of the IPS represents the OCS

available through contribution appraisals. The OCS span from a score

of zero to the maximum OCS of 100, with a notional "very high score" level

containing three scores to accommodate “very high scores” as appropriate for those employees in the top broadband level of their respective career paths. The “very high scores” of 105, 110, and 115 are provided for employees in Broadband Level IV of the Business and Technical Management Professional career path; “very high scores” of 87, 91, and 95 are provided for employees in Broadband Level IV of the Technical Management Support career path; and “very high scores” of 64, 67, and 70 are provided for employees in Broadband Level III of the Administrative Support career path.

b. **IPS Vertical Axis.** The vertical axis of the IPS spans from the dollar equivalent of the lowest basic pay under the AcqDemo, GS–1, Step 1, to the dollar equivalent of the highest basic pay of GS–15, step 10. This encompasses the full basic pay range (excluding locality pay) available under AcqDemo.

c. **Normal Pay Region (NPR).** The goal of CCAS is to make basic pay consistent with the scope, level, and difficulty of an employee’s position and the value of his/her contributions to the mission of the organization. Within the full basic pay range embodied in the IPS vertical

axis, an NPR was developed around a Standard Pay Line (SPL) to provide a mechanism to determine appropriate compensation. The NPR represents the area of the IPS where basic pay and value and level of contributions and position are assumed to be properly related and appropriately compensated. This relationship is represented by the marker where an employee’s basic pay and OCS intersect in relation to the NPR and the SPL, the reference line for OCS.

(1) **SPL.** The SPL begins at an OCS of zero and the basic pay of a GS–1, Step 1, and terminates at an OCS of 100 and the basic pay of a GS–15, Step 10. Changes in OCS correspond to a constant percentage change in basic pay along the SPL. The constant percentage change (or SPL factor) used to arrange OCS evenly along the SPL in 100 increments, where 100 is the range of OCS points, can be thought of as approximately a +2 percentage change in basic pay associated with a one score change in the OCS. The SPL factor for calendar year 2017 can be computed from the GS–15, Step 10 pay and the GS–1, Step 1 pay. The SPL factor for calendar year 2017 is 1.0200426. The SPL factor normally changes on an

annual basis with any General Schedule base pay increase granted to the Federal civilian workforce.

(2) **NPR.** Employees whose annual OCS plotted against their basic pay falls on or within the upper and lower rails of the NPR are considered to be in the “Normal Pay” Region for basic pay adjustments and eligible for either a performance rating of record of Level 5—Outstanding or Level 3—Fully Successful. The upper and lower rails encompass an area of ± 8.0 scores, or ± 8.0 percent from the SPL in terms of basic pay or approximately ± 4.0 in terms of scores, relative to the SPL. Given these constraints, the formulae for the NPR SPL and upper and lower rails found in Figure 2 are:

$$\text{Basic Pay Upper Rail} = (\text{GS-1, Step 1}) * (1.0800) * (\text{SPL factor})^{\text{OCS}}$$

$$\text{Basic Pay SPL} = (\text{GS-1, Step 1}) * (\text{SPL factor})^{\text{OCS}}$$

$$\text{Basic Pay Lower Rail} = (\text{GS-1, Step 1}) * (0.9200) * (\text{SPL factor})^{\text{OCS}}$$

An example calculation is provided below for an OCS of 50 and 51 using calendar year 2017 basic pay for GS–1, Step 1. It indicates an approximate 2% in basic pay between OCS along the SPL.

OCS 50:

$$\text{Basic Pay Upper Rail } (\$54,112) = (\$18,576) * (1.0800) * (1.0200426)^{50}_{(\text{GS-1, Step 1})}$$

$$\text{Basic Pay SPL } (\$50,103) = (\$18,576) * (1.0200426)^{50}_{(\text{GS-1, Step 1})}$$

$$\text{Basic Pay Lower Rail } (\$46,095) = (\$18,576) * (0.9200) * (1.0200426)^{50}_{(\text{GS-1, Step 1})}$$

OCS 51:

$$\text{Basic Pay Upper Rail } (\$55,196) = (\$18,576) * (1.0800) * (1.0200426)^{51}_{(\text{GS-1, Step 1})}$$

$$\text{Basic Pay SPL } (\$51,108) = (\$18,576) * (1.0200426)^{51}_{(\text{GS-1, Step 1})}$$

$$\text{Basic Pay Lower Rail } (\$47,019) = (\$18,576) * (0.9200) * (1.0200426)^{51}$$

d. **Overcompensated Region.** Employees whose annual OCS when plotted against their basic pay falls above the upper rail of the NPR into the “overcompensated” region are considered overpaid for their level of contribution and compensation adjustments, and “unacceptable” for

their contribution assessment. Typically, employees who are scored above the upper rail into the overcompensated region are not meeting contribution and performance expectations and will be placed on a CIP.

e. **Undercompensated Region.** Employees whose annual OCS when plotted against their basic pay falls below the lower rail of the NPR into the “undercompensated” region are considered underpaid for their level of contribution and position, in the “Undercompensated” Category for

compensation adjustments, and have either a Level 5—Outstanding or Level 3—Fully Successful rating of record as part of their contribution assessment. These employees may expect to receive greater basic pay increases than those eligible employees who fall within the normal pay region.

f. Relation to Career Paths. The IPS and the NPR are the same for all the career paths. What varies among the career paths are the beginnings and endings of the broadband levels. The minimum and maximum numerical OCS values and associated basic pay for each broadband level by career path are

provided in Table 5. These minimum and maximum breakpoints represent the lowest and highest GS base pay for the grades banded together and, therefore, the minimum and maximum basic pay possible under AcqDemo for each broadband level.

TABLE 5—OCS AND BASIC PAY RANGES BY CAREER PATH AND BROADBAND LEVEL
[Calendar year 2017]

Broadband and very high score levels	GS grades	Numerical score range	Basic pay range
Business Management and Technical Management Professional (NH)			
I	1–4	0–29	\$18,526–\$33,164
II	5–11	22–66	28,545–68,025
III	12–13	61–83	62,722–96,958
IV	14–15	79–100	88,136–134,776
Very High Score	N/A	105, 110, or 115	N/A
Technical Management Support (NJ)			
I	1–4	0–29	18,526–33,164
II	5–8	22–51	28,545–50,904
III	9–11	43–66	43,251–68,025
IV	12–13	61–83	62,722–96,958
Very High Score	N/A	87, 91, or 95	N/A
Administrative Support (NK)			
I	1–4	0–29	18,526–33,164
II	5–7	22–46	28,545–45,970
III	8–10	38–61	39,159–61,922
Very High Score	N/A	64, 67, and 70	N/A

4. Compensation Adjustments. After the initial assignment into the CCAS, employees' yearly contributions and performance will be determined by the CCAS contribution assessment process described above, and their OCS versus their current rate of basic pay will be plotted on the IPS graph (Figure 3) to determine their compensation category. The marker at the intersection of the OCS vertical straight line with the current basic pay horizontal straight line respective to the Participating Organization's choice of target line, *i.e.*, SPL, upper rail, or lower rail of the NPR,

gives a relative measure of the compensation (basic pay) versus contribution (OCS) for pay adjustment and/or award determinations. The target line of the SPL, upper rail, or lower rail, or other target line is chosen by a Participating Organization to serve as a compensation strategy for CRI payouts and to determine the number of employees eligible to receive a CRI based on their position in the Normal Pay Region in relation to the target line. For instance, since the AcqDemo goal is to have employees' basic pay centered on the SPL, if the Lower Rail were used

as the target line, fewer people would receive payouts, but those that did would receive larger payouts. Whereas, if the Upper Rail were used as the target line, more people would receive payouts, but each payout would be smaller. The SPL allows for something in between the upper and lower rail options.

a. Compensation Categories. Employees fall into one of the three compensation categories: Overcompensated, appropriately compensated, or undercompensated.

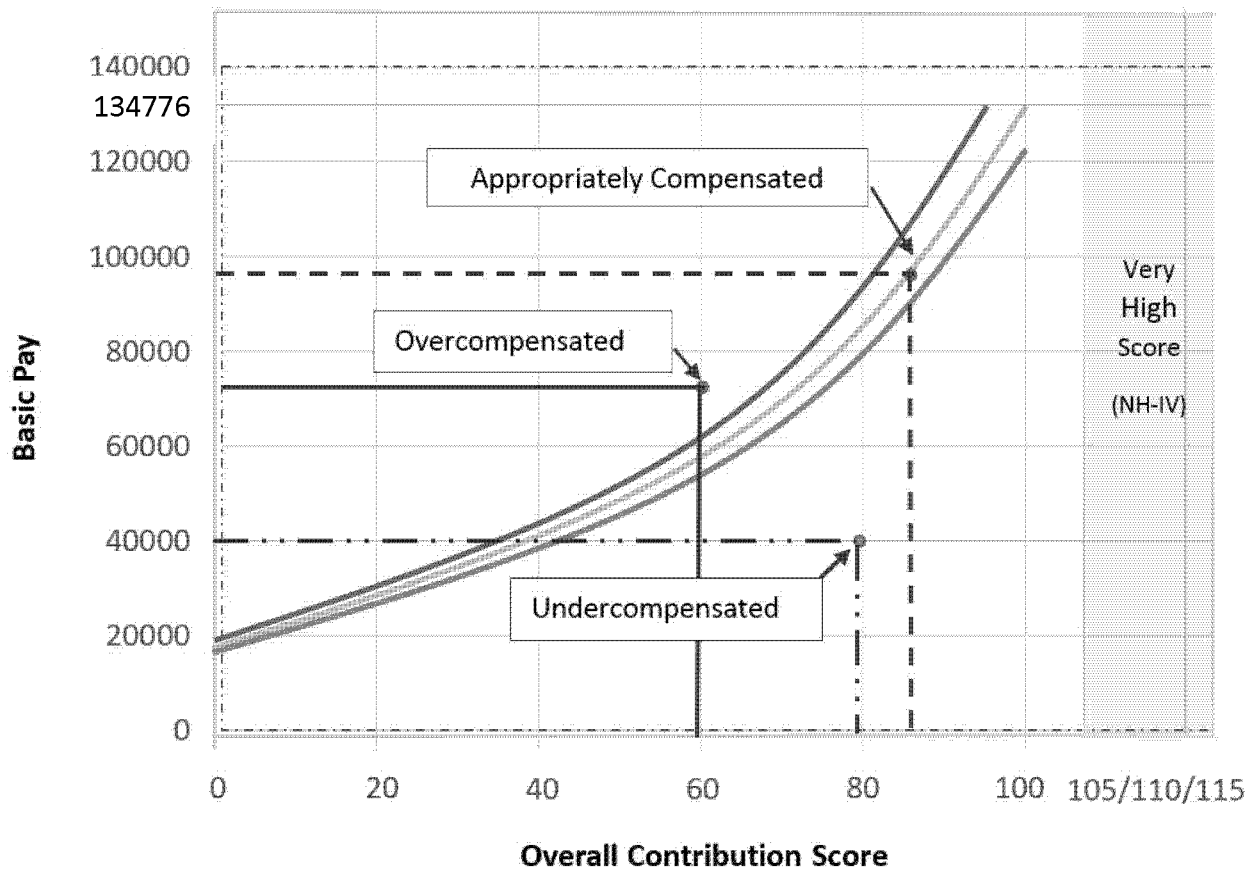


FIGURE 3. PLOTTING OCS VERSUS CURRENT BASIC PAY ON THE INTEGRATED PAY SCHEDULE TO DETERMINE COMPENSATION CATEGORIES JANUARY 2017

Depending on the category into which an employee's marker falls, he/she may be eligible for one to three forms of additional compensation. The pay pool panel has the option of awarding the employee up to and including the full General Pay Increase (as authorized by law or the President), a CRI (an increase in basic pay and/or a CRI carryover lump sum payment for the CRI basic pay amount that exceeds a control point in or the maximum basic pay of an employee's broadband level) and/or a contribution award (a lump-sum

payment that does not affect basic pay). In general, those employees whose marker plots in the undercompensated region of the IPS may receive greater percentage basic pay increases than those whose marker plots in the overcompensated region of the IPS. Employees on retained rate in the demonstration project will generally receive pay adjustments in accordance with 5 U.S.C. 5363 and 5 CFR part 536; however, the normal retained rate increase granted in connection with a general pay increase may be reduced or

denied for an employee with an OCS above the upper rail and a performance appraisal of Level 1—Unacceptable. An employee receiving a retained rate is not eligible for a contribution rating increase, since such increases are limited by the maximum salary rate for the employee's broadband level. Over time, people will migrate closer to the standard pay line and receive basic pay appropriate for their level of contribution and position. An outline of compensation eligibility by contribution category is given in Table 6.

TABLE 6—COMPENSATION ELIGIBILITY CHART

Category	General pay increase	Contribution rating increase	Contribution award	Locality pay ⁷
Overcompensated	Could be reduced or denied ⁸	No	No	Yes.
Appropriately Compensated	Yes	Yes ⁹ —Up to 6%	Yes ¹⁰	Yes.
Undercompensated	Yes	Yes—Up to 20% ^{11 12}	Yes	Yes.

b. Local Policy. Each Pay Pool Manager will set the necessary guidelines for pay adjustments in the pay pool based on guidance received from the organization's Personnel Policy Board, Head of the Participating Organization, and/or Component. Decisions will be consistent within the pay pool, reflect cost discipline over the life of the demonstration project, and be subject to review by Components and the DoD AcqDemo Project Office.

c. Documentation. Basic pay adjustments and cash awards will be documented by a SF-50, Notification of Personnel Action. The performance appraisal level is uploaded into DCPDS at the same time as the pay adjustments and cash awards. For historical and analytical purposes, the CCAS Appraisal Form, to include the contribution plan, employee self-assessment, supervisor annual assessment, effective date of CCAS assessments, annual performance appraisal level, contribution rating level, actual basic pay increases, amounts contributed to the pay pool, and applicable "bonus" amounts, will be maintained for each demonstration project employee. Each Participating Organization shall provide for maintenance of contribution-related records for their employees for a minimum of four years, as required in 5 CFR 293.402 and 404.

5. CIP Process.

a. Regulatory Coverage. This section applies to reassignment, reduction in broadband level with or without a reduction in pay; reduction in pay with or without a reduction in broadband level; or removal of demonstration project employees based solely on inadequate contribution. Inadequate contribution is identified by the employee's annual CCAS contribution assessment resulting in an OCS falling above the upper rail of the NPR (which normally occurs at either a -3 or -4 OCS or greater negative number) and an unacceptable rating of record, or the deterioration of an employee's

contribution during the appraisal year such that, if rated, the employee would receive an OCS score above the upper rail of the NPR and an unacceptable performance appraisal level on at least one of the three contribution appraisal factors; or by a combination of these results. An inadequate contribution assessment in any one contribution factor at any time during the appraisal period is considered grounds for the initiation of a CIP that may result in reassignment, reduction in pay, or removal action, hereafter referred to as contribution-based actions. The following procedures replace those established in 5 U.S.C. 4303 pertaining to reductions in grade or removal for unacceptable contribution except with respect to appeals of such actions. As is currently the situation for contribution-based actions taken under 5 U.S.C. 4303, inadequate contribution-based actions shall be sustained if the decision is supported by substantial evidence and the Merit Systems Protection Board shall not have mitigation authority with respect to such actions. The separate statutory authority to take inadequate contribution-based actions under 5 U.S.C. chapter 75, as modified in the waiver section of this notice (Section VII), remains unchanged by these procedures.

b. CIP. When a supervisor determines during or at the end of the appraisal period that an employee is not completing work assignments adequately, the supervisor must make a determination as to whether the employee is contributing inadequately in one or more of the contribution factors and/or quality of performance levels. All contribution factors are considered critical elements. A determination of inadequate contribution must be made by comparing the employee's contribution to the expected contribution criteria in the appraisal factors as well as the contribution expectations established in the employee's CCAS Contribution Plan covering the factors and fully successful performance.

If an employee's annual CCAS assessment or a contribution assessment during the appraisal year results in the need for a CIP, the supervisor must inform the employee, in writing, that he/she will be placed on a CIP and that, unless the employee's contribution increases such that the OCS would be scored in the NPR, contribution would be considered fully successful, and this level of effort is sustained, he/she may be subject to one of the previously listed contribution-based actions. If an employee is placed on a CIP near the end of the appraisal cycle, the CIP may

not extend past October 31, with a decision rendered no later than November 15.

When the rating official informs the employee of possible contribution-based actions that may occur, the rating official will afford the employee a reasonable opportunity to demonstrate acceptable contribution and/or performance with regard to identifiable factors. A CIP must provide the employee this opportunity to demonstrate adequate contribution. The CIP will state the preliminary factor scores above the upper rail, how the employee's contribution and/or performance are inadequate, what improvements are required, recommendations on how to achieve adequate contribution and/or performance, assistance that the agency shall offer to the employee in improving inadequate contribution, and consequences of failure to improve. Additionally, the CIP will normally include a clarification (or further clarification) of the meaning of terms used in the employee's specific responsibilities and assignments described under the appraisal factors.

Once an employee has been afforded a reasonable CIP opportunity to demonstrate adequate contribution and/or performance but fails to do so and receives an unacceptable rating of record based on the CIP, a reassignment, reduction in broadband level with or without a reduction in pay, reduction in pay with or without a reduction in broadband level, or removal action may be proposed in accordance with 5 U.S.C. 4303 and related OPM regulations under 5 CFR part 432. This unacceptable rating of record will be considered an official rating of record for RIF purposes whether it is issued during an appraisal cycle or as an annual rating of record. If it is an employee's most recent/current rating of record in the four-year period preceding a RIF, the employee would be listed on the Master Retention List in the category Tenure Group I—Current Unacceptable Performance Appraisal.

If the employee's contribution increases to an adequate level and is again determined to deteriorate in any factor within two years from the beginning of the opportunity period, actions may be initiated to effect a contribution-based action with no additional opportunity to improve. If an employee has contributed adequately for two years from the beginning of a CIP opportunity period, and the employee's overall contribution once again declines to an inadequate level, the employee will be afforded an additional opportunity to demonstrate

⁷ Basic pay plus locality pay may not exceed the rate payable for level IV of the Executive Schedule.

⁸ Also applies to employees on pay retention whose contribution and performance assessment is "Unacceptable".

⁹ May not exceed upper rail of NPR for employee's OCS or maximum basic pay for current broadband level.

¹⁰ Pay pool manager approves up to \$10,000 for a contribution award. Amounts exceeding \$10,000 not to exceed \$25,000 for a contribution award require the Head of the Participating Organization approval.

¹¹ Over 20% requires approval of the Head of the Participating Organization.

¹² May not exceed 6% above the lower rail or the maximum basic pay for current broadband level.

adequate contribution before it is determined whether or not to propose a contribution-based action.

An employee who is subject to a proposed contribution-based action is entitled to a 30-day advance notice of the proposed action that identifies specific instances of inadequate contribution by the employee on which the action is based. The employee will be afforded a reasonable time to answer the notice of proposed action orally and/or in writing.

A decision to pursue a contribution-based action on an employee for inadequate contribution may be based only on those instances of inadequate contribution that occurred during the two-year period ending on the date of issuance of the proposed action. The employee will be issued written notice at or before the time the action will be effective. Such notice will specify the instances of inadequate contribution by the employee on which the action is based and will inform the employee of any applicable appeal or grievance rights.

c. *Inadequate Contribution under 5 U.S.C. 7512.* Employees may also be removed or reduced in broadband level based on inadequate contribution (which inherently addresses performance) under the provisions of 5 U.S.C. 7512.

d. *Procedural and Appeal Rights.* All procedural and appeal rights set forth in the applicable statute and related OPM regulations will be afforded to demonstration project employees reassigned, removed, or reduced in level for inadequate contribution.

e. *Documentation.* All relevant documentation concerning a contribution-based action that is based on a determination of inadequate contribution will be preserved and made available for review by the affected employee or a designated representative in accordance with the employee's DoD Component policy for records management. At a minimum, the records, in accordance with 5 CFR 432.107, will consist of a copy of the notice of proposed action; the written answer of the employee or a summary when the employee makes an oral reply; and the written notice of decision and the reasons thereof, along with any supporting material including documentation regarding the opportunity afforded the employee to demonstrate adequate contribution.

6. CCAS Grievance Procedures.

a. *Bargaining Unit Employees.* Bargaining unit employees who are covered under a collective bargaining agreement may grieve CCAS pay determinations and performance

appraisal levels under the grievance-arbitration provisions of the agreement. The negotiated grievance procedure shall be the sole and exclusive procedure for resolving such grievances. If an employee is in a bargaining unit in which grievances over appraisal scores have been excluded from the negotiated grievance procedure, the employee may use the administrative grievance procedure (5 CFR part 771) with supplemental instructions described in paragraph b below.

b. *Administrative Grievance Procedures.* Employees not included in a bargaining unit may grieve the contribution assessment which includes the OCS and performance appraisal levels received under the CCAS using procedures established under the appropriate Administrative Grievance Procedures (5 CFR part 771). Under these procedures, the employee's grievance will first be considered by the rating official who reviews and submits a recommendation to the pay pool panel. The pay pool panel may accept the rating official's recommendation or reach an independent decision. In the event that the pay pool panel's decision is different from the rating official's recommendation, appropriate justification will be provided. The pay pool panel's decision is final unless the employee requests reconsideration by the next higher official to the Pay Pool Manager. That official would then render the final decision on the grievance.

E. Employee Development

1. Academic Degree and Certificate Training

Trained and educated personnel are a critical resource in an acquisition organization. This demonstration supports the concept that well-developed training and development programs are essential to improving the performance of AWF individuals and those employees in direct support positions to the AWF, thus raising the overall level of performance of the AWF as well as serving as a valuable tool for recruiting and retaining motivated employees. AWF members have a continuous learning (CL) requirement to ensure maintenance of currency in their career field. They must earn a minimum of 80 CL points every two years. Some have specific education and/or statutory requirements depending on their career field. In addition, all acquisition positions have certification requirements whereby AWF members must become certified in their primary career field at the level required within 24 months of assignment. Currently,

DAWIA authorizes degree and certificate training for acquisition-coded positions. This demonstration extends that authority and expands its coverage to the acquisition direct support positions included in the project. It also provides authorization at the local level to administer and pay for these degree and certificate training programs. This authorization will facilitate continuous attainment of advanced, specialized knowledge essential to the AWF and its direct support employees. It also provides a capability to assist in the recruiting and retaining of personnel critical to the present and future requirements of the AWF.

A Participating Organization may require an employee who participates in training to continue to work in that organization for at least three times the length of the training period. The service obligation begins when the training is completed. Funding for this training, while potentially available from numerous sources (including DAWDF for employees in acquisition-coded positions), is the responsibility of the Participating Organization.

2. Sabbaticals

Organizations participating in the acquisition demonstration project will have the authority to grant sabbaticals without application to higher levels of authority. These sabbaticals will permit employees to engage in study or work experience that contributes to their development and effectiveness. The sabbatical provides opportunities for employees to acquire knowledge and expertise that cannot be acquired in the standard working environment. These opportunities should result in enhanced employee contribution. The spectrum of available activities under this program is limited only by the constraint that the activity contribute to the organization's mission and to the employee's development. The program can be used for training with industry or on-the-job work experience with public, private, or nonprofit organizations. It enables an employee to spend time in an academic or industrial environment or to take advantage of the opportunity to devote full-time effort to technical or managerial research.

The acquisition demonstration project sabbatical program will be available to all demonstration project employees who have seven or more years of Federal service. Each sabbatical will be of three to twelve months' duration and must result in a product, service, report, or study that will benefit the acquisition community as well as increase the employee's individual effectiveness. Requests for a sabbatical must be made

by the employee through the chain of command to the Participating Organization's management official, who has final approval authority and who must ensure that the program benefits both the acquisition workforce and the individual employee. Funding for the employee's salary and other expenses of the sabbatical is the responsibility of the Participating Organization.

Employees approved for a paid sabbatical must sign a service obligation agreement to continue in service in the covered organizations for a period of three times the length of the sabbatical. The service obligation begins when the training is completed. Sabbaticals approved prior to the effective date of this FRN are not subject to the service obligation requirement. If an employee voluntarily leaves the covered organizations before the service obligation is completed he/she is liable for repayment of expenses incurred by the covered organizations that are associated with training during the sabbatical. Expenses do not include salary costs. The delegated sabbatical approving management official of the Participating Organization has the authority to waive this requirement.

3. Student Intern Relocation Incentive. Recruitment of students is often limited to the local commuting area of the employing organization as college students frequently cannot afford to relocate to accept student intern job offers in a commuting area different from that of the college/university they are attending or their permanent home residence. To alleviate this barrier and to further Better Buying Power 3.0 initiatives to recruit the next generation of high performers to sustain and promote professionalism in the acquisition workforce, the Head of the Participating Organization may approve relocation incentives for new student interns and relocation incentives to student interns whose worksite is in a different geographic location than that of the college/university enrolled or their permanent home residence each time the student interns return to duty at their official worksites.

F. Movement Into and From AcqDemo

1. Management-Directed Conversion into the Demonstration Project

a. Conversion from the GS Pay System. An employee who is converted into AcqDemo with his/her organization will have an automatic conversion from his/her permanent GS grade rate of pay of record at time of conversion into the new broadband system. Initial entry into the AcqDemo for covered employees

will occur through a full employee protection approach that ensures each employee's initial placement into a broadband level without loss of pay.

(1) WGI Buy-Ins. Rules governing WGIs within each Participating Organization will remain in effect until an employee's conversion date. Implementation of the AcqDemo broadbanding pay structure eliminates the WGI increments of the current GS pay structure. To facilitate conversion and employee acceptance of the new system, eligible employees will receive a basic pay increase for that portion of their next WGI corresponding to the weeks of service in-step they have completed up to the effective date of their conversion so that they will not feel they are losing pay or a pay entitlement accrued under the GS system.

Employees on a Performance Improvement Plan (PIP) will remain in their current system until the conclusion of the PIP and a decision is rendered. If the PIP results in a current rating of record of satisfactory performance or better, the employees will be eligible for a WGI buy-in upon conversion. Employees will not be eligible for the WGI buy-in if their current rating of record is unacceptable at the time of conversion. Employees at step 10, or receiving retained pay at the time of conversion will not be eligible for a WGI buy-in.

(2) Career-Ladder Promotion Buy-Ins. For those GS employees in career-ladder promotion programs who are scheduled to be promoted to a higher grade and whose performance is at least fully successful, basic pay will be increased by a prorated share of the current value of the next scheduled promotion increase based upon the actual number of weeks the employee has completed towards the next scheduled promotion as of the employee's conversion date. No WGI buy-in will be made if the employee's pay is adjusted for a promotion that would be effective before the next scheduled WGI.

(3) Special salary rates. Special salary rates will no longer be applicable to demonstration project employees. Employees on special salary rates at the time of conversion will receive a new basic rate of pay computed by dividing their highest adjusted rate of basic pay (*i.e.*, special pay rate, or if higher, the locality rate) by the special pay rate factor or the locality pay factor for their area. All employees will be eligible for the future locality pay increases of their geographic area. When conversion into the demonstration project is accompanied by a simultaneous geographic move, the employee's GS

basic pay entitlements (including any locality or special rate) in the new area will be determined before converting the employee's pay to the demonstration project basic pay system. A full locality adjustment will then be added to the new basic pay rate.

(4) Employees on Term and Temporary Appointments. (a) Employees serving under term appointments at the time of conversion to the demonstration project will be converted to a modified term appointment provided they were hired for their current positions under competitive procedures. These employees will be eligible for conversion to career or career-conditional appointments in the competitive service provided they:

- 1—Have served two years of continuous service in the term position;
- 2—Were selected for the term position under competitive procedures; and
- 3—Are contributing at an adequate contribution level, or meeting fully successful performance objectives, or their equivalent, in non-AcqDemo performance management systems.

Converted term employees who do not meet these criteria may continue on their term appointment up to the not-to-exceed date established under their current appointment. Extensions of term appointments for employees who do not meet the above criteria may be granted after conversion in accordance with the provision of this regulation.

(b) Employees serving under temporary appointments when their organization converts to the demonstration project will be converted and may continue on their temporary appointment up to their established, current not-to-exceed date.

Extensions of temporary appointments after conversion may be granted in accordance with 5 CFR 213.104 for excepted service employees and 5 CFR part 316, subpart D, for competitive service employees.

(5) Probationary Periods.

(a) Initial Probationary Period.

Employees who have completed an initial probationary period prior to conversion to AcqDemo will not be required to serve a new initial probationary period. Employees who are serving an initial probationary period upon conversion to AcqDemo will serve the time remaining on their initial probationary period and may have their initial probationary period extended in accordance with DoD and demonstration project regulations and implementing issuances.

(b) Supervisory Probationary Periods. Employees transitioning to AcqDemo who are serving a supervisory

probationary period upon conversion to AcqDemo will serve the time remaining on their supervisory probationary period. Converting employees who have completed a supervisory probationary period in their current position prior to conversion to AcqDemo will not be required to serve a new supervisory probationary period in that position. However, an additional supervisory probationary period of one year may be required if the employee is officially assigned to a different supervisory position that constitutes a major change in supervisory responsibilities from any previously held supervisory position.

(6) Retained Pay. If the employee's rate of basic pay exceeds the maximum rate of basic pay for the broadband level corresponding to the employee's GS grade, the employee will remain at that broadband level and will receive a retained rate. The retained rate will be the total of the employee's basic pay and locality or special pay.

b. Conversion from Other Personnel Pay Systems. Employees who enter this demonstration project from other personnel pay systems (e.g., Defense Civilian Intelligence Personnel System or an STRL Demonstration Project) due to a reorganization, mandatory conversion, Defense Base Realignment and Closure process, or other directed action will be converted into the AcqDemo via movement of their positions using an appropriate Nature of Action Code. Employees' positions will be classified based upon the position classification criteria and broadband level definitions under the AcqDemo rules and their pay, upon conversion, maintained under AcqDemo pay setting rules. In addition, the provisions of Section II.F.1(a)(4), (5), and (6) are applicable to conversions from other personnel and pay systems.

2. Non-AcqDemo Federal Employees Voluntarily Joining AcqDemo. Federal employees entering into the AcqDemo from the GS or other pay systems not as the result of a conversion will be moved into a career path and broadband level with basic pay set in accordance with AcqDemo guidance and reflective of the duties and responsibilities of the AcqDemo position and an individual's qualifications. Highest previous rate as defined in Section II.C.13 and AcqDemo internal guidance may provide an appropriate tool for establishing basic pay in this instance. The move will be described using the appropriate nature of action, e.g., promotion, reassignment, transfer, etc., as provided by the OPM's *Guide to Processing Personnel Actions*; the AcqDemo specified NOAC; and the AcqDemo Legal Authority Code Z2W, Public Law 111–383.

3. Movement From the Demonstration Project

a. Effect of Reorganizations. 10 U.S.C. 1762(d) provides that an AcqDemo organization that loses, due to reorganization, the one-third, two-thirds personnel demographic eligibility required for continued inclusion in AcqDemo may continue to participate in the AcqDemo project. Continued participation may be contingent upon such items as the amount of reduction in the number and/or kinds of positions to be counted for the one-third, two-thirds demographic eligibility requirement; degree of personnel involvement in an organization with an acquisition mission to acquire necessary supplies, equipment, and services to support the warfighter and DoD support staff; scope of direct support to an acquisition workforce organization or closely related functional area; and/or the primary personnel system utilized by the gaining organization.

AcqDemo organizations affected by reorganization, realignment, consolidation, or other organizational changes that may impact the one-third, two-thirds personnel demographic eligibility requirement are to contact the AcqDemo Program Manager expeditiously to discuss the workforce changes in relation to continued AcqDemo participation. The AcqDemo Program Manager will decide the additional information that needs to be included in the organization's request for continued participation. The organization will submit a request for continued participation in accordance with the DoD AcqDemo Program Office's internal implementing guidance. The AcqDemo Program Office will review the rationale for and the data supplied in support of continued participation; conduct periodic audits of the participating organizations' populations as appropriate; and request additional details or formal documentation as needed. Based on an assessment of the information provided, the AcqDemo Program Manager will approve or disapprove the participation including any pertinent comments.

b. Conversion to a Different Pay and/or Personnel System. Prior to a management directed conversion of any AcqDemo organization and its employees to a different pay and/or personnel system, a CCAS closeout appraisal may be accomplished and an out-of-cycle payout may be made. CCAS closeout and payout procedures would be followed except that funding levels for out-of-cycle payouts may be reduced on a pro rata basis if the period between the previous CCAS payout and the out-

of-cycle payout was less than one year. Funding that corresponds to the general pay increase shall not form part of the pay pools for any out-of-cycle payouts. After making the out-of-cycle payout, conversion of employees covered by this demonstration project to another pay and/or personnel system shall be accomplished in accordance with the gaining system's implementing issuances.

c. Employee returns to the GS System. If a demonstration project employee is moving to a GS position, or if the project ends and each project employee must be converted back to the GS system, the following procedure will be used to translate the employee's project broadband level to an equivalent GS grade and the employee's demonstration rate of pay to an equivalent GS rate of pay. The equivalent GS grade and GS rate of pay must be determined before movement or conversion out of the demonstration project and any accompanying geographic movement, promotion, or other simultaneous action. For conversions upon termination of the project and for lateral assignments, the equivalent GS grade and rate will become the employee's actual GS grade and rate after leaving the demonstration project (before any other action). For transfers, promotions, and other actions to the GS system, the equivalent GS grade and pay rate will be used by the gaining personnel office in applying the GS pay administration rules applicable in connection with the employee's movement out of the project (e.g., promotion rules, highest previous rate rules, pay retention rules) as if the GS-equivalent grade and pay rate were actually in effect immediately before the employee left the demonstration project. The losing organization will document an employee's equivalent GS grade and pay rate in the remarks section of the official SF–50, Notification of Personnel Action, used to move the employee from the AcqDemo organization.

d. Employee moves to a Non-GS System. An equivalent GS grade and pay rate is determined for an employee who leaves AcqDemo for a position in a non-GS system using the same calculation as when an employee moves to a GS position. The losing organization will ensure documentation of an employee's equivalent GS grade and pay rate in the remarks section of the official SF–50 used to move the employee from the AcqDemo organization. It is the responsibility of the gaining organization to establish the level of the employee's new position and the appropriate pay under the pay system for that organization. The equivalent GS grade and pay

information provided may assist in this process.

e. Determining an Equivalent GS Grade. Each broadband level in this demonstration project encompasses two or more grades. An employee is determined to have a GS-equivalent grade corresponding to one of those grades according to the following rules:

(1) The employee's adjusted rate of basic pay under the demonstration project, which includes any locality payment, is compared with the step four rate in the highest applicable GS rate range. For this purpose, a GS rate range includes a rate range in:

(a) The GS base schedule;
(b) The locality rate schedule for the locality pay area in which the position is located; or

(c) The appropriate special rate schedule for the employee's occupational series, as applicable. If the series is a two-grade-interval series, only odd-numbered grades are considered below GS-11.

(2) If the employee's adjusted demonstration project rate of pay equals or exceeds the applicable step four rate of the highest GS grade in the broadband, the employee is converted to that grade.

(3) If the employee's adjusted demonstration project rate of pay is lower than the applicable step four rate of the highest grade, the adjusted rate is compared with the step four rate of the second-highest grade in the employee's broadband. If the employee's adjusted rate equals or exceeds the step four rate of the second-highest grade, the employee is converted to that grade.

(4) This process is repeated for each successively lower grade in the broadband until a grade is found in which the employee's adjusted demonstration project rate of pay equals or exceeds the applicable step four rate of the grade. The employee is then converted at that grade. If the employee's adjusted rate of pay is below the step four rate of the lowest grade in the broadband, the employee is converted to the lowest grade.

(5) Exception: An employee will not be converted to a lower grade than the grade held by the employee immediately preceding a conversion, lateral assignment, or lateral transfer into the demonstration project, unless, since that time the employee has undergone a reduction in broadband level or reduction in pay based upon an adverse action, a contribution-based action, a reduction-in-force action, or a voluntary change to lower broadband level.

(6) Exception: If the employee's adjusted demonstration project rate

exceeds the maximum rate of the grade assigned under the above-described step 4 rule but fits in the rate range for the next higher applicable grade (*i.e.*, between step 1 and step 4), then the employee shall be converted to that next higher applicable grade.)

f. Determining an Equivalent GS Rate of Pay. An employee's pay within the equivalent GS grade is set by converting the employee's demonstration project rate of pay to a GS rate of pay in accordance with the following rules:

(1) The pay conversion is done before any geographic movement or other pay-related action that coincides with the employee's movement or conversion out of the demonstration project.

(2) An employee's adjusted rate of basic pay under the demonstration project (including any locality payment) is converted to a GS rate on the highest applicable rate range for the converted GS grade. For this purpose, a GS rate range includes a rate range in:

(a) The GS base schedule,
(b) An applicable locality rate schedule, or
(c) An applicable special rate schedule.

(3) If the highest applicable GS rate range is a locality pay rate range, the employee's adjusted demonstration project rate is converted to a GS locality rate of pay. If this rate falls between two steps in the locality-adjusted schedule, the rate of pay must be set at the higher step. The converted GS unadjusted rate of basic pay would be the GS base rate corresponding to the converted GS locality rate (*i.e.*, same step position).

(4) If the highest applicable GS rate range is a special rate range, the employee's adjusted demonstration project rate is converted to a special rate. If this rate falls between two steps in the special rate schedule, the rate must be set at the higher step. The converted GS unadjusted rate of basic pay will be the GS rate corresponding to the converted special rate (*i.e.*, same step position).

g. Retained Pay. If an employee is receiving a retained rate under the demonstration project, the employee's GS-equivalent grade is the highest referenced grade encompassed in his/her broadband level. The employee's GS-equivalent rate of pay will equal the employee's retained rate.

h. WGI-Equivalent Increase Determination.

Service under the demonstration project is potentially creditable for WGI waiting period purposes under 5 CFR 531.405(b) upon conversion back to the GS pay system. An equivalent increase under 5 CFR 531.407(b) is considered to occur at the time of an AcqDemo:

(1) Promotion to a higher broadband level, including a zero basic pay increase (unless the promotion is cancelled and the employee's rate of basic pay is redetermined as if the promotion had not occurred), *e.g.*, the termination of a temporary promotion.

(2) CCAS basic pay increase (including a zero increase). The date of the last equivalent increase, based on the opportunity to receive a CCAS basic pay increase, is the first day of the first pay period beginning on or after January 1.

(3) WGI buy-in and/or Career Ladder promotion buy-in granted immediately upon movement to the AcqDemo from another pay system.

(4) ACDP basic pay adjustment.

(5) Use of HPR when basic pay is set at a rate above the rate that would be established using normal AcqDemo pay setting rules.

i. Quality of Performance. The most recent CCAS annual or interim rating of record will be provided for use by the gaining activity.

G. Training for AcqDemo

1. Introduction. The key to the success or failure of the proposed demonstration project will be the training provided. This training provides not only the necessary knowledge and skills to carry out the proposed changes, but will also lead to participant commitment to the program.

2. Roles and Responsibilities.

a. AcqDemo Program Office. Training for new organizations wishing to convert to the demonstration project will be provided by the DoD AcqDemo Program Office to supervisors, employees, and the administrative staff responsible for assisting managers in effecting the changeover and operation of the new system. The Program Office will be responsible for providing policy notifications as they occur.

b. Participating Organizations. Sustainment training will be the responsibility of the participating organization.

3. Conversion Training.

a. Subject Matter. The elements to be covered in the orientation portion of this training will include:

- (1) A description of the personnel system;
 - (2) How employees are converted into and out of the system;
 - (3) The pay adjustment and/or bonus process;
 - (4) The new position requirements document;
 - (5) The new classification system; and
 - (6) The Contribution-based Compensation and Appraisal System.
- b. Target Audiences.

(1) Supervisors. The focus of this project on management-centered personnel administration, with increased supervisory and managerial personnel management authority and accountability, demands thorough training of supervisors and managers in the knowledge and skills that will prepare them for their new responsibilities. Training will include detailed information on the policies and procedures of the demonstration project, as well as skills training in using the classification system, position requirements document, and contribution evaluation software.

(2) Human Resources/Pay Pool Administrative Staff. Human Resources Specialists and Pay Pool Administrative Officers will play a key role in advising, training, and coaching supervisors and employees in implementing the demonstration project. This staff will receive training in the procedural and technical aspects of the project.

(3) Employees. In the months prior to implementation, the demonstration project team and Participating Organization training and career development offices will provide workforce training through various media. This training is intended to inform the workforce of project features and to prompt the development of local procedures and processes to implement the changes.

III. Evaluation Plan

A. Internal Evaluation

Demonstration-authorizing legislation (5 U.S.C. 4703) mandates evaluation of the demonstration project to assess the effects of project features and outcomes. In addition, the project will be evaluated to determine the feasibility of application to other Federal Agencies. The overall Program Management evaluation will consist of two components—internal and external evaluation. The internal evaluation will be ongoing and accomplished by the staff of the AcqDemo Program Office, to include contracted resources, and the results reviewed by the Executive Council. The main purpose of the internal evaluation is to determine the effectiveness of the personnel system in meeting the needs of the Defense Acquisition Workforce.

B. External

External evaluations will be conducted on a regular basis as prescribed by the Secretary. The Secretary may designate an independent evaluator to conduct the external assessments with the results overseen by the Undersecretary of Defense

(Acquisition, Technology & Logistics)/ Human Capital Initiatives; and the Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

C. Purpose

The evaluations are conducted to determine the effectiveness of the personnel system changes implemented. To the extent possible, strong direct or indirect relationships will be established between the demonstration project features, outcomes, mission-related changes, and personnel system effectiveness criteria. The evaluation approach uses an intervention impact model that specifies each personnel system change as an intervention, the expected effects of each intervention, the corresponding measures, and the data sources for obtaining the measures. Appendix F presents the Intervention Impact Evaluation Model to be used for this demonstration project for initiatives affecting title 5 U.S.C. and title 5 CFR.

IV. Project Duration

The Demonstration Project has been extended by statute three times as indicated below:

1. Section 813 of the Bob Stump NDAA for FY 2003 (Pub. L. 107–314, 116 Stat. 2609) extended the authority to conduct the AcqDemo until September 30, 2012;

2. Section 872 of the Ike Skelton NDAA for FY 2011 (Pub. L. 111–383, 124 Stat. 4300, 4302) extended the authority to conduct the AcqDemo Program until September 30, 2017; and

3. Section 846 of the NDAA for FY 2016 (Pub. L. 114–92) extended the termination date for the AcqDemo Project to December 31, 2020.

V. Demonstration Project Costs

The AcqDemo Project requires a cost-disciplined approach to maintain cost control. While this approach does not require cost neutrality, it does require a continued comparison with the Government-wide system to ensure an effective balance between cost, and personnel management benefits such as improved organizational communication, and greater recognition of higher contributors, leading to increased retention rates and savings in turnover costs and loss of skills. This cost-disciplined approach also requires Participating Organizations to consider and implement a logical and effective compensation management strategy, aimed at providing the appropriate level of compensation for the contribution expended in accomplishing work at an assigned level.

To promote cost accountability, project and pay pool managers are

required to consider both the short- and long-term implications of pay-related decisions on payroll and benefit costs, including decisions regarding the size of pay pools and policies on developmental and promotion pay increases. To support decision making and evaluations, annual data will be collected on key cost-related matters, including spending on CRIs, developmental increases, and promotion pay increases (expressed as a percentage of total basic payroll, on both a project-wide and individual pay pool basis).

The funding parameters for contribution increases in the out-years will be determined as part of the annual project evaluation process, as well as giving consideration to any funding limitations impacting the Department. Annual funding guidance will then be reported by the Program Manager to the AcqDemo Executive Council. As part of the evaluation of the project by Participating Organizations, the AcqDemo Program Management Office, and DoD, the basic pay costs (including average basic pay, average starting salaries, overall and by employee subcategories) under the demonstration project will be tracked and compared to the basic pay costs under similar demonstration projects and under a simulation model that replicates GS spending. These evaluations will balance costs incurred against benefits gained, so that both fiscal responsibility and project success are given appropriate weight.

VI. Automation Support

One of the major goals of the demonstration project is to streamline the personnel processes to increase efficiency, effectiveness, agility, and cost discipline. Automation must play an integral role in achieving that goal. Without the necessary automation to support the interventions proposed for the demonstration project, optimal benefits cannot be realized. In addition, adequate information to support decision making must be available to managers if line management is to assume greater authority and responsibility for human resources management. Automation to support the demonstration project is required at the DoD level to facilitate processing and reporting of demonstration project personnel actions, and may be ultimately required by the Participating Organizations to assist in processing a variety of personnel-related actions in order to facilitate management processes, evaluation of interventions, and decision making. The DCPDS is the DoD's authoritative personnel data

system of record and will be the primary system for personnel data used in dedicated electronic applications needed to process and evaluate a variety of actions associated with AcqDemo initiatives such as streamlined hiring and movement of employees; contribution-based appraisal compensation; accelerated compensation for developmental positions; supervisory and team leader cash differentials; staffing supplements; and sabbaticals.

VII. Required Waivers to Law and Regulations

A. General

In addition to the authorities granted by 10 U.S.C. 1762 and 5 U.S.C. 4703, the following are waivers of law and regulation that will be necessary for implementation and sustainment of the demonstration project. In due course, additional laws and regulations may be identified for a waiver request. The following waivers and adaptations of certain title 5 U.S.C. and title 5 CFR provisions are required only to the extent that these statutory and regulatory provisions limit or are inconsistent with the actions contemplated under this demonstration project. Nothing in this plan is intended to preclude the demonstration project from adopting or incorporating any law or regulation enacted, adopted, or amended after the original effective date, January 8, 1999, of this demonstration project.

B. Waivers to Title 5, U.S.C.

Chapter 5, Section 552a: Records maintained on individuals. This section is waived only to the extent required to clarify that volunteers under the Voluntary Emeritus Program are considered employees of the Federal Government for purposes of this section.

Chapter 31, Section 3111: Acceptance of volunteer service. This section is amended to allow for a Voluntary Emeritus Corps in addition to student volunteers.

Chapter 33, Subchapter I—Examination, Certification, and Appointment: Waived except for sections 3302, 3321, and 3328 to allow direct hire authority for (1) qualified candidates with bachelor's or advanced degrees required by OPM or DoD qualification standards to qualify for AWF positions in a critical acquisition career field classified to the Business and Technical Management Professional, NH, career path; (2) qualified veteran candidates for AWF positions in a critical acquisition career field classified to either the Business

and Technical Management Professional, NH, career path or to the Technical Management Support, NJ, career path; (3) candidates enrolled in a program of undergraduate or graduate instruction at an institution of higher education leading to a baccalaureate degree or an advanced degree in a course of study required by OPM or DoD qualification standards or a degree the completion of which (including any additional essential credit hours in an acquisition-related field as appropriate) provides competencies, knowledge, skills, etc., directly linked to an AWF position's requirements (quality ranking factors) for one of the critical acquisition career fields; and (4) degreed candidates with superior scholastic achievement with a degree in a field of study directly linked to the qualifications, competencies, knowledge, skills, abilities, and DAWIA certifications for and duties of AWF positions in one of the critical acquisition career fields.

Chapter 33, Section 3308: Competitive service; examinations; educational requirements prohibited; exceptions to the extent necessary to accommodate the Scholastic Achievement Appointment's requirement for possession of a college degree, the completion of which provides qualifications, competencies, knowledge, skills, and abilities, directly linked to the requirements for and duties of an AWF professional position (quality ranking factors) in one of the acquisition career fields.

Chapter 33, Section 3317(a): Competitive service; certification from registers. Waived insofar as "Rule of Three" is eliminated under the demonstration project.

Chapter 33, Section 3318(a): Competitive Service, Selection from Certificate. Waived insofar as the "Rule of Three" is eliminated under the demonstration project and to provide a substitute selection process that when making final selections, qualified candidates with veterans' preference should be considered for appointments if they are found to best meet mission requirements.

Chapter 33, Section 3319: Alternative ranking and selection procedures. Waived to allow the continuation of the original AcqDemo Delegated Examining Authority published in 64 FR 1426–1492, Friday, January 8, 1999, as modified by the President's 2010 Memorandum requiring agencies to use category rating; to replace the use of veterans' preference points with "determining veterans' preference eligibility when the selecting official has identified the candidates under serious consideration for a job offer," and to

establish a process that when making final selections from the serious-consideration-for-a-job-offer group, any candidate with veterans' preference should be considered for appointments if they are found to best meet mission requirements.

Chapter 33, Section 3341: Details. Waived as necessary to extend the time limits for details.

Chapter 35, Section 3502: Order of retention. Waived as necessary to accommodate the reduction-in-force process described in this demonstration project with 3502(c) waived in its entirety.

Chapter 41, Section 4107(a): Academic degree training. Waived to the extent necessary to provide academic degree training as described for the demonstration project.

Chapter 41, Section 4108(a)–(c): Employee agreements; service after training. Waived to the extent necessary to require the employee to continue in the service of the covered organizations for the period of the required service and to the extent necessary to permit the organization to waive in whole or in part a right of recovery.

Chapter 43, Sections 4301–4305 except for 4303(e) and (f): Related to performance appraisal are waived in entirety. In turn, 4303(e) and (f) are waived only to the extent necessary to (1) substitute "broadband" for "grade" and (2) provide that moving to a lower broadband as a result of not receiving the full amount of a general pay increase because of inadequate contribution is not an action covered by the provisions of section 4303(a)–(d).

Chapter 45, Sections 4502(f): General Provisions. Waived to allow Service Acquisition Executives to approve cash awards for superior accomplishments not to exceed \$25,000.

Chapter 51, Sections 5101–5113: Related to classification standards and grading. Waived in entirety except section 5104 to the extent needed to permit classification of broadband levels and factor descriptors and discriminators.

Chapter 53, Sections 5301; 5302 (8) and (9); and 5303–5305 and 5331–5336: Related to special pay and pay rates and systems. Sections 5301, 5302 (8) and (9), and 5304 are waived only to the extent necessary to allow demonstration project employees to be treated as General Schedule employees and to allow basic rates of pay under the demonstration project to be treated as scheduled rates of basic pay.

Chapter 53, Section 5362: Grade retention. Waived in its entirety. Not applicable in the demonstration project.

Chapter 53, Section 5363: Pay retention. This waiver applies only to the extent necessary to: (1) Allow demonstration project employees to be treated as General Schedule employees; (2) provide that pay retention provisions do not apply to conversions from General Schedule special rates to demonstration project pay, as long as total pay is not reduced; (3) replace the term “grade” with “broadband level;” and (4) provide that an employee on pay retention whose contribution assessment is “Unacceptable” may have the 50 percent of the amount of the increase in the maximum rate of base pay payable for the pay band of the employee’s position reduced or denied.

Chapter 53, Section 5371: Related to health care positions. This waiver applies only to the extent necessary to allow demonstration project employees to hold positions subject to Chapter 51 of title 5.

Chapter 55, Section 5545(d): Hazardous duty premium pay. Waived only to the extent necessary to allow demonstration project employees to be treated as General Schedule employees.

Chapter 57, Sections 5753, 5754, and 5755: Related to recruitment, relocation, and retention payments, and supervisory differentials. Waived to the extent necessary (1) to allow employees and positions under the demonstration project to be treated as employees and positions under the General Schedule; (2) allow management to offer a bonus to incentivize geographic mobility to a new student intern and to one whose worksite is in a different geographic location than that of the college enrolled or permanent home residence; and (3) authorize supervisory and team leader cash differentials as described for this demonstration project.

Chapter 59, Section 5941: Allowances based on living costs and conditions of environment; employees stationed outside the continental United States or Alaska. This waiver applies only to the extent necessary to provide that COLAs paid to employees under the demonstration project are paid in accordance with regulations prescribed by the President (as delegated to OPM).

Chapter 59, Section 5948: Related to physicians comparability allowances (only to the extent necessary to treat employees under the demonstration project as General Schedule employees).

Chapter 71, to the extent its provisions (e.g., 5 U.S.C. 7103(a)(12) and 7116) would prohibit management or the union from unilaterally terminating negotiations over whether the project will apply to employees represented by the union.

Chapter 71, Section 7119: To the extent it gives the Federal Service Impasses Panel jurisdiction to resolve impasses referred to it by either party or both parties during implementation of the demonstration project.

Chapter 75, Section 7512(3): Adverse actions. Waived to the extent necessary to exclude reductions in broadband level not accompanied by a reduction in pay and replace “grade” with “broadband level”.

Chapter 75, Section 7512(4): Adverse actions. Waived to the extent necessary to exclude conversions from a General Schedule special rate to demonstration project pay that do not result in a reduction in the employee’s total rate of pay.

C. Waivers to Title 5, Code of Federal Regulations

Part 300, Sections 300.601 through 300.605: Time-in-grade restrictions. Waived to eliminate time-in-grade restrictions in the demonstration project.

Parts 300–330 other than Subpart G of 5 CFR part 300: Employment. Waived to the extent necessary to allow direct hire authority for (1) qualified candidates with bachelor’s or advanced degrees required by OPM or DoD qualification standards to qualify for AWF positions in a critical acquisition career field classified to the Business and Technical Management Professional, NH, career path; (2) qualified veteran candidates for AWF positions in a critical acquisition career field classified to either the Business and Technical Management Professional, NH, career path or to the Technical Management Support, NJ, career path; (3) candidates enrolled in a program of undergraduate or graduate instruction at an institution of higher education leading to a baccalaureate degree or an advanced degree in a course of study required by OPM or DoD qualification standards or a degree the completion of which (including any additional essential credit hours in an acquisition-related field as appropriate) provides competencies, knowledge, skills, etc., directly linked to an AWF position’s requirements (quality ranking factors) for one of the critical acquisition career fields; and (4) degreed candidates with superior scholastic achievement in a field of study directly linked to the qualifications, competencies, knowledge, skills, abilities, and DAWIA certifications for and duties of AWF positions in one of the critical acquisition career fields.

Part 308, Volunteer service: Waived to allow volunteer service under the provisions of the Voluntary Emeritus Program described in this FRN.

Part 315, section 315.901: Statutory requirement. Waived to the extent necessary to replace “grade” with “broadband.”

Part 315, section 315.905: Length of the probationary period. Waived to the extent necessary to allow for an additional supervisory/managerial probationary period of one year when an employee is officially assigned to a different position that constitutes a major change in supervisory/managerial responsibilities.

Part 316, Section 316.301: Purpose and duration. Waived to the extent that modified term appointments may cover a maximum period of six years.

Part 316, Section 316.303: Tenure of term employees. Waived to the extent necessary to allow term employees to acquire competitive status.

Part 316, Section 316.305: Eligibility for within-grade increases. Waived in its entirety.

Part 332, Sections 332.401, Section 332.402, and Section 332.404: Order on Registers; Regular order of certification for appointment; and Order of Selection from Certificates. These sections are waived to the extent necessary to allow: (1) No rating and ranking when there are 25 or fewer qualified applicants; (2) the hiring and appointment authorities as described in this **Federal Register** notice; and (3) elimination of the “Rule of Three.” Veterans’ preference final candidates are considered for appointments if they are found to best meet mission requirements.

Part 332, Section 332.404: Order of selection from certificates. Waived to the extent necessary to eliminate the requirement for selection using the “Rule of Three.”

Part 335, Section 335.103: Agency promotion programs. Waived to the extent necessary to extend the length of details and temporary promotions without requiring competitive procedures or numerous short-term renewals.

Part 337, Subpart A, Section 337.101(a): Rating applicants. Waived to the extent necessary to allow referral without rating when there are 25 or fewer qualified candidates, applying veterans’ preference when final candidates considered for appointments are found to best meet mission requirements.

Part 337, Subpart C, Sections 337.301 through 337.305: Alternative Rating and Selection Procedures. Waived to allow continuation of the original AcqDemo Delegated Examining Authority published in the **Federal Register** on Friday, January 8, 1999 (64 FR 1426–1492), as modified by the President’s

2010 Memorandum requiring agencies to use category rating.

Part 340, Subpart A, Subpart B, and Subpart C: Other than full-time career employment. These subparts are waived to the extent necessary to allow a Voluntary Emeritus Program.

Part 351, Sections 351.402 through 351.404: Competitive area, Competitive levels, and Retention register. Waived in their entirety.

Part 351, Section 351.501: Order of retention-competitive service. Waived (1) to allow no additional years of service based on contribution/performance; (2) to combine Tenure Groups I and II into one group, a new Tenure Group I for all permanent career and career-conditional employees; and (3) separate the new Tenure Group I into three categories: Tenure Group I for employees who have 12 or more months of assessed performance; Tenure Group I for employees with less than 12 months of assessed performance; and Tenure Group I—Current Unacceptable Rating of Record.

Part 351, Section 351.502: Order of retention-excepted service. Waived (1) to allow no additional years of service based on performance; (2) to combine Tenure Groups I and II into one group, a new Tenure Group I for all permanent employees; (3) separate the new Tenure Group I into three categories: Tenure Group I for employees with less than 12 months of assessed performance; and Tenure Group I—Current Unacceptable Rating of Record.

Part 351, Section 351.504: Credit for Performance. Waived in its entirety.

Part 351, Section 351.601: Order of Release from Competitive Level. Waived in its entirety.

Part 351, Section 351.701: Assignment rights involving displacement. Waived to the extent that the distinction between bump and retreat is eliminated and the placement of demonstration project employees is limited to an employee's current career path, current broadband level, and one broadband level below that is within an employee's current career path, except that a preference-eligible employee with a compensable service-connected disability of 30 percent or more may displace up to the two broadband levels below the employee's present position (or the equivalent of five General Schedule grades) below the employee's present level, and to limit the assignment rights of employees with an unacceptable performance appraisal to a position held by another employee with an unacceptable performance appraisal.

Part 362, Subparts A, B, and C: General Provisions, Internship Program, and Recent Graduates Program. Waived

to the extent necessary to allow for an AWF Scholastic Achievement Appointment Authority and an AWF Student Intern Hiring Authority.

Part 410, Section 410.308(a): Training to obtain an academic degree. Waived to the extent necessary to allow the Head of a Participating Organization to provide academic degree and certificate training as needed for interns and employees holding positions allocated to acquisition career fields in order to meet AWF certification requirements.

Part 410, Section 410.309: Agreements to continue in service. Waived to the extent necessary to allow the Head of a Participating Organization to determine requirements related to continued service agreements.

Part 430, Subpart A and Subpart B: Performance Management and Performance appraisal for General Schedule, Prevailing Rate, and Certain Other Employees. Waived in its entirety including 430.208(a)(2) and (h) to accommodate CCAS and the AcqDemo RIF process.

Part 432, Sections 432.101 through 432.107: Related to performance based reduction in grade and removal actions, and definitions. Waived to the extent necessary to (1) substitute "broadband" for "grade;" (2) provide that moving to a lower broadband as a result of not receiving the full amount of a general pay increase because of inadequate contribution is not an action covered by the provisions of 5 U.S.C. 4303 and 5 CFR 432.105 and 5 CFR 432.106; (3) delete reference to critical element as all factors are critical; (4) waive section 432.105(a)(2) phrase "If an employee has performed acceptably for 1 year" to allow for "performed acceptably for 2 years from the beginning of a CIP;" (5) waive section 432.105(a)(3) to provide "within a two-year period ending on the date of the notice of proposed action"; and (6) modify to the extent that an employee may be removed, reassigned, reduced in broadband level with a reduction in pay, reduced in pay without a reduction in broadband level, and reduced in broadband level without a reduction in pay if performance does not improve to an adequate level during a reasonable improvement period.

Part 451, Subpart A, Sections 451.106(b): Agency and OPM Responsibilities. Waived to allow Service Acquisition Executives authority to grant special act awards for superior achievements to covered employees not to exceed \$25,000.

Part 470, Subpart C, Section 470.315: Project modification and extension. Waived to the extent necessary to expand participation in the Voluntary Emeritus Program to allow former non-

AcqDemo DoD civilian employees and former military members who served in DoD DAWIA covered acquisition positions to participate in the Program as well as former AcqDemo employees serving in DAWIA-covered acquisition positions.

Part 511, Subpart A; Subpart B; Subpart F; and Subpart G: Classification within the General Schedule. Waived in its entirety.

Part 530, Subpart C: Special Rate Schedules for Recruitment and Retention. Waived in its entirety. Demonstration project does not utilize special salary rates.

Part 531, Subpart B: Determining Rate of Basic Pay. Waived in its entirety.

Part 531, Subparts D and E: Within-grade Increases and Quality Step Increases. Waived in its entirety.

Part 531, Subpart F: Locality-Based Comparability Payments. Waived only to the extent necessary to allow demonstration project employees to be treated as General Schedule employees and to allow basic rates of pay under the demonstration project to be treated as scheduled rates of basic pay.

Part 536, Grade and Pay Retention: Waived to the extent necessary to provide that, for the purposes of applying pay retention provisions: (1) Grade retention is eliminated and there is no provision for broadband level retention allowed; (2) "grade" is replaced by "broadband level"; and (3) demonstration project employees are to be treated as General Schedule employees except under the following provisions: (a) Pay retention provisions do not apply to conversions from General Schedule special rates to demonstration project pay, as long as total pay is not reduced; (b) pay retention provisions do not apply to movements to a lower broadband level as a result of not receiving the general increase due to an annual contribution assessment of "Unacceptable"; and (c) provide that an employee on pay retention whose performance appraisal is "Unacceptable" may have the 50 percent of the amount of the increase in the maximum rate of base pay payable for the broadband level of the employee's position reduced or denied.

Part 550, Section 550.703: Severance Pay. Definition of "reasonable offer" is waived by replacing "two grade or pay levels" with "one broadband level" and "grade or pay level" with "broadband level."

Part 550, Section 550.902: Hazard Pay. Definition of "employee" waived only to the extent necessary to allow demonstration project employees to be treated as General Schedule employees.

Part 575, Sections 575.103(a)(1), 575.203 (a)(1), and 575.303(a)(1), and Subpart D: Recruitment, relocation, and retention incentives, and supervisory differentials. Waived only to the extent necessary (1) to allow employees and positions under the demonstration project to be treated as employees and positions under the General Schedule; (2) allow management to offer a bonus to incentivize geographic mobility to a new student intern and to one whose worksite is in a different geographic location than that of the college enrolled or permanent home residence each time they return to duty at their official work site; and (3) to allow supervisory and team leader cash differentials as described for this demonstration project.

Part 591, Subpart B: Cost-of-Living Allowances and Post Differential-Non-foreign Areas. This waiver applies only to the extent necessary to allow demonstration project employees to be treated as employees under the General Schedule for the purposes of these provisions.

Part 752, Sections 752.401(a)(3) and 752.401(a)(4): Coverage. Waived to the extent necessary (1) to provide that adverse action provisions do not apply to reductions in broadband level not accompanied by a reduction in pay and (2) to replace “grade” with “broadband level.”

Part 752.401(a)(4): Coverage. Waived to the extent necessary to exclude conversions from a General Schedule special rate to demonstration project pay that do not result in a reduction in an employee’s total rate of pay.

Appendix A

History of Legislative Provisions and Federal Register Notices; DoD Civilian Acquisition Workforce Personnel Management Demonstration Project

A. Legislative Provisions

This demonstration project was originally authorized under section 4308 of the

National Defense Authorization Act (NDAA) for Fiscal Year (FY) 1996 (Public Law (Pub. L.) 104–106, 110 Stat. 669; 10 United States Code Annotated (U.S.C.A.) 1701 note), as amended by section 845 of NDAA for FY 1998 (Pub. L. 105–85, 111 Stat. 1845); section 813 of NDAA for FY 2003 (Pub. L. 107–314, 116 Stat. 2609); section 1112 of NDAA for FY 2004 (Pub. L. 108–136, 117 Stat. 1634); and section 1113 of NDAA for FY 2010 (Pub. L. 111–84, 123 Stat. 2190) repealed the National Security Personnel System and directed conversion of all NSPS employees to their previous pay system by January 1, 2012. All NSPS employees formerly in AcqDemo were transitioned back to AcqDemo during the month of May 2011. On January 7, 2011, the original demonstration project authority was repealed and codified at 10 U.S.C. 1762 pursuant to section 872 of the Ike Skelton NDAA for FY 2011 (Pub. L. 111–383, 124 Stat. 4300, 4302). Through Section 867 of NDAA for FY 2017 (Pub. L. 114–328), Congress provided that the Secretary of Defense shall exercise the authorities granted to the OPM under 5 U.S.C. 4703 for purposes of the demonstration project.

B. Federal Register Notice and Subsequent Amendments

OPM approved and published the final project plan for the AcqDemo on January 8, 1999, in 64 FR 1426–1492. Since that time, six amendments have been approved and published, and one notice of intent to amend published by OPM:

1. *66 FR 28006–28007 (May 21, 2001):* This amendment was published to (1) correct discrepancies in the list of occupational series included in the project and (2) authorize managers to offer a buy-in to Federal employees entering the project after initial implementation.

2. *67 FR 20192–20193 (April 24, 2002):* This amendment was published to (1) make employees in the top broadband level of their career path eligible to receive a “very high” overall contribution score and (2) reduce the minimum rating period under the Contribution-based Compensation and Appraisal System (CCAS) to 90 calendar days.

3. *67 FR 44250–44256 (July 1, 2002):* This amendment (1) contained a list of all organizations that are eligible to participate in the project and (2) made the resulting

adjustments to the table that describes the project’s workforce demographics and union representation.

4. *67 FR 63948–63949 (October 16, 2002):* This notice of the intent to amend was published to propose a change in the method for determining and translating retention service credit. The proposal was overcome by the advent of the National Security Personnel System (NSPS), which was projected to replace the AcqDemo.

5. *71 FR 58638–58639 (October 4, 2006):* This amendment was published to facilitate the transition of AcqDemo employees to NSPS by authorizing an out-of-cycle Contribution-based Compensation and Appraisal System payout and amending conversion-out procedures.

6. *80 FR 17109–17117 (March 31, 2015):* This amendment announced the repeal and replacement of AcqDemo’s original legal authorization and modified the project plan to include new provisions; updated the project plan to address changes resulting from new General Schedule regulations and operational experience; announced guidelines for a formal process for interested DoD civilian acquisition organizations to use to request approval to participate in AcqDemo; and provided notice of expansion of coverage to new or realigned organizations.

7. *81 FR 6902 (February 9, 2016):* This document publishes three technical corrections to 80 FR 17109–17117 (March 31, 2015) to ensure access for the entirety of an organization to participate in AcqDemo.

Appendix B

Tables of Eligible Organizations

As a result of the success of the AcqDemo classification, contribution appraisal, and compensation strategies and the desire of the USD (AT&L) to increase participation to more evenly balance the workforce among Participating Organizations for evaluation, the organizations listed in Table 1A either applied in calendar year 2014 and have been approved to participate in the AcqDemo, or are currently in Table 1 but require an update to their listed organizational alignment.

TABLE 1—ELIGIBLE ORGANIZATIONS AS OF JULY 1, 2002

DOD component/DOD component major organizational subdivision	Organization/office symbol	Locations
DEPARTMENT OF THE AIR FORCE		
Air Force Materiel Command (AFMC).	Aeronautical System Center (ASC)	Wright-Patterson AFB, OH and all other locations.
AFMC	Air Armament Center (AAC) (except comparison group at Eglin AFB, FL).	Eglin AFB, FL and all other locations.
AFMC	Air Force Flight Test Center (AFFTC)	Edwards AFB, CA and all other locations.
AFMC	Arnold Engineering Development Center (AEDC)	Arnold AFB, TN and all other locations.
AFMC	Electronic Systems Center (ESC)	Hanscom AFB, MA and all other locations.
AFMC	HQ AFMC	Wright-Patterson AFB, OH and all other locations.
AFMC	Ogden Air Logistics Center (OO-ALC)	Hill AFB, UT and all other locations.
AFMC	Oklahoma City Air Logistics Center (OC-ALC)	Tinker AFB, OK and all other locations.
AFMC	Warner Robins Air Logistics Center (WR-ALC)	Warner Robins AFB, GA and all other locations.

TABLE 1—ELIGIBLE ORGANIZATIONS AS OF JULY 1, 2002—Continued

DOD component/DOD component major organizational subdivision	Organization/office symbol	Locations
Air Force Space Command (AFSPC).	HQ AFSPC	Peterson AFB, CO and all other locations.
AFSPC	Space and Missile Center (SMC)	Los Angeles, CA and all other locations.
Miscellaneous Air Force	Contracting Organizations	All locations in the National Capital Region.
Secretary of the Air Force	Assistant Secretary of the Air Force (Acquisition) (SAF/AQ) and Space Acquisition Organization.	Pentagon, Arlington, VA and all other locations.
DEPARTMENT OF THE ARMY		
Army Acquisition Executive Support Agency (AAESA).	Headquarters, Research, Development, and Acquisition Information Systems Activity (RDAISA); Army Digitization Office (ADO); Acquisition Career Management Office; Contract Support Agency (CSA); Joint Simulations (JSIMS); Leavenworth Support; Management Support Pentagon Support; Training Group.	Orlando, FL; Alexandria, VA; Ft. Belvoir, VA; Falls Church, VA; Pentagon, Arlington, VA; Radford, VA; and all other locations.
AAESA	Program Executive Office (PEO) Air and Missile Defense (See Note 1).	Huntsville, AL; Pentagon, Arlington, VA; and all other locations.
AAESA	Program Executive Office Ammo (See Note 1)	All locations.
AAESA	Program Executive Office Aviation (AVN) (See Note 1).	Huntsville, AL; Pentagon, Arlington, VA; and all other locations.
AAESA	Program Executive Office Chemical/Biological Defense (See Note 1).	All locations.
AAESA	Program Executive Office Command, Control, and Communication Systems (C3S).	Huntsville, AL; El Segundo, CA; Tallahassee, FL; Ft. Wayne, IN; Ft. Leavenworth, KS; Seoul, Korea; Yong San, Korea; Ft. Monmouth, NJ; White Sands Missile Range, NM; Ft. Sill, OK; Ft. Hood, TX; Ft. Bliss, TX; Ft. Belvoir, VA; McLean, VA; Pentagon, Arlington, VA; and all other locations.
AAESA	Program Executive Office CS/CSS (See Note 1)	All locations.
AAESA	Program Executive Office Ground Combat Support Systems (GCSS) (See Note 1).	Picatinny Arsenal, NJ; Warren, MI; Pentagon, Arlington, VA; Washington, DC; and all other locations.
AAESA	Program Executive Officer Intelligence, Electronic Warfare, and Sensors (IEW&S) (See Notes 1 and 2).	Ft. Monmouth, NJ; Ft. Belvoir, VA; and all other locations.
AAESA	Program Executive Office/Program Management (PM) Joint Simulation System (See Note 1).	Orlando, FL; and all other locations.
AAESA	Program Executive Office National Missile Defense Joint Program Office (See Note 1).	All locations.
AAESA	Program Executive Office Soldier (See Note 1)	All locations.
AAESA	Program Executive Office Standard Army Management Information Systems (STAMIS) (See Note 1).	Ft. Knox, KY; Ft. Monmouth, NJ; Ft. Belvoir, VA; Ft. Lee, VA; Ft. Monroe, VA; and all other locations.
AAESA	Program Executive Officer Tactical Missiles (See Note 1).	Huntsville, AL; Pentagon, Arlington, VA; Washington, DC; and all other locations.
AAESA	Program Management (PM) Chemical Demilitarization.	Aberdeen Proving Ground, MD; Pentagon, Arlington, VA; Washington, DC; and all locations.
AAESA	Program Management (PM) Joint Program for Biological Defense.	Aberdeen Proving Ground, MD; Ft. Detrick, MD; Ft. Ritchie, MD; Falls Church, VA; and all locations.
Army Materiel Command (AMC) ..	Headquarters—Acquisition	Alexandria, VA and all locations.
AMC	AMC Headquarters Staff Support Activities	Nahbohnch, Germany; Rock Island, IL; Yong San, Korea; Aberdeen Proving Ground, MD; Alexandria, VA; and all other locations.
AMC	Installations and Services Activity; Intelligence and Technology Security Activity; International Cooperative Program Activity; Logistics Support Activity; Schools of Engineering and Logistics; Separate Reporting Activities: Field Assistance in Science and Technology; Surety Field Activity; Systems Analysis Activity (See Note 2).	All locations.
AMC	Aviation and Missile Command (AMCOM) (See Note 3).	All locations.
AMC	Communications-Electronics Command (CECOM) (See Note 3).	All locations.
AMC	Operations Support Command (See Note 3)	All locations.
AMC	Security Assistance Command (See Note 2)	All locations.
AMC	Simulation, Training, and Instrumentation Command (STRICOM) (See Note 3).	All locations.
AMC	Soldier and Biological Chemical Command (SBCCOM) (See Note 3).	All locations.

TABLE 1—ELIGIBLE ORGANIZATIONS AS OF JULY 1, 2002—Continued

DOD component/DOD component major organizational subdivision	Organization/office symbol	Locations
AMC	Tank-Automotive and Armaments Command (TACOM) (See Note 3).	All locations.
Headquarters, Department of the Army (HQDA).	Office of the Auditor General; Office Surgeon General; G1; G2; G3; G4; G6; G8.	Pentagon, Arlington, VA.
HQDA	Army Contracting Agency	All locations.
Office of the Assistant Secretary of the Army (Financial Management and Comptroller).	Cost and Economic Analysis Center; SAFM-BUI	Falls Church, VA; Pentagon, Arlington, VA; and all other locations.
Office of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology).	Director of Assessment and Evaluation (SARD-ZD); Deputy Assistant Secretary of the Army for Logistics (SARD-ZL); Deputy Assistant Secretary for Plans/Programs/Policy (SARD-ZR); Deputy Assistant Secretary of the Army for Procurement (SARD-ZP); Deputy Assistant Secretary for Research and Technology (SARD-ZT); Deputy for Systems Management (SARD-ZS); Management Support; SACO and associated offices.	Ft. Belvoir, VA; Falls Church, VA; Pentagon, Arlington, VA; Radford, VA; and all other locations.
Medical Command (MEDCOM)	Healthcare Acquisition Activity, MEDCOM Acquisition Activity.	Augusta, GA; Honolulu, HI; El Paso, TX; San Antonio, TX; Seattle, WA; Walter Reed Army Medical Center, Washington, DC; Landstuhl, Germany.
MEDCOM	Medical Research and Materiel Command (MRMC) (See Note 3).	Ft. Rucker, AL; Natick, MA; Aberdeen Proving Ground, MD; Ft. Detrick, MD; Washington, DC.
MEDCOM	Medical Department Activity	Ft. Greeley, AK; Ft. Richardson, AK; Ft. Wainwright, AK; Ft. Huachuca, AZ; Ft. Carson, CO; Heidelberg, Germany; Ft. Campbell, KY; West Point, NY; Ft. Jackson, SC; Ft. Hood, TX.
MEDCOM	Army Medical Centers	Honolulu, HI; Ft. Bragg, NC; San Antonio, TX; Tacoma, WA; Washington, DC.
MEDCOM	Center for Health Promotion and Preventive Medicine..	Aberdeen Proving Ground, MD.
US Army Eighth Army (EUSA)	Contracting Command Korea/EAKC	Seoul, Korea and all other locations.
EUSA	Troop Command	Seoul, Korea and all other locations.
US Army Test and Evaluation Command (ATEC).	HQ, ATEC	Alexandria, VA.
ATEC	Operational Test Command (OTC)	Ft. Hood, TX and all other locations.
ATEC	Army Evaluation Center (AEC)	Alexandria, VA and all other locations.
ATEC	Developmental Test Command (DTC)	Aberdeen Proving Ground, MD and all other locations.
Headquarters, Department of the Army (HQDA).	Defense Supply Services Washington (DSSW)/Joint-DSSW.	Alexandria, VA; Ft. Belvoir, VA; Falls Church, VA; Washington, DC.
National Guard Bureau (NGB) (See Note 4).	Program Executive Office/Program Management RCAS, NGB-RCS-RA.	Arlington, VA.
Joint Activities	Information Management Support Center	Pentagon, Arlington, VA and all other locations.
Military Traffic Management Command (MTMC).	HQ, MTMC	Alexandria, VA.
MTMC	MTAQ	Falls Church, VA and all other locations.
MTMC	PM Global Freight Management System	Alexandria, VA.
MTMC	598th Transportation Terminal Group; 599th Transportation Terminal Group; 836th Transportation Terminal Group Deployment Support Command.	Yokohama, Japan; Rotterdam, Netherlands; Oahu, HI; Fort Eustis, VA; and all other locations.
Space and Missile Defense Command (SMDC).	SMDC (See Note 1)	Huntsville, AL; Kwajalein Atoll, Marshall Islands; Colorado Springs, CO; White Sands Missile Range, NM; Arlington, VA; Fairfax, VA; all other locations.
Training and Doctrine Command (TRADOC).	Headquarters, TRADOC Acquisition Directorate and Small and Disadvantaged Business Utilization Office.	Ft. Monroe, VA.
TRADOC	Directorate of Contracting and TRADOC Contracting Activity.	Ft. Eustis, VA.
TRADOC	Directorate of Contracting and Mission Contracting Activity.	Ft. Leavenworth, KS.
TRADOC	Directorate of Contracting and Mission Contracting Activity.	Ft. Lee, VA.
TRADOC	Directorates of Contracting	McClellan, AL; Rucker, AL; Ft. Huachuca, AZ; Presidio at Monterey, CA; Ft. Benning, GA; Ft. Gordon, GA; Ft. Knox, KY; Ft. Leonard Wood, MO; Ft. Sill, OK; Carlisle Barracks, PA; Ft. Jackson, SC; Ft. Bliss, TX; Ft. Lee, VA.
Corps of Engineers (COE)	Headquarters	Washington, DC.
COE	Regional Headquarters	All locations.

TABLE 1—ELIGIBLE ORGANIZATIONS AS OF JULY 1, 2002—Continued

DOD component/DOD component major organizational subdivision	Organization/office symbol	Locations
COE	Division, Directorates of Contracting	All locations.
COE	District Contracting Offices	All locations.
COE	Transatlantic Programs Center, Directorate of Contracting.	All locations.
COE	Humphreys Engineering Center Support Activity, Contracting Office.	All locations.
COE	Marine Design Center	All locations.
Intelligence and Security Command.	704 Military Brigade, Headquarters and Headquarters Company; 718th Military Group; HQ, U.S. Army (USA) Intelligence Security Command; USA Element National Security Agency (NSA); USA Foreign Counter Intelligence (CI) Activity; USA Land Information Warfare; USA National Ground Intelligence Center (See Note 2).	All locations.
Criminal Investigation Command ..	Headquarters	Ft. Belvoir, VA and all other locations.
U.S. Army Europe and 7th Army (USAREUR).	Wiesbaden Contracting Center	Wiesbaden, Germany.
USAREUR	USA Contracting Command Europe	Brussels, Belgium; Bad Kreuznach, Germany; Grafenwohr, Germany; Seckenheim, Germany; Wiesbaden, Germany; Wuerzburg, Germany; Vicenza, Italy; and all other locations.
USAREUR	USA Transportation Management Center	Grafenwoehr, Germany.
Command	Organization/Office Symbol	Locations.
USAREUR	Southern European Task Force	Vicenza, Italy.
USAREUR	21st Theater Army Area Command	Kaiserslautern, Germany.
USAREUR	V Corps	Heidelberg, Germany.
USAREUR	7th Army Training Command	Grafenwoehr, Germany.
USAREUR	26th Support Group	Heidelberg, Germany.
Forces Command (FORSCOM) ...	U.S. Army Garrisons (USAGs)	Ft. Carson, CO; Ft. McPherson, GA; Ft. Stewart, GA; Ft. Riley, KS; Ft. Campbell, KY; Ft. Polk, LA; Ft. Bragg, NC; Ft. Hood, TX; Ft. Dix, NJ; Ft. Drum, NY; Ft. Lewis, WA; Ft. McCoy, WI.
FORSCOM	Reserve Command	All locations.
FORSCOM	Signal Command	Ft. Huachuca, Arizona and all other locations.
FORSCOM	First Army; Third Army; Fifth Army	All locations.
US Military Academy	West Point (See Note 5)	West Point, NY.
Military District of Washington	3rd U.S. Infantry; 12th Aviation Battalion; Army Signal Activity; Arlington National Cemetery; Joint Personal Property Shipping Office; U.S. Army Band; White House Transportation Agency.	All locations.
U.S. Army National Guard Bureau (ANGB).	USPFO Activity (See Note 3)	All locations.
ANGB	State Area Command (See Note 3)	All locations.
Southern Command	U.S. Army Element, Headquarters Southern Command.	Miami, FL and all other locations.
Recruiting Command	USA Recruiting Support Battalions	Fort Knox, KY and all other locations.
Military Entrance Processing Command (MEPCOM).	Headquarters, USA, MEPCOM	North Chicago, IL.
Total Army Personnel Command	Information System Agency, Army Reserve Personnel Center.	St. Louis, MO.
U.S. Army Pacific (USARPAC)	HQ, USARPAC; and subordinate command/installations.	All locations.
Office of the Secretary of the Army.	Immediate Office of the Secretary of the Army	Pentagon, Arlington, VA and all other locations.
Office of the Secretary of the Army.	Office of the Administrative Assistant to the Secretary of the Army.	Pentagon, Arlington, VA and all other locations.
Office of the Secretary of the Army.	Office of the Chief of Legislative Liaison	Pentagon, Arlington, VA and all other locations.
Office of the Secretary of the Army.	Office of Small and Disadvantaged Business Utilization.	Pentagon, Arlington, VA and all other locations.
Office of the Secretary of the Army.	Office of Director, Information Systems for Command Control, Communications, and Computers.	Pentagon, Arlington, VA and all other locations.
Field Operating Offices of the Office of the Secretary of the Army.	Army Broadcasting Service	Alexandria, VA.
Field Operating Offices of the Office of the Secretary of the Army.	Cost and Economic Analysis Agency	Arlington, VA and all other locations.

TABLE 1—ELIGIBLE ORGANIZATIONS AS OF JULY 1, 2002—Continued

DOD component/DOD component major organizational subdivision	Organization/office symbol	Locations
Field Operating Offices of the Office of the Secretary of the Army.	Army Safety Center	Ft. Rucker, AL and all other locations.
Field Operating Offices of the Office of the Secretary of the Army.	USA War College (See Note 5)	Carlisle Barracks, PA and all other locations.
Field Operating Offices of the Office of the Secretary of the Army.	Communication Electronic Service Office	Alexandria, VA and all other locations.
Special Operations Command	Office of the Acquisition Executive and all associated PEOs and PMs.	All locations.
Joint Activities	Army Visual Information Center	Pentagon, Arlington, VA and all other locations.
Joint Activities	Defense Acquisition University (DUA) (See Note 5) ..	Ft. Belvoir, VA.
DEPARTMENT OF THE NAVY		
Navy		
Assistant Secretary of the Navy (Research, Development, and Acquisition).	(ASN(RD&A))	Arlington, VA.
Navy International Program Office (NIPO).	NIPO	Arlington, VA.
Naval Supply Systems Command (NAVSUP).	Fleet and Industrial Supply Center, Puget Sound	Bremerton, WA.
NAVSUP	Fleet and Industrial Supply Center	San Diego, CA
Naval Sea Systems Command (NAVSEA).	TEAM CX (Surface Ship Directorate (SEA 91), Program Executive Office Aircraft Carriers, and Program Executive Office Expeditionary Warfare).	Arlington, VA.
Marine Corps		
Marine Corps Systems Command (MARCORSYSCOM).	Amphibious Vehicle Test Bed (AVTB); Marine Corps Tactical Systems Support Activity (MCTSSA).	Camp Pendleton, CA.
MARCORSYSCOM	Headquarters, Marine Corps Systems Command (MARCORSYSCOM); CSLE; Program Support Section.	Albany, GA; Rock Island, IL; Picatinny Arsenal, NJ; Warren, MI; Quantico, VA.
DEPARTMENT OF DEFENSE		
Office of the Secretary of Defense Office of the Under Secretary of Defense for Acquisition, Logistics, and Technology (USD(AT&L)).	ATSD (NCB); DIR, Admin; DIR, API; DDR&E; DIR, DP; DSB; DUSD (ES); DUSD (AR); DUSD (AT); DUSD (IA&I); DUSD (I&CP); DUSD (L); DIR, S&TS; DIR, TSE&E; Spec Prog; SADBU.	Pentagon, Arlington, VA.
Defense Advanced Research Projects Agency (DARPA).	All (See Note 5)	Arlington, VA.
Defense Logistics Agency	All	All locations.
Missile Defense Agency	All	Arlington, VA.
Defense Contract Management Agency (DCMA).	All	All locations.
Defense Threat Reduction Agency (DTRA).	All	Arlington, VA; Ft. Belvoir, VA.
Defense Information Systems Agency.	PM DISN System Integration Project	Falls Church, VA.

Note 1: Includes all associated PMs and liaison representatives.

Note 2: Excludes Defense Civilian Intelligence Personnel System positions.

Note 3: Excludes positions covered by another demonstration project that is operating or under development within DoD.

Note 4: Only title 5 National Guard Bureau positions are eligible to be included in this demonstration.

Note 5: Excludes Administratively Determined pay plan employees.

TABLE 1A—ELIGIBLE ORGANIZATIONS UPDATED AND APPROVED IN CALENDAR YEAR 2015

DOD component/DOD component major organizational subdivision	Organization/office symbol	Locations
AIR FORCE		
Air Force Materiel Command (AFMC).	Air Armament Complex (AAC)	Eglin AFB, FL and all other locations.
AFMC	Air Force Life Cycle Management Center	All locations.
AFMC	Air Force Test Center (AFTC)	Edwards AFB, CA and all other locations.
AFMC	Air Force Nuclear Weapons Center	Kirtland AFB, NM.
AFMC	Air Force Sustainment Center	All locations.
Air Force Operational Test and Evaluation Center (AFOTEC).	All	Kirtland AFB, NM and all other locations.
Miscellaneous Air Force	Contracting Organizations	All locations.
NAVY		
Naval Sea Systems Command (NAVSEA).	Headquarters, Program Executive Office (PEO) Ships, PEO Subs, PEO LCS, PEO IWS and PEO Carriers.	All locations.
Naval Air Systems Command (NAVAIR).	NAVAIR Headquarters and associated PEO work-force.	All locations.
Space and Naval Warfare Systems Command.	Headquarters and PEOs	All locations.
Strategic Systems Programs (SSP).	SSP	Washington, DC (WNY) and all locations.
DEPARTMENT OF DEFENSE		
Defense Acquisition University (DAU).	Defense Acquisition University (DAU) ¹³	All locations.
Missile Defense Agency (MDA)	All	All locations.
Defense Test Resource Management Center (DTRMC).	All	Arlington, VA.
Washington Headquarters Services (WHS).	Acquisition Directorate	Arlington, VA.
JOINT SERVICES		
U.S. Special Operations Command.	Office of the Acquisition Executive and all associated PEOs and PMs.	All locations.
U.S. Transportation Command	Office of the Acquisition Executive and all associated PEOs and PMs.	All locations.

¹³ Excludes administratively determined pay plan employees.

Appendix C

Information as of August 25, 2016

SERIES INCLUDED IN THE DoD ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT

Occupational series No.	Occupational series title
BUSINESS MANAGEMENT & TECHNICAL MANAGEMENT PROFESSIONAL (NH)	
0011	BOND SALES PROMOTION.
0017	EXPLOSIVES SAFETY.
0018	SAFETY AND OCCUPATIONAL HEALTH MANAGEMENT.
0020	COMMUNITY PLANNING.
0023	OUTDOOR RECREATION PLANNING.
0025	PARK RANGER.
0028	ENVIRONMENTAL PROTECTION SPECIALIST.
0030	SPORTS SPECIALIST.
0050	FUNERAL DIRECTING.
0062	CLOTHING DESIGN.
0072	FINGERPRINT IDENTIFICATION.
0080	SECURITY ADMINISTRATION.
0089	EMERGENCY MANAGEMENT.
0095	FOREIGN LAW SPECIALIST.
0099	GENERAL STUDENT TRAINEE.
0101	SOCIAL SCIENCE.
0106	UNEMPLOYMENT INSURANCE.
0110	ECONOMIST.
0130	FOREIGN AFFAIRS.
0131	INTERNATIONAL RELATIONS.
0135	FOREIGN AGRICULTURAL AFFAIRS.
0136	INTERNATIONAL COOPERATION.
0140	WORKFORCE RESEARCH AND ANALYSIS.
0142	WORKFORCE DEVELOPMENT.
0150	GEOGRAPHY.
0160	CIVIL RIGHTS ANALYSIS.
0170	HISTORY.
0180	PSYCHOLOGY.
0184	SOCIOLOGY.
0185	SOCIAL WORK.
0188	RECREATION SPECIALIST.
0190	GENERAL ANTHROPOLOGY.
0193	ARCHEOLOGY.
0199	SOCIAL SCIENCE STUDENT TRAINEE.
0201	HUMAN RESOURCES MANAGEMENT.
0241	MEDIATION.
0243	APPRENTICESHIP AND TRAINING.
0244	LABOR MANAGEMENT RELATIONS EXAMINING.
0260	EQUAL EMPLOYMENT OPPORTUNITY.
0299	HUMAN RESOURCES MANAGEMENT STUDENT TRAINEE.
0301	MISCELLANEOUS ADMINISTRATION AND PROGRAM.
0306	GOVERNMENT INFORMATION.
0308	RECORDS AND INFORMATION MANAGEMENT.
0340	PROGRAM MANAGEMENT.
0341	ADMINISTRATIVE OFFICER.
0343	MANAGEMENT AND PROGRAM ANALYSIS.
0346	LOGISTICS MANAGEMENT.
0360	EQUAL OPPORTUNITY COMPLIANCE.
0391	TELECOMMUNICATIONS.
0399	ADMINISTRATION AND OFFICE SUPPORT STUDENT TRAINEE.
0401	GENERAL NATURAL RESOURCES MANAGEMENT AND BIOLOGICAL SCIENCES.
0403	MICROBIOLOGY.
0405	PHARMACOLOGY.
0408	ECOLOGY.
0410	ZOOLOGY.
0413	PHYSIOLOGY.
0414	ENTOMOLOGY.
0415	TOXICOLOGY.
0430	BOTANY.
0434	PLANT PATHOLOGY.
0435	PLANT PHYSIOLOGY.
0437	HORTICULTURE.
0440	GENETICS.
0454	RANGELAND MANAGEMENT.
0457	SOIL CONSERVATION.
0460	FORESTRY.
0470	SOIL SCIENCE.

SERIES INCLUDED IN THE DOD ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT—Continued

Occupational series No.	Occupational series title
0471	AGRONOMY.
0480	FISH AND WILDLIFE ADMINISTRATION.
0482	FISH BIOLOGY.
0485	WILDLIFE REFUGE MANAGEMENT.
0486	WILDLIFE BIOLOGY.
0487	ANIMAL SCIENCE.
0499	BIOLOGICAL SCIENCE STUDENT TRAINEE.
0501	FINANCIAL ADMINISTRATION AND PROGRAM.
0505	FINANCIAL MANAGEMENT.
0510	ACCOUNTING.
0511	AUDITING.
0512	INTERNAL REVENUE AGENT.
0526	TAX SPECIALIST.
0560	BUDGET ANALYSIS.
0599	FINANCIAL MANAGEMENT STUDENT TRAINEE.
0601	GENERAL HEALTH SCIENCE.
0602	MEDICAL OFFICER.
0603	PHYSICIAN ASSISTANT.
0610	NURSE.
0630	DIETICIAN AND NUTRITIONIST.
0631	OCCUPATIONAL THERAPIST.
0633	PHYSICAL THERAPIST.
0635	KINESIOTHERAPY THERAPIST.
0637	MANUAL ARTS THERAPIST.
0639	EDUCATIONAL THERAPIST.
0644	MEDICAL TECHNOLOGIST.
0660	PHARMACIST.
0662	OPTOMETRIST.
0665	SPEECH PATHOLOGY AND AUDIOLOGY.
0668	PODIATRIST.
0669	MEDICAL RECORDS ADMINISTRATION.
0671	HEALTH SYSTEMS SPECIALIST.
0680	DENTAL OFFICER.
0690	INDUSTRIAL HYGIENE.
0699	MEDICAL AND HEALTH STUDENT TRAINEE.
0701	VETERINARY MEDICAL SCIENCE.
0799	VETERINARY STUDENT TRAINEE.
0801	GENERAL ENGINEERING.
0803	SAFETY ENGINEERING.
0804	FIRE PROTECTION ENGINEERING.
0806	MATERIALS ENGINEERING.
0807	LANDSCAPE ARCHITECTURE.
0808	ARCHITECTURE.
0810	CIVIL ENGINEERING.
0819	ENVIRONMENTAL ENGINEERING.
0830	MECHANICAL ENGINEERING.
0840	NUCLEAR ENGINEERING.
0850	ELECTRICAL ENGINEERING.
0854	COMPUTER ENGINEERING.
0855	ELECTRONICS ENGINEERING.
0858	BIOMEDICAL ENGINEERING.
0861	AEROSPACE ENGINEERING.
0871	NAVAL ARCHITECTURE.
0880	MINING ENGINEERING.
0881	PETROLEUM ENGINEERING.
0890	AGRICULTURAL ENGINEERING.
0893	CHEMICAL ENGINEERING.
0896	INDUSTRIAL ENGINEER.
0899	ENGINEERING AND ARCHITECTURE STUDENT TRAINEE.
0901	GENERAL LEGAL AND KINDRED ADMINISTRATION.
0904	LAW CLERK.
0905	GENERAL ATTORNEY.
0950	PARALEGAL SPECIALIST.
0958	EMPLOYEE BENEFITS LAW.
0965	LAND LAW EXAMINING.
0967	PASSPORT AND VISA EXAMINING.
0987	TAX LAW SPECIALIST.
0991	WORKERS' COMPENSATION CLAIMS EXAMINING.
0993	RAILROAD RETIREMENT CLAIMS EXAMINING.
0996	VETERANS CLAIMS EXAMINING.
0999	LEGAL OCCUPATIONS STUDENT TRAINEE.
1001	GENERAL ARTS AND INFORMATION.

SERIES INCLUDED IN THE DOD ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT—Continued

Occupational series No.	Occupational series title
1008	INTERIOR DESIGN.
1010	EXHIBITS SPECIALIST.
1015	MUSEUM CURATOR.
1016	MUSEUM SPECIALIST.
1020	ILLUSTRATOR.
1035	PUBLIC AFFAIRS.
1040	LANGUAGE SPECIALIST.
1056	ART SPECIALIST.
1060	PHOTOGRAPHY.
1071	AUDIOVISUAL PRODUCTION.
1082	WRITING AND EDITING.
1083	TECHNICAL WRITING AND EDITING.
1084	VISUAL INFORMATION.
1099	INFORMATION AND ARTS STUDENT TRAINEE.
1101	GENERAL BUSINESS AND INDUSTRY.
1102	CONTRACTING.
1103	INDUSTRIAL PROPERTY MANAGEMENT.
1104	PROPERTY DISPOSAL.
1109	GRANTS MANAGEMENT.
1130	PUBLIC UTILITIES SPECIALIST.
1140	TRADE SPECIALIST.
1144	COMMISSARY MANAGEMENT.
1145	AGRICULTURE PROGRAM SPECIALIST.
1146	AGRICULTURAL MARKETING.
1147	AGRICULTURAL MARKET REPORTING.
1150	INDUSTRIAL SPECIALIST.
1160	FINANCIAL ANALYSIS.
1163	INSURANCE EXAMINING.
1165	LOAN SPECIALIST.
1169	INTERNAL REVENUE OFFICER.
1170	REALTY.
1171	APPRAISING.
1173	HOUSING MANAGEMENT.
1176	BUILDING MANAGEMENT.
1199	BUSINESS AND INDUSTRY STUDENT TRAINEE.
1210	COPYRIGHT.
1220	PATENT ADMINISTRATION.
1221	PATENT ADVISER.
1222	PATENT ATTORNEY.
1223	PATENT CLASSIFYING.
1224	PATENT EXAMINING.
1226	DESIGN PATENT EXAMINING.
1299	COPYRIGHT AND PATENT STUDENT TRAINEE.
1301	GENERAL PHYSICAL SCIENCE.
1306	HEALTH PHYSICS.
1310	PHYSICS.
1313	GEOPHYSICS.
1315	HYDROLOGY.
1320	CHEMISTRY.
1321	METALLURGY.
1330	ASTRONOMY AND SPACE SCIENCE.
1340	METEOROLOGY.
1350	GEOLOGY.
1360	OCEANOGRAPHY.
1370	CARTOGRAPHY.
1372	GEODESY.
1373	LAND SURVEYING.
1380	FOREST PRODUCTS TECHNOLOGY.
1382	FOOD TECHNOLOGY.
1384	TEXTILE TECHNOLOGY.
1386	PHOTOGRAPHIC TECHNOLOGY.
1397	DOCUMENT ANALYSIS.
1399	PHYSICAL SCIENCE STUDENT TRAINEE.
1410	LIBRARIAN.
1412	TECHNICAL INFORMATION SERVICES.
1420	ARCHIVIST.
1499	LIBRARY AND ARCHIVES STUDENT TRAINEE.
1501	GENERAL MATHEMATICS.
1510	ACTUARIAL SCIENCE.
1515	OPERATIONS RESEARCH.
1520	MATHEMATICS.
1529	MATHEMATICAL STATISTICS.

SERIES INCLUDED IN THE DOD ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT—Continued

Occupational series No.	Occupational series title
1530	STATISTICS.
1540	CRYPTOGRAPHY.
1541	CRYPTANALYSIS.
1550	COMPUTER SCIENCE.
1599	MATHEMATICS AND STATISTICS STUDENT TRAINEE.
1601	EQUIPMENT, FACILITIES, AND SERVICES.
1630	CEMETARY ADMINISTRATION SERVICES.
1640	FACILITY OPERATIONS SERVICES.
1654	PRINTING SERVICES.
1667	FOOD SERVICES.
1670	EQUIPMENT SERVICES.
1699	EQUIPMENT, FACILITIES, AND SERVICES STUDENT TRAINEE.
1701	GENERAL EDUCATION AND TRAINING.
1702	EDUCATION AND TRAINING.
1710	EDUCATION AND VOCATIONAL TRAINING.
1712	TRAINING INSTRUCTION.
1715	VOCATIONAL REHABILITATION.
1720	EDUCATION PROGRAM.
1725	PUBLIC HEALTH EDUCATOR.
1730	EDUCATION RESEARCH.
1740	EDUCATION SERVICES.
1750	INSTRUCTIONAL SYSTEMS.
1799	EDUCATION STUDENT TRAINEE.
1801	GENERAL INSPECTION, INVESTIGATION, ENFORCEMENT, AND COMPLIANCE.
1802	COMPLIANCE INSPECTION AND SUPPORT.
1810	GENERAL INVESTIGATION.
1822	MINE SAFETY AND HEALTH INSPECTION.
1825	AVIATION SAFETY.
1849	WAGE AND HOUR INVESTIGATION.
1862	CONSUMER SAFETY INSPECTION.
1863	FOOD INSPECTION.
1889	IMPORT COMPLIANCE.
1895	CUSTOMS AND BORDER PROTECTION.
1899	INVESTIGATION STUDENT TRAINEE.
1910	QUALITY ASSURANCE.
1980	AGRICULTURAL COMMODITY GRADING.
1999	QUALITY INSPECTION STUDENT TRAINEE.
2001	GENERAL SUPPLY.
2003	SUPPLY PROGRAM MANAGEMENT.
2010	INVENTORY MANAGEMENT.
2030	DISTRIBUTION FACILITIES AND STORAGE MANAGEMENT.
2032	PACKAGING.
2099	SUPPLY STUDENT TRAINEE.
2101	TRANSPORTATION SPECIALIST.
2110	TRANSPORTATION INDUSTRY ANALYSIS.
2121	RAILROAD SAFETY.
2123	MOTOR CARRIER SAFETY.
2125	HIGHWAY SAFETY.
2130	TRAFFIC MANAGEMENT.
2150	TRANSPORTATION OPERATIONS.
2152	AIR TRAFFIC CONTROL.
2161	MARINE CARGO.
2181	AIRCRAFT OPERATIONS.
2183	AIR NAVIGATION.
2199	TRANSPORTATION STUDENT TRAINEE.
2210	INFORMATION TECHNOLOGY MANAGEMENT.
2299	INFORMATION TECHNOLOGY STUDENT TRAINEE.

TECHNICAL MANAGEMENT SUPPORT (NJ)

0019	SAFETY TECHNICIAN.
0021	COMMUNITY PLANNING TECHNICIAN.
0102	SOCIAL SCIENCE AID AND TECHNICIAN.
0181	PSYCHOLOGY AID AND TECHNICIAN.
0187	SOCIAL SERVICES.
0332	COMPUTER OPERATION.
0342	SUPPORT SERVICES ADMINISTRATION.
0390	TELECOMMUNICATIONS PROCESSING.
0392	GENERAL TELECOMMUNICATIONS.
0404	BIOLOGICAL SCIENCE TECHNICIAN.
0421	PLANT PROTECTION TECHNICIAN.
0455	RANGE TECHNICIAN.

SERIES INCLUDED IN THE DOD ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT—Continued

Occupational series No.	Occupational series title
0458	SOIL CONSERVATION TECHNICIAN.
0459	IRRIGATION SYSTEM OPERATION.
0462	FORESTRY TECHNICIAN.
0592	TAX EXAMINING.
0620	PRACTICAL NURSE.
0621	NURSING ASSISTANT.
0622	MEDICAL SUPPLY AIDE AND TECHNICIAN.
0625	AUTOPSY ASSISTANT.
0646	PATHOLOGY TECHNICIAN.
0647	DIAGNOSTIC RADIOLOGIC TECHNOLOGIST.
0648	THERAPEUTIC RADIOLOGIC TECHNOLOGIST.
0649	MEDICAL INSTRUMENT TECHNICIAN.
0650	MEDICAL TECHNICAL ASSISTANT.
0664	RESTORATION TECHNICIAN.
0667	ORTHOTIST AND PROSTHETIST.
0672	PROSTHETIC REPRESENTATIVE.
0675	MEDICAL RECORDS TECHNICIAN.
0679	MEDICAL SUPPORT ASSISTANCE.
0681	DENTAL ASSISTANT.
0698	ENVIRONMENTAL HEALTH TECHNICIAN.
0802	ENGINEERING TECHNICAL.
0809	CONSTRUCTION CONTROL TECHNICAL.
0817	SURVEY TECHNICAL.
0818	ENGINEERING DRAFTING.
0856	ELECTRONICS TECHNICAL.
0873	MARINE SURVEY TECHNICAL.
0895	INDUSTRIAL ENGINEERING TECHNICAL.
0962	CONTACT REPRESENTATIVE.
0963	LEGAL INSTRUMENTS EXAMINING.
0990	GENERAL CLAIMS EXAMINING.
0992	LOSS AND DAMAGE CLAIMS EXAMINING.
0995	DEPENDENT AND ESTATES CLAIMS EXAMINING.
1016	MUSEUM AID AND TECHNICIAN.
1152	PRODUCTION CONTROL.
1202	PATENT TECHNICIAN.
1211	COPYRIGHT TECHNICIAN.
1311	PHYSICAL SCIENCE TECHNICIAN.
1316	HYDROLOGIC TECHNICIAN.
1341	METEOROLOGICAL TECHNICIAN.
1371	CARTOGRAPHIC TECHNICIAN.
1374	GEODETIC TECHNICIAN.
1411	LIBRARY TECHNICIAN.
1421	ARCHIVES TECHNICIAN.
1521	MATHEMATICS TECHNICIAN.
1531	STATISTICAL ASSISTANT.
1658	LAUNDRY OPERATIONS.
1702	EDUCATION AND TRAINING TECHNICIAN.
2005	SUPPLY CLERICAL AND TECHNICIAN.
2185	AIRCREW TECHNICIAN.

ADMINISTRATIVE SUPPORT (NK)

0029	ENVIRONMENTAL PROTECTION ASSISTANT.
0085	SECURITY GUARD.
0086	SECURITY CLERICAL AND ASSISTANCE.
0105	SOCIAL INSURANCE ADMINISTRATION.
0107	HEALTH INSURANCE ADMINISTRATION.
0119	ECONOMICS ASSISTANT.
0186	SOCIAL SERVICES AID AND ASSISTANCE.
0189	RECREATION AID AND ASSISTANCE.
0203	HUMAN RESOURCES ASSISTANCE.
0204	MILITARY PERSONNEL CLERICAL AND TECHNICIAN.
0303	MISCELLANEOUS CLERK AND ASSISTANT.
0304	INFORMATION RECEPTIONIST.
0305	MAIL AND FILE.
0309	CORRESPONDENCE CLERK.
0313	WORK UNIT SUPERVISING.
0318	SECRETARY.
0319	CLOSED MICROPHONE REPORTING.
0322	CLERK-TYPIST.
0326	OFFICE AUTOMATION CLERICAL AND ASSISTANCE.
0335	COMPUTER CLERK AND ASSISTANCE.

SERIES INCLUDED IN THE DOD ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT—Continued

Occupational series No.	Occupational series title
0344	MANAGEMENT AND PROGRAM CLERICAL AND ASSISTANCE.
0350	EQUIPMENT OPERATOR.
0356	DATA TRANSCRIBER.
0357	CODING.
0361	EQUAL OPPORTUNITY ASSISTANCE.
0382	TELEPHONE OPERATING.
0394	COMMUNICATIONS CLERICAL.
0503	FINANCIAL CLERICAL AND TECHNICIAN.
0525	ACCOUNTING TECHNICIAN.
0530	CASH PROCESSING.
0540	VOUCHER EXAMINING.
0544	CIVILIAN PAY.
0545	MILITARY PAY.
0561	BUDGET CLERICAL AND ASSISTANCE.
0986	LEGAL ASSISTANCE.
0998	CLAIMS ASSISTANCE AND EXAMINING.
1016	MUSEUM AID.
1087	EDITORIAL ASSISTANCE.
1105	PURCHASING.
1106	PROCUREMENT CLERICAL AND TECHNICIAN.
1107	PROPERTY DISPOSAL CLERICAL AND TECHNICIAN.
1603	EQUIPMENT, FACILITIES, AND SERVICES ASSISTANCE.
2091	SALES STORE CLERICAL.
2102	TRANSPORTATION CLERK AND ASSISTANT.
2131	FREIGHT RATE.
2135	TRANSPORTATION LOSS AND DAMAGE CLAIMS EXAMINING.
2144	CARGO SCHEDULING.
2151	DISPATCHING.
2154	AIR TRAFFIC ASSISTANCE.

Appendix D**Definitions of Career Paths and Corresponding Broadband Levels****Career Path: Business Management and Technical Management Professional**

Includes professional and management positions in science, engineering, medicine, and business management. These positions often have positive degree requirements.

Level I. Includes student trainees. Education and employment must be part of a formal student employment program. Specific, clear and detailed instructions and supervision are given. The level of education and experience completed is a major consideration in establishing the level of on-the-job training and work assignments.

Level II. This is the entry or developmental stage, preparing employees for the full and independent performance of their work. Specific, clear, and detailed instructions and supervision are given upon entry; recurring assignments are carried out independently. Conducts successive activities with objectives and priorities identified by supervisor or team leader; assistance given on new or unusual projects or situations. Finished work is reviewed to ensure accuracy and technical soundness.

Level III. This is the advanced developmental/target career level of this career path. Employee plans and carries out assignments independently; conceives and defines solutions to highly complex problems; analyzes, interprets, and reports findings of projects; and guides technical and programmatic work of team members in comparable junior grades. Completed work and reports are reviewed for feasibility,

compatibility with other work or effectiveness in meeting requirements or expected results.

Level IV. Professionals at this level are experts within their functional areas; heads of branches or divisions; or key program administrators. Conducts or directs activities or assists higher levels on challenging and innovative program development with only general guidance on policy, resources and planning; develops solutions to highly complex problems requiring various disciplines; responsible for fulfilling program objectives. Results are authoritative and impact programs or the well-being of substantial numbers of people.

Career Path: Technical Management Support

Includes nonprofessional positions that support science and engineering activities through application of various skills in areas such as the following: Engineering, physical, chemical, biological, medical, and mathematical sciences.

Level I. This includes trainees who develop technical support knowledge through actual work experience. Performs repetitive tasks using knowledge of standardized procedures and operations. Receives specific, clear and detailed instruction and supervision. Completed work is reviewed for technical soundness.

Level II. Technicians at this level require a practical knowledge of standard procedures in a technical field. Skill in applying knowledge of basic principles, concepts, and methodology of occupational and/or technical methods is required. Carries out prescribed procedures and relies heavily on precedent methods. Work is reviewed for

technical adequacy and accuracy, and adherence to instructions.

Level III. This is the advanced developmental level of this career path, requiring extensive training or experience. Work requires some adapting of existing precedents or techniques. Receives outline of objectives desired and description of operating characteristics and theory involved. Completed assignments are reviewed for compliance with instructions, adequacy, judgment, and satisfaction of requirements.

Level IV. Technicians at this level are considered to have professional level knowledge of a specific field. Receives general guidance on overall objectives and resources. Conceives, recommends, and tests new techniques or methods. Completed work is reviewed for overall soundness and compliance with overall project objectives.

Career Path: Administrative Support

Includes clerical, secretarial and assistant work in nonscientific/engineering occupations.

Level I. This entry level, which includes student trainees as well as others with some experience, requires a fundamental knowledge of clerical/administrative field. Developmental assignments may be given which lead to duties at a higher group level. Performs repetitive tasks; specific, clear, and detailed instruction and supervision; with more experience utilizes knowledge of standardized procedures and operations. Assistance is given on new or unusual projects. Completed work is reviewed for technical soundness.

Level II. This is the journey level that requires knowledge of standardized rules, procedures or operations requiring considerable training. General guidance is received on overall objectives and resources. Completed assignments may be reviewed for

overall soundness or meeting expected results.
Level III. This is the senior level that requires knowledge of extensive procedures and operations requiring extensive training. Receives general guidance on overall resources and objectives. Skilled in applying

knowledge of basic principles, concepts and methodology of administrative occupation and/or technical methods. Results are accepted as authoritative and normally without significant change.
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APPENDIX E. CLASSIFICATION LEVEL AND APPRAISAL FACTORS

AcqDemo has three distinct career paths where AcqDemo occupations with similar characteristics are grouped together to facilitate classification of positions, contribution appraisal, and compensation decisions. The career paths are designated as Business Management and Technical Management Professional, Pay Plan NH; Technical Management Support, Pay Plan NJ; and Administrative Support, Pay Plan NK.

AcqDemo provides definitions for each of the career paths and corresponding broadband levels within them. Classification factors comprised of expected contribution criteria and broadband level descriptors and discriminators, as aligned to the three career paths and broadband levels, will be used for both classification of a position and assessment of an employee's contribution. While the descriptors indicate the level, scope, complexity, and difficulty of the duties and type of contribution appropriate at the upper end of each broadband level, a broadband may actually contain an array of positions with varying levels of work, responsibilities, and value. These attributes range from just above the upper end on the next lower broadband level to an employee's position to the upper end of the employee's position as defined by an organization's position management structure needed to accomplish its mission. This structure in turn would be used to set the stage for determination of position classification, contribution assessment (Overall Contribution Score (OCS) and performance appraisal), and ultimately compensation decisions.

Descriptors are not to be used individually to determine position classification or assess contributions, but rather are to be taken as a group to derive a single evaluation of each factor. The three factor evaluations when taken as a whole result in either a classification determination of broadband level for the position or an OCS and performance appraisal for contribution assessment depending on the action being addressed. The career paths and their associated broadband levels, referenced General Schedule grades, and Overall Contribution Score range are shown in the figure below as a reference tool.

Classification Level and Appraisal Descriptors Reference Tool						
Business Management and Technical Management Professional (NH) Career Path						
Broadband Levels:	I	II	III	IV	Very High Score	
Referenced GS Grades:	GS-1 to 4	GS-5 to 11	GS-12 and 13	GS-14 and 15	N/A	
OCS ¹⁴ Ranges:	0 – 29	22 – 66	61 – 83	79 -100	105, 110, or 115	
Technical Management Support (NJ) Career Path						
Broadband Levels:	I	II	III	IV	Very High Score	
Referenced GS Grades:	GS-1 to 4	GS-5 to 8	GS-9 to 11	GS-12 and 13	N/A	
OCS Ranges:	0 - 29	22 - 51	43 - 66	61 - 83	87, 91, or 95	
Administrative Support (NK) Career Path						
Broadband Levels:	I	II	III	Very High Score		
Referenced GS Grades:	GS-1 to 4	GS-5 to 7	GS-8 to 10	N/A		
OCS Ranges:	0 - 29	22 - 46	38 - 61	64, 67, or 70		

¹⁴ OCS = Overall Contribution Score

CAREER PATH: Business Management and Technical Management (NH)**FACTOR:** 1. Job Achievement and/or Innovation**FACTOR DESCRIPTION:** This factor captures qualifications, critical thinking, calculated risks, problem solving, leadership, supervision, and personal accountability aspects appropriate for the positions classified to the broadband levels of the NH career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
<p>Produces desired results, in the needed timeframe, with the appropriate level of supervision through the use of appropriate knowledge, skills, abilities and understanding of the technical requirements of the job. Achieves, demonstrates and maintains the appropriate qualifications necessary to assume and execute key acquisition and/or support requirements. Demonstrates skilled critical thinking in identifying, analyzing and solving complex issues, as appropriate. Takes and displays personal accountability in leading, overseeing, guiding, and/or managing programs and projects within assigned areas of responsibility.</p> <p>Work is timely, efficient and of acceptable quality. Completed work meets project/program objectives. Leadership and/or supervision effectively promotes commitment to organization goals. Flexibility, adaptability, and decisiveness are exercised appropriately.</p> <p>For Supervisors (as appropriate): Recruits, develops, motivates, and retains quality team members in accordance with EEO/AA and Merit System Principles. Takes timely/appropriate personnel actions, communicates mission and organizational goals; by example, creates a positive, safe, and challenging work environment; distributes work and empowers team members.</p>	<p>NH Level I (Score Range 0 – 29)</p> <ul style="list-style-type: none"> Proactively seeks opportunities to contribute to assigned tasks. Seeks and takes advantage of development opportunities. Takes initiative to pursue completion of qualification requirements. Effectively accepts feedback on assigned and accomplished work, and incorporates it to create a better end product. Resolves routine problems within established guidelines. Seeks assistance as required. Takes initiative in determining and implementing appropriate procedures. Conducts activities on a collective task; assists supervisor, or other appropriate personnel, as needed. 	<ul style="list-style-type: none"> Leadership Role Mentoring/Employee Development Accountability Complexity/Difficulty Creativity Scope/Impact
	<p>NH Level II (Score Range 22 – 66)</p> <ul style="list-style-type: none"> Actively contributes as a team member/leader; provides insight and recommends changes or solutions to problems. Identifies and pursues individual/team development opportunities. Achieves and maintains qualification and certification requirements. Proactively guides, coordinates, and consults with others to accomplish projects, assuming ownership of personal processes and products. Identifies, analyzes, and resolves complex/difficult problems. Adapts existing plans and techniques to accomplish complex projects/programs. Recommends improvements to the design or operation of systems, equipment, or processes. Plans and conducts functional technical activities for projects/programs. 	<ul style="list-style-type: none"> Leadership Role Mentoring/Employee Development Accountability Complexity/Difficulty Creativity Scope/Impact
	<p>NH Level III (Score Range 61 – 83)</p> <ul style="list-style-type: none"> Considered a functional/technical expert by others in the organization; is regularly sought out by others for advice and assistance. Pursues or creates certification, qualification, and/or developmental programs and opportunities for self and others. Guides, motivates, and oversees the activities of individuals and teams with focus on project/ program issues. Assumes ownership of processes and products, as appropriate. Develops, integrates, and implements solutions to diverse, highly complex problems across multiple areas and disciplines. Develops plans and techniques to fit new situations to improve overall program and policies. Establishes precedents in application of problem-solving techniques to enhance existing processes. Defines, directs, or leads highly challenging projects/programs. 	<ul style="list-style-type: none"> Leadership Role Mentoring/Employee Development Accountability Complexity/Difficulty Creativity Scope/Impact
	<p>NH Level IV (Score Range 79 – 100)</p> <ul style="list-style-type: none"> Recognized as a technical/functional authority within and outside of the organization. Fosters the development of others by providing guidance or sharing expertise. Directs assignments to encourage employee development and cross-functional growth to meet organizational needs. Pursues professional self-development. Leads, defines, manages, and integrates efforts of several groups or teams. Assumes and assigns ownership of processes and products, as appropriate. Assesses and provides strategic direction for resolution of mission-critical problems, policies, and procedures. Works with senior management to establish new fundamental concepts and criteria and stimulate the development of new policies, methodologies, and techniques. Converts strategic goals into programs or policies. Defines, establishes, and directs organizational focus on challenging and highly complex projects/programs. 	<ul style="list-style-type: none"> Leadership Role Mentoring/Employee Development Accountability Complexity/Difficulty Creativity Scope/Impact
	<p>VERY HIGH SCORE (Mid-level Descriptors) (Three scores available--105, 110, or 115. Select only one score.)</p> <ul style="list-style-type: none"> In addition to fully meeting the expected contribution criteria: <ul style="list-style-type: none"> Contributed results substantially beyond what was expected in the face of extremely difficult obstacles; contributions were exemplary in quality, quantity, and/or impact to the stated expectations for the goals/objectives described in the contribution plan. Created novel and innovative business methods and processes that contributed substantially beyond expectations to accomplishment of current work and the mission of the organization. 	

	<ul style="list-style-type: none"> ▪ Demonstrated the highest standards of professionalism establishing the model for others to follow. Accomplishments and outcomes were of such magnitude that they contributed to the extraordinary success of the organization in exceeding its mission goals and objectives for the year.
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CAREER PATH: Business Management and Technical Management (NH)

FACTOR: 2. Communication and/or Teamwork

FACTOR DESCRIPTION: This factor captures communication, both verbal and written; interactions with customers, coworkers, and groups; and assignments crossing functional boundaries appropriate for the positions classified to the broadband levels of the NH career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
<p>Effectively communicates, verbally and in writing, as needed to coordinate work and keep chain-of-command, coworkers and customers informed of work-related issues, developments and statuses. Actively seeks and promotes diverse ideas and inputs. Works well with and in groups, and with others to accomplish mission requirements.</p> <p>Work is timely, efficient, and of acceptable quality. Communications are clear, concise, and at the appropriate level. Personal and organizational interactions exhibit and foster teamwork. Flexibility, adaptability, and decisiveness are exercised appropriately.</p>	<p>NH Level I (Score Range 0 – 29)</p> <ul style="list-style-type: none"> • Clearly explains status/results of assigned tasks. • Provides timely data and written analyses for input to management/technical reports or contractual documents. • Contributes ideas in own area of expertise. Interacts cooperatively with others. • Routinely completes assignments, as required, in support of team goals. 	<ul style="list-style-type: none"> • Oral • Written • Contribution to Team • Effectiveness
	<p>NH Level II (Score Range 22 – 66)</p> <ul style="list-style-type: none"> • Presents informational briefings. • Writes, or is a major contributor to, management/technical reports or contractual documents. • Uses varied approaches to resolve or collaborate on projects/programs issues. Facilitates cooperative interactions with others. • Guides/supports others in executing team assignments. Proactively functions as an integral part of the team. 	<ul style="list-style-type: none"> • Oral • Written • Contribution to Team • Effectiveness
	<p>NH Level III (Score Range 61 – 83)</p> <ul style="list-style-type: none"> • Presents briefings to obtain consensus/approval. • Reviews and approves, or is a major contributor to/ lead author of, management reports or contractual documents for external distribution. Provides inputs to policies. • Introduces and/or implements innovative approaches to resolve unusual/difficult issues significantly impacting important policies or programs. Promotes and maintains environment of cooperation and teamwork. • Leads and guides others in formulating and executing team plans. Sought by team members to contribute to teaming effort. 	<ul style="list-style-type: none"> • Oral • Written • Contribution to Team • Effectiveness
	<p>NH Level IV (Score Range 79 – 100)</p> <ul style="list-style-type: none"> • Presents organizational briefings to convey strategic vision or organizational policies. • Prepares, reviews, and approves major reports or policies of organization for internal and external distribution. Resolves diverse viewpoints/controversial issues. • Solves broad organizational issues. Implements strategic plans within and across organizational components. Ensures a cooperative teamwork environment. • Leads/guides workforce in achieving organizational goals. Participates on high-level teams. Is sought out for solutions and/or strategies. 	<ul style="list-style-type: none"> • Oral • Written • Contribution to Team • Effectiveness
	<p>VERY HIGH SCORE (Mid-level Descriptors) (Three scores available—105, 110, or 115. Select one of these scores.)</p> <ul style="list-style-type: none"> ▪ In addition to fully meeting the expected contribution criteria: <ul style="list-style-type: none"> ▪ Contributed results substantially beyond what was expected in the face of extremely difficult obstacles; contributions were exemplary in quality, quantity, and/or impact to the stated expectations for the goals/objectives described in the contribution plan; ▪ Created novel and innovative business methods and processes that contributed substantially beyond expectations to accomplishment of current work and the mission of the organization; and/or ▪ Demonstrated the highest standards of professionalism establishing the model for others to follow. Accomplishments and outcomes were of such magnitude that they contributed to the extraordinary success of the organization in exceeding its mission goals and objectives for the year. 	

CAREER PATH: Business Management and Technical Management (NH)**FACTOR:** 3. Mission Support

FACTOR DESCRIPTION: This factor captures understanding and execution of organizational goals and priorities; working with customers to develop a mutual understanding of their requirements; monitoring and influencing cost parameters or work, tasks, and projects; and establishing priorities that reflect mission and organizational goals appropriate for the positions classified to the broadband levels of the NH career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
<p>Possesses an operational understanding of organizational goals and priorities and fully complies with administrative policies, regulations and procedures when performing job operations. Works with customers to develop a mutual understanding of their requirements. Probes for detail, as appropriate, and pays attention to crucial details of needs or requests. Monitors and influences cost parameters of work, tasks and projects, ensuring an optimum balance between cost and value. Establishes priorities that reflect mission and organizational needs.</p> <p>Work is timely, efficient, and of acceptable quality. Completed work meets project/program objectives. Personal and organizational interactions enhance customer relations and actively promote rapport with customers. Resources are utilized effectively to accomplish mission. Flexibility, adaptability, and decisiveness are exercised appropriately.</p>	<p>NH Level I (Score Range 0 – 29)</p> <ul style="list-style-type: none"> • Performs assigned tasks within area of responsibility; identifies situations to supervisor or other appropriate personnel when existing guidelines do not apply. • Participates as a team member in meeting customer needs. • Productively plans individual time and assigned resources to accomplish tasks. • Effectively accomplishes assigned tasks. 	<ul style="list-style-type: none"> • Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	<p>NH Level II (Score Range 22 – 66)</p> <ul style="list-style-type: none"> • Identifies and resolves conventional problems which may require deviations from accepted policies or instructions. • Initiates meetings and interactions with customers to understand customer needs/expectations. • Optimizes resources to accomplish projects/programs within established schedules. • Effectively accomplishes projects'/programs' goals within established resource guidelines. 	<ul style="list-style-type: none"> • Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	<p>NH Level III (Score Range 61 – 83)</p> <ul style="list-style-type: none"> • Anticipates problems, develops sound solutions and action plans to ensure program/mission accomplishment. • Establishes customer alliances, anticipates and fulfills customer needs, and translates customer needs to programs/projects. • Identifies and optimizes resources to accomplish multiple projects'/programs' goals. • Effectively accomplishes multiple projects'/programs' goals within established guidelines. 	<ul style="list-style-type: none"> • Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	<p>NH Level IV (Score Range 79 – 100)</p> <ul style="list-style-type: none"> • Defines, integrates, and implements strategic direction for vital programs with long-term impact on large numbers of people. Initiates actions to resolve major organizational issues. Promulgates innovative solutions and methodologies. • Assess and promulgate, fiscal, and other factors affecting customer and program/project needs. Works with customer at management levels to resolve problems affecting programs/projects (e.g., problems that involve determining priorities and resolving conflicts among customers' requirements). • Formulates organizational strategies, tactics, and budget/action plan to acquire and allocate resources. • Optimizes, controls, and manages all resources across projects/programs. Develops and integrates innovative approaches to attain goals and minimize expenditures. 	<ul style="list-style-type: none"> • Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	<p>VERY HIGH SCORE (Mid-level Descriptors) (Three scores available--105, 110, or 115. Select one of these scores.)</p> <ul style="list-style-type: none"> ▪ In addition to fully meeting the expected contribution criteria: <ul style="list-style-type: none"> ▪ Contributed results substantially beyond what was expected in the face of extremely difficult obstacles; contributions were exemplary in quality, quantity, and/or impact to the stated expectations for the goals/objectives described in the contribution plan; ▪ Created novel and innovative business methods and processes that contributed substantially beyond expectations to accomplishment of current work and the mission of the organization; and/or ▪ Demonstrated the highest standards of professionalism establishing the model for others to follow. Accomplishments and outcomes were of such magnitude that they contributed to the extraordinary success of the organization in exceeding its mission goals and objectives for the year. 	

CAREER PATH: Technical Management Support (NJ)**FACTOR:** 1. Job Achievement and/or Innovation**FACTOR DESCRIPTION:** This factor captures qualifications, critical thinking, calculated risks, problem solving, leadership, supervision, and personal accountability aspects appropriate for the positions classified to the broadband levels of the NJ career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
<p>Produces desired results, in the needed timeframe, with the appropriate level of supervision through the use of appropriate knowledge, skills, abilities and understanding of the technical requirements of the job. Achieves, demonstrates and maintains the appropriate qualifications necessary to assume and execute key acquisition and/or support requirements. Demonstrates skilled critical thinking in identifying, analyzing and solving complex issues, as appropriate. Takes and displays personal accountability in leading, overseeing, guiding, and/or managing programs and projects within assigned areas of responsibility.</p> <p>Work is timely, efficient and of acceptable quality. Completed work meets project/program objectives. Leadership and/or supervision effectively promotes commitment to organization goals. Flexibility, adaptability, and decisiveness are exercised appropriately.</p> <p>For Supervisors (as appropriate): Recruits, develops, motivates, and retains quality team members in accordance with EEO/AA and Merit System Principles. Takes timely/appropriate personnel actions, communicates mission and organizational goals; by example, creates a positive, safe, and challenging work environment; distributes work and empowers team members.</p>	<p>NJ Level I (Score Range 0 – 29)</p> <ul style="list-style-type: none"> Proactively seeks opportunities to contribute to assigned tasks. Asks for assistance as appropriate. Seeks and takes advantage of developmental opportunities. Takes initiative to pursue completion of qualification requirements. Effectively accepts feedback on assigned and accomplished work, and incorporates it to create a better end product. Resolves routine problems within established guidelines. Takes initiative in selecting and implementing appropriate procedures. Performs activities on a task; assists supervisor or other appropriate personnel. 	<ul style="list-style-type: none"> Leadership Role Mentoring/Employee Development Accountability Complexity/Difficulty Creativity Scope/Impact
	<p>NJ Level II (Score Range 22 – 51)</p> <ul style="list-style-type: none"> Actively contributes as team member; takes initiative to accomplish assigned projects. Identifies and pursues individual/team developmental opportunities. Consults and coordinates with others to complete projects within established guidelines, assuming ownership of personal processes and products. Identifies and resolves non-routine technical problems utilizing established patterns or methods. Adapts existing plans and techniques to fit new situations. Plans and conducts technical activities for projects. 	<ul style="list-style-type: none"> Leadership Role Mentoring/Employee Development Accountability Complexity/Difficulty Creativity Scope/Impact
	<p>NJ Level III (Score Range 43 – 66)</p> <ul style="list-style-type: none"> Actively contributes as team member or leader. Recognized for functional/technical expertise. Promotes developmental opportunities for self and team. Advises others to seek specific training. Guides, motivates, and oversees others in accomplishing projects/programs. Assumes ownership of processes and products, as appropriate. Develops, integrates, and implements solutions to complex problems on projects/programs. Develops plans and techniques to fit new situations. Plans and conducts challenging and difficult technical activities for projects/programs. 	<ul style="list-style-type: none"> Leadership Role Mentoring/Employee Development Accountability Complexity/Difficulty Creativity Scope/Impact
	<p>NJ Level IV (Score Range 61 – 83)</p> <ul style="list-style-type: none"> Provides guidance to individuals/teams; resolves conflicts. Serves as subject matter expert. Directs assignments to encourage employee development and cross-technical/functional growth to meet organizational needs. Pursues self-development. Guides, motivates, and oversees multiple complex projects/programs. Assumes and assigns ownership of processes and products, as appropriate. Develops, integrates/implements solutions to diverse, complex problems which may cross multiple projects/programs or functional/technical areas. Develops concepts and techniques to address new situations or challenges, and/or to address issues that cross technical/ functional areas. Identifies and resolves complex problems that may cross functional/technical boundaries and promulgates solutions. 	<ul style="list-style-type: none"> Leadership Role Mentoring/Employee Development Accountability Complexity/Difficulty Creativity Scope/Impact
	<p>VERY HIGH SCORE (Mid-level Descriptors) (Three scores available—87, 91, or 95. Select only one score.)</p> <ul style="list-style-type: none"> In addition to fully meeting the expected contribution criteria: <ul style="list-style-type: none"> Achieved outcomes and results that are far superior in quality, quantity, timeliness and impact to the expectations described in the Contribution Plan for Level IV accomplishments; Persisted in overcoming obstacles and putting forth extra effort to accomplish difficult assignments with contributed results significantly beyond expectations; 	

	<ul style="list-style-type: none"> Contributions to successful organizational performance are well beyond what is expected; and/or Demonstrated the highest standards of professionalism establishing the model for others to follow.
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CAREER PATH: Technical Management Support (NJ)**FACTOR: 2. Communication and/or Teamwork**

FACTOR DESCRIPTION: This factor captures communication, both verbal and written; interactions with customers, coworkers, and groups; and assignments crossing functional boundaries appropriate for the positions classified to the broadband levels of the NJ career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
<p>Effectively communicates, verbally and in writing, as needed to coordinate work and keep chain-of-command, coworkers and customers informed of work-related issues, developments and statuses. Actively seeks and promotes diverse ideas and inputs. Works well with and in groups, and with others to accomplish mission requirements.</p> <p>Work is timely, efficient, and of acceptable quality. Communications are clear, concise, and at the appropriate level. Personal and organizational interactions exhibit and foster teamwork. Flexibility, adaptability, and decisiveness are exercised appropriately.</p>	<p>NJ Level I (Score Range 0 – 29)</p> <ul style="list-style-type: none"> Explains status/results of assigned tasks. Provides data and accurate draft documentation of assigned tasks for input to reports or documents. Contributes ideas in own area of expertise. Interacts cooperatively with others. Regularly completes assignments in support of team goals. 	<ul style="list-style-type: none"> Oral Written Contribution to Team Effectiveness
	<p>NJ Level II (Score Range 22 – 51)</p> <ul style="list-style-type: none"> Communicates individual and group/team results. Writes segments of management/technical reports or documents. Contributes ideas in own area of expertise. Facilitates cooperative interactions with others. Supports others in executing team assignments. Proactively functions as an integral part of the team. 	<ul style="list-style-type: none"> Oral Written Contribution to Team Effectiveness
	<p>NJ Level III (Score Range 43 – 66)</p> <ul style="list-style-type: none"> Presents projects/programs briefings. Consolidates input and writes management/technical reports/documents for projects/programs. Guides others to resolve or collaborate on complex projects/programs issues. Promotes cooperative interactions with others. Integrates technical expertise and guides activities to support team accomplishment. 	<ul style="list-style-type: none"> Oral Written Contribution to Team Effectiveness
	<p>NJ Level IV (Score Range 61 – 83)</p> <ul style="list-style-type: none"> Presents projects/programs briefings to obtain consensus/approval. Represents the organization as technical subject matter expert. Prepares, reviews, and approves management/technical reports for internal and external distribution. Applies innovative approaches to resolve unusual/difficult technical/management issues. Promotes and maintains environment for cooperation and teamwork. Leads and guides others in formulating and executing team plans. Expertise is sought by others. 	<ul style="list-style-type: none"> Oral Written Contribution to Team Effectiveness
	<p>VERY HIGH SCORE (Mid-level Descriptors) (Three scores available—87, 91, or 95. Select one of these scores.)</p> <ul style="list-style-type: none"> In addition to fully meeting the expected contribution criteria: <ul style="list-style-type: none"> Achieved outcomes and results that are far superior in quality, quantity, timeliness and impact to the expectations described in the Contribution Plan for Level IV accomplishments; Persisted in overcoming obstacles and putting forth extra effort to accomplish difficult assignments with contributed results significantly beyond expectations; Contributions to successful organizational performance are well beyond what is expected; and/or Demonstrated the highest standards of professionalism establishing the model for others to follow. 	

CAREER PATH: Technical Management Support (NJ)**FACTOR:** 3. Mission Support

FACTOR DESCRIPTION: This factor captures understanding and execution of organizational goals and priorities; working with customers to develop a mutual understanding of their requirements; monitoring and influencing cost parameters or work, tasks, and projects; and establishing priorities that reflect mission and organizational goals appropriate for the positions classified to the broadband levels of the NJ career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
<p>Possesses an operational understanding of organizational goals and priorities and fully complies with administrative policies, regulations and procedures when performing job operations. Works with customers to develop a mutual understanding of their requirements. Probes for detail, as appropriate, and pays attention to crucial details of needs or requests. Monitors and influences cost parameters of work, tasks and projects, ensuring an optimum balance between cost and value. Establishes priorities that reflect mission and organizational needs.</p> <p>Work is timely, efficient, and of acceptable quality. Completed work meets project/program objectives. Personal and organizational interactions enhance customer relations and actively promote rapport with customers. Resources are utilized effectively to accomplish mission. Flexibility, adaptability, and decisiveness are exercised appropriately.</p>	<p>NJ Level I (Score Range 0 – 29)</p> <ul style="list-style-type: none"> • Works with others in solving problems with appropriate guidance. • Participates as a team member in meeting customer needs. • Plans individual time to accomplish tasks. • Effectively accomplishes assigned tasks with appropriate guidance. 	<ul style="list-style-type: none"> • Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	<p>NJ Level II (Score Range 22 – 51)</p> <ul style="list-style-type: none"> • Identifies and resolves problems; adapts accepted policies, procedures, or methods with moderate guidance. • Interacts with customers to respond to customer needs/expectations. • Plans resources to achieve task schedules. • Accomplishes assigned tasks. 	<ul style="list-style-type: none"> • Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	<p>NJ Level III (Score Range 43 – 66)</p> <ul style="list-style-type: none"> • Identifies problems; develops solutions and action plans with minimal guidance. • Initiates meetings and interactions with customers to understand customer needs/expectations. • Optimizes resources to accomplish projects within established milestones. • Effectively accomplishes projects/programs within established resource guidelines. 	<ul style="list-style-type: none"> • Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	<p>NJ Level IV (Score Range 61 – 83)</p> <ul style="list-style-type: none"> • Resolves and coordinates technical problems involving multiple projects/programs. • Establishes customer alliances; anticipates and fulfills customer needs and translates customer needs to projects/programs. Organizes and leads customer interactions. • Identifies and optimizes resources to accomplish multiple projects/programs goals. • Effectively accomplishes multiple projects'/programs' goals within established thresholds. Develops innovative approaches to attain goals and minimize resource expenditures. 	<ul style="list-style-type: none"> • Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	<p>VERY HIGH SCORE (Mid-level Descriptors) (Three scores available--87, 91, or 95. Select one of these scores.)</p> <ul style="list-style-type: none"> • In addition to fully meeting the expected contribution criteria: <ul style="list-style-type: none"> ▪ Achieved outcomes and results that are far superior in quality, quantity, timeliness and impact to the expectations described in the Contribution Plan for Level IV accomplishments; ▪ Persisted in overcoming obstacles and putting forth extra effort to accomplish difficult assignments with contributed results significantly beyond expectations; ▪ Contributions to successful organizational performance are well beyond what is expected; and/or ▪ Demonstrated the highest standards of professionalism establishing the model for others to follow. 	

CAREER PATH: Administrative Support (NK)**FACTOR:** 1. Job Achievement and/or Innovation

FACTOR DESCRIPTION: This factor captures qualifications, critical thinking, calculated risks, problem solving, leadership, supervision, and personal accountability aspects appropriate for the positions classified to the broadband levels of the NK career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
<p>Produces desired results, in the needed timeframe, with the appropriate level of supervision through the use of appropriate knowledge, skills, abilities and understanding of the technical requirements of the job. Achieves, demonstrates and maintains the appropriate qualifications necessary to assume and execute key acquisition and/or support requirements.</p> <p>Demonstrates skilled critical thinking in identifying, analyzing and solving complex issues, as appropriate. Takes and displays personal accountability in leading, overseeing, guiding, and/or managing programs and projects within assigned areas of responsibility.</p> <p>Work is timely, efficient and of acceptable quality. Completed work meets project/program objectives. Leadership and/or supervision effectively promotes commitment to organization goals. Flexibility, adaptability, and decisiveness are exercised appropriately.</p> <p>For Supervisors (as appropriate): Recruits, develops, motivates, and retains quality team members in accordance with EEO/AA and Merit System Principles. Takes timely/appropriate personnel actions, communicates mission and organizational goals; by example, creates a positive, safe, and challenging work environment; distributes work and empowers team members.</p>	<p>NK Level I (Score Range 0 – 29)</p> <ul style="list-style-type: none"> Proactively seeks opportunities to contribute to assigned tasks. Asks for assistance as appropriate. Seeks and takes advantage of developmental opportunities. Takes initiative to pursue completion of qualification requirements. Effectively accepts feedback on assigned and accomplished work, and incorporates it to create a better end product. Applies standard rules, procedures, or operations to resolve routine problems. Takes initiative in selecting and implementing appropriate procedures. Conducts activities on a segment of a task. Assists supervisor or other appropriate personnel. 	<ul style="list-style-type: none"> Leadership Role Mentoring/Employee Development Accountability Complexity/Difficulty Creativity Scope/Impact
	<p>NK Level II (Score Range 22 – 46)</p> <ul style="list-style-type: none"> Actively contributes as team member; takes initiative to accomplish assigned projects. Identifies and pursues individual/team developmental opportunities. Guides others in accomplishing projects, assuming ownership of personal processes and products. Develops, modifies, and/or applies rules, procedures, or operations to resolve problems of moderate complexity/difficulty. Identifies and adapts guidance for new or unusual situations. Plans and conducts administrative activities for projects. 	<ul style="list-style-type: none"> Leadership Role Mentoring/Employee Development Accountability Complexity/Difficulty Creativity Scope/Impact
	<p>NK Level III (Score Range 38 – 61)</p> <ul style="list-style-type: none"> Provides guidance to individuals/teams; resolves conflicts. Expertise solicited by others. Promotes individual/team development; leads development of training programs for self and others. Guides and accounts for results or activities of individuals, teams, or projects. Assumes ownership of processes and products, as appropriate. Develops rules, procedures, or operations for complex/difficult organizational tasks. Identifies issues requiring new procedures and develops appropriate guidelines. Plans and conducts complex administrative activities. 	<ul style="list-style-type: none"> Leadership Role Mentoring/Employee Development Accountability Complexity/Difficulty Creativity Scope/Impact
	<p>VERY HIGH SCORE (Mid-level Descriptors) (Three scores available—64, 67, or 70. Select only one score.)</p> <ul style="list-style-type: none"> In addition to fully meeting the expected contribution criteria: <ul style="list-style-type: none"> Achieved outcomes and results that are far superior in quality, quantity, timeliness and impact to the expectations described in the Contribution Plan for Level III accomplishments; Persisted in overcoming obstacles and putting forth extra effort to accomplish difficult assignments with contributed results significantly beyond expectations; Contributions to successful organizational performance are well beyond what is expected; and/or Demonstrated the highest standards of professionalism establishing the model for others to follow. 	

CAREER PATH: Administrative Support (NK)

FACTOR: 2. Communication and/or Teamwork

FACTOR DESCRIPTION: This factor captures communication, both verbal and written; interactions with customers, coworkers, and groups; and assignments crossing functional boundaries appropriate for the positions classified to the broadband levels of the NK career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
<p>Effectively communicates, verbally and in writing, as needed to coordinate work and keep chain-of-command, coworkers and customers informed of work-related issues, developments and statuses. Actively seeks and promotes diverse ideas and inputs. Works well with and in groups, and with others to accomplish mission requirements.</p> <p>Work is timely, efficient, and of acceptable quality. Communications are clear, concise, and at the appropriate level. Personal and organizational interactions exhibit and foster teamwork. Flexibility, adaptability, and decisiveness are exercised appropriately.</p>	<p>NK Level I (Score Range 0 – 29)</p> <ul style="list-style-type: none"> Explains status/results of assigned tasks. Writes timely and accurate draft documentation. Contributes ideas on routine procedures. Interacts cooperatively with others. Regularly completes tasks in support of team goals. 	<ul style="list-style-type: none"> Oral Written Contribution to Team Effectiveness
	<p>NK Level II (Score Range 22 – 46)</p> <ul style="list-style-type: none"> Communicates/presents internal administrative/functional procedures and tasks internally and externally. Prepares, coordinates, and consolidates documents, reports, or briefings. Resolves administrative problems; facilitates cooperative interactions with others. Guides others and coordinates activities in support of team goals. Proactively functions as an integral part of the team. 	<ul style="list-style-type: none"> Oral Written Contribution to Team Effectiveness
	<p>NK Level III (Score Range 38 – 61)</p> <ul style="list-style-type: none"> Explains and/or communicates administrative/functional procedures at all levels. Prepares, reviews, and/or approves documents, reports, or briefings. Promotes and maintains environment for cooperation/teamwork. Sets tone for internal/external cooperation. Leads and guides others in formulating and executing plans in support of team goals. 	<ul style="list-style-type: none"> Oral Written Contribution to Team Effectiveness
	<p>VERY HIGH SCORE (Mid-level Descriptors) (Three scores available—64, 67, or 70. Select one of these scores.)</p> <ul style="list-style-type: none"> In addition to fully meeting the expected contribution criteria: <ul style="list-style-type: none"> Achieved outcomes and results that are far superior in quality, quantity, timeliness and impact to the expectations described in the Contribution Plan for Level III accomplishments; Persisted in overcoming obstacles and putting forth extra effort to accomplish difficult assignments with contributed results significantly beyond expectations; Contributions to successful organizational performance are well beyond what is expected; and/or Demonstrated the highest standards of professionalism establishing the model for others to follow. 	

CAREER PATH: Administrative Support (NK)**FACTOR:** 3, Mission Support

FACTOR DESCRIPTION: This factor captures understanding and execution of organizational goals and priorities; working with customers to develop a mutual understanding of their requirements; monitoring and influencing cost parameters of work, tasks, and projects; and establishing priorities that reflect mission and organizational goals appropriate for the positions classified to the broadband levels of the NK career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
<p>Possesses an operational understanding of organizational goals and priorities and fully complies with administrative policies, regulations and procedures when performing job operations. Works with customers to develop a mutual understanding of their requirements. Probes for detail, as appropriate, and pays attention to crucial details of needs or requests. Monitors and influences cost parameters of work, tasks and projects, ensuring an optimum balance between cost and value. Establishes priorities that reflect mission and organizational needs.</p> <p>Work is timely, efficient, and of acceptable quality. Completed work meets project/program objectives. Personal and organizational interactions enhance customer relations and actively promote rapport with customers. Resources are utilized effectively to accomplish mission. Flexibility, adaptability, and decisiveness are exercised appropriately.</p>	<p>NK Level I (Score Range 0 – 29)</p> <ul style="list-style-type: none"> • Carries out routine tasks. • Meets routine customer needs. • Plans individual time and assigned resources to accomplish tasks. • Effectively accomplishes assigned tasks. 	<ul style="list-style-type: none"> • Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	<p>NK Level II (Score Range 22 – 46)</p> <ul style="list-style-type: none"> • Plans and executes assignments; resolves problems and handles deviations. • Independently interacts with customers to understand customer needs/expectations. • Plans resources to achieve project schedules. • Effectively accomplishes projects within established resource guidelines. 	<ul style="list-style-type: none"> • Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	<p>NK Level III (Score Range 38 – 61)</p> <ul style="list-style-type: none"> • Identifies issues and determines approaches and methods to accomplish tasks. Initiates effective actions and resolves related conflicts. • Establishes customer alliances and translates needs to customer service. • Coordinates resources across projects. • Optimizes resource utilization across projects. 	<ul style="list-style-type: none"> • Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	<p>VERY HIGH SCORE (Mid-level Descriptors) (Three scores available--64, 67, or 70. Select one of these scores.)</p> <ul style="list-style-type: none"> • In addition to fully meeting the expected contribution criteria: <ul style="list-style-type: none"> ▪ Achieved outcomes and results that are far superior in quality, quantity, timeliness, and impact to the expectations described in the Contribution Plan for Level III accomplishments; ▪ Persisted in overcoming obstacles and putting forth extra effort to accomplish difficult assignments with contributed results significantly beyond expectations; ▪ Contributions to successful organizational performance are well beyond what is expected; and/or ▪ Demonstrated the highest standards of professionalism establishing the model for others to follow. 	

Appendix F**Intervention Impact Evaluation Model**

*DoD Civilian Acquisition Workforce
Personnel Management Demonstration
Project*

Intervention	Expected effects	Measures	Data sources
1. COMPENSATION			
a. Broadbanding	Increased organizational flexibility, <i>i.e.</i> , simplified assignment, pay setting. Reduced administrative workload, paperwork reduction.	Perceived flexibility	<ul style="list-style-type: none"> • Attitude survey. • Focus groups.
b. Maximum Broadband Level	Higher starting basic pay	Actual/perceived time savings	Personnel office data, program management evaluation (PME) results, attitude survey.
c. Accelerated Compensation for Developmental Positions.	More gradual basic pay progression at entry levels. Increased basic pay potential	Starting basic pay of banded v. non-banded employees. Progression of new hires over time by broadband, career path, scores, deltas.	Workforce data.
	Increased satisfaction with advancement. Increased basic pay satisfaction ..	<ul style="list-style-type: none"> • Mean salaries by broadband, career path and demographics. • Total payroll costs 	<ul style="list-style-type: none"> • Workforce data. • Personnel office data.
	Improved recruitment of interns and recent graduates.	Employee perceptions of advancement. Basic pay satisfaction, internal/external equity.	Attitude survey.
d. Student Intern Relocation Incentive.	Greater ability to hire students attending colleges in different geographical locations. Elevated quality of hires	Offer, acceptance, declination, retention ratios. <ul style="list-style-type: none"> • Offer/acceptance ratios • Percent declinations. 	Personnel office data.
		<ul style="list-style-type: none"> • Perceived quality of candidates/hire, <i>i.e.</i>, experience, skills, education. • First offer accepted • Grade point averages • Educational levels • Employee perceptions of equity, fairness. • Cost as a percent of payroll • Perceived motivational power ... 	<ul style="list-style-type: none"> • Attitude survey, focus groups, selecting official interviews. • Personnel office data. • Personnel office data. • Personnel office data. • Attitude survey.
e. Conversion Buy-ins	Employee acceptance		<ul style="list-style-type: none"> • Workforce data. • Attitude survey.
f. Supervisory and Team Leader Cash Differentials.	<ul style="list-style-type: none"> • Increased incentive to accept supervisory or team leader positions. • Improved recruitment and retention of supervisors and team leaders. • Flatter organization • Improved quality of supervisory staff. 	<ul style="list-style-type: none"> • Offer, acceptance, retention ratios. • Supervisory/non-supervisory ratios. • Employee perceptions of quality of supervisory and team leader staff. 	<ul style="list-style-type: none"> • Personnel office data. • Workforce data. • Attitude survey, focus groups.
2. CONTRIBUTION/PERFORMANCE MANAGEMENT			
a. AcqDemo Contribution Rating Awards; Title 5 Special Act Awards, Honorary Awards, and Other Title 5 Awards, <i>e.g.</i> , Time-Off.	Reward/motivate contribution To support fair and appropriate distribution of awards.	Perceived motivational power <ul style="list-style-type: none"> • Amount and number of awards by type, demographics. 	<ul style="list-style-type: none"> • Attitude survey. • Workforce data.
		<ul style="list-style-type: none"> • Perceived fairness of awards ... • Satisfaction with monetary and non-monetary awards. 	<ul style="list-style-type: none"> • Attitude survey. • Attitude survey.
b. Contribution-based Basic Pay Progression.	Increased basic pay/contribution-performance link. Improved contribution/performance feedback.	<ul style="list-style-type: none"> • Perceived basic pay/contribution-performance link. • Perceived fairness of scoring ... • Satisfaction with scoring • Employee trust in supervisors/pay pool panels. • Adequacy of contribution/performance feedback. 	<ul style="list-style-type: none"> • Attitude survey. • Attitude survey. • Attitude survey. • Attitude survey.

Intervention	Expected effects	Measures	Data sources
c. New Appraisal Process: Contribution-based Compensation and Appraisal System (CCAS).	Decreased turnover of employees scoring in normal or undercompensated categories/Increased turnover of employees scoring in overcompensated category.	Turnover by integrated pay schedule compensation categories.	Workforce data.
	Alignment of organizational and individual contribution expectations, objectives, and results.	Linkage of contribution expectations and objectives to strategic plans' goals.	<ul style="list-style-type: none"> • Contribution plans. • Strategic Plans.
d. Contribution Plan Development	Increased employee involvement in contribution planning and assessment.	<ul style="list-style-type: none"> • Perceived involvement • Contribution management 	<ul style="list-style-type: none"> • Attitude survey/focus groups. • Personnel/Demo regulations.
	Reduce administrative burden	Employee and supervisor perceptions of revised procedures.	Attitude survey.
	Improved communication	Perceived fairness of process	Focus groups.
	Better communication of contribution expectations, performance requirements, and objectives.	Feedback and coaching procedures used.	<ul style="list-style-type: none"> • Focus groups. • Personnel office data.
	Improved satisfaction and quality of workforce.	Perceived workforce quality	<ul style="list-style-type: none"> • Attitude survey. • Focus groups.

3. POSITION CLASSIFICATION

a. Improved Classification System with Generic Standards.	Reduction in amount of time and paperwork spent on classification.	<ul style="list-style-type: none"> • Time spent on classification procedures. • Reduction of paperwork/number of personnel actions (classification—promotion, change to lower broadband level). 	<ul style="list-style-type: none"> • Personnel office data. • Personnel office data.
	Simplified, automated classification applications and procedures.	<ul style="list-style-type: none"> • Adaptable to changes; number of system change requests. • Ready access; number and length of down times. • Easy to use; number of user inquiries. 	<ul style="list-style-type: none"> • Personnel office data. • Focus groups, surveys. • Personnel office data.
b. Delegation of Classification Authority.	Ease of Use	<ul style="list-style-type: none"> • Factors, descriptors, and discriminators easy to decipher and apply to various positions at different organizational levels. • Perception of managers, supervisors, administrative personnel, and HR specialists of time savings, ease of use. • Number of employee classification appeals. 	<ul style="list-style-type: none"> • AcqDemo Program Office data. • Attitude survey. • Focus groups.
	Increased supervisory authority and accountability.	Perceived authority	Attitude survey.
	Decreased conflict between management and human resources staff.	<ul style="list-style-type: none"> • Number of classification disputes/appeals pre- and post-conversion. • Management satisfaction with service provided by the HR Office. 	<ul style="list-style-type: none"> • Personnel records. • Attitude.
	No negative impact on internal pay equity.	Internal pay equity	<ul style="list-style-type: none"> • Personnel records. • Attitude survey.

4. REDUCTION-IN-FORCE (RIF) PROCEDURES

a. Modified RIF	Minimize loss of high contributing employees.	<ul style="list-style-type: none"> • Separated employees by demographics, overall contribution score deltas, and integrated pay schedule compensation regions. • Satisfaction with RIF process ... 	<ul style="list-style-type: none"> • Workforce data. • Attitude survey and focus groups.
	Contain cost and disruption	<ul style="list-style-type: none"> • Cost comparisons of traditional vs. modified RIF. • Number and cost of separation incentives. • Time to conduct RIF • Number of employees affected 	<ul style="list-style-type: none"> • Attitude survey and focus groups. • Personnel/Budget Office data. • Personnel office data. • Personnel office data. • Personnel office data.

Intervention	Expected effects	Measures	Data sources
		<ul style="list-style-type: none"> • Number of employees outplaced. • Number of appeals/reinstatements. 	<ul style="list-style-type: none"> • Personnel office data. • Personnel office data.

5. HIRING AUTHORITIES

a. Direct Hire for the Business and Technical Management Professional Career Path positions.	Improved ease and timeliness of hiring process.	<ul style="list-style-type: none"> • Perceived flexibility in authority to hire. • Shortened timeline from initiation of action to firm offer letter/EOD. 	<ul style="list-style-type: none"> • Attitude survey. • Personnel office data.
b. Veteran Direct Hire Appointments for the Business and Technical Management Professional Career Path and Technical Management Support Career.	Improved recruitment of employees for shortage category positions.	<ul style="list-style-type: none"> • Offer/acceptance ratios • Percent declinations • Timeliness of job offers 	<ul style="list-style-type: none"> • Personnel office data. • Personnel office data. • Personnel office data.
	Elevated quality of hires	<ul style="list-style-type: none"> • Perceived quality of candidates/hire, <i>i.e.</i>, experience, skills, education. • First offer accepted • Grade point averages • Educational levels 	<ul style="list-style-type: none"> • Attitude survey, focus groups, selecting official interviews. • Personnel office data. • Personnel office data. • Personnel office data.
c. Acquisition Student Intern Hiring Authority.	Reduced administrative workload/paperwork reduction.	<ul style="list-style-type: none"> • Actual efficiencies and perceived skills. 	<ul style="list-style-type: none"> • Personnel office data. • Personnel office data. • Personnel office data. • Attitude survey, focus groups.
d. Scholastic Achievement Appointment.	Improved recruitment of employees for AWF positions.	<ul style="list-style-type: none"> • Offer/acceptance ratios • Percent declinations • Timeliness of job offers 	<ul style="list-style-type: none"> • Personnel office data. • Personnel office data. • Personnel office data.
	Elevated quality of hires	<ul style="list-style-type: none"> • Perceived quality of candidates/hire, <i>i.e.</i>, experience, skills, education. • First offer accepted • Grade point averages • Educational levels 	<ul style="list-style-type: none"> • Attitude survey, focus groups, selecting official interviews. • Personnel office data. • Personnel office data. • Personnel office data.
e. Simplified Accelerated Processes: Name Request, Rule of Many, and List or Certificate of Eligibles..	Improved ease and timeliness of hiring process.	<ul style="list-style-type: none"> • Perceived flexibility in authority to hire. • Shortened timeline from initiation of action to firm offer letter/EOD. 	<ul style="list-style-type: none"> • Attitude survey. • Personnel office data.
	Improved recruitment of employees for AWF and direct support positions.	<ul style="list-style-type: none"> • Offer/acceptance ratios • Percent declinations • Timeliness of job offers 	<ul style="list-style-type: none"> • Personnel office data. • Personnel office data. • Personnel office data.
	Elevated quality of hires	<ul style="list-style-type: none"> • Perceived quality of candidates/hire, <i>i.e.</i>, experience, skills, education. • First offer accepted • Grade point averages • Educational levels 	<ul style="list-style-type: none"> • Attitude survey, focus groups, selecting official interviews. • Personnel office data. • Personnel office data. • Personnel office data.
	Reduced administrative workload/paperwork reduction.	<ul style="list-style-type: none"> • Actual efficiencies and perceived skills. 	<ul style="list-style-type: none"> • Personnel office data. • Personnel office data. • Personnel office data. • Attitude survey, focus groups.
f. Term Appointment Authority	Increased capability to expand and contract workforce.	<ul style="list-style-type: none"> • Number and length of appointments by type of position. • Number/percentage of conversions from modified term to permanent. 	<ul style="list-style-type: none"> • Workforce data. • Personnel office data. • Personnel office data.

6. STAFFING

a. Expanded Detail and Temporary Promotion to Higher Broadband Level.	Increased capability to expand and contract workforce.	<ul style="list-style-type: none"> • Number and length of details and temporary promotions by type of position. 	<ul style="list-style-type: none"> • Workforce data.
	Increased ability to provide extended developmental assignments.	<ul style="list-style-type: none"> • Number of recipients receiving permanent promotions. • Demographics of recipients • Number and length of details and temporary promotions by developmental assignment. • Demographics of recipients • Realized career growth 	<ul style="list-style-type: none"> • Personnel office data. • Personnel office data. • Workforce data. • Personnel office data. • Personnel office data. • Personnel office data.

Intervention	Expected effects	Measures	Data sources
b. Voluntary Emeritus Program	Encourages retirees to mentor junior professionals or serve as consultants.	<ul style="list-style-type: none"> • Frequency of use, length of assignment, type and level of position, hours/days worked, typical salary for position. • Cost savings by virtue of volunteer service. • Volunteer and management satisfaction. • Participation by non-AcqDemo participants. 	<ul style="list-style-type: none"> • Personnel office data. • Personnel office data. • Attitude survey, focus group, interviews.

7. EXPANDED DEVELOPMENT OPPORTUNITIES

a. Sabbaticals	<p>Expanded range of professional growth and development.</p> <p>Application of enhanced knowledge and skills to work product, contribution expectations.</p>	<ul style="list-style-type: none"> • Number and type of opportunities taken. • Demographics of participants ... • Increased employee career progression. • Employee and management satisfaction. • Employee and supervisor perceptions. 	<ul style="list-style-type: none"> • Workforce data. • Personnel office data. • Workforce data. • Personnel office data. • Attitude survey. <p>Focus groups, interviews, attitude survey.</p>
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8. COMBINATION OF ALL INTERVENTIONS

a. All	<p>Improved organizational effectiveness.</p> <p>Improved management of workforce.</p> <p>Improved planning</p> <p>Improved cross functional coordination.</p> <p>Increased product success</p> <p>Cost of demonstration project innovation.</p>	<p>Combination of personnel measures.</p> <p>Employee/Management job satisfaction (intrinsic/extrinsic).</p> <ul style="list-style-type: none"> • Planning procedures • Perceived effectiveness of planning procedures. <p>Actual/perceived coordination</p> <p>Customer satisfaction</p> <p>Project training/developmental costs (staff salaries, contract cost, training hours per employee).</p>	<p>All data sources.</p> <p>Attitude survey.</p> <ul style="list-style-type: none"> • Strategic planning documents. • Attitude survey. <p>Organizational charts.</p> <p>Customer satisfaction surveys.</p> <ul style="list-style-type: none"> • Demo Program Office records. • Contract documents.
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Appendix G
AcqDemo Sample Master Retention List (RIF Effective Date July 2017)
Competitive Area: Local Commuting Area; Fort Husky, Virginia; Supply Directorate;
Business Management and Technical Management Career Path (NH)

Employee	Career Path, Broadband Level, Series, and Title	Average Annual Rating of Record	Veterans' Preference	SCD-RIF	RIF Impact (Displacement) ¹⁵
Tenure Group I – 12 Months or More of Assessed Performance					
Brown, Maxine	NH-0801-IV, General Engineer	5.0	AD	17 Dec 1979	
White, Bryan ¹⁶	NH-1102-III, Contract Negotiator	5.0	A	3 Feb 1992	Position Abolished.
Brown, Samuel	NH-2003-III, Supply Prgm Mgr	4.5	B	3 Nov 1990	
Thomas, Franklin ¹⁷	NH-346-III, Logistics Mgt Spec	3.5	A	9 July 1995	Position Abolished.
Payne, Rosa	NH-2030-II, Distribution Fac Spec	3.5	B	27 Mar 2015	
Smith, Jonathan	NH-201-III, Pers Mgt Spec	3.0	B	12 Dec 2013	Displaced by F. Thomas on reassignment. Separated, no other position available.
Waters, Edward	NH-1102-II, Contract Specialist	2.0	AD	10 Jan 2010	
Tenure Group I – Less than 12 Months of Assessed Performance					
Gates, Lionel	NH-1102-II Contract Specialist	5.0	A	1 July 2016	
Builder, John	NH-2010-II, Inventory Mgt Spec	5.0	B	15 May 2016	
Sugg, Steven	NH-346-II, Logistics Mgt Spec	3.5	B	15 May 2016	
Chartruex, Thor ¹⁸	NH-1102-III, Contract Specialist	N/A	A	15 April 2012	
Worth, Jean	NH-201-IV, Pers Mgt Spec	N/A	A	1 March 2017	
Carper, Carlyle	NH-1102-III, Contract Specialist	N/A	B	1 Jan 2017	Displaced by B. White on reassignment. Qualifies for E. Ziegler position. Changed to Lower Broadband Level.
Tenure Group I – Current Unacceptable Rating of Record					
Rose, Abigail	NH-2030-II, Distribution Fac. Spec	1.5	A	7 Apr 2013	
Ziegler, Eric	NH-1102-II, Contract Specialist	1.0	B	15 Jun 2010	Ziegler separated. No other position available.
Tenure Group III – 12 Months or More of Assessed Performance					
Dante, Michele	NH-2003-II, Supply Prgm Mgr	3.5	AD	24 Aug 2013	
Jones, Rose	NH-2003-III, Supply Prgm Mgr	3.5	A	7 Dec 2014	
Tenure Group III – Less than 12 Months of Assessed Performance					
Franc, Lizette	NH-2001-III, Supply Spec	4.5	B	6 May 2016	

¹⁵ New Displacement: Employees with average performance appraisal scores of 2.0 to 5.0 compete in the same career path broadband level and one broadband level below in the same career path. No retreat rights. 30% compensable veteran competes two broadband levels below current level. Broadband level I employees compete within their broadband level. Employees with current unacceptable performance appraisals only compete with other employees having unacceptable performance appraisals. If a position encumbered by an employee with an unacceptable appraisal is the best offer for an employee with an appraisal above unacceptable, the employee with the higher retention standing may be offered the position regardless of the retention standing of the employee with an unacceptable appraisal.

¹⁶ Bryan White is only qualified for Contract Specialist positions.

¹⁷ Franklin Thomas is fully qualified for personnel management specialist positions.

¹⁸ Thor Chartruex is a reinstatement eligible with several years of prior service reflected in his SCD-RIF. Returned to federal service less than a year before RIF occurred and most recent performance appraisal was more than 4 years old.

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