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# Contents

Federal Register

Vol. 82, No. 135

Monday, July 17, 2017

## Agriculture Department

See Animal and Plant Health Inspection Service  
See Grain Inspection, Packers and Stockyards  
Administration

### PROPOSED RULES

Identifying Regulatory Reform Initiatives, 32649–32650

## Animal and Plant Health Inspection Service

### NOTICES

Environmental Assessments; Availability, etc.:  
Oral Rabies Vaccine Trial, 32676–32677

## Army Department

### NOTICES

Meetings:  
Army Education Advisory Subcommittee, 32688–32689

## Bureau of Consumer Financial Protection

### NOTICES

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals, 32686–32687

## Census Bureau

### NOTICES

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals:  
Annual Wholesale Trade Survey, 32677–32678

## Centers for Disease Control and Prevention

### NOTICES

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals, 32702–32707  
Fees for Sanitation Inspection of Cruise Ships, 32707–  
32708

## Centers for Medicare & Medicaid Services

### NOTICES

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals, 32708–32709

## Coast Guard

### RULES

Safety Zones:  
28th Annual Lake Erie Open Water Swim; Lake Erie,  
Cleveland, OH, 32632–32634  
Lake Michigan, Calumet Harbor, Chicago, IL, 32634–  
32636

## Commerce Department

See Census Bureau  
See International Trade Administration  
See National Oceanic and Atmospheric Administration

## Community Living Administration

### NOTICES

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals:  
State Grants for Assistive Technology Program Annual  
Progress Report, 32710–32711

## Court Services and Offender Supervision Agency for the District of Columbia

### NOTICES

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals:  
Generic Clearance for the Collection of Qualitative  
Feedback on Agency Service Delivery, 32687–32688

## Defense Department

See Army Department

## Education Department

### NOTICES

Final Waiver and Extension of the Project Period for the  
Native Hawaiian Career and Technical Education  
Program, 32689–32690

## Energy Department

See Federal Energy Regulatory Commission

## Environmental Protection Agency

### RULES

Address and Agency Name Changes for Region 4 State and  
Local Agencies; Technical Correction, 32644–32646  
Air Quality State Implementation Plans; Approvals and  
Promulgations:  
Maryland; Removal of Clean Air Interstate Rule Program  
Regulations and Reference to, and Amendments to  
Continuous Emission Monitor Reference, 32641–  
32644  
National Oil and Hazardous Substances Pollution  
Contingency Plan; National Priorities List:  
Partial Deletion of the Ellisville Superfund Site, 32646–  
32648

### PROPOSED RULES

Air Quality State Implementation Plans; Approvals and  
Promulgations:  
KY; Revisions to Ambient Air Quality Standards, 32671–  
32673  
Minnesota; 2008 Ozone Transport, 32673–32675  
Minnesota; State Board Requirements, 32669–32671

### NOTICES

Public Water System Supervision Program; Revisions:  
North Dakota, 32698–32699  
Public Water System Supervision Programs; Program  
Requirement Revisions:  
Connecticut, Massachusetts, New Hampshire, Rhode  
Island, and Vermont, 32699–32700

## Federal Aviation Administration

### RULES

Airworthiness Directives:  
Airbus Airplanes, 32622–32626  
Bombardier, Inc., Airplanes, 32620–32622  
International Aero Engines AG Turbofan Engines, 32626–  
32629  
The Boeing Company Airplanes, 32629–32632  
Special Conditions:  
Pilatus Aircraft Ltd., PC–24, Autothrust System, 32618–  
32620  
Pilatus Aircraft Ltd., PC–24; Electronic Engine Control,  
32616–32618

Pilatus Aircraft Ltd., PC-24; Pressure Defuel System, 32614–32616

#### PROPOSED RULES

Airworthiness Directives:

Airbus Airplanes, 32650–32651  
Bombardier, Inc., Airplanes, 32652–32654  
Embraer S.A. Airplanes, 32658–32661  
Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Airplanes, 32654–32658

#### NOTICES

Exemption Petitions; Summaries, 32749–32750  
Recommendations for Facilities Realignments to Support Transition to NextGen as part of Section 804 of the FAA Modernization and Reform Act of 2012—Part 3, 32750–32751

#### Federal Communications Commission

##### NOTICES

Tools Available to Displaced Low Power Television and TV Translator Stations, 32700–32701

#### Federal Energy Regulatory Commission

##### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32695–32697  
Combined Filings, 32691–32694, 32697–32698  
Declaratory Orders; Petitions:  
Nogales Transmission, L.L.C., Nogales Frontier Operations, L.L.C., 32694–32695  
Institution of Section 206 Proceedings:  
City of Dover, 32693  
Records Governing Off-the-Record Communications, 32691–32692

#### Federal Highway Administration

##### NOTICES

Federal Agency Actions:  
California Proposed Highway, 32751–32752  
Meetings:  
Emergency Route Working Group, 32752

#### Federal Mediation and Conciliation Service

##### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32701

#### Federal Retirement Thrift Investment Board

##### NOTICES

Meetings; Sunshine Act, 32701

#### Fish and Wildlife Service

##### NOTICES

Incidental Take Permits; Applications:  
Low-Effect Habitat Conservation Plan for the Laguna County Sanitation District, Santa Barbara County, CA, 32719–32720

#### Grain Inspection, Packers and Stockyards Administration

##### NOTICES

United States Standards:  
Lentils; Correction, 32677

#### Health and Human Services Department

See Centers for Disease Control and Prevention  
See Centers for Medicare & Medicaid Services  
See Community Living Administration  
See National Institutes of Health

#### NOTICES

Requests for Nominations:  
Tick-Borne Disease Working Group, 32711–32712

#### Homeland Security Department

See Coast Guard  
See U.S. Customs and Border Protection

##### RULES

Privacy Act; Exemptions:  
Department of Homeland Security/United States Coast Guard—029 Notice of Arrival and Departure System of Records, 32613–32614

##### NOTICES

Privacy Act; Systems of Records, 32715–32719

#### Indian Affairs Bureau

##### NOTICES

Indian Gaming:  
Tribal-State Class III Gaming Compact in the State of Arizona, 32720

#### Interior Department

See Fish and Wildlife Service  
See Indian Affairs Bureau

#### International Trade Administration

##### NOTICES

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:  
Certain Oil Country Tubular Goods from Ukraine, 32681–32682  
Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China, 32678–32681  
Gray Portland Cement and Cement Clinker from Japan, 32682–32683  
Determinations of Sales at Less Than Fair Value:  
Certain Hardwood Plywood Products from the People's Republic of China, 32683–32684

#### Justice Department

##### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
FBI National Academy: End-of-Session Student Course Questionnaire; FBI National Academy—General Remarks Questionnaire, 32721  
FBI National Academy: End-of-Session Student Course Questionnaire and General Remarks Questionnaire, 32721–32722  
Law Enforcement Officers Killed and Assaulted Program—Analysis of Officers Feloniously Killed and Assaulted; Law Enforcement Officers Killed and Assaulted Program—Analysis of Officers Accidentally Killed, 32722–32723  
Supplementary Homicide Report, 32723–32724

#### Maritime Administration

##### NOTICES

Requests for Administrative Waivers of the Coastwise Trade Laws:  
Vessel AMELIA, 32755–32756  
Vessel CORPSE POUNDER, 32754  
Vessel GOLD COAST, 32754–32755  
Vessel GONE FISHIN, 32756  
Vessel INSPIRATION 2, 32752–32753  
Vessel INVICTUS, 32756–32757  
Vessel LOST AT LAST, 32753

Vessel STARLIGHT, 32753–32754

### National Highway Traffic Safety Administration

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32757–32759

### National Institutes of Health

#### NOTICES

Exclusive Patent Licenses:

Development, Commercial Application and Use of Fulvestrant in Combination Therapy for the Treatment of Cancers, 32712–32713

Government-Owned Inventions; Availability for Licensing, 32713–32714

Meetings:

Center for Scientific Review, 32714–32715

National Institute of Allergy and Infectious Diseases, 32712, 32714

National Institute of Diabetes and Digestive and Kidney Diseases, 32715

National Institute on Drug Abuse, 32713

### National Oceanic and Atmospheric Administration

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Scientific Research, Exempted Fishing, and Exempted Activity Submissions, 32685–32686

Atlantic Highly Migratory Species:

Atlantic Bluefin Tuna Fisheries, 32684–32685

### National Science Foundation

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32724–32727

### Postal Regulatory Commission

#### RULES

Competitive Product List, 32636–32641

#### NOTICES

New Postal Products, 32727

### Postal Service

#### NOTICES

Product Changes:

Priority Mail Negotiated Service Agreement, 32727–32728

### Securities and Exchange Commission

#### NOTICES

Self-Regulatory Organizations; Proposed Rule Changes:

Chicago Board Options Exchange, Inc., 32739–32741

Financial Industry Regulatory Authority, Inc., 32728

Miami International Securities Exchange, LLC, 32743–32745

MIAX PEARL, LLC, 32737–32739

NASDAQ PHLX LLC, 32728–32731, 32741–32743

NASDAQ Stock Market LLC, 32731–32737

NYSE MKT LLC, 32745–32749

### Small Business Administration

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32749

### Surface Transportation Board

#### NOTICES

Release of Waybill Data, 32749

### Transportation Department

See Federal Aviation Administration

See Federal Highway Administration

See Maritime Administration

See National Highway Traffic Safety Administration

### Treasury Department

#### PROPOSED RULES

Procedures to Adjust Customs COBRA User Fees to Reflect Inflation, 32661–32669

### U.S. Customs and Border Protection

#### PROPOSED RULES

Port Limits; Extensions:

Savannah, GA; Correction, 32669

Procedures to Adjust Customs COBRA User Fees to Reflect Inflation, 32661–32669

### Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

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**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**6 CFR**

5.....32613

**7 CFR****Proposed Rules:**

Subtitles A .....32649

Subtitles B .....32649

**9 CFR****Proposed Rules:**

Ch. I.....32649

Ch. II.....32649

Ch. III.....32649

**14 CFR**

23 (3 documents) .....32614,

32616, 32618

39 (4 documents) .....32620,

32622, 32626, 32629

**Proposed Rules:**

39 (5 documents) .....32650,

32652, 32654, 32656, 32658

**19 CFR****Proposed Rules:**

24.....32661

101.....32669

111.....32661

**33 CFR**

165 (2 documents) .....32632,

32634

**39 CFR**

3020.....32636

**40 CFR**

52 (2 documents) .....32641,

32644

60.....32644

61.....32644

300.....32646

**Proposed Rules:**

52 (3 documents) .....32669,

32671, 32673

# Rules and Regulations

Federal Register

Vol. 82, No. 135

Monday, July 17, 2017

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

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

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

#### 6 CFR Part 5

[Docket No. DHS–2016–0044]

### Privacy Act of 1974: Implementation of Exemptions; Department of Homeland Security/United States Coast Guard–029 Notice of Arrival and Departure System of Records

**AGENCY:** Privacy Office, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Department of Homeland Security (DHS) is issuing a final rule to extend the exemptions from certain provisions of the Privacy Act to the updated and reissued system of records titled “Department of Homeland Security/United States Coast Guard–029 Notice of Arrival and Departure System of Records.”

**DATES:** This final rule is effective July 17, 2017.

**FOR FURTHER INFORMATION CONTACT:** For general questions, please contact: Marilyn Scott-Perez, (202) 475–3515, Privacy Officer, Commandant (CG–61), United States Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Mail Stop 7710, Washington, DC 20593. For privacy questions, please contact: Jonathan R. Cantor, (202) 343–1717, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

#### SUPPLEMENTARY INFORMATION:

#### Background

The Department of Homeland Security (DHS) and the United States Coast Guard (USCG) are updating applicable regulations to exempt portions of a system of records from certain provisions of the Privacy Act. Specifically, this rule exempts portions of the “DHS/USCG–029 Notice of Arrival and Departure System of

Records” from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements, pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). Furthermore, to the extent certain categories of records are ingested from other systems, the exemptions applicable to the source systems will remain in effect.

Concurrent with this document, DHS/USCG is updating and reissuing a system of records notice titled “DHS/USCG–029 Notice of Arrival and Departure (NOAD) Systems of Records.” The collection and maintenance of this information assists DHS/USCG in meeting its statutory obligation to assign priorities while conducting maritime safety and security missions in accordance with U.S. regulations.

#### Privacy Act

DHS is claiming exemptions from certain requirements of the Privacy Act for DHS/USCG–029 Notice of Arrival and Departure System of Records. Some information may be used to support DHS national security or law enforcement activities. These exemptions are needed to protect information relating to DHS activities from disclosure to subjects or others related to these activities. Specifically, the exemptions are required to protect information relating to DHS/USCG law enforcement investigations from disclosure to subjects of investigations and others who could interfere with investigatory and law enforcement activities. The exemptions are required to preclude subjects of these activities from frustrating the investigative process; to avoid disclosure of investigative techniques; to protect the identities and physical safety of confidential informants and of law enforcement personnel; to ensure DHS’s and other federal agencies’ ability to obtain information from third parties and other sources; to protect the privacy of third parties; and to safeguard sensitive information. The exemptions also preclude the subject from using the information to avoid detection or apprehension.

In appropriate circumstances, when compliance would not appear to interfere with or adversely affect the law enforcement purposes of this system, and the overall law enforcement process, the applicable exemptions may be waived on a case by case basis.

DHS will not assert any exemption with respect to information maintained in the system that is collected from a person at the time of arrival or departure, if that person, or his or her agent, seeks access or amendment of such information. The DHS/USCG–029 Notice of Arrival and Departure System of Records Notice is also published in this issue of the **Federal Register**.

#### Public Comments

DHS received one comment on the NPRM (80 FR 74018, Nov. 27, 2015) and one comment on the SORN (80 FR 74116, Nov. 27, 2015). The commenter expressed concern that DHS will exempt this database, which contains detailed, sensitive personal information, from the Privacy Act’s well-established safeguards, specifically the ability for individuals to access and amend their information to ensure accurate and reliable data is maintained and used in Government databases. DHS disagrees. First, this system is not exempt from the access and amendment provisions of the Privacy Act, thereby permitting individuals the ability to seek access and correction to data that is inaccurate. Second, this system collects and retains only information necessary to permit screening of personnel and vessels entering the United States. Third, these exemptions are narrowly tailored for use only when necessary to protect the enforcement of criminal laws or when part of investigatory material compiled for law enforcement purposes. Fourth, and finally, this narrower Final Rule replaces a previous broader Final Rule for this system (74 FR 45086, Aug. 31, 2009) that had originally exempted this system from numerous subsections of the Privacy Act, including the access and amendment provisions of subsection (d). Thus, DHS has in fact gone to great lengths to ensure and protect the Privacy Act’s safeguards.

The commenter also noted that DHS’s proposal for broad exemptions for this system contravenes the intent of the Privacy Act by creating a large database of personal information with no accountability. DHS disagrees. This system collects and retains only information necessary to permit screening of personnel and vessels entering the United States. As a matter of general policy, DHS will not apply these exemptions unless disclosure to the subject individual could reveal

investigative interest on the part of DHS as well as the recipient agency and present an impediment to law enforcement efforts and/or efforts to preserve national security. This Final Rule replaces a previous Final Rule that was broader and permitted to DHS to exempt this system from more subsections of the Privacy Act's requirements.

The commenter also noted that when an investigation is complete or has been made public, the information should no longer be exempt from the Privacy Act; individuals have a right to know about disclosures of their personal information held by the agency. DHS concurs in part with the comment and has adjusted the Final Rule and SORN accordingly. When an investigation is complete, the agency will make a case-by-case determination whether providing an accounting of disclosures would undermine the investigative process and present an impediment to law enforcement efforts and/or efforts to preserve national security. There may be circumstances in which information will continue to be exempted if the fact that an investigation occurred remains sensitive after completion. Nonetheless, excluding accounting of disclosures, individuals have the ability to request and be granted both access to and amendment of, if legally authorized, categories of records from this system contained on them pursuant to subsection (d) of the Privacy Act.

Except as noted above, the Department will implement the rulemaking as proposed.

**List of Subjects in 6 CFR Part 5**

Freedom of information, Privacy.

For the reasons stated in the preamble, DHS amends chapter I of title 6, Code of Federal Regulations, as follows:

**PART 5—DISCLOSURE OF RECORDS AND INFORMATION**

■ 1. Revise the authority citation for part 5 to read as follows:

**Authority:** 5 U.S.C. 552; 5 U.S.C. 552a; 5 U.S.C. 301; 6 U.S.C. 101 *et seq.*; E.O. 13392, 70 FR 75373, 3 CFR, 2005 Comp., p. 216.

■ 2. In appendix C to part 5, revise paragraph 34 to read as follows:

**Appendix C to Part 5—DHS Systems of Records Exempt From the Privacy Act**

\* \* \* \* \*

34. The DHS/USCG–029 Notice of Arrival and Departure System of Records consists of electronic and paper records and will be used by DHS and its components. The DHS/USCG–029 Notice of Arrival and Departure System of Records is a repository of

information held by DHS in connection with its several and varied missions and functions, including, but not limited to the enforcement of civil and criminal laws; investigations, inquiries, and proceedings there under. The DHS/USCG–029 Notice of Arrival and Departure System of Records contains information that is collected by, on behalf of, in support of, or in cooperation with DHS and its components and may contain personally identifiable information collected by other federal, state, local, tribal, foreign, or international government agencies.

The Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(j)(2), exempted this system from the following provisions of the Privacy Act: Sections (c)(3), (e)(8), and (g) of the Privacy Act of 1974, as amended, as is necessary and appropriate to protect this information. Further, DHS has exempted section (c)(3) of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(k)(2), as is necessary and appropriate to protect this information.

Exemptions from these particular subsections are justified, on a case-by-case basis to be determined at the time a request is made, for the following reasons:

(a) From subsection (c)(3) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS as well as the recipient agency. Disclosure of the accounting would therefore present a serious impediment to law enforcement efforts and/or efforts to preserve national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension, which would undermine the entire investigative process. When an investigation has been completed, information on disclosures made may continue to be exempted if the fact that an investigation occurred remains sensitive after completion.

(b) From subsection (e)(8) (Notice on Individuals) because compliance would interfere with DHS's ability to obtain, serve, and issue subpoenas, warrants, and other law enforcement mechanisms that may be filed under seal and could result in disclosure of investigative techniques, procedures, and evidence.

(c) From subsection (g)(1) (Civil Remedies) to the extent that the system is exempt from other specific subsections of the Privacy Act.

\* \* \* \* \*

Dated: July 10, 2017.

**Jonathan R. Cantor,**  
*Acting Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. 2017–14845 Filed 7–14–17; 8:45 am]

**BILLING CODE 9110–10–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 23**

[Docket No. FAA–2017–0704; Special Conditions No. 23–284–SC]

**Special Conditions: Pilatus Aircraft Ltd., PC–24; Pressure Defuel System**

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

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Pilatus Aircraft Ltd. model PC–24 airplane. This airplane will have a novel or unusual design feature associated with installation of a pressure fueling system with defuel capability. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** These special conditions are effective July 17, 2017, and are applicable July 6, 2017.

**ADDRESSES:** Send comments identified by docket number FAA–2017–0704 using any of the following methods:

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

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

□ *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

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

*Privacy:* The FAA will post all comments it receives, without change, to <http://regulations.gov>, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be



found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at <http://DocketsInfo.dot.gov>.

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

**FOR FURTHER INFORMATION CONTACT:** Jeff Pretz, ACE–111, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 901 Locust Street, Kansas City, MO 64106; telephone (816) 329–3239; facsimile (816) 329–4090.

**SUPPLEMENTARY INFORMATION:** The FAA has determined, in accordance with 5 U.S.C. 553(b)(3)(B) and 553(d)(3), that notice and opportunity for prior public comment hereon are unnecessary because the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Special condition number <sup>2</sup>	Company/airplane model
23–98–03–SC ...	Raytheon Aircraft Company/Model 3000.
23–110–SC .....	Ayers Corporation/Model LM200.
23–234–SC .....	Cessna Aircraft Company/Model 525C.

### Comments Invited

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

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

### Background

On July 9, 2012, Pilatus Aircraft Ltd. applied for a type certificate for their new PC–24 airplane. The PC–24 is an

aluminum pressurized low-wing business jet with a T-tail configuration and retractable undercarriage designed to meet the commuter category requirements of part 23. Two Williams International FJ44–4A Turbofan engines rated at 3,400 pounds (lbs.) of take-off thrust, situated in nacelles on each side of the rear fuselage power the PC–24. The PC–24 will have a Maximum Take-off Weight (MTOW) of 17,200 pounds (7,802 kilograms). It has a maximum seating capacity of up to ten passengers and one pilot or two pilots. The airplane will be certificated for day and night Visual Flight Rules, Instrument Flight Rules, and flight into known icing.

The PC–24 is equipped with a pressure refuel/defuel system. The applicable regulations do not include requirements for the pressure-defueling portion of the system.

### Type Certification Basis

Under the provisions of 14 CFR 21.17, Pilatus Aircraft Ltd. must show that the PC–24 meets the applicable provisions of 14 CFR part 23, as amended by amendments 23–1 through 23–62 thereto.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 23) do not contain adequate or appropriate safety standards for the PC–24 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the PC–24 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34, the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy pursuant to section 611 of Public Law 92–574, the “Noise Control Act of 1972.”

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

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

### Novel or Unusual Design Features

The PC–24 will incorporate the following novel or unusual design features:

Pressure Fueling System with Defuel Capability

### Discussion

As discussed in the “Background” section, the PC–24 will incorporate a pressure refuel/defuel system. The defueling capability is considered a novel design for this type of airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. Mandating additional requirements by adopting 14 CFR 25.979(e)—which is the part 25 pressure defuel requirement—mitigates the concern associated with installation of a pressure defueling system.

### Applicability

As discussed above, these special conditions are applicable to the PC–24. Should Pilatus Aircraft Ltd. apply at a later date for a change to the type certificate to include another model on the same type certificate incorporating the same novel or unusual design feature, the FAA would apply these special conditions to that model as well.

### Conclusion

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

The substance of these special conditions has been subjected to the notice and comments period in several prior instances—identified above—and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, notice and opportunity for prior public comments hereon are unnecessary and the FAA finds good cause, in accordance with 5 U.S.C. 553(b)(3)(B) and 553(d)(3), making these special conditions effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

### List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

### Citation

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40113 and 44701; 14 CFR 21.16; and 14 CFR 11.38 and 11.19.

<sup>2</sup> See <http://rgl.faa.gov/> to review the listed special conditions.

**The Special Conditions**

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Pilatus Aircraft Ltd. PC-24 airplanes.

**1. Pressure Fueling System**

For pressure fueling systems, in addition to § 23.979, the following applies:

The airplane defueling system—including fuel tanks and fuel tank vents—must withstand an ultimate load that is 2.0 times the load arising from the maximum permissible defueling pressure—positive or negative—at the airplane fueling connection.

Issued in Kansas City, Missouri, on July 6, 2017.

**Kelly Broadway,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017-14937 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 23**

[Docket No. FAA-2017-0702; Special Conditions No. 23-282-SC]

**Special Conditions: Pilatus Aircraft Ltd., PC-24; Electronic Engine Control (EEC)**

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

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Pilatus Aircraft Ltd. PC-24 airplane. This airplane will have a novel or unusual design features associated with installation of an electronic engine control. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** These special conditions are effective July 17, 2017 and are applicable beginning July 6, 2017.

**ADDRESSES:** Send comments identified by docket number FAA-2017-0702 using any of the following methods:

□ *Federal eRegulations Portal:* Go to <http://www.regulations.gov> and follow

the online instructions for sending your comments electronically.

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

□ *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

□ *Fax:* Fax comments to Docket Operations at 202-493-2251.

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

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

**FOR FURTHER INFORMATION CONTACT:** Jeff Pretz, ACE-111, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 901 Locust Street, Kansas City, MO 64106; telephone (816) 329-3239; facsimile (816) 329-4090.

**SUPPLEMENTARY INFORMATION:** The FAA has determined, in accordance with 5 U.S.C. 553(b)(3)(B) and 553(d)(3), that notice and opportunity for prior public comment hereon are unnecessary because the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds good cause exists for making these special conditions effective upon issuance.

Special condition No. <sup>2</sup>	Company/airplane model
23-264-SC .....	Honda Aircraft Company/ Model HA-420.

Special condition No. <sup>2</sup>	Company/airplane model
23-267-SC .....	Cirrus Design Corporation/ Model SF50.
23-268-SC .....	Korean Aircraft Industries/ Model K-100.

**Comments Invited**

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

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

**Background**

On July 9th 2012, Pilatus Aircraft Ltd. applied for a type certificate for their new PC-24 airplane. The PC-24 is an aluminum pressurized low-wing business jet with a T-tail configuration and retractable undercarriage designed to meet the commuter category requirements of part 23. Two Williams International FJ44-4A Turbofan engines rated at 3,400 pounds (lbs.) of take-off thrust, situated in nacelles on each side of the rear fuselage power the PC-24. The PC-24 will have a Maximum Take-off Weight (MTOW) of 17,200 pounds (7,802 kilograms). It has a maximum seating capacity of up to ten passengers and one or two pilots. The airplane will be certificated for day and night Visual Flight Rules and Instrument Flight Rules and approval for flight into known icing.

The PC-24 airplane's two Williams International FJ44-4A turbofan engines each use an electronic engine control system (EEC)—commonly referred to as a Full Authority Digital Engine Control (FADEC)—instead of a traditional mechanical control system. Even though the engine control system will be certificated as part of the engine, the installation of an engine with an electronic control system requires evaluation due to critical environmental effects and possible effects on or by other airplane systems. Examples of critical environmental effects include—

- Indirect effects of lightning;
- Radio interference with other airplane electronic systems; and

<sup>2</sup> See <http://rgl.faa.gov/> to view the listed special conditions.

- Shared engine, airplane data, and power sources.

The regulatory requirements in part 23 for evaluating the installation of complex systems—including electronic systems and critical environmental effects—are contained in §§ 23.1306, 23.1308, and 23.1309. However, when § 23.1309 was published, the use of electronic control systems for engines was not envisioned. The integral nature of these systems makes it necessary to properly evaluate the airplane functions included in the EEC and ensure the installation does not degrade the EEC reliability, both of which are approved under 14 CFR part 33. Sections 23.1306(a) and 23.1308(a) apply to the EEC to ensure it remains equivalent to a mechanical system, which is not generally susceptible to the HIRF and lightning environments.

In some cases, the airplane—in which the engine is being installed—will determine a higher classification than the engine controls are certificated for; requiring the EEC systems be analyzed at a higher classification. As of November 2005, EEC special conditions mandated the § 23.1309 classification for loss of EEC control as catastrophic for any airplane. This is not to imply an engine failure is classified as catastrophic, but that the EEC must provide an equivalent reliability to mechanical engine controls. In addition, §§ 23.1141(e) and 25.901(b)(2) are applied to provide the fault tolerant design requirements of turbine engine mechanical controls to the EEC and ensure adequate EEC inspection and maintenance intervals.

#### Type Certification Basis

Under the provisions of 14 CFR 21.17, Pilatus Aircraft Ltd., must show that the PC-24 meets the applicable provisions of part 23, as amended by amendments 23-1 through 23-62 thereto.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 23) do not contain adequate or appropriate safety standards for the PC-24 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the PC-24 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34, the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy pursuant to section 611 of Public Law 92-574, the “Noise Control Act of 1972.”

The FAA issues special conditions, as defined in § 11.19, under § 11.38 and

they become part of the type certification basis under § 21.17(a)(2).

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

#### Novel or Unusual Design Features

The PC-24 will incorporate the following novel or unusual design features:

Electronic Engine Control System.

#### Discussion

As discussed in the “Background” section, the PC-24 will use an EEC system instead of a traditional mechanical control system, which is a novel design for this type of airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. Mandating a structured assessment to determine potential installation issues mitigates the concerns that the addition of an electronic engine control may produce failure conditions not previously considered.

#### Applicability

As discussed above, these special conditions are applicable to the PC-24. Should Pilatus Aircraft Ltd. apply at a later date for a change to the type certificate to include another model on the same type certificate incorporating the same novel or unusual design feature, the FAA would apply these special conditions to that model as well.

#### Conclusion

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

The substance of these special conditions has been subjected to the notice and comments period in several prior instances—identified above—and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, notice and opportunity for prior public comments hereon are unnecessary and the FAA finds good cause, in accordance with 5 U.S.C. 553(b)(3)(B) and 553(d)(3), making these special conditions effective upon

issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

#### List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

#### Citation

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40113 and 44701; 14 CFR 21.16 and 21.17; and 14 CFR 11.38 and 11.19.

#### The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Pilatus Aircraft Ltd. PC-24 airplanes.

##### 1. Electronic Engine Control.

(a) For electronic engine control system installations, it must be established that no single failure or malfunction or probable combinations of failures of EEC system components will have an effect on the system—as installed in the airplane—that causes the loss-of-thrust-control (LOTC) probability of the system to exceed those allowed in part 33 certification.

(b) Electronic engine control system installations must be evaluated for environmental and atmospheric conditions, including lightning. The EEC system lightning and HIRF effects that result in LOTC should be considered catastrophic.

(c) The components of the installation must be constructed, arranged, and installed to ensure their continued safe operation between normal inspections or overhauls.

(d) Functions incorporated into any electronic engine control that make it part of any equipment, system, or installation whose functions are beyond that of basic engine control, and which may also introduce system failures and malfunctions, are not exempt from § 23.1309 and must be shown to meet part 23 levels of safety as derived from § 23.1309. Part 33 certification data—if applicable—may be used to show compliance with any part 23 requirements. If part 33 data is to be used to substantiate compliance with part 23 requirements, then the applicant must provide this data to show compliance.

**Note:** The term “probable” in the context of “probable combination of failures” does not have the same meaning as in AC 23.1309-1E, “System Safety Analysis and

Assessment for Part 23 Airplanes.” The term “probable” in “probable combination of failures” means “foreseeable,” or—in AC 23.1309–1E terms—“not extremely improbable.”

Issued in Kansas City, Missouri on July 6, 2017.

**Kelly Broadway,**

*Acting Manager, Small Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 2017–14936 Filed 7–14–17; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 23

[Docket No. FAA–2017–0703; Special Conditions No. 23–283–SC]

#### Special Conditions: Pilatus Aircraft Ltd., PC–24, Autothrust System

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

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Pilatus Aircraft Ltd. PC–24 airplane. This airplane will have a novel or unusual design feature associated with installation of an autothrust system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** These special conditions are effective July 17, 2017, and are applicable July 6, 2017.

**ADDRESSES:** Send comments identified by docket number FAA–2017–0703 using any of the following methods:  
 *Federal eRegulations Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

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

*Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

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

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

**Docket:** Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.  
**FOR FURTHER INFORMATION CONTACT:** Jeff Pretz, ACE–111, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 901 Locust Street, Kansas City, MO 64106; telephone (816) 329–3239; facsimile (816) 329–4090.

**SUPPLEMENTARY INFORMATION:** The FAA has determined, in accordance with 5 U.S.C. 553(b)(3)(B) and 553(d)(3), that notice and opportunity for prior public comment hereon are unnecessary because the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Special condition No. <sup>2</sup>	Company/airplane model
23–264–SC .....	Honda Aircraft Company/ Model HA–420.
23–272–SC .....	Cirrus Design Corporation/ Model SF50.
23–281–SC .....	Innovative Solutions and Support Inc./Pilatus Aircraft Ltd., PC–12 Models.

#### Comments Invited

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

<sup>2</sup> See <http://rgl.faa.gov/> to review the listed special conditions.

recommended change, and include supporting data. We ask that you send us two copies of written comments.

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

#### Background

On July 9, 2012, Pilatus Aircraft Ltd. applied for a type certificate for their new PC–24 airplane. The PC–24 is an aluminum pressurized low-wing business jet with a T-tail configuration and retractable undercarriage designed to meet the commuter category requirements of part 23. Two Williams International FJ44–4A turbofan engines rated at 3,400 pounds (lbs.) of take-off thrust, situated in nacelles on each side of the rear fuselage power the PC–24. The PC–24 will have a Maximum Take-off Weight (MTOW) of 17,200 pounds (7,802 kilograms). It has a maximum seating capacity of up to ten passengers and one or two pilots. The airplane will be certificated for day and night Visual Flight Rules, Instrument Flight Rules and flight into known icing.

The PC–24 is equipped with an autothrust system—also referred to as an autothrottle system. The autothrust system is useable in all phases of flight from takeoff to decision height on approach. The system includes speed and thrust modes along with monitors to prevent the system from exceeding engine or airspeed limits. A servo provides throttle movement, which is part of each throttle quadrant assembly. The servo(s) can be overridden by pilot force or disconnected using the autothrottle quick disconnect switch on either thrust control lever, the autopilot quick disconnect switch on the yoke, or the autothrottle control switch on the flight guidance panel.

#### Type Certification Basis

Under the provisions of 14 CFR 21.17, Pilatus Aircraft Ltd. must show the PC–24 meets the applicable provisions of part 23, as amended by amendments 23–1 through 23–62 thereto.

If the Administrator finds the applicable airworthiness regulations (*i.e.*, 14 CFR part 23) do not contain adequate or appropriate safety standards for the PC–24 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the PC–24 must comply with the fuel vent and exhaust emission

requirements of 14 CFR part 34, the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy pursuant to section 611 of Public Law 92-574, the "Noise Control Act of 1972."

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

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

### Novel or Unusual Design Features

The PC-24 will incorporate the following novel or unusual design features:

Autothrust System

### Discussion

As discussed in the "Background" section, the PC-24 will incorporate an autothrust system, which is considered a novel design for this type of airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. Mandating additional requirements—developed in part by adapting the relevant portions 14 CFR 25.1329 (automatic pilot systems) applicable to the autothrust system—along with FAA experience with similar autothrust systems. This additional requirement mitigates the concerns associated with installation of the autothrust system.

### Applicability

As discussed above, these special conditions are applicable to the PC-24. Should Pilatus Aircraft Ltd. apply at a later date for a change to the type certificate to include another model on the same type certificate incorporating the same novel or unusual design feature, the FAA would apply these special conditions to that model as well.

### Conclusion

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

The substance of these special conditions has been subjected to the notice and comments period in several prior instances—identified above—and has been derived without substantive

change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, notice and opportunity for prior public comments hereon are unnecessary and the FAA finds good cause, in accordance with 5 U.S.C. 553(b)(3)(B) and 553(d)(3), making these special conditions effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

### List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

### Citation

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40113 and 44701; 14 CFR 21.16 and 21.17; and 14 CFR 11.38 and 11.19.

### The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Pilatus Aircraft Ltd. PC-24 airplanes.

#### 1. Autothrust System.

For autothrust systems, in addition to the requirements of §§ 23.143, 23.1309, and 23.1329 the following apply:

(a) Quick disengagement controls for the autothrust function must be provided for each pilot. The autothrust quick disengagement controls must be located on the thrust control levers. Quick disengagement controls must be readily accessible to each pilot while operating the thrust control levers.

(b) The effects of a failure of the system to disengage the autothrust function when manually commanded by the pilot must be assessed in accordance with the requirements of § 23.1309.

(c) Engagement or switching of the flight guidance system, a mode or a sensor may not cause the auto thrust system to affect a transient response that alters the airplane's flight path any greater than a minor transient, as defined in paragraph (l)(1) of this special condition.

(d) Under normal conditions, the disengagement of any automatic control function of a flight guidance system may not cause a transient response of the airplane's flight path any greater than a minor transient.

(e) Under rare normal and non-normal conditions, disengagement of any automatic control function of a flight

guidance system may not result in a transient any greater than a significant transient, as defined in paragraph (l)(2) of this special condition.

(f) The function and direction of motion of each command reference control, such as heading select or vertical speed, must be plainly indicated on—or adjacent to—each control if necessary to prevent inappropriate use or confusion.

(g) Under any condition of flight appropriate to its use, the flight guidance system may not produce hazardous loads on the airplane, nor create hazardous deviations in the flight path. This applies to both fault-free operation and in the event of a malfunction and assumes that the pilot begins corrective action within a reasonable period of time.

(h) When the flight guidance system is in use, a means must be provided to avoid excursions beyond an acceptable margin from the speed range of the normal flight envelope. If the airplane experiences an excursion outside this range, a means must be provided to prevent the flight guidance system from providing guidance or control to an unsafe speed.

(i) The flight guidance system functions, controls, indications, and alerts must be designed to minimize flightcrew errors and confusion concerning the behavior and operation of the flight guidance system. Means must be provided to indicate the current mode of operation, including any armed modes, transitions, and reversions. Selector switch position is not an acceptable means of indication. The controls and indications must be grouped and presented in a logical and consistent manner. The indications must be visible to each pilot under all expected lighting conditions.

(j) Following disengagement of the autothrust function, a caution—visual and auditory—must be provided to each pilot.

(k) During autothrust operation, it must be possible for the flightcrew to move the thrust levers without requiring excessive force. The autothrust may not create a potential hazard when the flightcrew applies an override force to the thrust levers.

(l) For purposes of this section, a transient is a disturbance in the control or flight path of the airplane that is not consistent with response to flightcrew inputs or environmental conditions.

(1) A minor transient would not significantly reduce safety margins and would involve flightcrew actions that are well within their capabilities. A minor transient may involve a slight increase in flightcrew workload or some

physical discomfort to passengers or cabin crew.

(2) A significant transient may lead to a significant reduction in safety margins, an increase in flightcrew workload, discomfort to the flightcrew, or physical distress to the passengers or cabin crew, possibly including non-fatal injuries. Significant transients do not require—in order to remain within or recover to the normal flight envelope—any of the following:

- (i) Exceptional piloting skill, alertness, or strength.
- (ii) Forces applied by the pilot which are greater than those specified in § 23.143(c).
- (iii) Accelerations or attitudes in the airplane that might result in further hazard to secured or non-secured occupants.

Issued in Kansas City, Missouri, on July 6, 2017.

**Kelly Broadway,**

*Acting Manager, Small Airplane Directorate Aircraft Certification Service.*

[FR Doc. 2017-14938 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2017-0696; Directorate Identifier 2017-NM-070-AD; Amendment 39-18960; AD 2017-14-16]

RIN 2120-AA64

#### Airworthiness Directives; Bombardier, Inc., Airplanes

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

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

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD-100-1A10 airplanes. This AD requires removing the fasteners attaching the machined center fitting to the rear spar frame lower flange splice, inspecting the fasteners and fastener holes for damage, reworking and repairing the fastener holes, as applicable, and replacing the fasteners. This AD was prompted by a report indicating that certain fasteners attaching the machined rear spar center fitting to the frame were installed with a gap between the fastener head and the structure, or were installed tilted. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD becomes effective August 1, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 1, 2017.

We must receive comments on this AD by August 31, 2017.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone: 514-855-5000; fax: 514-855-7401; email: [thd.crj@aero.bombardier.com](mailto:thd.crj@aero.bombardier.com); Internet: <http://www.bombardier.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0696.

#### 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-2017-0696; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Aziz Ahmed, Airframe Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516-228-7329; fax: 516-794-5531.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF-2017-12, dated March 10, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Bombardier, Inc. Model BD-100-1A10 airplanes. The MCAI states:

During production, it was observed that some fasteners joining the machined rear spar center fitting were installed with a gap between the fastener head and the structure, and others were installed tilted. Improperly installed fasteners could cause a premature failure of the fitting fasteners and cracking within the fitting or frame, resulting in the loss of structural integrity of the wing to fuselage attachment.

This [Canadian] AD mandates the removal of all fasteners at the rear spar frame lower flange splice, inspection and rework [and repair] of the holes, and fastener replacement with self-aligning fasteners and self-aligning collars.

The inspections include a general visual inspection of the fasteners for damage (*i.e.*, missing, broken, or deformed), and an eddy current inspection of the fastener holes for damage. Rework includes deburring and chamfering the holes.

You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0696.

#### Related Service Information Under 14 CFR Part 51

Bombardier, Inc., has issued Service Bulletin 100-53-32, dated February 16, 2017. The service information describes procedures for removing and replacing the fasteners attaching the machined center fitting to the rear spar frame lower flange splice. The service information also describes procedures for inspecting the fasteners and fastener holes and reworking the fastener holes. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

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

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this

AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

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

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because improperly installed fasteners could cause premature failure of the fitting fasteners and cracking within the fitting or frame, resulting in reduced structural integrity of the wing-to-fuselage attachment. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-0696; Directorate Identifier 2017-NM-070-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

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

#### Costs of Compliance

We estimate that this AD affects 187 airplanes of U.S. registry.

We also estimate that it will take about 37 work-hours per product to comply with the basic requirements of this AD and 1 work-hour per product for reporting. The average labor rate is \$85 per work-hour. Required parts will cost about \$15,150 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be \$3,437,060, or \$18,380 per product.

We have received no definitive data that would enable us to provide cost estimates for other on-condition actions specified in this AD.

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

#### Paperwork Reduction Act

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

#### Authority for This Rulemaking

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

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

#### Regulatory Findings

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

responsibilities among the various levels of government.

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

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

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

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

#### Adoption of the Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**2017-14-16 Bombardier, Inc.:** Amendment 39-18960; Docket No. FAA-2017-0696; Directorate Identifier 2017-NM-070-AD.

#### (a) Effective Date

This AD becomes effective August 1, 2017.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Bombardier, Inc., Model BD-100-1A10 airplanes, certificated in any category, serial numbers 20001 through 20433 inclusive.

#### (d) Subject

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

#### (e) Reason

This AD was prompted by a report indicating that certain fasteners attaching the machined rear spar center fitting to the frame were installed with a gap between the fastener head and the structure, or were installed tilted. We are issuing this AD to prevent failure of the fitting fasteners and consequent cracking within the fitting or frame, which could result in reduced structural integrity of the wing-to-fuselage attachment.

**(f) Compliance**

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

**(g) Replacement**

Before the accumulation of 7,500 total flight cycles, or within 10 days after the effective date of this AD, whichever occurs later, do the actions required by paragraphs (g)(1) through (g)(4) of this AD, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 100-53-32, dated February 16, 2017.

(1) Remove the accumulation of 7,500 total flight cycles, or within 10 days after the effective date of this AD, whichever occurs later, do the actions required by paragraphs (g)(1) through (g)(4) of this AD, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 100-53-32, dated February 16, 2017.

(2) Do a general visual inspection of the fasteners for damage and an eddy current inspection of the fastener holes for damage.

(3) Rework the fasteners as applicable.

(4) Replace the fasteners with self-aligning fasteners and self-aligning collars.

**(h) Exception to Service Information Specifications**

If any damage of any fastener hole is found during any inspection required by paragraph (g)(2) of this AD, before further flight, repair using a method approved by the Manager, New York Aircraft Certification Office (ACO), ANE-170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO).

**(i) Reporting**

Submit a report of the findings of the inspections required by paragraph (g)(2) of this AD, as specified in Appendix 1 of Bombardier Service Bulletin 100-53-32, dated February 16, 2017, to *bbad\_challenger\_stress@aero.bombardier.com*, at the applicable time specified in paragraph (i)(1) or (i)(2) of this AD.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 10 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

**(j) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, New York ACO, ANE-170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the New York ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; fax 516-794-5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(3) *Reporting Requirements*: A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES-200.

**(k) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF-2017-12, dated March 10, 2017, for related information. You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0696.

(2) For more information about this AD, contact Aziz Ahmed, Airframe Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516-228-7329; fax: 516-794-5531.

**(l) Material Incorporated by Reference**

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

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

(i) Bombardier Service Bulletin 100-53-32, dated February 16, 2017.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone: 514-855-5000; fax: 514-855-7401; email: *thd.crj@aero.bombardier.com*; Internet: <http://www.bombardier.com>.

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

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

the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on July 6, 2017.

**Dionne Palermo,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017-14698 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

**[Docket No. FAA-2016-9567; Directorate Identifier 2016-NM-147-AD; Amendment 39-18955; AD 2017-14-11]**

**RIN 2120-AA64**

**Airworthiness Directives; Airbus Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are superseding Airworthiness Directive (AD) 2007-13-08, for certain Airbus Model A318, A319, A320, and A321 series airplanes. AD 2007-13-08 required repetitive inspections of the auxiliary power unit (APU) starter motor, APU inlet plenum, and APU air intake for discrepancies; repetitive cleaning of the APU air intake; and applicable corrective actions. This AD expands the applicability of AD 2007-13-08, and includes an optional terminating installation for the repetitive actions. This AD was prompted by a determination that the unsafe condition could occur on additional airplanes. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective August 21, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of August 21, 2017.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of July 25, 2007 (72 FR 33877, June 20, 2007).

**ADDRESSES:** For service information identified in this final rule, contact Airbus, Airworthiness Office-EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@*



*airbus.com*; Internet: <http://www.airbus.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9567.

### 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-2016-9567; 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 (telephone 800-647-5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

### SUPPLEMENTARY INFORMATION:

#### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2007-13-08, Amendment 39-15112 (72 FR 33877, June 20, 2007) (“AD 2007-13-08”). AD 2007-13-08 applied to certain Airbus Model A318, A319, A320, and A321 series airplanes. The NPRM published in the **Federal Register** on January 6, 2017 (82 FR 1623). The NPRM was prompted by a determination that the unsafe condition could occur on additional airplanes. The NPRM proposed to continue to require repetitive inspections of the APU starter motor, APU inlet plenum, and APU air intake for discrepancies; repetitive cleaning of the APU air intake; and applicable corrective actions. We are issuing this AD to detect and correct reverse flow during APU startup, which could lead to flame propagation in the APU air inlet and intake duct. Such conditions could result in an in-flight fire in the APU area.

The European Aviation Safety Agency (EASA), which is the Technical Agent

for the Member States of the European Union, has issued EASA AD 2016-0176, dated August 31, 2016; corrected September 1, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all Airbus Model A318, A319, A320, and A321 airplanes. The MCAI states:

An operator reported black smoke at the rear of the fuselage during taxi after landing. The smoke was caused by a fire in the auxiliary power unit (APU) air intake. The subsequent analysis demonstrated that, following numerous unsuccessful APU start attempts in flight, there is a risk of reverse flow leading to flame propagation to the APU air inlet and air intake duct.

This condition, if not detected and corrected, could result in an in-flight fire in the APU area.

Prompted by these findings, Airbus issued Service Bulletin (SB) A320-49-1068 to provide inspection and cleaning instructions. The applicable Flight Crew Operating Manual (FCOM) already contained a limitation for the number of APU start attempts, as follows:

#### APU STARTER

After 3 starter motor duty cycles, wait 60 minutes before attempting 3 more cycles

To address this potential unsafe condition, EASA issued AD 2006-0153 to require repetitive inspections of the APU starter motor, APU inlet plenum and APU air intake [for discrepancies], as well as repetitive cleaning of the APU air intake [and applicable corrective actions].

As the reverse flow inside the APU can only occur in flight with the APU inlet closed, various modifications (mod) were developed to introduce a new electronic control box (ECB) with associated software, the functionality of which keeps the APU inlet door open for 15 minutes, following an APU auto-shutdown in flight. Consequently, AD 2006-0153 [which corresponds to FAA AD 2007-13-08], was revised reducing the Applicability by excluding certain post-mod aeroplanes, and introducing these modifications as optional terminating actions.

After EASA AD 2006-0153R2 was issued, it was determined that, as an APU ECB can be replaced (or moved from one aeroplane to another) in service, inadvertently installing a pre-mod ECB would reintroduce the unsafe condition. Prompted by this finding, EASA issued AD 2016-0159, retaining the requirements of EASA AD 2006-0153R2, which was superseded, expanding the Applicability and including references to additional optional terminating actions.

Since EASA AD 2016-0159 was issued, it was determined that paragraph (5) of the [EASA] AD contained some erroneous statements, inadvertently excluding certain aeroplanes, those that have Airbus mod 23698 or mod 24498 embodied in production, from the repetitive actions.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2016-0159, which is superseded, and corrects paragraph (5). For post-mod

aeroplanes where, inadvertently, an ‘affected’ ECB has been installed in service, this AD adds the requirement to restore those aeroplanes to post-mod configuration by installation of a ‘serviceable’ ECB. This [EASA] AD also introduces some editorial changes, not affecting the required actions.

This [EASA] AD is republished as it was determined that one ‘affected’ and one ‘non-affected’ ECB were inadvertently omitted in the Tables.

Discrepancies include a defective APU starter motor, misaligned brush wear indicator-pin, oil contamination of the brush wear indicator, and dirt, debris, dust, sand, oil, combustible residues, grease and other contaminations of the APU inlet plenum. Corrective actions include replacement of the APU starter motor and cleaning the APU air intake, if necessary. You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9567.

### Comments

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

#### Support for the NPRM

United Airlines and Air Line Pilots Association, International, stated their support for the content of the NPRM.

#### Request To Include Missing Part Number

Airbus asked that electronic control box (ECB) part number (P/N) 3888394-230300 for APU GTCP36-300 be added to table 1 to paragraph (g) of the proposed AD. Airbus stated that the part number is missing in the table.

We agree with the commenter’s request. We have added ECB P/N 3888394-230300 for APU GTCP36-300 to table 1 to paragraphs (g), (h), (i)(2)(ii), (j), and (k) of this AD. That part number was omitted from EASA AD 2016-0176, dated August 31, 2016; however, EASA issued a correction, which added that part number, on September 1, 2016. We have also included the corrected EASA AD in this final rule.

#### Request To Provide Retrofit Installation Method and Interchangeability Information

Virgin America asked that the proposed AD requirements provide an approved retrofit installation method for P/N 3888394-321206. Virgin America also asked that the proposed AD requirements clearly state the interchangeability or lack of

interchangeability for the part numbers identified in table 2 of the proposed AD.

Virgin America stated that it receives the Airbus Illustrated Parts Catalog (IPC) on a quarterly basis, which it regularly corrects to remove interchangeability. Virgin America added that in addition to correcting the IPC every quarter, it has repeatedly requested that Airbus Airworthiness and Engineering synchronize their viewpoint of how the IPC is intended to be utilized by operators. Virgin America noted that since EASA has corresponding ADs, it would mean that no ECB can be considered “interchangeable” by Airbus, since accomplishing a service bulletin is not the same as accomplishing an airplane maintenance manual. Virgin America requested this coordination within Airbus, both from an ever increasing manpower requirement (*i.e.*, the more ADs, the more IPCs that need interchangeability monitored and removed quarterly) and also from a parts support request, since some parts providers use the IPC as the means to pool and issue parts. Virgin America concluded that a separate pool of non-interchangeable parts adds significantly to the cost impact of the proposed AD.

We acknowledge the commenter’s concerns; however, an approved retrofit installation method and interchangeability of part numbers are not addressed by this AD. While there might be merit to the commenter’s suggestions, this AD is not the appropriate document in which to evaluate those suggestions. Therefore, we have not changed this AD in this regard.

### Conclusion

We reviewed the available data, including 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 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.

### Related Service Information Under 14 CFR Part 51

Airbus has issued the following service information, which describes procedures for replacing the ECB. These documents are distinct since they apply to different airplane models in different configurations.

- Airbus Service Bulletin A320–49–1077, Revision 04, dated February 27, 2013.

- Airbus Service Bulletin A320–49–1098, dated June 21, 2011.

- Airbus Service Bulletin A320–49–1102, dated January 3, 2012.

- Airbus Service Bulletin A320–49–1107, Revision 02, dated May 10, 2016.

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

### Costs of Compliance

We estimate that this AD affects 1,182 airplanes of U.S. registry.

The actions required by AD 2007–13–08, and retained in this AD, take about 4 work-hours per product, at an average labor rate of \$85 per work-hour. Based on these figures, the estimated cost of the actions that are required by AD 2007–13–08 is \$340 per product.

We also estimate that it will take about 4 work-hours per product to comply with the basic requirements of this AD. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be \$401,880, or \$340 per product.

We have received no definitive data that will enable us to provide cost estimates for the on-condition actions specified in this AD.

### Authority for This Rulemaking

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

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

### Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between

the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

### List of Subjects in 14 CFR Part 39

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

### Adoption of the Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2007–13–08, Amendment 39–15112 (72 FR 33877, June 20, 2007), and adding the following new AD:

**2017–14–11 Airbus:** Amendment 39–18955; Docket No. FAA–2016–9567; Directorate Identifier 2016–NM–147–AD.

#### (a) Effective Date

This AD is effective August 21, 2017.

#### (b) Affected ADs

This AD replaces AD 2007–13–08, Amendment 39–15112 (72 FR 33877, June 20, 2007) (“AD 2007–13–08”).

#### (c) Applicability

This AD applies to Airbus airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, all manufacturer serial numbers, certificated in any category.

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

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

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

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

#### (d) Subject

Air Transport Association (ATA) of America Code 49, Airborne Auxiliary Power.

**(e) Reason**

This AD was prompted by a report of a fire in the auxiliary power unit (APU) air intake. An analysis demonstrated that, following numerous unsuccessful APU start attempts in flight, there is a risk of reverse flow, which could lead to flame propagation to the APU air inlet and air intake duct. This AD was also prompted by the determination that AD 2007-13-08 only addresses the unsafe condition for certain airplanes. We are issuing this AD to detect and correct reverse flow during APU startup, which could lead

to flame propagation in the APU air inlet and intake duct. Such conditions could result in an in-flight fire in the APU area.

**(f) Compliance**

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

**(g) Repetitive Inspections and Corrective Actions**

Except as provided by paragraph (i) of this AD, within 600 flight hours after July 25, 2007 (the effective date of AD 2007-13-08),

or within 60 days after the effective date of this AD, whichever occurs later: Inspect the APU starter motor, APU air inlet plenum, and APU air intake of each affected APU identified in table 1 to paragraphs (g), (h), (i)(2)(ii), (j), and (k) of this AD for discrepancies; and do all applicable corrective actions before further flight; in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320-49-1068, Revision 01, dated February 2, 2006. Repeat the inspection thereafter at intervals not to exceed 600 flight hours.

**TABLE 1 TO PARAGRAPHS (g), (h), (i)(2)(ii), (j), AND (k) OF THIS AD—AFFECTED APU AND ELECTRONIC CONTROL BOX (ECB)**

APU	ECB part Nos. (P/N)
APIC APS 3200 .....	4500003D, 4500003E, 4500003F, 4500003G, 4500003H, or 4500003J.
Honeywell 131-9A .....	3888394-120201, 3888394-121202, 3888394-121203, 3888394-221202, or 3888394-221203.
Honeywell GTCP36-300 .....	307950-1, 307950-2, 307950-3, 307950-4, 304640-1, 304640-2, 304640-3, 304640-4, 304817-1, 304817-2, or 3888394-230300.

**(h) Repetitive Cleanings**

Except as provided by paragraph (i) of this AD, prior to the accumulation of 2,400 flight hours since first flight of the airplane, or within 600 flight hours after July 25, 2007 (the effective date of AD 2007-13-08), or within 60 days after the effective date of this AD, whichever occurs latest, unless accomplished previously in accordance with

Airbus Service Bulletin A320-49-1098, dated June 21, 2011: Clean the APU air intake of each affected APU identified in table 1 to paragraphs (g), (h), (i)(2)(ii), (j), and (k) of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320-49-1068, Revision 01, dated February 2, 2006. Repeat the cleaning task thereafter at intervals not to exceed 2,400 flight hours.

**(i) Exceptions to Requirements in Paragraphs (g) and (h) of This AD**

(1) For airplanes equipped with an APU and associated ECB part number identified in table 2 to paragraphs (i)(1), (i)(2)(ii), and (j) of this AD, the actions specified in paragraphs (g) and (h) of this AD are not required.

**TABLE 2 TO PARAGRAPHS (i)(1), (i)(2)(ii), AND (j) OF THIS AD—NON-AFFECTED ECB**

APU	ECB Part Nos. (P/N)
APIC APS 3200 .....	4500003K, 4500003L, or 4500003M.
Honeywell 131-9A .....	3888394-121204, 3888394-121205, 3888394-221204, 3888394-221205, or 3888394-321206.
Honeywell GTCP36-300 .....	304640-5, 304817-3, or 3888394-230301.

(2) For airplanes on which Airbus Modification 35803, 35936, 152289, 152645, 155015, or 157848 has been embodied in production, the actions specified in paragraphs (g) and (h) of this AD are not required provided that, within 30 days after the effective date of this AD, the applicable actions specified in paragraphs (i)(2)(i) and (i)(2)(ii) of this AD are done.

(i) The part number of the installed ECB is identified.

(ii) Any affected ECB identified in table 1 to paragraphs (g), (h), (i)(2)(ii), (j), and (k) of this AD that is found to be installed is replaced with an ECB having a part number identified in table 2 to paragraphs (i)(1), (i)(2)(ii), and (j) of this AD, as applicable to the APU installed on the airplane; and the replacement is done in accordance with the Accomplishment Instructions of the applicable service information identified in paragraph (i)(2)(ii)(A), (i)(2)(ii)(B), (i)(2)(ii)(C), (i)(2)(ii)(D), (i)(2)(ii)(E), or (i)(2)(ii)(F) of this AD; or using a method approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, or the European Aviation Safety Agency (EASA), or Airbus's EASA Design Organization Approval (DOA).

(A) Airbus Service Bulletin A320-49-1070, dated July 28, 2006.

(B) Airbus Service Bulletin A320-49-1075, Revision 01, dated December 1, 2006.

(C) Airbus Service Bulletin A320-49-1077, Revision 04, dated February 27, 2013.

(D) Airbus Service Bulletin A320-49-1098, dated June 21, 2011.

(E) Airbus Service Bulletin A320-49-1102, dated January 3, 2012.

(F) Airbus Service Bulletin A320-49-1107, Revision 02, dated May 10, 2016.

(3) For airplanes on which an APU ECB having a part number approved after the effective date of this AD is installed, the actions specified in paragraphs (g) and (h) of this AD are not required, provided the conditions specified in paragraphs (i)(3)(i) and (i)(3)(ii) of this AD are met.

(i) The part number must be approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

(ii) The installation must be accomplished in accordance with airplane modification instructions approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

**(j) Optional Terminating Action**

Replacing an affected ECB identified in table 1 to paragraphs (g), (h), (i)(2)(ii), (j), and (k) of this AD with an ECB having a part number identified in table 2 to paragraphs (i)(1), (i)(2)(ii), and (j) of this AD, as applicable to the APU installed on the airplane, constitutes terminating action for the repetitive inspections required by paragraphs (g) and (h) of this AD. The replacement must be done in accordance with the Accomplishment Instructions of the applicable service information identified in paragraph (i)(2)(ii)(A), (i)(2)(ii)(B), (i)(2)(ii)(C), (i)(2)(ii)(D), (i)(2)(ii)(E), or (i)(2)(ii)(F) of this AD, or using a method approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

**(k) Parts Installation Prohibition**

As of the effective date of this AD, no person may install on any airplane an APU with an associated ECB identified in table 1 to paragraphs (g), (h), (i)(2)(ii), (j), and (k) of this AD.

**(l) Credit for Previous Actions**

This paragraph provides credit for actions specified in paragraphs (i)(2) and (j) of this AD, if those actions were performed before the effective date of this AD using any of the service information specified in paragraphs (l)(1) through (l)(7) of this AD.

(1) Airbus Service Bulletin A320-49-1075, dated September 22, 2006, which was incorporated by reference in AD 2007-13-08.

(2) Airbus Service Bulletin A320-49-1077, dated March 21, 2007, which is not incorporated by reference in this AD.

(3) Airbus Service Bulletin A320-49-1077, Revision 01, dated August 9, 2007, which is not incorporated by reference in this AD.

(4) Airbus Service Bulletin A320-49-1077, Revision 02, dated July 1, 2008, which is not incorporated by reference in this AD.

(5) Airbus Service Bulletin A320-49-1077, Revision 03, dated December 8, 2008, which is not incorporated by reference in this AD.

(6) Airbus Service Bulletin A320-49-1107, dated November 5, 2013, which is not incorporated by reference in this AD.

(7) Airbus Service Bulletin A320-49-1107, Revision 01, dated July 28, 2015, which is not incorporated by reference in this AD.

**(m) Other FAA AD Provisions**

The following provisions also apply to this AD:

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

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(ii) AMOCs approved previously for AD 2007-13-08 are approved as AMOCs for the corresponding provisions of paragraphs (g) and (h) of this AD.

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

**(n) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016-0176, dated August 31, 2016; corrected September 1, 2016, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov>

by searching for and locating Docket No. FAA-2016-9567.

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

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (o)(5) and (o)(6) of this AD.

**(o) Material Incorporated by Reference**

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

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

(3) The following service information was approved for IBR on August 21, 2017.

(i) Airbus Service Bulletin A320-49-1077, Revision 04, dated February 27, 2013.

(ii) Airbus Service Bulletin A320-49-1098, dated June 21, 2011.

(iii) Airbus Service Bulletin A320-49-1102, dated January 3, 2012.

(iv) Airbus Service Bulletin A320-49-1107, Revision 02, dated May 10, 2016.

(4) The following service information was approved for IBR on July 25, 2007 (72 FR 33877, June 20, 2007).

(i) Airbus Service Bulletin A320-49-1068, Revision 01, dated February 2, 2006.

(ii) Airbus Service Bulletin A320-49-1070, dated July 28, 2006.

(iii) Airbus Service Bulletin A320-49-1075, Revision 01, dated December 1, 2006.

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

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

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

Issued in Renton, Washington, on June 29, 2017.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017-14469 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2017-0021; Directorate Identifier 2017-NE-01-AD; Amendment 39-18951; AD 2017-14-07]

**RIN 2120-AA64**

**Airworthiness Directives; International Aero Engines AG Turbofan Engines**

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain International Aero Engines AG (IAE) V2522-A5, V2524-A5, V2527-A5, V2527E-A5, V2527M-A5, V2530-A5, V2533-A5, V2525-D5, V2528-D5, and V2531-E5 turbofan engines. This AD was prompted following a self-disclosure by IAE regarding manufacturing quality escapes. This AD requires replacing the affected and suspect parts within the time limits specified in the compliance section. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective August 21, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of August 21, 2017.

**ADDRESSES:** For service information identified in this final rule, contact International Aero Engines AG, 400 Main Street, East Hartford, CT 06118; phone: 860-565-0140; email: [help24@pw.utc.com](mailto:help24@pw.utc.com); Internet: <http://fleetcare.pw.utc.com>. You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0021.

**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-2017-0021; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is

Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:**

Brian Kierstead, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7772; fax: 781-238-7199; email: [brian.kierstead@faa.gov](mailto:brian.kierstead@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain IAE V2522-A5, V2524-A5, V2527-A5, V2527E-A5, V2527M-A5, V2530-A5, V2533-A5, V2525-D5, V2528-D5, and V2531-E5 turbofan engines. The NPRM published in the *Federal Register* on March 14, 2017 (82 FR 13570). The NPRM was prompted following a self-disclosure by IAE regarding manufacturing quality escapes. The NPRM proposed to require replacing the affected and suspect parts within the time limits specified in the compliance section. We are issuing this AD to prevent failure of high-energy, rotating hardware, uncontained part release, damage to the engine, and damage to the airplane.

**Comments**

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

**Request To Change Service Information**

MTU and United Airlines (UAL) requested that we revise the service information citations in the Applicability and Compliance paragraphs of this AD to reference the "latest approved revision" or "latest issue" of the service bulletin (SB). Citing future issues/revisions would avoid Alternative Method of Compliance (AMOC) requests if the SBs are updated.

We disagree. We are only authorized to mandate use of SBs that we have reviewed and which are published. Since future revisions of SBs are not yet published, we are not authorized to mandate their use. We did not change this AD.

**Request To Change Compliance Time**

MTU and UAL requested that we revise the removal interval referenced in

Compliance paragraph (g)(2) of this AD from "when the high-pressure turbine (HPT) module is disassembled and access to the part is available". UAL feels that the proposed compliance period may not prevent part failure and requests the compliance be revised to "anytime the HPT module is removed from the engine". MTU believes that the word "access" is unclear and requests alignment with the IAE NewsFlash NF-048, which recommends replacing at "next piece part exposure."

We disagree. Changing compliance to "next piece part exposure" would allow parts to remain in service longer, resulting in an unacceptable level of risk. We also disagree with mandating removal of the hardware upon separation of the HPT module from the engine because this would require an earlier compliance than is required. Neither MTU nor UAL submitted data to support a change to the compliance period. We did not change this AD.

**Request To Change Part Eligibility**

UAL requests that the AD elaborate that a part eligible for installation includes "any approved original equipment manufacturer (OEM) part number, be it new, or previously operated, provided that it is not affected by this AD." UAL states that the referenced SB(s) require the owner/operator to "install a new part of a specific part number."

We disagree. The installation of specific hardware is not mandated by this AD. Any part eligible for installation, new or previously installed, may be installed in place of the affected part. We did not change this AD.

**Request To Change Disposition of Affected Hardware**

UAL requests that this AD not include the sections of the SBs that refer to how the affected hardware is dispositioned upon removal. United highlights concerns with the reporting requirements listed in the SB and does not want this AD to incorporate by reference (IBR) those sections of the SB(s).

We agree. The disposition of this hardware is not mandated by this AD. We did not change this AD.

**Request To Change Applicability**

MTU requested that we remove the V2531-E5 from the Summary and Applicability sections of this AD. MTU stated that the V2531-E5 is not listed as an affected engine in the associated SBs.

We disagree. We have determined that the IAE V2531-E5 turbofan engine

might have an affected part installed. The IAE V2531-E5 turbofan engine is included in the Applicability paragraph of this AD to ensure those engines comply with this AD in the event that an affected part is installed on a V2531-E5 engine. We did not change this AD.

**Request To Change Costs of Compliance**

MTU requested that we align the "Cost per product" and "Cost on U.S. operators" with the latest SB information. MTU cites that the "Cost per product" and "Cost on U.S. operators" as listed in the AD are lower than the numbers given in the associated SBs.

We disagree. The cost estimate listed in the AD is pro-rated based on the part cycles accrued and the cycles at which the affected hardware will be removed from service, versus the certified life. The SB only lists new part cost. We did not change this AD.

**Conclusion**

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

**Related Service Information Under 14 CFR Part 51**

IAE Non-Modification Service Bulletin (NMSB) V2500-ENG-72-0676, dated October 14, 2016; IAE NMSB V2500-ENG-72-0677, Revision 1, dated January 11, 2017; IAE NMSB V2500-ENG-72-0682, dated December 2, 2016; IAE NMSB V2500-ENG-72-0681, Revision 2, dated January 9, 2017; and IAE NMSB V2500-ENG-72-0678, Revision 1, dated January 5, 2017. Each of the NMSBs describes procedures for replacing a different affected part. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

**Costs of Compliance**

We estimate that this AD affects 70 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

## ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Removal of HPT stage 2 air seal (cycle limited) .....	\$0	\$154,119.00	\$154,119.00	\$308,238.00
Removal of HPT 1st stage air seal (cycle limited) .....	0	87,503.00	87,503.00	175,006.00
Removal of HPT stage 2 ring plate (cycle limited) .....	0	56,207.00	56,207.00	112,414.00
Removal of HPT stage 2 ring plate (upon access) .....	0	31,403.00	31,403.00	2,041,195.00

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

#### Authority for This Rulemaking

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

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

#### Regulatory Findings

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

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

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

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

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

#### Adoption of the Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

#### 2017-14-07 International Aero Engines

**AG:** Amendment 39-18951; Docket No. FAA-2017-0021; Directorate Identifier 2017-NE-01-AD.

#### (a) Effective Date

This AD is effective August 21, 2017.

#### (b) Affected ADs

None.

#### (c) Applicability

(1) This AD applies to International Aero Engines AG (IAE) V2522-A5, V2524-A5, V2527-A5, V2527E-A5, V2527M-A5, V2530-A5, V2533-A5, V2525-D5, V2528-D5, and V2531-E5 turbofan engines, with one or more of the following installed:

- (i) High-pressure turbine (HPT) stage 2 air seal, part number (P/N) 2A4157, with a serial number (S/N) listed in Table 1 of IAE Non-Modification Service Bulletin (NMSB) V2500-ENG-72-0676, dated October 14, 2016.
- (ii) HPT 1st stage air seal, P/N 2A3423, with an S/N listed in Table 1 of IAE NMSB V2500-ENG-72-0677, Revision 1, dated January 11, 2017; or IAE NMSB V2500-ENG-72-0678, Revision 1, dated January 5, 2017.
- (iii) HPT stage 2 ring plate, P/N 2A3437, with an S/N listed in Table 1 of IAE NMSB V2500-ENG-72-0682, dated December 2, 2016; or IAE NMSB V2500-ENG-72-0681, Revision 2, dated January 9, 2017.

(2) Reserved.

#### (d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Engine.

#### (e) Unsafe Condition

This AD was prompted by several reports by IAE of quality escapes during manufacture of HPT stage 2 air seals, HPT 1st stage air seals, and/or HPT stage 2 ring plates, at the Pratt and Whitney Chengdu facility. We are issuing this AD to prevent failure of high-energy, rotating hardware, uncontained part release, damage to the engine, and damage to the airplane.

#### (f) Compliance

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

#### (g) Required Actions

(1) Remove the following hardware from service before reaching the specified part cycles since new listed in the service instructions in paragraphs (g)(1)(i) through (iii) of this AD, or within 50 cycles in service after the effective date of this AD, whichever occurs later, and replace with a part eligible for installation:

- (i) HPT stage 2 air seal, P/N 2A4157, identified in Table 1 of IAE NMSB V2500-ENG-72-0676, dated October 14, 2016.
- (ii) HPT 1st stage air seal, P/N 2A3423, identified in Table 1 of IAE NMSB V2500-ENG-72-0677, Revision 1, dated January 11, 2017.

(iii) HPT stage 2 ring plate, P/N 2A3437, identified in Table 1 of IAE NMSB V2500-ENG-72-0682, dated December 2, 2016.

(2) After the effective date of this AD, remove the following hardware from service when the HPT module is disassembled and access to the part is available and replace with a part eligible for installation:

- (i) HPT 1st stage air seal, P/N 2A3423, identified in Accomplishment Instructions, Table 1, of IAE NMSB V2500-ENG-72-0678, Revision 1, dated January 5, 2017.
- (ii) HPT stage 2 ring plate, P/N 2A3437, identified in Accomplishment Instructions, Table 1, of IAE NMSB V2500-ENG-72-0681, Revision 2, dated January 9, 2017.

#### (h) Alternative Methods of Compliance (AMOCs)

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

#### (i) Related Information

For more information about this AD, contact Brian Kierstead, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7772; fax: 781-238-7199; email: [brian.kierstead@faa.gov](mailto:brian.kierstead@faa.gov).

**(j) Material Incorporated by Reference**

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

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

(i) International Aero Engines (IAE) Non-Modification Service Bulletin (NMSB) V2500-ENG-72-0676, dated October 14, 2016.

(ii) IAE NMSB V2500-ENG-72-0677, Revision 1, dated January 11, 2017.

(iii) IAE NMSB V2500-ENG-72-0678, Revision 1, dated January 5, 2017.

(iv) IAE NMSB V2500-ENG-72-0681, Revision 2, dated January 9, 2017.

(v) IAE NMSB V2500-ENG-72-0682, dated December 2, 2016.

(3) For International Aero Engines service information identified in this AD, contact International Aero Engines AG, 400 Main Street, East Hartford, CT 06118; phone: 860-565-0140; email: [help24@pw.utc.com](mailto:help24@pw.utc.com); Internet: <http://fleetcare.pw.utc.com>.

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

(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 Burlington, Massachusetts, on July 3, 2017.

**Kevin Dickert,**

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

[FR Doc. 2017-14706 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2015-3637; Directorate Identifier 2014-NM-219-AD; Amendment 39-18954; AD 2017-14-10]

RIN 2120-AA64

**Airworthiness Directives; The Boeing Company Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model MD-11 and MD-11F airplanes. This AD was prompted by report of fuel odor in the cabin. Fuel was found leaking from a

cracked fuel line shroud in the left cargo compartment equipment tunnel. This AD requires a check for the presence of fuel at the fuel shroud drain; a high frequency eddy current (HFEC) inspection for cracked fuel line shrouds; a pressure test of the drain system of the tail tank fuel shroud and a pressure test of the drain system of the aft fuselage fuel shroud to determine cracking; and corrective actions, if necessary. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective August 21, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publication listed in this AD as of August 21, 2017.

**ADDRESSES:** For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800-0019, Long Beach, CA 90846-0001; telephone 206-544-5000, extension 2; fax 206-766-5683; Internet <https://www.myboeingfleet.com>. You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-3637.

**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 2015-3637; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Serj Harutunian, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712-4137; telephone: 562-627-5254; fax: 562-627-5210; email: [serj.harutunian@faa.gov](mailto:serj.harutunian@faa.gov).

**SUPPLEMENTARY INFORMATION:****Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model MD-11 and MD-11F airplanes. The NPRM published in the **Federal Register** on September 29, 2015 (80 FR 58362) (“the NPRM”). The NPRM was prompted by a report of fuel odor in the cabin. Fuel was found leaking from a cracked fuel line shroud in the left cargo compartment equipment tunnel. The NPRM proposed to require a check for the presence of fuel at the fuel shroud drain; a HFEC inspection for cracked fuel line shrouds; a pressure test of the drain system of the tail tank fuel shroud and a pressure test of the drain system of the aft fuselage fuel shroud to determine if there is cracking; and corrective actions, if necessary. We are issuing this AD to detect and correct fuel leaking from a cracked fuel line shroud, which could result in fuel accumulation below the cargo compartment floor and consequent increased risk of fire.

**Comments**

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

**Request To Withdraw the NPRM**

United Parcel Service (UPS) requested that the NPRM be withdrawn until Boeing has the opportunity to work with affected MD-11 operators to develop accurate service information. UPS stated that Boeing Alert Service Bulletin MD11-28A148, dated August 29, 2014, does not provide adequate guidance on the inspection areas. UPS suggested that we revise the NPRM to include specific procedures for an HFEC inspection to the area of the shroud adjacent to the installed internal spacers as well as the curved areas, provide procedures for airplanes on which a previous repair has been accomplished in the HFEC inspection area, and specify that the leak check be done only at the portion of the tail tank transfer line and the #2 engine fuel feed line shroud drain system running through the left-hand portion of the aft lower cargo compartment from approximately airplane station 1501 to 2007.

We disagree with the commenter’s request to withdraw or revise the NPRM. Since the NPRM was published, Boeing has released new service information, which corrects certain typographical errors and procedures in an appendix, includes minor editorial

changes, and addresses all of the commenter's concerns. This AD has been revised to require accomplishment of all actions in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD11-28A148, Revision 1, dated March 24, 2017. We have also given credit for Boeing Alert Service Bulletin MD11-28A148, dated August 29, 2014, if those actions were performed before the effective date of this AD.

We agree with the commenter that cracks and leakage in the shrouds are predominantly found in sections of the shroud with internal spacers installed. Since the service information has been revised, Figure 1 of Boeing Alert Service Bulletin MD11-28A148, Revision 1, dated March 24, 2017, addresses the inspection areas of concern in the commenter's request and specifies the areas requiring an HFEC inspection. The "Note" in paragraph 3.B., "Work Instructions," of Option 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin MD11-28A148, Revision 1, dated March 24, 2017, specifies that the pressure test is to be done if a shroud has been repaired with doublers. In addition, the Accomplishment Instructions of Boeing Alert Service Bulletin MD11-28A148, Revision 1, dated March 24, 2017, reduce the scope of the leak checks as much as practical, and also include instructions to disconnect and reconnect as few lines as possible. As stated previously, we have revised this AD to require accomplishment of all actions in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD11-28A148, Revision 1, dated March 24, 2017.

**Request Clarification for Existing Maintenance Planning Document (MPD) Functional Check Items**

FedEx noted that functional checks similar to those specified in the proposed AD are already part of the MD-11 MPD and requested clarification regarding the more restrictive checks in the proposed AD. FedEx stated that Boeing Alert Service Bulletin MD11-28A148, dated August 29, 2014, and the proposed AD do not provide instructions on how to handle the existing MPD functional check items. FedEx stated that the more restrictive checks in the proposed AD should have been mandated as a revision to the maintenance or inspection program.

We agree to provide clarification; however, we do not agree to delay issuance of this AD to mandate a revision to the manufacturer's maintenance or inspection program. The more restrictive repetitive requirements of this AD take precedence over the current MPD since these actions are necessary to correct the identified unsafe condition. We have not changed this AD regarding this issue.

**Request To Revise Certain Wording in the Proposed AD**

Boeing requested that we revise paragraphs (g)(1)(i) and (g)(2)(i) of the proposed AD from a check for the presence of fuel at the "fuel shroud drain" to a check at the "fuel shroud drain valves." Boeing stated that paragraph (g) of the proposed AD specified to check the fuel shroud drain, whereas Boeing Alert Service Bulletin MD11-28A148, dated August 29, 2014, emphasizes checking all the drain valves where fuel may accumulate.

We agree with the commenter's request for the reason provided above. We have revised paragraphs (g)(1)(i) and (g)(2)(i) of this AD accordingly, to state

"check for the presence of fuel at the fuel shroud drain valves."

**Conclusion**

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

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

We reviewed Boeing Alert Service Bulletin MD11-28A148, Revision 1, dated March 24, 2017. The service information describes procedures for checking for the presence of fuel at the fuel shroud drain valves; a HFEC inspection for cracked fuel line shrouds; a pressure test of the drain system of the tail tank fuel shroud and a pressure test of the drain system of the aft fuselage fuel shroud; and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

**Costs of Compliance**

We estimate that this AD affects 90 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Check for presence of fuel at the fuel shroud drain.	2 work-hours × \$85 per hour = \$170, per inspection cycle.	\$0	\$170, per inspection cycle.	\$15,300, per inspection cycle.
HFEC Inspection (optional).	5 work-hours × \$85 per hour = \$425, per inspection cycle.	\$0	\$425, per inspection cycle.	\$38,250, per inspection cycle.
Pressure Test .....	3 work-hours × \$85 per hour = \$255, per inspection cycle.	\$0	\$255, per inspection cycle.	\$22,950, per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

**Authority for This Rulemaking**

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

Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701:



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

### Regulatory Findings

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

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

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

### List of Subjects in 14 CFR Part 39

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

### Adoption of the Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

#### 2017–14–10 The Boeing Company:

Amendment 39–18954 Docket No. FAA–2015–3637; Directorate Identifier 2014–NM–219–AD.

#### (a) Effective Date

This AD is effective August 21, 2017.

#### (b) Affected ADs

None.

### (c) Applicability

This AD applies to The Boeing Company Model MD–11 and MD–11F airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin MD11–28A148, Revision 1, dated March 24, 2017.

### (d) Subject

Air Transport Association (ATA) of America Code 28, Fuel System.

### (e) Unsafe Condition

This AD was prompted by a report of fuel odor in the cabin. Fuel was found leaking from a cracked fuel line shroud in the left cargo compartment equipment tunnel. We are issuing this AD to detect and correct fuel leaking from a cracked fuel line shroud, which could result in fuel accumulation below the cargo compartment floor and consequent increased risk of fire.

### (f) Compliance

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

### (g) Check, Inspection, Test, and Corrective Actions

Do the actions in paragraphs (g)(1) or (g)(2) of this AD, as applicable.

(1) Except as specified in paragraph (h) of this AD: At the applicable time in Table 1 of paragraph 1.E., “Compliance,” of Boeing Alert Service Bulletin MD11–28A148, Revision 1, dated March 24, 2017, do the actions in paragraphs (g)(1)(i), (g)(1)(ii), and (g)(1)(iii) of this AD. Before further flight do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD11–28A148, Revision 1, dated March 24, 2017. Repeat the actions thereafter at the applicable time in Table 1 of paragraph 1.E., “Compliance,” of Boeing Alert Service Bulletin MD11–28A148, Revision 1, dated March 24, 2017.

(i) Check for the presence of fuel at the fuel shroud drain valves.

(ii) Do a high frequency eddy current (HFEC) inspection for cracked fuel line shrouds.

(iii) Do a pressure test of the drain system of the tail tank fuel shroud and a pressure test of the drain system of the aft fuselage fuel shroud to determine if there is cracking.

(2) Except as specified in paragraph (h) of this AD: At the applicable time in Table 2 of paragraph 1.E., “Compliance,” of Boeing Alert Service Bulletin MD11–28A148, Revision 1, dated March 24, 2017, do the actions in paragraphs (g)(2)(i) and (g)(2)(ii) of this AD. Before further flight do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD11–28A148, Revision 1, dated March 24, 2017. Repeat the actions thereafter at the applicable time in Table 2 of paragraph 1.E., “Compliance,” of Boeing Alert Service Bulletin MD11–28A148, Revision 1, dated March 24, 2017.

(i) Check for the presence of fuel at the fuel shroud drain valves.

(ii) Do a pressure test of the drain system of the tail tank fuel shroud and a pressure test of the drain system of the aft fuselage fuel shroud to determine if there is cracking.

### (h) Exception to the Service Information

Where Boeing Alert Service Bulletin MD11–28A148, Revision 1, dated March 24, 2017, specifies a compliance time of “after the original issue date of this service bulletin,” this AD requires compliance within the specified compliance time after the effective date of this AD.

### (i) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin MD11–28A148, dated August 29, 2014.

### (j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles 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)(1) of this AD. Information may be emailed to: [9-ANM-LAACO-AMOC-REQUESTS@faa.gov](mailto:9-ANM-LAACO-AMOC-REQUESTS@faa.gov).

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

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

### (k) Related Information

(1) For more information about this AD, contact Serj Harutunian, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; telephone: 562–627–5254; fax: 562–627–5210; email: [serj.harutunian@faa.gov](mailto:serj.harutunian@faa.gov).

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

### (l) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin MD11–28A148, Revision 1, dated March 24, 2017.

(ii) Reserved.

(3) For Boeing service information identified in this AD, contact Boeing

Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800-0019, Long Beach, CA 90846-0001; telephone 206-544-5000, extension 2; fax 206-766-5683; Internet <https://www.myboeingfleet.com>.

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

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

Issued in Renton, Washington, on June 29, 2017.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017-14470 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2017-0675]

RIN 1625-AA00

#### Safety Zone; 28th Annual Lake Erie Open Water Swim; Lake Erie, Cleveland, OH

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for certain waters of Lake Erie. This safety zone is intended to restrict vessels from a portion of Lake Erie during the 28th Annual Lake Erie Open Water Swim. This temporary safety zone is necessary to protect swimmers from vessels operating in the area. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Buffalo.

**DATES:** This rule is effective from 6:45 a.m. through 10:15 a.m. on July 15, 2017.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2017-0675 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 LT Ryan Junod, Chief of Waterways Management, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216-937-0124, email [ryan.s.junod@uscg.mil](mailto:ryan.s.junod@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

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

##### II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are impracticable, unnecessary, or contrary to the public interest. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the event sponsor did not submit notice to the Coast Guard with sufficient time remaining before the event to publish an NPRM. Delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest by inhibiting the Coast Guard's ability to protect event participants from the hazards associated with an open water swim.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register** because doing so would be impracticable and contrary to the public interest. Delaying the effective date would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection of persons and vessels near the 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 Buffalo (COTP) has determined that a large scale swimming event on a navigable waterway will pose a significant risk to participants and the boating public. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the

Lake Erie Open Water Swim is happening.

##### IV. Discussion of the Rule

This rule establishes a safety zone from 6:45 a.m. through 10:15 a.m. on July 15, 2017. The safety zone will encompass all waters of Lake Erie, Cleveland, OH south of a line drawn between positions 41°29'30" N., 081°44'21" W. and 41°29'21" N., 081°45'04" W. (NAD 83) to the shore. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The Captain of the Port or his designated representative may be contacted via VHF Channel 16.

##### V. Regulatory Analyses

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

###### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This 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.

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

### B. Impact on Small Entities

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

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

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

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

### C. Collection of Information

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

### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of

power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

### E. Unfunded Mandates Reform Act

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

### F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.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 a safety zone lasting 3 and a half hours that will prohibit vessels from entering the area designated for this event. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble.

### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the

person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

### List of Subjects in 33 CFR Part 165

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

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

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0675 to read as follows:

#### § 165.T09–0675 Safety Zone; 28th Annual Lake Erie Open Water Swim; Lake Erie, Cleveland, OH.

(a) *Location.* The safety zone will encompass all waters of Lake Erie, Cleveland, OH south of a line drawn between positions 41°29′30″ N., 081°44′21″ W., and 41°29′21″ N., 081°45′04″ W., (NAD 83) to the shore.

(b) *Effective and Enforcement Period.* This regulation is effective and will be enforced on July 15, 2017 from 6:45 a.m. until 10:15 a.m.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all

directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: July 11, 2017.

**Joseph S. Dufresne,**

*Captain, U.S. Coast Guard, Captain of the Port Buffalo.*

[FR Doc. 2017-14902 Filed 7-14-17; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2017-0581]

RIN 1625-AA00

#### Safety Zone; Lake Michigan, Calumet Harbor, Chicago, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing two temporary safety zones on Lake Michigan in Calumet Harbor, in Chicago, IL. This action is necessary and intended to ensure safety of life on the navigable waters of the United States immediately prior to, during, and after a lakebed rock removal operation involving explosives. Entry of vessels or persons into these zones is prohibited unless specifically authorized by the Captain of the Port Lake Michigan.

**DATES:** This rule is effective from midnight on August 1, 2017 through midnight on December 16, 2017.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2017-0581 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this rule, call or email LT John Ramos, Marine Safety Unit Chicago, U.S. Coast Guard; telephone (630) 986-2155, email [D09-DG-MSUChicago-Waterways@uscg.mil](mailto:D09-DG-MSUChicago-Waterways@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

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

##### II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The Coast Guard did not receive the final details for this event until there was insufficient time remaining before the event to publish a NPRM. Delaying the effective date of this rule to wait for a comment period to run would be impracticable because it would inhibit the Coast Guard's ability to protect the public and vessels from the hazards associated with a lakebed rock removal operation from August 1, 2017 through December 15, 2017.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30 day notice period to run would be impracticable.

##### III. Legal Authority and Need for Rule

The legal basis for the rule is the Coast Guard's authority to establish safety zones: 33 U.S.C. 1231; 33 CFR 1.05-1, 160.5; Department of Homeland Security Delegation No. 0170.1.

From August 1, 2017 through December 15, 2017, a rock removal operation involving explosives will take place on Lake Michigan in Calumet Harbor, in Chicago, IL. The Captain of the Port Lake Michigan has determined that the lakebed rock removal operation will pose a significant risk to public safety and property. Such hazards include detonation of explosive material and a change in the depth of water for a small period of time.

##### IV. Discussion of the Rule

With the aforementioned hazards in mind, the Captain of the Port Lake Michigan has determined that two temporary safety zones are necessary to ensure the safety of the public during the rock removal operation on Lake Michigan in Calumet Harbor. Safety

zone one will be enforced from midnight on August 1, 2017 through midnight on December 16, 2017. Safety zone one will encompass all waters of Lake Michigan in Chicago, IL, bounded by a line drawn from the Calumet Harbor Entrance South Side Light at 41°44.1348' N., 087°30.3790' W. then southwest to 41°43.8568' N., 087°30.6587' W. then southeast to 41°43.5801' N., 087°30.2830' W. then east to the Calumet Harbor Breakwater South End Light at 41°43.5619' N., 087°29.6016' W. (NAD 83). Safety zone two will be enforced intermittently from midnight on August 1, 2017 through midnight on December 16, 2017. Safety zone two will encompass all waters of Lake Michigan in Chicago, IL, within a 2000 foot radius from 41°43.6665' N., 087°30.3805' W. (NAD 83).

Entry into, transiting, or anchoring within the safety zones is prohibited unless authorized by the Captain of the Port Lake Michigan, or a designated on-scene representative. The Captain of the Port or a designated on-scene representative may be contacted via VHF Channel 16.

##### V. Regulatory Analyses

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

###### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. 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." This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum

titled “Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled ‘Reducing Regulation and Controlling Regulatory Costs’” (February 2, 2017).

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The two safety zones created by this rule will be relatively small and safety zone two will be enforced intermittently only for short periods of time. Under certain conditions, moreover, vessels may still transit through the safety zones when permitted by the Captain of the Port.

#### *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.

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this temporary rule on small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit on a portion of Lake Michigan in Calumet Harbor from midnight August 1, 2017 through midnight December 16, 2017.

These safety zones will not have a significant economic impact on a substantial number of small entities for the reasons cited in the *Regulatory Planning and Review* section. Additionally, before the enforcement of the zones, we will issue local Broadcast Notice to Mariners and Local Notice to Mariners so vessel owners and operators can plan accordingly.

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

listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

#### *C. Collection of Information*

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

#### *D. Federalism and Indian Tribal Governments*

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

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

#### *E. Unfunded Mandates Reform Act*

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or

more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### *F. Environment*

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.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 the establishment of two safety zones for a lakebed rock removal operation involving explosives on Lake Michigan in Calumet Harbor, in Chicago, IL. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### *G. Protest Activities*

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

#### **List of Subjects in 33 CFR Part 165**

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 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.T09–0581 to read as follows:

**§ 165.T09–0581 Safety Zone; Lake Michigan, Calumet Harbor, Chicago, IL.**

(a) *Location.* Safety zone one; all navigable waters of Lake Michigan bounded by a line drawn from the Calumet Harbor Entrance South Side Light at 41°44.1348' N., 087°30.3790' W. then southwest to 41°43.8568' N., 087°30.6587' W. then southeast to 41°43.5801' N., 087°30.2830' W. then east to the Calumet Harbor Breakwater South End Light at 41°43.5619' N., 087°29.6016' W. (NAD 83). Safety zone two; all navigable waters of Lake Michigan within a 2000 foot radius from 41°43.6665' N., 087°30.3805' W. (NAD 83).

*Enforcement period.* This rule will be enforced from midnight on August 1, 2017 through midnight on December 16, 2017 for safety zone one. Safety zone two will be enforced intermittently from midnight on August 1, 2017 through midnight on December 16, 2017.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within these safety zones is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated on-scene representative.

(2) These safety zones are closed to all vessel traffic, except as may be permitted by the Captain of the Port Lake Michigan or a designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Lake Michigan is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Lake Michigan to act on his or her behalf.

(4) Vessel operators desiring to enter or operate within the safety zones shall contact the Captain of the Port Lake Michigan or an on-scene representative to obtain permission to do so. The Captain of the Port Lake Michigan or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zones must comply with all directions given to them by the Captain of the Port Lake Michigan, or an on-scene representative.

Dated: July 11, 2017.

**Amy B. Cocanour,**

*Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.*

[FR Doc. 2017–14904 Filed 7–14–17; 8:45 am]

**BILLING CODE 9110–04–P**

**POSTAL REGULATORY COMMISSION**

**39 CFR Part 3020**

**[Docket Nos. MC2010–21 and CP2010–36]**

**Update to Competitive Product List**

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Final rule.

**SUMMARY:** The Commission is updating the competitive product list. This action reflects a publication policy adopted by Commission order. The referenced policy assumes periodic updates. The updates are identified in the body of this document. The competitive product list, which is re-published in its entirety, includes these updates.

**DATES:**

*Effective Date:* July 17, 2017.

*Applicability Dates:* April 5, 2017,

Priority Mail Contract 299 (MC2017–100 and CP2017–147); April 5, 2017, Priority Mail Contract 300 (MC2017–101 and CP2017–148); April 5, 2017, Priority Mail Contract 301 (MC2017–102 and CP2017–149); April 5, 2017, Priority Mail Contract 302 (MC2017–103 and CP2017–150); April 5, 2017, Priority Mail Contract 303 (MC2017–104 and CP2017–151); April 17, 2017, Priority Mail Express Contract 46 (MC2017–106 and CP2017–153); April 17, 2017, Priority Mail Contract 304 (MC2017–107 and CP2017–154); April 17, 2017, Priority Mail Express, Priority Mail & First-Class Package Service Contract 16 (MC2017–108 and CP2017–155); April 17, 2017, First Class Package Service Contract 75 (MC2017–109 and CP2017–156); April 19, 2017, Priority Mail Contract 305 (MC2017–110 and CP2017–158); April 19, 2017, Priority Mail Contract 306 (MC2017–111 and CP2017–159); April 19, 2017, Priority Mail Contract 307 (MC2017–112 and CP2017–160); April 19, 2017, Priority Mail Express & Priority Mail Contract 45 (MC2017–113 and CP2017–161); April 20, 2017, Global Expedited Package Services (GEPS)—Non-Published Rates 12 (MC2017–105 and CP2017–152); April 25, 2017, Priority Mail Express & Priority Mail Contract 46 (MC2017–114 and CP2017–165); April 25, 2017, First-Class Package Service Contract 76 (MC2017–117 and CP2017–168); April 25, 2017, Priority Mail Contract 308 (MC2017–115 and CP2017–166); April 25, 2017, Priority Mail Contract 309 (MC2017–116 and CP2017–167); April 25, 2017, Priority Mail Contract 47 (MC2017–118 and CP2017–169); May 1, 2017, Priority Mail Contract 310 (MC2017–119 and CP2017–170); May 1, 2017, Priority Mail Contract 311 (MC2017–120 and CP2017–171); May 1, 2017, Priority Mail Contract 312

(MC2017–121 and CP2017–172); May 4, 2017, Priority Mail Contract 313 (MC2017–122 and CP2017–173); May 4, 2017, Priority Mail Express & Priority Mail Contract 47 (MC2017–123 and CP2017–174); May 9, 2017, Priority Mail Contract 314 (MC2017–124 and CP2017–176); May 9, 2017, Priority Mail Express, Priority Mail & First-Class Package Service Contract 17 (MC2017–125 and CP2017–177); May 10, 2017, Priority Mail Express & Priority Mail Contract 48 (MC2017–126 and CP2017–179); May 15, 2017, Priority Mail Contract 315 (MC2017–127 and CP2017–180); May 15, 2017, Priority Mail Contract 316 (MC2017–128 and CP2017–181); May 16, 2017, Priority Mail Contract 317 (MC2017–129 and CP2017–182); May 18, 2017, Priority Mail Express, Priority Mail & First-Class Package Service Contract 18 (MC2017–131 and CP2017–185); May 18, 2017, Priority Mail Contract 318 (MC2017–130 and CP2017–184); May 23, 2017, Priority Mail Contract 319 (MC2017–133 and CP2017–188); May 23, 2017, Priority Mail Express, Priority Mail & First-Class Package Service Contract 19 (MC2017–132 and CP2017–187); May 30, 2017, Priority Mail Contract 320 (MC2017–134 and CP2017–191); May 30, 2017, First-Class Package Service Contract 77 (MC2017–135 and CP2017–192); May 31, 2017, Priority Mail Contract 321 (MC2017–136 and CP2017–194); May 31, 2017, Priority Mail Contract 322 (MC2017–137 and CP2017–195); June 9, 2017, Priority Mail Contract 323 (MC2017–138 and CP2017–196); June 13, 2017, Priority Mail Contract 324 (MC2017–139 and CP2017–198); June 13, 2017, Priority Mail Contract 325 (MC2017–140 and CP2017–199); June 13, 2017, Priority Mail Contract 326 (MC2017–141 and CP2017–200); June 13, 2017, Priority Mail Express Contract 48 (MC2017–142 and CP2017–201); June 14, 2017, Priority Mail Contract 327 (MC2017–143 and CP2017–202); June 20, 2017, Priority Mail Express & Priority Mail Contract 49 (MC2017–147 and CP2017–206); June 20, 2017, Priority Mail & First-Class Package Service Contract 43 (MC2017–144 and CP2017–203); June 20, 2017, Priority Mail & First-Class Package Service Contract 44 (MC2017–145 and CP2017–204); June 20, 2017, Priority Mail Contract 328 (MC2017–146 and CP2017–205); June 26, 2017, Priority Mail Contract 329 (MC2017–150 and CP2017–211); June 26, 2017, Priority Mail Contract 330 (MC2017–151 and CP2017–212); June 26, 2017, Priority Mail & First-Class Package Service Contract 45 (MC2017–148 and CP2017–209); June 26, 2017, Priority

Mail Express Contract 49 (MC2017–149 and CP2017–210); June 30, 2017, Priority Mail Contract 331 (MC2017–152 and CP2017–215); June 30, 2017, Priority Mail & First-Class Package Service Contract 46 (MC2017–153 and CP2017–216).

**FOR FURTHER INFORMATION CONTACT:**

David A. Trissell, General Counsel, at 202–789–6800.

**SUPPLEMENTARY INFORMATION:** This document identifies updates to the competitive product list, which appears as 39 CFR Appendix B to Subpart A of part 3020—Competitive Product List. Publication of the updated product list in the **Federal Register** is addressed in the Postal Accountability and Enhancement Act (PAEA) of 2006.

*Authorization.* The Commission process for periodic publication of updates was established in Docket Nos. MC2010–21 and CP2010–36, Order No. 445, April 22, 2010, at 8.

*Changes.* The competitive product list is being updated by publishing a replacement in its entirety of 39 CFR Appendix B to Subpart A of part 3020—Competitive Product List. The following products are being added, removed, or moved within the competitive product list:

1. Priority Mail Contract 299 (MC2017–100 and CP2017–147) (Order No. 3843), added April 5, 2017.
2. Priority Mail Contract 300 (MC2017–101 and CP2017–148) (Order No. 3844), added April 5, 2017.
3. Priority Mail Contract 301 (MC2017–102 and CP2017–149) (Order No. 3845), added April 5, 2017.
4. Priority Mail Contract 302 (MC2017–103 and CP2017–150) (Order No. 3846), added April 5, 2017.
5. Priority Mail Contract 303 (MC2017–104 and CP2017–151) (Order No. 3847), added April 5, 2017.
6. Priority Mail Express Contract 46 (MC2017–106 and CP2017–153) (Order No. 3854), added April 17, 2017.
7. Priority Mail Contract 304 (MC2017–107 and CP2017–154) (Order No. 3855), added April 17, 2017.
8. Priority Mail Express, Priority Mail & First-Class Package Service Contract 16 (MC2017–108 and CP2017–155) (Order No. 3856), added April 17, 2017.
9. First-Class Package Service Contract 75 (MC2017–109 and CP2017–156) (Order No. 3857), added April 17, 2017.
10. Priority Mail Contract 305 (MC2017–110 and CP2017–158) (Order No. 3859), added April 19, 2017.
11. Priority Mail Contract 306 (MC2017–111 and CP2017–159) (Order No. 3860), added April 19, 2017.
12. Priority Mail Contract 307 (MC2017–112 and CP2017–160) (Order No. 3861), added April 19, 2017.
13. Priority Mail Express & Priority Mail Contract 45 (MC2017–113 and CP2017–161) (Order No. 3862), added April 19, 2017.
14. Global Expedited Package Services (GEPS)—Non-Published Rates 12 (MC2017–105 and CP2017–152) (Order No. 3865), added April 20, 2017.
15. Priority Mail Express & Priority Mail Contract 46 (MC2017–114 and CP2017–165) (Order No. 3869), added April 25, 2017.
16. First-Class Package Service Contract 76 (MC2017–117 and CP2017–168) (Order No. 3871), added April 25, 2017.
17. Priority Mail Contract 308 (MC2017–115 and CP2017–166) (Order No. 3873), added April 25, 2017.
18. Priority Mail Contract 309 (MC2017–116 and CP2017–167) (Order No. 3874), added April 25, 2017.
19. Priority Mail Express Contract 47 (MC2017–118 and CP2017–169) (Order No. 3875), added April 25, 2017.
20. Priority Mail Contract 310 (MC2017–119 and CP2017–170) (Order No. 3881), added May 1, 2017.
21. Priority Mail Contract 311 (MC2017–120 and CP2017–171) (Order No. 3882), added May 1, 2017.
22. Priority Mail Contract 312 (MC2017–121 and CP2017–172) (Order No. 3883), added May 1, 2017.
23. Priority Mail Contract 313 (MC2017–122 and CP2017–173) (Order No. 3885), added May 4, 2017.
24. Priority Mail Express & Priority Mail Contract 47 (MC2017–123 and CP2017–174) (Order No. 3886), added May 4, 2017.
25. Priority Mail Contract 314 (MC2017–124 and CP2017–176) (Order No. 3891), added May 9, 2017.
26. Priority Mail Express, Priority Mail & First-Class Package Service Contract 17 (MC2017–125 and CP2017–177) (Order No. 3892), added May 9, 2017.
27. Priority Mail Express & Priority Mail Contract 48 (MC2017–126 and CP2017–179) (Order No. 3894), added May 10, 2017.
28. Priority Mail Contract 315 (MC2017–127 and CP2017–180) (Order No. 3898), added May 15, 2017.
29. Priority Mail Contract 316 (MC2017–128 and CP2017–181) (Order No. 3899), added May 15, 2017.
30. Priority Mail Contract 317 (MC2017–129 and CP2017–182) (Order No. 3901), added May 16, 2017.
31. Priority Mail Express, Priority Mail & First-Class Package Service Contract 18 (MC2017–131 and CP2017–185) (Order No. 3902), added May 18, 2017.
32. Priority Mail Contract 318 (MC2017–130 and CP2017–184) (Order No. 3904), added May 18, 2017.
33. Priority Mail Contract 319 (MC2017–133 and CP2017–188) (Order No. 3910), added May 23, 2017.
34. Priority Mail Express, Priority Mail & First-Class Package Service Contract 19 (MC2017–132 and CP2017–187) (Order No. 3911), added May 23, 2017.
35. Priority Mail Contract 320 (MC2017–134 and CP2017–191) (Order No. 3921), added May 30, 2017.
36. First-Class Package Service Contract 77 (MC2017–135 and CP2017–192) (Order No. 3922), added May 30, 2017.
37. Priority Mail Contract 321 (MC2017–136 and CP2017–194) (Order No. 3924), added May 31, 2017.
38. Priority Mail Contract 322 (MC2017–137 and CP2017–195) (Order No. 3925), added May 31, 2017.
39. Priority Mail Contract 323 (MC2017–138 and CP2017–196) (Order No. 3948), added June 9, 2017.
40. Priority Mail Contract 324 (MC2017–139 and CP2017–198) (Order No. 3955), added June 13, 2017.
41. Priority Mail Contract 325 (MC2017–140 and CP2017–199) (Order No. 3956), added June 13, 2017.
42. Priority Mail Contract 326 (MC2017–141 and CP2017–200) (Order No. 3957), added June 13, 2017.
43. Priority Mail Express Contract 48 (MC2017–142 and CP2017–201) (Order No. 3958), added June 13, 2017.
44. Priority Mail Contract 327 (MC2017–143 and CP2017–202) (Order No. 3961), added June 14, 2017.
45. Priority Mail Express & Priority Mail Contract 49 (MC2017–147 and CP2017–206) (Order No. 3966), added June 20, 2017.
46. Priority Mail & First-Class Package Service Contract 43 (MC2017–144 and CP2017–203) (Order No. 3967), added June 20, 2017.
47. Priority Mail & First-Class Package Service Contract 44 (MC2017–145 and CP2017–204) (Order No. 3968), added June 20, 2017.
48. Priority Mail Contract 328 (MC2017–146 and CP2017–205) (Order No. 3969), added June 20, 2017.
49. Priority Mail Contract 329 (MC2017–150 and CP2017–211) (Order No. 3977), added June 26, 2017.
50. Priority Mail Contract 330 (MC2017–151 and CP2017–212) (Order No. 3978), added June 26, 2017.
51. Priority Mail & First-Class Package Service Contract 45 (MC2017–148 and CP2017–209) (Order No. 3980), added June 26, 2017.
52. Priority Mail Express Contract 49 (MC2017–149 and CP2017–210) (Order No. 3981), added June 26, 2017.

53. Priority Mail Contract 331 (MC2017–152 and CP2017–215) (Order No. 3986), added June 30, 2017.

54. Priority Mail & First-Class Package Service Contract 46 (MC2017–153 and CP2017–216) (Order No. 3987), added June 30, 2017.

The following negotiated service agreements have expired, or have been terminated early, and are being deleted from the Competitive Product List:

1. Priority Mail Contract 59 (MC2013–52 and CP2013–66) (Order No. 1759).

2. Priority Mail Contract 183 (MC2016–67 and CP2016–82) (Order No. 2988).

3. Priority Mail Contract 228 (MC2016–157 and CP2016–228) (Order No. 3415).

4. Priority Mail Contract 214 (MC2016–131 and CP2016–167) (Order No. 3419).

5. Priority Mail Express, Priority Mail & First-Class Package Service Contract 2 (MC2014–22 and CP2014–37) (Order No. 2034).

*Updated product list.* The referenced changes to the competitive product list are incorporated into 39 CFR Appendix B to Subpart A of part 3020—Competitive Product List.

#### List of Subjects in 39 CFR Part 3020

Administrative practice and procedure, Postal Service.

For the reasons discussed in the preamble, the Postal Regulatory Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

#### PART 3020—PRODUCT LISTS

■ 1. The authority citation for part 3020 continues to read as follows:

**Authority:** 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix B to Subpart A of part 3020—Competitive Product List to read as follows:

#### Appendix B to Subpart A of Part 3020—Competitive Product List

(An asterisk (\*) indicates an organizational class or group, not a Postal Service product.)

##### Domestic Products\*

Priority Mail Express  
Priority Mail  
Parcel Select  
Parcel Return Service  
First-Class Package Service  
USPS Retail Ground

##### International Products\*

Outbound International Expedited Services  
Inbound Parcel Post (at UPU rates)  
Outbound Priority Mail International  
International Priority Airmail (IPA)  
International Surface Air List (ISAL)  
International Direct Sacks—M-Bags

Outbound Single-Piece First-Class Package International Service

##### Negotiated Service Agreements\*

##### Domestic\*

Priority Mail Express Contract 16  
Priority Mail Express Contract 19  
Priority Mail Express Contract 20  
Priority Mail Express Contract 21  
Priority Mail Express Contract 23  
Priority Mail Express Contract 26  
Priority Mail Express Contract 27  
Priority Mail Express Contract 28  
Priority Mail Express Contract 29  
Priority Mail Express Contract 30  
Priority Mail Express Contract 31  
Priority Mail Express Contract 32  
Priority Mail Express Contract 34  
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Priority Mail Express Contract 39  
Priority Mail Express Contract 40  
Priority Mail Express Contract 41  
Priority Mail Express Contract 42  
Priority Mail Express Contract 43  
Priority Mail Express Contract 44  
Priority Mail Express Contract 45  
Priority Mail Express Contract 46  
Priority Mail Express Contract 47  
Priority Mail Express Contract 48  
Priority Mail Express Contract 49  
Parcel Return Service Contract 5  
Parcel Return Service Contract 6  
Parcel Return Service Contract 7  
Parcel Return Service Contract 8  
Parcel Return Service Contract 9  
Parcel Return Service Contract 10  
Priority Mail Contract 77  
Priority Mail Contract 78  
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Priority Mail Contract 227





First-Class Package Service Contract 71	Priority Mail & First-Class Package Service Contract 26	Global Expedited Package Services (GEPS)—Non-Published Rates 5
First-Class Package Service Contract 72	Priority Mail & First-Class Package Service Contract 27	Global Expedited Package Services (GEPS)—Non-Published Rates 6
First-Class Package Service Contract 73	Priority Mail & First-Class Package Service Contract 28	Global Expedited Package Services (GEPS)—Non-Published Rates 7
First-Class Package Service Contract 74	Priority Mail & First-Class Package Service Contract 29	Global Expedited Package Services (GEPS)—Non-Published Rates 8
First-Class Package Service Contract 75	Priority Mail & First-Class Package Service Contract 30	Global Expedited Package Services (GEPS)—Non-Published Rates 9
First-Class Package Service Contract 76	Priority Mail & First-Class Package Service Contract 31	Global Expedited Package Services (GEPS)—Non-Published Rates 10
First-Class Package Service Contract 77	Priority Mail & First-Class Package Service Contract 32	Global Expedited Package Services (GEPS)—Non-Published Rates 11
Priority Mail Express, Priority Mail & First-Class Package Service Contract 5	Priority Mail & First-Class Package Service Contract 33	Global Expedited Package Services (GEPS)—Non-Published Rates 12
Priority Mail Express, Priority Mail & First-Class Package Service Contract 6	Priority Mail & First-Class Package Service Contract 34	Priority Mail International Regional Rate Boxes—Non-Published Rates
Priority Mail Express, Priority Mail & First-Class Package Service Contract 7	Priority Mail & First-Class Package Service Contract 35	Outbound Competitive International Merchandise Return Service Agreement with Royal Mail Group, Ltd.
Priority Mail Express, Priority Mail & First-Class Package Service Contract 8	Priority Mail & First-Class Package Service Contract 36	Priority Mail International Regional Rate Boxes Contracts
Priority Mail Express, Priority Mail & First-Class Package Service Contract 9	Priority Mail & First-Class Package Service Contract 37	Priority Mail International Regional Rate Boxes Contracts 1
Priority Mail Express, Priority Mail & First-Class Package Service Contract 10	Priority Mail & First-Class Package Service Contract 38	Competitive International Merchandise Return Service Agreements with Foreign Postal Operators
Priority Mail Express, Priority Mail & First-Class Package Service Contract 11	Priority Mail & First-Class Package Service Contract 39	Competitive International Merchandise Return Service Agreements with Foreign Postal Operators 1
Priority Mail Express, Priority Mail & First-Class Package Service Contract 12	Priority Mail & First-Class Package Service Contract 40	Competitive International Merchandise Return Service Agreements with Foreign Postal Operators 2
Priority Mail Express, Priority Mail & First-Class Package Service Contract 13	Priority Mail & First-Class Package Service Contract 41	Alternative Delivery Provider (ADP) Contracts
Priority Mail Express, Priority Mail & First-Class Package Service Contract 14	Priority Mail & First-Class Package Service Contract 42	ADP 1
Priority Mail Express, Priority Mail & First-Class Package Service Contract 15	Priority Mail & First-Class Package Service Contract 43	Inbound International*
Priority Mail Express, Priority Mail & First-Class Package Service Contract 16	Priority Mail & First-Class Package Service Contract 44	International Business Reply Service (IBRS) Competitive Contracts
Priority Mail Express, Priority Mail & First-Class Package Service Contract 17	Priority Mail & First-Class Package Service Contract 45	International Business Reply Service Competitive Contract 1
Priority Mail Express, Priority Mail & First-Class Package Service Contract 18	Priority Mail & First-Class Package Service Contract 46	International Business Reply Service Competitive Contract 3
Priority Mail Express, Priority Mail & First-Class Package Service Contract 19	Priority Mail & Parcel Select Contract 1	Inbound Direct Entry Contracts with Customers
Priority Mail & First-Class Package Service Contract 2	Priority Mail & Parcel Select Contract 2	Inbound Direct Entry Contracts with Foreign Postal Administrations
Priority Mail & First-Class Package Service Contract 4	Outbound International*	Inbound Direct Entry Contracts with Foreign Postal Administrations 1
Priority Mail & First-Class Package Service Contract 6	Global Expedited Package Services (GEPS) Contracts	Inbound EMS
Priority Mail & First-Class Package Service Contract 7	GEPS 3	Inbound EMS 2
Priority Mail & First-Class Package Service Contract 8	GEPS 5	Inbound Air Parcel Post (at non-UPU rates)
Priority Mail & First-Class Package Service Contract 9	GEPS 6	Royal Mail Group Inbound Air Parcel Post Agreement
Priority Mail & First-Class Package Service Contract 10	GEPS 7	Inbound Competitive Multi-Service Agreements with Foreign Postal Operators
Priority Mail & First-Class Package Service Contract 11	Global Bulk Economy (GBE) Contracts	Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1
Priority Mail & First-Class Package Service Contract 13	Global Plus Contracts	Special Services*
Priority Mail & First-Class Package Service Contract 15	Global Plus 1C	Address Enhancement Services
Priority Mail & First-Class Package Service Contract 16	Global Plus 1D	Greeting Cards, Gift Cards, and Stationery
Priority Mail & First-Class Package Service Contract 17	Global Plus 2C	International Ancillary Services
Priority Mail & First-Class Package Service Contract 18	Global Plus 3	International Money Transfer Service—Outbound
Priority Mail & First-Class Package Service Contract 19	Global Reseller Expedited Package Contracts	International Money Transfer Service—Inbound
Priority Mail & First-Class Package Service Contract 20	Global Reseller Expedited Package Services 1	Premium Forwarding Service
Priority Mail & First-Class Package Service Contract 21	Global Reseller Expedited Package Services 2	Shipping and Mailing Supplies
Priority Mail & First-Class Package Service Contract 22	Global Reseller Expedited Package Services 3	Post Office Box Service
Priority Mail & First-Class Package Service Contract 23	Global Reseller Expedited Package Services 4	Competitive Ancillary Services
Priority Mail & First-Class Package Service Contract 24	Global Expedited Package Services (GEPS)—Non-Published Rates	
Priority Mail & First-Class Package Service Contract 25	Global Expedited Package Services (GEPS)—Non-Published Rates 2	
	Global Expedited Package Services (GEPS)—Non-Published Rates 3	
	Global Expedited Package Services (GEPS)—Non-Published Rates 4	

## Nonpostal Services\*

Advertising  
 Licensing of Intellectual Property other than Officially Licensed Retail Products (OLRP)  
 Mail Service Promotion  
 Officially Licensed Retail Products (OLRP)  
 Passport Photo Service  
 Photocopying Service  
 Rental, Leasing, Licensing or other Non-Sale Disposition of Tangible Property  
 Training Facilities and Related Services  
 USPS Electronic Postmark (EPM) Program

## Market Tests\*

Customized Delivery  
 Global eCommerce Marketplace (GeM)

Stacy L. Ruble,

Secretary.

[FR Doc. 2017-14865 Filed 7-14-17; 8:45 am]

BILLING CODE 7710-FW-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2016-0514; FRL-9964-79-Region 3]

### Approval and Promulgation of Air Quality Implementation Plans; Maryland; Removal of Clean Air Interstate Rule Program Regulations (CAIR) and Reference to CAIR, and Amendments to Continuous Emission Monitor (CEM) Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a July 7, 2016 state implementation plan (SIP) revision submitted by the State of Maryland. The July 7, 2016 SIP submittal sought removal of a regulation in its entirety from the approved Maryland SIP which addressed Maryland's defunct Clean Air Interstate Rule (CAIR) program and sought removal from the SIP of additional provisions which referenced Maryland's CAIR program in Maryland regulations addressing general air quality definitions and the control of emissions from pulp mills in Maryland. Additionally, the July 7, 2016 SIP submittal included an amendment to a Maryland regulation regarding the use of continuous emission monitoring (CEM) systems at Kraft pulp mill boilers and combustion units in order to clarify that CEM systems must meet requirements beyond those only related to certification. The July 7, 2016 SIP submittal removing references to CAIR in Maryland's regulations satisfies Maryland's obligation pursuant to an

earlier rulemaking in which EPA granted final conditional approval of Maryland's amended regulation regarding the control of emissions from Kraft pulp mills contingent upon Maryland addressing the removal of references to CAIR from its regulations and SIP. Today's action thus also converts the prior conditional approval of the pulp mill regulation to a full approval. EPA's approval of the Maryland SIP is in accordance with the requirements of the Clean Air Act (CAA) and is under CAA authority.

**DATES:** This final rule is effective on August 16, 2017.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2016-0514. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Ellen Schmitt, (215) 814-5787, or by email at [schmitt.ellen@epa.gov](mailto:schmitt.ellen@epa.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

On April 28, 2017 (82 FR 19648), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland. The NPR proposed to approve Maryland's July 7, 2016 SIP submittal which sought removal of Maryland's CAIR program, in its entirety from the Maryland SIP, as well as the removal of references to CAIR from other Maryland regulations in the SIP. CAIR, a now superseded program, was first promulgated in May 2005 to help reduce interstate transport of ozone and fine particulate matter (PM<sub>2.5</sub>) pollution in the eastern half of the United States.<sup>1</sup> CAIR addressed both the 1997 ozone and PM<sub>2.5</sub> national ambient air quality standards (NAAQS) and required 28 states, including Maryland, to limit emissions of nitrogen oxides (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>).<sup>2</sup>

On December 23, 2008, CAIR was remanded to EPA by the United States

Court of Appeals for the District of Columbia Circuit (D.C. Circuit) in *North Carolina v. EPA*, 531 F.3d 896 (D.C. Cir. 2008), modified on reh'g, 550 F.3d 1176. The December 2008 D.C. Circuit ruling allowed CAIR to remain in effect until a new interstate transport rule consistent with the Court's opinion was developed. In response to the remand of CAIR, EPA promulgated the Cross State Air Pollution Rule (CSAPR) on July 6, 2011.<sup>3</sup> CSAPR, which reduced emissions from electric generating units (EGUs), addressed the 1997 8-hour ozone NAAQS, the 1997 annual PM<sub>2.5</sub> NAAQS, and the 2006 24-hour PM<sub>2.5</sub> NAAQS. The rule also contained provisions that would end CAIR-related obligations on a schedule coordinated with the implementation of CSAPR compliance requirements. CSAPR was to become effective January 1, 2012; however, the timing of CSAPR's implementation was impacted by a number of court actions.<sup>4</sup> On December 3, 2014 (79 FR 71663), in an interim final rule, EPA updated the effective date of CSAPR to January 1, 2015. Thus, in accordance with this interim final rule, the sunset date for CAIR was December 31, 2014, and EPA began implementing CSAPR on January 1, 2015.<sup>5</sup>

#### II. Summary of SIP Revision and EPA Analysis

In the April 28, 2017 NPR, EPA proposed approval of Maryland's request to remove Maryland's CAIR program, in its entirety, from the State's SIP as well as to remove references to CAIR from other Maryland regulations in the State's SIP that relate to general air quality definitions and to the control of emissions from Kraft pulp mills in the State. In this NPR, EPA also proposed approval of amended Code of Maryland Regulations (COMAR) 26.11.14.07D(1) which removed the word "certified" from that subsection in order to clarify that CEM systems from Kraft pulp mill boilers and combustion units must meet requirements for monitoring and reporting emissions in 40 CFR part 75, subpart H and not just "certification" requirements.

In addition, Maryland's submission of the amendments to COMAR 26.11.01.01 and COMAR 26.11.14 (to remove

<sup>3</sup> 76 FR 48208 (August 8, 2011).

<sup>4</sup> A detailed summary of these court actions in the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) and the United States Supreme Court affecting CAIR and CSAPR was provided in the Background section of the NPR which is available online at [www.regulations.gov](http://www.regulations.gov). Docket number EPA-R03-OAR-2016-0514.

<sup>5</sup> At the present time, CSAPR is implemented in Maryland via a federal implementation plan (FIP).

<sup>1</sup> 70 FR 25172 (May 12, 2005).

<sup>2</sup> SO<sub>2</sub> is a precursor to PM<sub>2.5</sub> formation, and NO<sub>x</sub> is a precursor to both ozone and PM<sub>2.5</sub> formation.

references to CAIR) was in response to EPA's conditional approval of a previous Maryland SIP submittal. Maryland SIP #14-04 was submitted on October 8, 2014 for inclusion of a pulp mill regulation in the Maryland SIP and included amendments to COMAR 26.11.14—Control of Kraft Pulp Mills. In a letter dated September 18, 2015, the Maryland Department of the Environment (MDE) committed to removing references to CAIR, which had sunset, through a SIP revision.<sup>6</sup> The amendments to COMAR 26.11.01.01 and COMAR 26.11.14, provided by Maryland's July 7, 2016 SIP submittal, complete the actions required by EPA's conditional approval of Maryland SIP submittal #14-04. 81 FR 59486 (August 30, 2016). Pursuant to section 110(k) of the CAA and as stated in the August 30, 2016 final conditional approval of COMAR 26.11.14 for Maryland's October 8, 2014 SIP submittal, once EPA determines that MDE has satisfied the condition to remove references to CAIR, EPA shall remove the conditional nature of the August 30, 2016 approval and COMAR 26.11.14 will receive full approval status for the Maryland SIP.

In the NPR, EPA proposed to approve Maryland's request to remove Maryland regulations addressing CAIR and referring to CAIR from the approved Maryland SIP and to approve the revised COMAR regulation addressing CEM requirements at Kraft pulp mills because the removal strengthens the Maryland SIP. This is considered a SIP strengthening action as it removes a moot program, CAIR, which was replaced by CSAPR, a program that yields at least equal or additional NO<sub>x</sub> and SO<sub>2</sub> reductions to CAIR.

EPA proposed to approve the revision to COMAR 26.11.14.07D(1) which removed the word "certified" from the regulation because the revision met CAA section 110 requirements as the revision was merely an administrative action to make clear that CEMs at Kraft pulp mills must meet all requirements for monitoring and certification in 40 CFR part 75, subpart H. A detailed summary of Maryland's July 7, 2016 SIP submission and amended regulations as well as EPA's review of and rationale for approving this SIP revision submittal may be found in the NPR for this rulemaking action and will not be restated here.

In addition, in the NPR, EPA determined the amendments to COMAR 26.11.01.01 and COMAR 26.11.14 included in the July 7, 2016 SIP

submittal completed the actions required by EPA's conditional approval of COMAR 26.11.14. 81 FR 59486 (August 30, 2016). Thus, this final approval of the July 7, 2016 SIP submittal converts the prior conditional approval of COMAR 26.11.14 in the Maryland SIP to a full approval. Two public comments were received on the NPR.

### III. Public Comments and EPA's Responses

EPA received two comments on the April 28, 2017 proposed approval of the July 7, 2016 Maryland SIP revision submittal.

*Comment 1:* One commenter stated that no regulations should be repealed and that even stronger regulations are needed. The commenter expressed a feeling of security that the government will not allow, via corporations or negligence, the air the commenter breathes or water the commenter drinks to become toxic or mildly hazardous due to regulations. The commenter claimed New York State has toxic regions of land where the water and soil is unsafe, unfarmable and unlivable because government allowed businesses in the region to dispose of waste on the land before EPA existed.

*Response 1:* EPA thanks the commenter for the submitted statements and concern for clean air and water. In this rulemaking, EPA is approving the removal of regulations from the Maryland SIP because the regulations relate to the CAIR program which is moot and has been replaced by CSAPR which is at least as stringent in addressing emissions of NO<sub>x</sub> and SO<sub>2</sub> from EGUs as CAIR was. As stated in the NPR, CSAPR was promulgated to replace CAIR and was EPA's response to court decisions addressing the CAIR program. Although the implementation of CSAPR was delayed for several years due to litigation, EPA began implementing CSAPR January 1, 2015 and the implementation of CAIR ceased on December 31, 2014. The Maryland regulations relating to the CAIR program and any regulations referencing CAIR became moot also as of that date as they refer to a defunct program. Thus, as discussed in the NPR, removing from the Maryland SIP the regulations which formed Maryland's CAIR program and removing references to CAIR from other COMAR provisions will not impact any emissions from EGUs or other emitting sources as CAIR is moot and has been replaced by CSAPR as the federal interstate transport cap and trade program. As discussed in the NPR, EPA's action to remove the CAIR program and references to the CAIR

program from the Maryland SIP is in accordance with CAA section 110(l) and will not impact the NAAQS, reasonable further progress, or any other CAA requirement as CAIR has sunset and no longer yields any NO<sub>x</sub>, ozone, or SO<sub>2</sub> reductions as CSAPR now provides the program for those emission reductions. Further, the commenter's statements regarding protection of air and water via regulations do not identify with required specificity any protections of air or water impacted by the removal of the moot CAIR program regulations or suggest specific actions EPA should consider otherwise as CSAPR has replaced CAIR.

*Comment 2:* The commenter stated that he was opposed to the proposed action and that "there can be no financial or political reason for limiting the federal government's responsibility to assure clean water and clean air for every American regardless of which state in which they may reside." The commenter also stated that "states cannot keep the effects of their pollution from spilling over into neighboring states" and stated that saying "these regulations are job killers misses the moral imperative."

*Response 2:* EPA thanks the commenter for his support for clean water and air. In general, this comment lacks required specificity and does not identify specific provisions or actions EPA should address differently. EPA has explained in the NPR and in this final action why the removal of the Maryland regulations which addressed or referenced CAIR, a defunct program, met CAA requirements and why removal of these regulations would not impact any NAAQS, reasonable further progress or any CAA requirement. As mentioned, CAIR sunset in 2014 and was replaced by CSAPR. The CAA's "good neighbor" provision in section 110(a)(2)(D) requires states to address in their SIPs the interstate transport of air pollution that affects the ability of downwind states to attain and maintain the NAAQS. Where states have not addressed the section 110(a)(2)(D) "good neighbor" provision in their SIPs, EPA promulgated FIPs such as CSAPR which address interstate pollution impacting attainment and maintenance of the 1997 and 2006 ozone and PM<sub>2.5</sub> NAAQS, and the 2008 ozone NAAQS through a cap and trade program which reduces emissions of NO<sub>x</sub> and SO<sub>2</sub> from EGUs. The CSAPR FIP applies to Maryland to address interstate transport of pollution, and thus removal of the moot CAIR program from the State's SIP will not interfere with requirements for addressing transport.

<sup>6</sup>The final rulemaking notice for EPA's conditional approval of SIP submission #14-04 was published on August 30, 2016 (81 FR 59486).

#### IV. Final Action

EPA is approving the removal of Maryland's CAIR program, in its entirety, from the Maryland SIP as well as the removal of references to CAIR from other Maryland regulations in the SIP that relate to general air quality definitions and to the control of emissions from Kraft pulp mills in the State. EPA is also approving the amended version of COMAR 26.11.14.07D(1) relating to CEM system requirements for inclusion in the Maryland SIP.

Additionally, because EPA determined that Maryland's July 7, 2016 SIP submittal satisfies Maryland's obligation pursuant to EPA's August 30, 2016 (81 FR 59486) rulemaking in which EPA granted final conditional approval of COMAR 26.11.14 regarding the control of NO<sub>x</sub> emissions at Kraft pulp mills for SIP inclusion, EPA now grants full approval to the October 15, 2014 SIP revision which added COMAR 26.11.14 regarding Kraft pulp mill emissions to the Maryland SIP. EPA's approval of the July 7, 2016 SIP and full approval of the October 15, 2014 SIP is in accordance with requirements under section 110 of the CAA.

#### V. 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 portions of MDE regulations COMAR 26.11.01 and COMAR 26.11.14 regarding air quality definitions and Kraft pulp mill emission controls to remove reference to CAIR. EPA is also incorporating by reference the portion of COMAR 26.11.14 which removed the word "certified" from COMAR 26.11.14.07D(1). 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.<sup>7</sup> EPA has made, and will continue to make, these materials generally available through <http://www.regulations.gov> and/or at the EPA Region III Office (please contact the person identified in the "For Further Information Contact" section of this preamble for more information).

<sup>7</sup> 62 FR 27968 (May 22, 1997).

#### VI. Statutory and Executive Order Reviews

##### A. General Requirements

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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct

costs on tribal governments or preempt tribal law.

##### B. Submission to Congress and the Comptroller General

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).

##### C. Petitions for Judicial Review

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 15, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action regarding the removal of the CAIR program under COMAR 28.11.28 from the Maryland SIP and amendments to COMAR 26.11.01 and 26.11.14 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, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 29, 2017.

**Cecil Rodrigues,**

*Acting Regional Administrator, Region III.*

40 CFR part 52 is amended as follows:

##### **PART 52—APPROVAL AND IMPLEMENTATION OF**

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

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

Subpart V—Maryland

■ 2. In § 52.1070, the table in paragraph (c) is amended by:

- a. Revising the entries for COMAR 26.11.01.01, 26.11.14.06, and 26.11.14.07; and
- b. Removing the heading “26.11.28 Clean Air Interstate Rule” and the entries 26.11.28.01 through 26.11.28.08.

The revised text reads as follows:

§ 52.1070 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
<b>26.11.01 General Administrative Provisions</b>				
26.11.01.01 .....	Definitions .....	05/09/2016	7/17/2017, [Insert <b>Federal Register</b> citation].	Amends the definition of “NO <sub>x</sub> Ozone Season Allowance” in 26.11.01.01B(24–1).
*	*	*	*	*
<b>26.11.14 Control of Emissions From Kraft Pulp Mills</b>				
26.11.14.06 .....	Control of Volatile Organic Compounds.	3/3/2014	7/17/2017, [Insert <b>Federal Register</b> citation].	Amended to clarify volatile organic compound (VOC) control system and requirements at Kraft pulp mills. (8/30/2016, 81 FR 59488).
26.11.14.07 .....	Control of NO <sub>x</sub> Emissions from Fuel Burning Equipment.	05/09/2016	7/17/2017, [Insert <b>Federal Register</b> citation].	Removed reference to COMAR 26.11.28 in 26.11.14.07C(1) and removed the word “certified” in 26.11.14.07D(1).
*	*	*	*	*

\* \* \* \* \*

[FR Doc. 2017–14842 Filed 7–14–17; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52, 60, and 61**

[Region 4; FRL–9964–36–Region 4]

**Address and Agency Name Changes for Region 4 State and Local Agencies; Technical Correction**

**AGENCY:** Environmental Protection Agency.

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

**SUMMARY:** The Environmental Protection Agency (EPA) is correcting the addresses and agencies names for EPA Region 4 State and local agencies in EPA regulations. The jurisdiction of EPA Region 4 includes the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee. Certain EPA air pollution control regulations require submittal of notifications, reports and other documents to the appropriate authorized State or local agency. This technical amendment updates and corrects agency names and the addresses for submitting such

information to the EPA Region 4 State and local agency offices.

**DATES:** This rule is effective July 17, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Kelly Sheckler, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Sheckler’s telephone number is 404–562–9992. She can also be reached via electronic mail at *Sheckler.Kelly@epa.gov*.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

EPA is amending its regulations in 40 CFR parts 52, 60 and 61 to reflect changes in the addresses for the Kentucky Division for Air Quality, and the Louisville Metro Air Pollution Control District in Kentucky; the Mecklenburg County Air Quality Land Use and Environmental Services Agency, and Western North Carolina Regional Air Quality Agency in North Carolina; and, the Tennessee Department of Environment and Conservation and the Nashville Metro Public Health Department Pollution Control Division in Tennessee. EPA is

also revising the agency name for North Carolina Department of Natural Resources to the North Carolina Department of Environmental Quality. This technical amendment merely updates and corrects the addresses for the state and local agencies, and a name change for one of the state agencies.

EPA has determined that this rule falls under the “good cause” exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding “good cause,” authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Under section 553 of the APA, an agency may find good cause where such procedures are “impracticable, unnecessary, or contrary to the public interest.” Public comment is “unnecessary” and “contrary to the public interest” since the addresses for the state and local agencies have changed and immediate notice in the CFR benefits the public by updating citations.<sup>1</sup>

<sup>1</sup> EPA’s finding that providing notice and an opportunity for comment before promulgation of the amendments in this final action is impracticable, unnecessary, or contrary to the public interest also applies for purposes of section

## II. Statutory and Executive Order Reviews

This final rule implements technical amendments to 40 CFR parts 52, 60 and 61 to reflect a change in the address for the state and local agencies, and a name change for one of the state agencies. It does not otherwise impose or amend any requirements. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
  - 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 the 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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the States of Kentucky, North Carolina, and Tennessee, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act (CRA), 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. Section 808 of the CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA, if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. This determination must be supported by a brief statement (5 U.S.C. 808(2)). As stated earlier, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of July 17, 2017. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. 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).

### List of Subjects

#### 40 CFR Part 52

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

#### 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Ammonium sulfate plants, Batteries, Beverages, Carbon monoxide, Cement industry, Chemicals, Coal, Copper, Dry Cleaners, Electric power plants, Fertilizers, Fluoride, Gasoline, Glass and glass products, Grains, Graphic arts industry, Heaters, Household appliances, Insulation, Intergovernmental relations, Iron, Labeling, Lead, Lime, Metallic and nonmetallic mineral processing plants, Metals, Motor Vehicles, Natural gas, Nitric acid plants, Nitrogen dioxide, Paper and paper products industry, Particulate matter, Paving and roofing materials, Petroleum, Phosphate, Plastics materials and synthetics, Polymers, Reporting and recordkeeping requirements, Sewage disposal, Steel, sulfur oxides, Sulfuric acid plants, Tires, Urethane, Vinyl, Volatile organic compounds, Waste treatment and disposal, Zinc.

#### 40 CFR Part 61

Environmental protection, Air pollution control, Arsenic, Asbestos, Benzene, Beryllium, Hazardous substances, Mercury, Radionuclides, Radon, Reporting and recordkeeping requirements, Uranium, Vinyl chloride.

Dated: June 14, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR parts 52, 60 and 61 are amended as follows:

### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

#### Subpart S—Kentucky

- 2. Section 52.931 is amended by revising paragraph (d) to read as follows:

#### § 52.931 Significant deterioration of air quality.

\* \* \* \* \*

(d) All applications and other information required pursuant to § 52.21 from sources located in the Commonwealth of Kentucky shall be submitted to the appropriate state or local agency for which the source is located, rather than to EPA’s Region 4 office: Kentucky Department for Environmental Protection, Division for Air Quality, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601; or Louisville Metro Air Pollution Control District, 701 W. Ormsby Ave., Suite 303, Louisville, Kentucky 40203.

#### Subpart II—North Carolina

- 3. Section 52.1778 is amended by revising paragraph (c) to read as follows:

#### § 52.1778 Significant deterioration of air quality.

\* \* \* \* \*

(c) All applications and other information required pursuant to § 52.21 from sources located in the State of North Carolina shall be submitted to the appropriate state or local agency for which the source is located, rather than to EPA’s Region 4 office: North Carolina Department of Environmental Quality, Division of Air Quality, 1641 Mail Service Center, Raleigh, North Carolina 27699–1641; Forsyth County Office of Environmental Assistance and Protection, 201 North Chestnut Street, Winston-Salem, North Carolina 27101–4120; Mecklenburg County Land Use and Environmental Services Agency,

Air Quality, 2145 Suttle Avenue, Charlotte, North Carolina 28208; or Western North Carolina Regional Air Quality Agency, 125 S. Lexington Ave., Suite 101, Asheville, North Carolina 28801-3661.

Subpart RR—Tennessee

■ 4. Section 52.2233 is amended by revising paragraph (c) to read as follows:

§ 52.2233 Significant deterioration of air quality.

\* \* \* \* \*

(c) All applications and other information required pursuant to § 52.21 from sources located in the State of Tennessee shall be submitted to the appropriate state or local agency for which the source is located, rather than to EPA's Region 4 office: Tennessee Department of Environment and Conservation, Division of Air Pollution Control, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15th Floor, Nashville, Tennessee 37243; Knox County Air Quality Management—Department of Public Health, 140 Dameron Avenue, Knoxville, Tennessee 37917; Metro Public Health Department, Pollution Control Division, 2500 Charlotte Ave., Nashville, Tennessee 37209; Chattanooga-Hamilton County Air Pollution Control Bureau, 6125 Preservation Drive, Chattanooga, Tennessee 37416; or Shelby County Health Department, Pollution Control Section, 814 Jefferson Avenue, Memphis, Tennessee 38105.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

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

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

Subpart A—General Provisions

- 6. Section 60.4 is amended by:
■ a. Redesignating paragraphs (b)(A) through (EEE) as paragraphs (b)(1) through (57).
■ b. Revising paragraphs (b)(19), (35), and (44) to read as follows:

§ 60.4 Address.

\* \* \* \* \*

(b) \* \* \*

(19) Commonwealth of Kentucky: Kentucky Department for Environmental Protection, Division for Air Quality, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601 or local agency, Louisville Metro Air Pollution Control District, 701 W.

Ormsby Ave., Suite 303, Louisville, Kentucky 40203.

\* \* \* \* \*

(35) State of North Carolina: North Carolina Department of Environmental Quality, Division of Air Quality, 1641 Mail Service Center, Raleigh, North Carolina 27699-1641 or local agencies, Forsyth County Office of Environmental Assistance and Protection, 201 North Chestnut Street, Winston-Salem, North Carolina 27101-4120; Mecklenburg County Land Use and Environmental Services Agency, Air Quality, 2145 Suttle Avenue, Charlotte, North Carolina 28208; Western North Carolina Regional Air Quality Agency, 125 S. Lexington Ave., Suite 101, Asheville, North Carolina 28801-3661.

\* \* \* \* \*

(44) State of Tennessee: Tennessee Department of Environment and Conservation, Division of Air Pollution Control, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15th Floor, Nashville, Tennessee 37243, or local agencies, Knox County Air Quality Management—Department of Public Health, 140 Dameron Avenue, Knoxville, Tennessee 37917; Metro Public Health Department, Pollution Control Division, 2500 Charlotte Ave., Nashville, Tennessee 37209; Chattanooga-Hamilton County Air Pollution Control Bureau, 6125 Preservation Drive, Chattanooga, Tennessee 37416; Shelby County Health Department, Pollution Control Section, 814 Jefferson Avenue, Memphis, Tennessee 38105.

\* \* \* \* \*

PART 61—NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS

■ 7. The authority citation for part 61 continues to read as follows:

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

Subpart A—General Provisions

- 8. Section 61.04 is amended by:
■ a. Redesignating paragraphs (b)(A) through (EEE) as paragraphs (b)(1) through (57).
■ b. Revising newly redesignated paragraphs (b)(19), (35), and (44) to read as follows:

§ 61.04 Address.

\* \* \* \* \*

(b) \* \* \*

(19) Commonwealth of Kentucky: Kentucky Department for Environmental Protection, Division of Air Quality, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601 or

local agency, Louisville Metro Air Pollution Control District, 701 W. Ormsby Ave. Suite 303, Louisville, Kentucky 40203.

\* \* \* \* \*

(35) State of North Carolina: North Carolina Department of Environmental Quality, Division of Air Quality, 1641 Mail Service Center, Raleigh, North Carolina 27699-1641 or local agencies, Forsyth County Office of Environmental Assistance and Protection, 201 North Chestnut Street, Winston-Salem, North Carolina 27101-4120; Mecklenburg County Land Use and Environmental Services Agency, Air Quality, 2145 Suttle Avenue, Charlotte, North Carolina 28208; Western North Carolina Regional Air Quality Agency, 125 S. Lexington Ave., Suite 101, Asheville, North Carolina 28801-3661.

\* \* \* \* \*

(44) State of Tennessee: Tennessee Department of Environment and Conservation, Division of Air Pollution Control, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15th Floor, Nashville, Tennessee 37243, or local agencies, Knox County Air Quality Management—Department of Public Health, 140 Dameron Avenue, Knoxville, Tennessee 37917; Metro Public Health Department, Pollution Control Division, 2500 Charlotte Ave., Nashville, Tennessee 37209; Chattanooga-Hamilton County Air Pollution Control Bureau, 6125 Preservation Drive, Chattanooga, Tennessee 37416; Shelby County Health Department, Pollution Control Section, 814 Jefferson Avenue, Memphis, Tennessee 38105.

\* \* \* \* \*

[FR Doc. 2017-14746 Filed 7-14-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA-HQ-SFUND-1983-0002; FRL-9964-55-Region-7]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Ellisville Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 7 announces the deletion of the Callahan property, Operable Unit 3(OU3) (Parcel ID 22U220242) of the Ellisville Superfund



Site (Site) located in Wildwood, Missouri (E $\frac{1}{2}$ , NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , S31, T45N, R04E), from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This partial deletion pertains to all media (soil and groundwater) of the Callahan property, (OU3) Subsite. The Bliss (OU2) and Rosalie (OU1) operable units will remain on the NPL and are not being considered for deletion as part of this action. The EPA and the State of Missouri, through the Missouri Department of Natural Resources, have determined that all appropriate response actions under CERCLA, have been completed. However, the deletion of this parcel does not preclude future actions under Superfund.

**DATES:** This action is effective July 17, 2017.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-HQ-SFUND-1983-0002. All documents in the docket are listed on the <https://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <https://www.regulations.gov> or in hard copy at the site information repositories. The locations and viewing hours of the site information repositories are:

The Region 7 Records Center, 11201 Renner Boulevard, Lenexa, KS open from 8 a.m. to 4 p.m. Monday–Friday and the Daniel Boone Branch Library, 300 Clarkson Road, Ellisville, MO open from 9 a.m. to 9 p.m. Monday–Thursday, 9 a.m. to 5 p.m. Friday and Saturday, and 1 p.m. to 5 a.m. on Sunday.

**FOR FURTHER INFORMATION CONTACT:** Laura Price, Remedial Project Manager, U.S. Environmental Protection Agency, Region 7, Environmental Protection

Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219, email: [price.laura@epa.gov](mailto:price.laura@epa.gov) or telephone: 913–551–7130.

**SUPPLEMENTARY INFORMATION:** The portion of the site to be deleted from the NPL is: Callahan property, OU3 of the Ellisville Superfund Site, Wildwood, Missouri. A Notice of Intent for Partial Deletion for this Site was published in the **Federal Register** (81 FR 14813) on March 18, 2016.

The original closing date for comments on the Notice of Intent for Partial Deletion was April 18, 2016. However, the EPA continued to accept public comments at the request of the City of Wildwood until May 18, 2016. Twenty-five public comments were received and the public concerns expressed in the comments were: Public health risks that may still remain at the subsite, additional time to observe the subsite for possible long-term effects, future construction at the subsite will disturb contaminants left at the site, dioxin and polychlorinated biphenyls (PCBs) contaminants were not evaluated or were being left in place, groundwater was not evaluated, vapor intrusion issues were not evaluated, and that five year reviews should be conducted at the subsite. The EPA removed all contaminated soil down to bedrock at the Callahan subsite then collected confirmation samples on the sidewalls to confirm that clean-up was achieved both vertically and laterally. EPA considers that all contaminants of concern in the site soils above clean-up criteria were removed from the Callahan subsite. Therefore, there is not contamination to disturb through future construction. PCBs and dioxin were not detected above clean-up criteria and are not considered contaminants of concern at the Callahan subsite. The EPA conducted a groundwater investigation at the property where three wells were installed then sampled. All groundwater samples at the Callahan subsite were non-detect for contaminants of concern. Indoor air sampling was not conducted at residential homes near the Callahan subsite since all impacted soil was removed from the site and the groundwater is not impacted with contamination. The EPA considers there is no pathway for vapor intrusion. The EPA determined all threats to public health and the environment requiring action have been addressed and that the

Callahan subsite meets the criteria for unlimited use/unrestricted exposure (UU/UE). Since the Callahan subsite meets UU/UE requirements a five-year review is not required for the Callahan subsite. Based on an evaluation of all requirements under 40 CFR 300.425(e) and 60 FR 55466–55467, the EPA concluded that the Callahan subsite could and should be deleted from the NPL. A responsiveness summary was prepared and placed in both the docket, EPA-HQ-SFUND-1983-0002, on [www.regulations.gov](http://www.regulations.gov), and in the local repositories listed above.

The EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion of a site from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of portions of a site from the NPL does not affect responsible party liability, in the unlikely event that future conditions warrant further actions.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: June 12, 2017.

**Edward H. Chu,**

*Acting Regional Administrator, Region 7.*

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

#### PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

- 1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

- 2. Table 1 of Appendix B to part 300 is amended by revising the entry “MO”, “Ellisville Site”, “Ellisville” to read as follows:

#### Appendix B to Part 300—National Priorities List

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes (a)
MO .....	Ellisville Site .....	Ellisville .....	P

(a) = Based on issuance of health advisory by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be greater than or equal to 28.50).

P = Sites with partial deletion(s).

\* \* \* \* \*

[FR Doc. 2017-14831 Filed 7-14-17; 8:45 am]

BILLING CODE 6560-50-P

# Proposed Rules

Federal Register

Vol. 82, No. 135

Monday, July 17, 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 AGRICULTURE

### Office of the Secretary

#### 7 CFR Subtitles A and B

#### 9 CFR Chapters I, II, and III

### Identifying Regulatory Reform Initiatives

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Request for information.

**SUMMARY:** Pursuant to Executive Order 13777—Enforcing the Regulatory Reform Agenda, the U.S. Department of Agriculture (USDA) is requesting ideas from the public on how we can provide better customer service and remove unintended barriers to participation in our programs in ways that least interfere with our customers and allow us to accomplish our mission. To do this, we are specifically asking for public ideas on regulations, guidance documents, or any other policy documents that are in need of reform, for example ideas to modify, streamline, expand, or repeal those items.

**DATES:** Comments and information are requested on or before July 17, 2018. USDA will review comments in four batches over a one-year period. The cut-off period for comments to be reviewed as part of the first batch is September 15, 2017. The cut-off period for comments to be reviewed as part of the second batch is November 14, 2017. The cut-off periods for the third and fourth batches are February 12, 2018, and July 17, 2018, respectively.

**ADDRESSES:** We invite you to submit comments on this notice. For proper delivery, in your comment, specify “Identifying Regulatory Reform Initiatives.”

• *Electronic Submission of Comments.* You may submit comments electronically through the Federal eRulemaking Portal: <http://www.regulations.gov>. USDA strongly encourages commenters to submit comments electronically. Electronic submission of comments allows you

maximum time to prepare and submit a comment, and ensures timely receipt by USDA. Follow the instructions provided on that site to submit comments electronically.

• *Submission of Comments by Mail, Hand delivery, or Courier.* Paper, disk, or CD-ROM submissions should be submitted to [regulations@obpa.usda.gov](mailto:regulations@obpa.usda.gov), Office of Budget and Program Analysis, USDA, Jamie L. Whitten Building, Room 101–A, 1400 Independence Ave. SW., Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Michael Poe, Telephone Number: (202) 720–5303.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

###### A. USDA’s Regulatory Mission

USDA is committed to creating a culture of consistent, efficient service to our customers while easing regulatory burdens to make it easier to invest, produce, and build in rural America in a way that creates jobs and economic prosperity while ensuring the safety of our food supply, and protecting and safeguarding our land, water, and other natural resources for future generations.

###### B. The Regulatory Reform Agenda and Executive Order 13777

On February 24, 2017, President Trump signed Executive Order (E.O.) 13777—Enforcing the Regulatory Reform Agenda, which established a federal policy to alleviate unnecessary regulatory burdens on the American people. Section 3(a) of the E.O. directs federal agencies to establish a Regulatory Reform Task Force (Task Force). One of the duties of the Task Force is to evaluate existing regulations and make recommendations to the USDA Secretary regarding their repeal, replacement, or modification. The E.O. further asks that each Task Force attempt to identify regulations that:

- (i) Eliminate jobs, or inhibit job creation;
- (ii) Are outdated, unnecessary, or ineffective;
- (iii) Impose costs that exceed benefits;
- (iv) Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;
- (v) Are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriates Act, 2001 (44 U.S.C. 3516

note), or the guidance issued pursuant to that provision in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard of reproducibility; or

(vi) Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

##### II. USDA’s Implementation of Executive Order 13777

Section 3(e) of the E.O. calls on the Task Force to seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations on regulations that meet some or all of the criteria above. Through this notice, USDA is requesting ideas from the public to help its Task Force’s evaluation of existing regulations. USDA requests that commenters be as specific as possible, include any supporting data or other information such as cost information, provide a **Federal Register** (FR) or Code of Federal Regulations (CFR) citation when referencing a regulation or directive, the OMB control number for information collections and recordkeeping burdens approved under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3522), and specific suggestions regarding the repeal, replacement or modification of these items.

In evaluating USDA’s regulations, guidance documents, or any other policy documents that are in need of reform as well as new ideas to modify, streamline, expand, or repeal such items, commenters are asked to consider the questions outlined below. Note this is not an exhaustive list nor is it intended to limit the issues that commenters may address, but rather it is meant to assist in the formulation of comments.

1. Are there any regulations that should be repealed, replaced, or modified?

2. For each regulation identified in question number 1, please identify whether the regulation:

- (a) Results in the elimination of jobs, or inhibits job creation;
- (b) Is outdated, unnecessary, or ineffective;

(c) Imposes costs that exceed benefits;

(d) Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies;

(e) Is inconsistent with the requirements or regulations of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), which requires that agencies maximize the quality, objectivity, and integrity of the information (including statistical information) they disseminate; or

(f) Derives from or implements Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

3. Are there any existing USDA requirements that duplicate or conflict with requirements of another Federal agency? Can the requirement be modified to eliminate the conflict?

4. What are the estimated total compliance costs of the USDA regulations to which you or your organization must comply? This should include the costs of complying with information collections, recordkeeping, and other requirements subject to the Paperwork Reduction Act.

This notice is issued for information and program-planning purposes. While comments to this notice do not bind USDA to any further actions, all submissions will be reviewed by the Task Force, and made publicly available on <http://www.regulations.gov>. Although USDA will not respond to individual comments, USDA values public feedback and will give careful consideration to all input that it receives.

USDA will keep the public apprised of the status of its review and any plans to repeal, replace, or modify existing regulations. The Department will issue a detailed update as part of the 2017 fall regulatory agenda and statement of regulatory priorities. Additionally, the public is encouraged to visit <https://www.usda.gov/> for the latest information about the Department's regulatory reform efforts.

Dated: July 11, 2017.

**Rebeckah Adcock,**

*Regulatory Reform Officer and Senior Advisor to the Secretary, Office of the Secretary.*

[FR Doc. 2017-14920 Filed 7-14-17; 8:45 am]

**BILLING CODE 3410-90-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2017-0690; Directorate Identifier 2017-NM-061-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Airplanes

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

**ACTION:** Proposed rule; removal.

**SUMMARY:** We propose to remove Airworthiness Directive (AD) 2017-01-06, which applies to certain Airbus Model A319-115, A319-132, A320-214, A320-232, A321-211, A321-213, and A321-231 airplanes. AD 2017-01-06 requires inspection and replacement of certain tie rod assemblies installed on the hinged fairing assembly of the main landing gear (MLG). We issued AD 2017-01-06 to detect and correct the absence of cadmium plating on the rod end threads of the tie rod assemblies. Since we issued AD 2017-01-06, we have determined that although cadmium plating might be absent, the rod end threads of the tie rod assemblies can withstand the expected environmental conditions, therefore the unsafe condition, as initially determined, does not exist.

**DATES:** We must receive comments on this proposed AD by August 31, 2017.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to the Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus, Airworthiness Office—ELAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); Internet <http://www.airbus.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on

the availability of this material at the FAA, call 425-227-1221.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0690; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-0690; Directorate Identifier 2017-NM-061-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

##### Discussion

On December 23, 2016, we issued AD 2017-01-06, Amendment 39-18773 (82 FR 4773, January 17, 2017) ("AD 2017-01-06"), for certain Airbus Model A319-115, A319-132, A320-214, A320-232, A321-211, A321-213, and A321-231 airplanes. AD 2017-01-06 requires a detailed inspection for the presence of cadmium plating on tie rod assemblies having certain part numbers, and procedures for replacement of tie rod assemblies with no cadmium plating on the rod end threads. AD 2017-01-06 resulted from a report of certain tie rod assemblies installed on the hinged

fairing assembly of the MLG with no cadmium plating on the rod end threads. We issued AD 2017–01–06 to detect and correct the absence of cadmium plating on the rod end threads of the tie rod assemblies. The absence of cadmium plating could lead to galvanic corrosion of the tie rod end threads, resulting in rod end failure, loss of a MLG door, and consequent damage to the airplane.

#### Actions Since AD 2017–01–06 Was Issued

Since we issued AD 2017–01–06 we have determined that, although cadmium plating might be absent, the rod end threads of the tie rod assemblies can withstand the expected environmental conditions, therefore the unsafe condition, as initially determined, does not exist.

In addition, the European Aviation Safety Agency (EASA) which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0234–CN, dated April 28, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Airbus Model A319–115, A319–132, A320–214, A320–232, A321–211, A321–213, and A321–231 airplanes. The MCAI states:

A production quality issue was identified concerning tie rod assemblies, having [a] Part Number starting with D52840212000 or D52840212002, which are installed on the main landing gear (MLG) hinged fairing assembly. This quality issue affects the cadmium plating surface treatment which was inadvertently omitted from the rod end threads of the assembly. The absence of cadmium plating reduces the corrosion protection scheme.

This condition, if not detected and corrected, was initially assessed as leading to galvanic corrosion of the tie rod end threads, possibly resulting in rod end failure, loss of a MLG door, and consequent injury to persons on ground.

To address this unsafe condition, Airbus identified the affected MSN [manufacturer serial number] and issued SB A320–52–1167 to provide inspection instructions.

Consequently, EASA issued AD 2015–0234 [which corresponds to FAA AD 2017–01–06], requiring a one-time inspection of the affected MLG hinged fairing tie rod assemblies, and, depending on findings, replacement of the affected tie rod assembly.

Since that [EASA] AD was issued, tests performed by the tie rod assembly manufacturers determined that the assemblies, even without cadmium plating surface treatment on the rod end threads, can withstand the expected environmental conditions. The consequence is that the unsafe condition, as initially determined, does not exist.

For the reasons described above, this Notice cancels EASA AD 2015–0234.

You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2017–0690.

#### FAA’s Conclusions

Upon further consideration, we have determined that AD 2017–01–06, must be removed. Accordingly, this proposed AD would remove AD 2017–01–06. Removal of AD 2017–01–06 would not preclude the FAA from issuing another related action or commit the FAA to any course of action in the future.

#### Related Costs of Compliance

AD 2017–01–06 affects about 20 airplanes of U.S. registry. The estimated cost of the actions required by AD 2017–01–06 for U.S. operators is \$3,400, or \$170, per product. Removing AD 2017–01–06 would eliminate those costs.

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866;
- (2) Is not a “significant rule” under the DOT Regulatory Policies and

Procedures (44 FR 11034, February 26, 1979);

(3) Will not affect intrastate aviation in Alaska; and

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

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

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

#### The Proposed Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2017–01–06, Amendment 39–18773 (82 FR 4773, January 17, 2017), and adding the following new AD:

**Airbus:** Docket No. FAA–2017–0690; Directorate Identifier 2017–NM–061–AD.

#### (a) Comments Due Date

We must receive comments by August 31, 2017.

#### (b) Affected ADs

This action removes AD 2017–01–06, Amendment 39–18773 (82 FR 4773, January 17, 2017).

#### (c) Applicability

This action applies to Airbus Model A319–115, A319–132, A320–214, A320–232, A321–211, A321–213, and A321–231 airplanes, certificated in any category, as identified in Airbus Service Bulletin A320–52–1167, dated August 6, 2015.

Issued in Renton, Washington, on June 29, 2017.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017–14704 Filed 7–14–17; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2017-0691; Directorate Identifier 2017-NM-029-AD]

RIN 2120-AA64

**Airworthiness Directives; Bombardier, Inc., Airplanes**

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601 Variant), and CL-600-2B16 (CL-601-3A and CL-601-3R Variants) airplanes. This proposed AD was prompted by a report of laminated shims that may have been improperly installed at a certain wing tie beam. This proposed AD would require revising the maintenance or inspection program to incorporate certification maintenance requirement tasks that introduce revised checks of the tie beam. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by August 31, 2017.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; email [thd.crj@aero.bombardier.com](mailto:thd.crj@aero.bombardier.com); Internet <http://www.bombardier.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

**Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0691; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Aziz Ahmed, Airframe Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516-228-7329; fax: 516-794-5531.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-0691; Directorate Identifier 2017-NM-029-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

**Discussion**

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2016-34, dated October 14, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for certain Bombardier, Inc., Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601 Variant), and CL-600-2B16 (CL-601-3A and CL-601-3R Variants) airplanes. The MCAI states:

Bombardier has determined that laminated shims may have been improperly installed at the floor/wing tie beam bumper pads. Improperly installed shims may become

damaged, which could result in a gapping condition. This would lead to increased stress and degradation of structural integrity of the tie beam. Undetected failure may lead to premature cracking of the pressure floor.

Bombardier has introduced revised maintenance tasks through revisions of the applicable CL-600 Time Limits Maintenance Checks (TLMCs) to confirm structural integrity of the affected tie beam.

This [Canadian] AD is issued to mandate the incorporation of the applicable revised TLMC tasks.

You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0691.

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

**Related Service Information Under 14 CFR Part 51**

We reviewed the following Bombardier, Inc., service information.

- Task 53-10-00-131 of Section 5-10-30, "Airworthiness Limitation Checks by ATA Chapter Number," of Bombardier Challenger 600 Time Limits/Maintenance Checks, Publication Number PSP 605, Revision 37, dated April 29, 2016.
- Task 53-10-00-133 of Section 5-10-30, "Airworthiness Limitation Checks by ATA Chapter Number," of Bombardier Challenger 601 Time Limits/Maintenance Checks, Publication Number PSP 601-5, Revision 44, dated April 29, 2016.
- Task 53-10-00-134 of Section 5-10-30, "Airworthiness Limitation Checks by ATA Chapter Number," of Bombardier Challenger 601 Time Limits/Maintenance Checks, Publication Number PSP 601A-5, Revision 40, dated April 29, 2016.

The service information identifies airworthiness limitation tasks for checks of the pressure floor at a certain wing tie beam. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the

interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

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

This product has been approved by the aviation authority of another

country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe

condition exists and is likely to exist or develop on other products of the same type design.

#### Costs of Compliance

We estimate that this proposed AD affects 137 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Maintenance or inspection program revision ..	1 work-hour × \$85 per hour = \$85 per airplane.	\$0	\$85	\$11,645

#### Authority for This Rulemaking

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

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

#### Regulatory Findings

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

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

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

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

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

#### The Proposed Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**Bombardier, Inc.:** Docket No. FAA-2017-0691; Directorate Identifier 2017-NM-029-AD.

#### (a) Comments Due Date

We must receive comments by August 31, 2017.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Bombardier, Inc., Model CL-600-1A11 (CL-600) airplanes, serial numbers 1004 through 1085 inclusive; Model CL-600-2A12 airplanes (CL-601 Variant), serial numbers 3001 through 3066 inclusive; and Model CL-600-2B16 (CL-601-3A and CL-601-3R Variants) airplanes, serial numbers 5001 through 5194 inclusive; certificated in any category.

#### (d) Subject

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

#### (e) Reason

This AD was prompted by a report of laminated shims that may have been improperly installed at a certain wing tie beam. We are issuing this AD to detect and

correct degradation of the structural integrity of the affected tie beam, which could result in cracking of the pressure floor.

#### (f) Compliance

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

#### (g) Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the certification maintenance requirement (CMR) tasks specified in the applicable service information in paragraphs (g)(1) through (g)(3) of this AD. The initial compliance time for the task is within the applicable time specified in the service information, or within 30 days after the effective date of this AD, whichever occurs later.

(1) For Model CL-600-1A11 (CL-600) airplanes: Task 53-10-00-131 of Section 5-10-30, "Airworthiness Limitation Checks by ATA Chapter Number," of Bombardier Challenger 600 Time Limits/Maintenance Checks, Publication Number PSP 605, Revision 37, dated April 29, 2016.

(2) For Model CL-600-2A12 airplanes (CL-601 Variant) airplanes: Task 53-10-00-133 of Section 5-10-30, "Airworthiness Limitation Checks by ATA Chapter Number," of Bombardier Challenger 601 Time Limits/Maintenance Checks, Publication Number PSP 601-5, Revision 44, dated April 29, 2016.

(3) For Model CL-600-2B16 (CL-601-3A and CL-601-3R Variants) airplanes: Task 53-10-00-134 of Section 5-10-30, "Airworthiness Limitation Checks by ATA Chapter Number," of Bombardier Challenger 601 Time Limits/Maintenance Checks, Publication Number PSP 601A-5, Revision 40, dated April 29, 2016.

#### (h) No Alternative Actions and Intervals

After the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (i)(1) of this AD.

**(i) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, New York Aircraft Certification Office (ACO), ANE-170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516-228-7300; fax: 516-794-5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

**(j) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF-2016-34, dated October 14, 2016, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0691.

(2) For more information about this AD, contact: Aziz Ahmed, Airframe Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516-228-7329; fax: 516-794-5531; email: [Aziz.Ahmed@faa.gov](mailto:Aziz.Ahmed@faa.gov).

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone: 514-855-5000; fax: 514-855-7401; email: [thd.crj@aero.bombardier.com](mailto:thd.crj@aero.bombardier.com); Internet: <http://www.bombardier.com>. You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on June 29, 2017.

**Michael Kaszycki,**

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017-14593 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2017-0693; Directorate Identifier 2017-NM-044-AD]

RIN 2120-AA64

**Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Airplanes**

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Gulfstream Aerospace LP Model Gulfstream 100, Astra SPX, and 1125 Westwind Astra airplanes. This proposed AD was prompted by a report that the main entrance door (MED) opened during flight, and by the determination that the "CABIN DOOR UNLOCK" crew alerting system (CAS) message may extinguish before the handle latch pin is fully engaged. This proposed AD would require accomplishing an updated rigging procedure for the adjustment of the MED microswitch. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this NPRM by August 31, 2017.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Mail Station D-25, Savannah, GA 31402-2206; telephone 800-810-4853; fax 912-965-3520; email [pubs@gulfstream.com](mailto:pubs@gulfstream.com); Internet [http://www.gulfstream.com/product\\_support/technical\\_pubs/pubs/index.htm](http://www.gulfstream.com/product_support/technical_pubs/pubs/index.htm). You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue

SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

**Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0693; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1137; fax 425-227-1149.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-0693; Directorate Identifier 2017-NM-044-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

**Discussion**

The Civil Aviation Authority of Israel (CAAI), which is the aviation authority for Israel, has issued Israeli Airworthiness Directive ISR-I-52-2017-03-29, dated January 3, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for certain Gulfstream Aerospace LP Model Gulfstream 100, Astra SPX, and 1125 Westwind Astra airplanes. The MCAI states:

[The purpose of the Israeli AD is] to improve the Main Entrance Door (MED)



microswitch adjustment procedure so that the locking indication will be extinguished when the door handle is locked.

The required actions include accomplishing an updated rigging procedure for the adjustment of the MED microswitch. The unsafe condition is the in-flight opening of the MED, which could lead to structural damage and loss of control of the airplane. You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0693.

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

Gulfstream Aerospace LP has issued G100 Service Bulletin 100-52-312, dated January 15, 2016. The service information describes an updated rigging procedure for the adjustment of the MED microswitch. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

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

This product has been approved by the aviation authority of another

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

**Costs of Compliance**

We estimate that this proposed AD affects 110 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
MED microswitch adjustment .....	6 work-hours × \$85 per hour = \$510 .....	\$3	\$513	\$56,430

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

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

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

**The Proposed Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.):** Docket No. FAA-2017-0693; Directorate Identifier 2017-NM-044-AD.

**(a) Comments Due Date**

We must receive comments by August 31, 2017.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Gulfstream Aerospace LP Model Gulfstream 100, Astra SPX, and 1125 Westwind Astra airplanes, certificated in any category, serial numbers 004, and 011 through 158 inclusive.

**(d) Subject**

Air Transport Association (ATA) of America Code 52, Doors.

**(e) Reason**

This AD was prompted by a report that the main entrance door (MED) opened during flight, and by the determination that the “CABIN DOOR UNLOCK” crew alerting system (CAS) message may extinguish before the handle latch pin is fully engaged. We are issuing this AD to prevent the MED from opening during flight, which could lead to structural damage and loss of control of the airplane.

**(f) Compliance**

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

**(g) Rigging Procedure**

Within 12 months after the effective date of this AD: Do an updated rigging procedure for the adjustment of the MED microswitch, in accordance with the Accomplishment Instructions of Gulfstream G100 Service Bulletin 100-52-312, dated January 15, 2016.

**(h) Other FAA AD Provisions**

The following provisions also apply to this AD:

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

using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to the attention of the person identified in paragraph (i)(2) of this AD. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or the Civil Aviation Authority of Israel (CAAI); or the CAAI's authorized Designee. If approved by the CAAI Designee, the approval must include the Designee's authorized signature.

#### (i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) CAAI Airworthiness Directive ISR-I-52-2017-03-29, dated January 3, 2017, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0693.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1137; fax 425-227-1149.

(3) For service information identified in this AD, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Mail Station D-25, Savannah, GA 31402-2206; telephone 800-810-4853; fax 912-965-3520; email [pubs@gulfstream.com](mailto:pubs@gulfstream.com); Internet [http://www.gulfstream.com/product\\_support/technical\\_pubs/pubs/index.htm](http://www.gulfstream.com/product_support/technical_pubs/pubs/index.htm). You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on June 29, 2017.

#### Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017-14594 Filed 7-14-17; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2017-0692; Directorate Identifier 2017-NM-043-AD]

RIN 2120-AA64

#### Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Airplanes

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Gulfstream Aerospace LP Model Gulfstream G150 airplanes. This proposed AD was prompted by a report that the main entrance door (MED) opened during flight, and by the determination that the "CABIN DOOR UNLOCK" crew alerting system (CAS) message may extinguish before the handle latch pin is fully engaged. This proposed AD would require accomplishing an updated rigging procedure for the adjustment of the MED microswitch. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this NPRM by August 31, 2017.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Mail Station D-25, Savannah, GA 31402-2206; telephone 800-810-4853; fax 912-965-3520; email [pubs@gulfstream.com](mailto:pubs@gulfstream.com); Internet [http://www.gulfstream.com/product\\_support/technical\\_pubs/pubs/index.htm](http://www.gulfstream.com/product_support/technical_pubs/pubs/index.htm). You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on

the availability of this material at the FAA, call 425-227-1221.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0692; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1137; fax 425-227-1149.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-0692; Directorate Identifier 2017-NM-043-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

#### Discussion

The Civil Aviation Authority of Israel (CAAI), which is the aviation authority for Israel, has issued Israeli Airworthiness Directive ISR-I-52-2017-03-28, dated January 3, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for certain Gulfstream Aerospace LP Model Gulfstream G150 airplanes. The MCAI states:

[The purpose of the Israeli AD is] to improve the Main Entrance Door (MED) microswitch adjustment procedure so that the locking indication will be extinguished when the door handle is locked.

The required actions include accomplishing an updated rigging procedure for the adjustment of the MED microswitch. The unsafe condition is the in-flight opening of the MED, which could lead to structural damage and loss of control of the airplane. You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0692.

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

Gulfstream Aerospace LP has issued Gulfstream G150 Service Bulletin 150-

52-188, dated January 15, 2016. The service information describes an updated rigging procedure for the adjustment of the MED microswitch. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

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

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

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

**Costs of Compliance**

We estimate that this proposed AD affects 65 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
MED microswitch adjustment .....	6 work-hours × \$85 per hour = \$510 .....	\$3	\$513	\$33,345

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

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

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

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

**The Proposed Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.):** Docket No. FAA-2017-0692; Directorate Identifier 2017-NM-043-AD.

**(a) Comments Due Date**

We must receive comments by August 31, 2017.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Gulfstream Aerospace LP Model Gulfstream G150 airplanes, certificated in any category, serial numbers 201 through 318 inclusive.

**(d) Subject**

Air Transport Association (ATA) of America Code 52, Doors.

**(e) Reason**

This AD was prompted by a report that the main entrance door (MED) opened during flight, and by the determination that the “CABIN DOOR UNLOCK” crew alerting system (CAS) message may extinguish before the handle latch pin is fully engaged. We are issuing this AD to prevent the MED from opening during flight, which could lead to structural damage and loss of control of the airplane.

**(f) Compliance**

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

**(g) Rigging Procedure**

Within 12 months after the effective date of this AD: Do an updated rigging procedure for adjustment of the MED microswitch, in accordance with the Accomplishment Instructions of Gulfstream G150 Service Bulletin 150-52-188, dated January 15, 2016.

**(h) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly

to the International Branch, send it to the attention of the person identified in paragraph (i)(2) of this AD. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or the Civil Aviation Authority of Israel (CAAI); or the CAAI's authorized Designee. If approved by the CAAI Designee, the approval must include the Designee's authorized signature.

#### (i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) CAAI Airworthiness Directive ISR-I-52-2017-03-28, dated January 3, 2017, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0692.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1137; fax 425-227-1149.

(3) For service information identified in this AD, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Mail Station D-25, Savannah, GA 31402-2206; telephone 800-810-4853; fax 912-965-3520; email [pubs@gulfstream.com](mailto:pubs@gulfstream.com); Internet [http://www.gulfstream.com/product\\_support/technical\\_pubs/pubs/index.htm](http://www.gulfstream.com/product_support/technical_pubs/pubs/index.htm). You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on June 29, 2017.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017-14595 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2017-0697; Directorate Identifier 2017-NM-041-AD]

RIN 2120-AA64

#### Airworthiness Directives; Embraer S.A. Airplanes

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Embraer S.A. Model ERJ 170 airplanes and Model ERJ 190-100 STD, -100 LR, -100 IGW, -200 STD, -200 LR, and -200 IGW airplanes. This AD requires repetitive detailed inspections of the web aft face of the forward pressure bulkhead for any cracking and discrepancy; and modification of the forward pressure bulkhead, which would terminate the repetitive inspections. This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the forward bulkhead is subject to widespread fatigue damage (WFD). We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by August 31, 2017.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227-901 São Jose dos Campos—SP—Brazil; telephone +55 12 3927-5852 or +55 12 3309-0732; fax +55 12 3927-7546; email [distrib@embraer.com.br](mailto:distrib@embraer.com.br); Internet <http://www.flyembraer.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0697; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments

received, and other information. The street address for the Docket Operations office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Ana Martinez Hueto, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1622; fax 425-227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-0697; Directorate Identifier 2017-NM-041-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

##### Discussion

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

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD

rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

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

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

The Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian Airworthiness Directive 2017-03-01, dated March 24, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the

MCAI”), to correct an unsafe condition for certain Embraer S.A. Model ERJ 170 airplanes and Model ERJ 190-100 STD, -100 LR, -100 IGW, -200 STD, -200 LR, and -200 IGW airplanes. The MCAI states:

This [Brazilian] AD was prompted by an evaluation by the design approval holder indicating that the forward pressure bulkhead is subject to widespread fatigue damage. The modification required by this AD is intended to support the airplane reaching its limit of validity (LOV) of the engineering data that support the established structural maintenance program. We are issuing this [Brazilian] AD to prevent fatigue cracking of the forward pressure bulkhead, which could result in reduced structural integrity of the airplane.

Required actions include repetitive detailed inspections of the web aft face of the forward pressure bulkhead for any cracking and discrepancy (*i.e.*, corrosion, dents, gauge marks, fastener anomalies); repair if necessary; and modification of the forward pressure bulkhead, which would terminate the repetitive inspections. You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0697.

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

We reviewed the following Embraer S.A. service information, which describes an airworthiness limitation task for a detailed inspection of the web aft face of the forward pressure bulkhead for any cracking or discrepancies. These documents are distinct since they apply to different airplane models.

- Task 53-10-001-0005 of Embraer 170/175 Maintenance Review Board

Report, MRB-1621, Temporary Revision 12-3, dated September 19, 2016.

- Task 53-10-001-0005 of Embraer 190/195 Maintenance Review Board Report, MRB-1928, Temporary Revision 10-4, dated September 19, 2016.

We also reviewed the following Embraer S.A. service information, which describes procedures for modifying the forward pressure bulkhead. These documents are distinct since they apply to different airplane models.

- Embraer Service Bulletin 170-53-0051, Revision 03, dated August 21, 2013.
- Embraer Service Bulletin 190-53-0019, Revision 03, dated August 21, 2013.

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

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

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

**Costs of Compliance**

We estimate that this proposed AD affects 482 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection .....	1 work-hour × \$85 per hour = \$85 per inspection cycle.	\$0 .....	\$85 per inspection cycle.	\$40,970 per inspection cycle.
Modification .....	158 work-hours × \$85 per hour = \$13,430 ...	Up to \$13,409 ...	\$26,839 .....	\$12,936,398.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. “Subtitle VII:

Aviation Programs,” describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701: General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures

the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We determined that this proposed AD would not have federalism implications

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

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

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

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

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

#### The Proposed Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**Embraer S.A.:** Docket No. FAA–2017–0697; Directorate Identifier 2017–NM–041–AD.

#### (a) Comments Due Date

We must receive comments by August 31, 2017.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to the airplanes specified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) Embraer S.A. Model ERJ 170–100 LR, –100 STD, –100 SE, and –100 SU airplanes; and Model ERJ 170–200 LR, –200 SU, and –200 STD airplanes; as identified in Embraer Service Bulletin 170–53–0051, Revision 03, dated August 21, 2013.

(2) Embraer S.A. Model ERJ 190–100 STD, –100 LR, and –100 IGW airplanes; and Model ERJ 190–200 STD, –200 LR, and –200 IGW airplanes; as identified in Embraer Service Bulletin 190–53–0019, Revision 03, dated August 21, 2013.

#### (d) Subject

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

#### (e) Reason

This AD was prompted by an evaluation by the design approval holder indicating that the forward bulkhead is subject to widespread fatigue damage. We are issuing this AD to prevent fatigue cracking of the forward pressure bulkhead, which could result in reduced structural integrity of the airplane.

#### (f) Compliance

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

#### (g) Repetitive Inspections and Repairs

Before the accumulation of 25,954 total flight cycles, or within 3,600 flight cycles after the effective date of this AD, whichever occurs later: Do a detailed inspection of the web aft face of the forward pressure bulkhead for any cracking or discrepancy (*i.e.*, corrosion, dents, gauge marks, fastener anomalies), in accordance with Task 53–10–001–0005 of Embraer 170/175 Maintenance Review Board Report, MRB–1621, Temporary Revision 12–3, dated September 19, 2016; or Task 53–10–001–0005 of Embraer 190/195 Maintenance Review Board Report, MRB–1928, Temporary Revision 10–4, dated September 19, 2016; as applicable. Repeat the inspection thereafter at intervals not to exceed 6,489 flight cycles. If any cracking or discrepancy is found during any inspection required by this paragraph, before further flight, repair the forward pressure bulkhead using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the Agência Nacional de Aviação Civil (ANAC); or ANAC’s authorized Designee.

#### (h) Modification of the Forward Pressure Bulkhead

Before the accumulation of 38,931 total flight cycles: Modify the forward pressure bulkhead, in accordance with the Accomplishment Instructions of Embraer Service Bulletin 170–53–0051, Revision 03, dated August 21, 2013; or Embraer Service Bulletin 190–53–0019, Revision 03, dated August 21, 2013; as applicable. Accomplishing the modification required by this paragraph terminates the requirements of paragraph (g) of this AD.

#### (i) Credit for Previous Actions

(1) This paragraph provides credit for the actions applicable to Model ERJ 170 airplanes required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD, using the service information specified in paragraphs (i)(1)(i), (i)(1)(ii), or (i)(1)(iii) of this AD.

(i) Embraer Service Bulletin 170–53–0051, dated February 26, 2010.

(ii) Embraer Service Bulletin 170–53–0051, Revision 01, dated May 25, 2011.

(iii) Embraer Service Bulletin 170–53–0051, Revision 02, May 28, 2012.

(2) This paragraph provides credit for actions applicable to Model ERJ 190

airplanes required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD, using the service information specified in paragraphs (i)(2)(i), (i)(2)(ii), or (i)(2)(iii) of this AD.

(i) Embraer Service Bulletin 190–53–0019, dated February 26, 2010.

(ii) Embraer Service Bulletin 190–53–0019, Revision 01, dated May 25, 2011.

(iii) Embraer Service Bulletin 190–53–0019, Revision 02, dated May 28, 2012.

#### (j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the Agência Nacional de Aviação Civil (ANAC); or ANAC’s authorized Designee. If approved by the ANAC Designee, the approval must include the Designee’s authorized signature.

#### (k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Brazilian AD 2017–03–01, dated March 24, 2017, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2017–0697.

(2) For more information about this AD, contact Ana Martinez Hueto, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1622; fax 425–227–1149.

(3) For service information identified in this AD, contact Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170–Putim—12227–901 São Jose dos Campos—SP—Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email [distrib@embraer.com.br](mailto:distrib@embraer.com.br); Internet <http://www.flyembraer.com>. You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 6, 2017.

**Dionne Palermo,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017-14795 Filed 7-14-17; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

## DEPARTMENT OF THE TREASURY

### 19 CFR Parts 24 and 111

[USCBP-2017-0025]

RIN 1515-AE25

### Procedures To Adjust Customs COBRA User Fees To Reflect Inflation

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to amend the U.S. Customs and Border Protection (CBP) regulations to reflect that customs user fees and limitations established by the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be adjusted for inflation in accordance with the Fixing America's Surface Transportation Act (FAST Act).

**DATES:** Comments must be received on or before August 16, 2017.

**ADDRESSES:** You may submit comments, identified by docket number, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments via docket number USCBP-2017-0025.
- *Mail:* Trade and Commercial Regulations Branch, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC 20229-1177.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

[www.regulations.gov](http://www.regulations.gov). Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Trade and Commercial Regulations Branch, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325-0118.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey Caine, Executive Director—Budget, 202-325-4054, [jeffrey.caine@cbp.dhs.gov](mailto:jeffrey.caine@cbp.dhs.gov); or Bruce Ingalls, Director—Revenue Division, 317-298-1107, [bruce.ingalls@cbp.dhs.gov](mailto:bruce.ingalls@cbp.dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 4, 2015, the Fixing America's Surface Transportation Act (FAST Act, Pub. L. 114-94) was signed into law. Section 32201 of the FAST Act amends section 13031 of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 (19 U.S.C. 58c) by requiring certain customs COBRA user fees and corresponding limitations to be adjusted by the Secretary of the Treasury ("Secretary") to reflect certain increases in inflation. The specific fees and corresponding limitations to be adjusted for inflation are set forth in Tables 1 and 2 below and include the commercial vessel arrival fees, commercial truck arrival fees, railroad car arrival fees, private vessel arrival fees, private aircraft arrival fees, commercial aircraft passenger arrival fees, dutiable mail fees, customs broker permit user fees, barges and other bulk carriers arrival fees, and merchandise processing fees as well as the corresponding limitations. (19 U.S.C. 58c(a) and (b)). Further, the FAST Act includes a particular measure of inflation for these purposes and special rules when considering adjustments.

According to the FAST Act, the customs COBRA user fees and limitations were to be adjusted on April 1, 2016, and by the end of each fiscal year to reflect the percent increase (if any) in the Consumer Price Index (CPI) for the preceding 12-month period compared to the CPI for fiscal year 2014. The statute permits the Secretary to ignore any CPI increase of less than one (1) percent from the time of the previous adjustment. As a result, if the increase in the CPI since the previous adjustment is less than one (1) percent, the Secretary has discretion to determine whether the fees should be adjusted.

On June 15, 2016, CBP published a notice in the *Customs Bulletin*

announcing the April 2016 determination that no adjustment to the customs COBRA user fees and limitations was necessary based on the FAST Act provision as the increase of the CPI was less than one (1) percent. (*Customs Bulletin*, Vol. 50, No. 24, p. 13). CBP published a second notice in the *Customs Bulletin* on December 7, 2016, announcing that based on a less than one (1) percent increase in inflation no adjustment was necessary for fiscal year 2017. (*Customs Bulletin* Vol. 50, No. 49, p. 4).

The FAST Act specifies that the customs COBRA user fees and corresponding limitations should be adjusted to reflect the percentage of the increase (if any) in the average of the CPI for the preceding 12-month period compared to the CPI for fiscal year 2014. CBP has determined that the 12-month period for comparison will be June through May. This timeframe will allow for sufficient notice to the public of any adjustments prior to any changes becoming effective for each fiscal year. The statute further requires the Secretary to round the amount of any increase in the CPI to the nearest dollar. The rounding requirement applies to the difference in the CPI from the comparison year to the current year when determining whether an adjustment is necessary. The rounding requirement does not apply to the fee amount resulting from any adjustment. As noted above, if the difference in the CPI since the last adjustment is less than one (1) percent, the Secretary may elect not to adjust the fees and limitations. CBP proposes to use the Consumer Price Index—All Urban Consumers, U.S. All items, 1982-84 (CPI-U) which can be found on the U.S. Department of Labor, Bureau of Labor Statistics Web site: [www.bls.gov/cpi/](http://www.bls.gov/cpi/). CBP's Office of Finance will determine annually whether an adjustment to the fees and limitations is necessary and a notice specifying the amount of the fees and limitations will be published in the **Federal Register** for each fiscal year at least 30 days prior to the effective date of the new fees and limitations.

#### Explanation of Amendments

##### Part 24

Part 24 of Title 19 of the Code of Federal Regulations (CFR) sets forth the regulations regarding customs financial and accounting procedures. (19 CFR part 24). Section 24.22 describes the customs COBRA user fees and corresponding limitations for certain services (set forth in Table 1 below), which include the commercial vessel arrival fees, commercial truck arrival

fees, railroad car arrival fees, private vessel arrival fees, private aircraft arrival fees, commercial aircraft passenger arrival fees, dutiable mail fees, customs broker permit user fees, barges and other bulk carriers arrival fees. (19 CFR 24.22). Section 24.23 describes the customs COBRA user fees and corresponding limitations for processing merchandise (set forth in Table 2 below). (19 CFR 24.23). CBP proposes to amend sections 24.22 and 24.23 to reflect the new requirements set forth in the FAST Act.

Specifically, CBP proposes to add a new specific authority citation for section 24.22 and to amend the specific authority citation for section 24.23 to include the American Jobs Creation Act of 2004 (Pub. L. 108–357) and the FAST Act. In addition, CBP proposes to add an introductory paragraph to both

sections explaining that the COBRA user fees and corresponding limitations are subject to adjustment annually to reflect the increase, if any, in the CPI–U pursuant to the FAST Act. The new introduction will also explain where to find the methodology that CBP will use to determine whether an adjustment to the fees and limitations is necessary as well as the means of notice and publication of any fee adjustments. CBP will announce the adjusted fee and limitation amounts by publishing a notice in the **Federal Register** annually for each fiscal year at least 30 days prior to the effective date of the new fees and limitations. The current amount for all customs COBRA user fees and corresponding limitations will be maintained on the CBP Web site at [www.cbp.gov](http://www.cbp.gov).

*Proposed Amendments to § 24.22*

CBP proposes to amend paragraphs (b)(1)(i), (b)(1)(ii), (b)(2)(i), (b)(2)(ii), (c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (d)(3), (e)(1), (e)(2), (f), (g)(1)(i), (g)(1)(ii), (g)(2), (g)(5)(v), (i)(7), (i)(8) and (h) of section 24.22 to explain that the specific fee amounts and annual fee limitations (set forth in Table 1 below) are subject to adjustment in accordance with the terms in a new paragraph (k). (19 CFR 24.22). The new paragraph (k) will set forth the methodology for determining whether and by what amount the customs COBRA user fees should be adjusted pursuant to the FAST Act.

Table 1 below lists both the user fees and corresponding limitations currently set forth in section 24.22. (19 CFR 24.22). CBP proposes to add this table to the regulations as Appendix A to part 24.

TABLE 1—CUSTOMS COBRA USER FEES AND LIMITATIONS IN 19 CFR 24.22

19 U.S.C. 58c	19 CFR 24.22	Customs COBRA user fee/limitation	FY14 Base fee/limitation (subject to adjustment in accordance with the FAST Act)
(a)(1) .....	(b)(1)(i) .....	Fee: Commercial Vessel Arrival Fee .....	\$437
(b)(5)(A) .....	(b)(1)(ii) .....	Limitation: Calendar Year Maximum for Commercial Vessel Arrival Fees.	5,955
(a)(8) .....	(b)(2)(i) .....	Fee: Barges and Other Bulk Carriers Arrival Fee .....	110
(b)(6) .....	(b)(2)(ii) .....	Limitation: Calendar Year Maximum for Barges and Other Bulk Carriers Arrival Fees.	1,500
(a)(2) .....	(c)(1) .....	Fee: Commercial Truck Arrival Fee .....	5.50
(b)(2) .....	(c)(2) and (3) .....	Limitation: Commercial Truck Calendar Year Prepayment Fee .....	100
(a)(3) .....	(d)(1) .....	Fee: Railroad Car Arrival Fee .....	8.25
(b)(3) .....	(d)(2) and (3) .....	Limitation: Railroad Car Calendar Year Prepayment Fee .....	100
(a)(4) .....	(e)(1) and (2) .....	Fee and Limitation: Private Vessel or Private Aircraft First Arrival/Calendar Year Prepayment Fee.	27.50
(a)(6) .....	(f) .....	Fee: Dutiable Mail Fee .....	5.50
(a)(5)(A) .....	(g)(1)(i) .....	Fee: Commercial Vessel or Commercial Aircraft Passenger Arrival Fee	5.50
(a)(5)(B) .....	(g)(1)(ii) .....	Fee: Commercial Vessel Passenger Arrival Fee (from Canada, Mexico, one of the territories and possessions of the United States, or one of the adjacent islands).	1.93
(a)(7) .....	(h) .....	Fee: Customs Broker Permit User Fee .....	138

CBP also proposes to amend paragraph (c) to clarify that there are two distinct fees that the current regulations describe as one fee. First, the CBP commercial truck arrival fee (currently \$5.50) and second the Animal and Plant Health Inspection Service/ Agricultural Quarantine Inspection (APHIS/AQI) fee (currently \$7.55) that CBP collects on behalf of APHIS. (19 CFR 24.22(c)). Specifically, CBP proposes to revise the header and the text in paragraph (c)(1) to state that there are two fees and to state in paragraph (c)(2) that the annual limitation on the CBP portion of the commercial truck arrival fee is \$100

once a prepayment in that amount is made. (19 CFR 24.22(c)).

In addition, CBP proposes to make technical updates to paragraph (g) to reflect the elimination of the user fee exemption for passengers arriving from Canada, Mexico or one of the adjacent islands pursuant to the United States-Colombia Trade Promotion Agreement Implementation Act. (Colombia TPA, Pub. L. 112–42, October 21, 2011). Section 601 of the Colombia TPA amended 19 U.S.C. 58c(b)(1)(A)(i) to limit the fee exemption to passengers whose journey originated in a territory or possession of the United States, or originated in the United States and was limited to the territories and possessions

of the United States. (19 U.S.C. 58c(b)(1)(A)(i)). CBP has been collecting the non-exempt user fees since the law became effective on November 5, 2011. CBP proposes corresponding updates to remove this exemption from the regulations found in paragraphs (g)(1)(i), (g)(1)(i)(A), (g)(1)(i)(B), (g)(1)(ii), (g)(1)(iii), the chart in paragraph (g)(2)(iv), and the collection procedures in paragraphs (g)(4)(ii)(A), (g)(4)(ii)(B), (g)(4)(ii)(C), (g)(4)(iii)(A), (g)(4)(iii)(B), and (g)(4)(iii)(C). (19 CFR 24.22(g)). CBP also proposes to remove the definition of “adjacent islands” from paragraph (g)(1)(iii) as references to adjacent islands have been removed from paragraph (g). (19 CFR 24.22(g)).



Additionally, CBP proposes an amendment to paragraph (g)(2)(iii) to clarify that journeys between ports in the United States are not subject to the fee. (19 CFR 24.22(g)(2)(iii)).

CBP also proposes to amend paragraph (h) of section 24.22 by changing the name of the fee from broker permit fee to broker permit user fee and specifying the fee amount of \$138. (19 CFR 24.22(h)). Finally, CBP proposes to amend paragraph (h) by removing the cross-reference to section 111.96(c) and replacing it with a reference to new paragraph (k). (19 CFR 24.22(h) and 111.96(c).)

A new paragraph (k) is added setting forth the methodology to determine whether adjustments of fee and limitation amounts are necessary, and if so, how to calculate the adjustments. CBP will determine annually whether an adjustment to the fees and limitations is necessary and a notice specifying the amount of the fees and limitations will be published in the **Federal Register** annually for each fiscal year at least 30 days prior to the effective date of the new fees and limitations.

*Steps for Adjusting Fees and Limitations*

CBP proposes to use the following methodology in determining whether adjustment of the fees and corresponding limitations is necessary

and, if so, by how much the amounts would be adjusted.

Step 1: Calculate the arithmetic average of the Consumer Price Index—All Urban Consumers, U.S. All items, 1982–84 = 100 (CPI-U) for the current year based on the most recent June–May period. This figure is referred to as (A).

Step 2: Use the figure 236.009 which is the arithmetic average of the CPI-U for FY 2014. This figure is referred to as (B).

Step 3: State the arithmetic average of CPI-U for the comparison year, which will be either (B) if the fees have never been adjusted in accordance with this paragraph (k), or the arithmetic average of the CPI-U for the last year in which fees were adjusted in accordance with this paragraph (k) (as set forth in the **Federal Register** notice that last adjusted the fee). This figure is referred to as (C).

Step 4: Calculate the difference between the arithmetic averages of the CPI-U of the comparison year (C) and the current year (A). This difference is referred to as (D).  $(D) = (A) - (C)$ .

Step 5: Round the difference (D) to the nearest whole number. This figure is referred to as (E).

Step 6: Calculate the percentage change in the arithmetic averages of the CPI-U of the comparison year (C) and the current year (A), which is referred to as (F).  $(F) = ((E) \div (C)) \times 100\%$ .

Step 7: If (F) is one (1) percent or more, proceed to the next step (8). If (F) is less than one (1) percent, no adjustment will be made.

Step 8: Calculate the difference in the arithmetic average of the CPI-U between the current year (the most recent June through May period) and the base year (FY 2014). This difference is referred to as (G).  $(G) = (A) - (B)$ .

Step 9: Calculate the percentage change in the CPI-U from the base year to the current year. This figure is referred to as (H).  $(H) = ((G) \div (B)) \times 100\%$ .

Step 10: Increase the fees and limitations that are subject to the rules of this paragraph by (H), calculating fees to the second decimal.

*Proposed Amendments to § 24.23*

In section 24.23, CBP proposes to amend paragraphs (b)(1)(i)(A), (b)(1)(i)(B), (b)(1)(ii), (b)(2)(i), (b)(2)(ii), (b)(2)(iii) and (b)(4) to add a reference to explain that the specific fee amounts and annual fee limitations (set forth in Table 2 below) are subject to adjustment in accordance with the terms in new paragraph (k) of section 24.22. (19 CFR 24.23(b).) Table 2 below indicates the customs COBRA user fees and corresponding limitations currently set forth in section 24.23. (19 CFR 24.23). CBP proposes to add this table to the regulations as Appendix B to part 24.

TABLE 2—CUSTOMS COBRA USER FEES AND LIMITATIONS IN 19 CFR 24.23

19 U.S.C. 58c	19 CFR 24.23	Customs COBRA user fee/limitation	FY14 base fee/limitation (subject to adjustment in accordance with the FAST Act)
(b)(9)(A)(ii) .....	(b)(1)(i)(A) .....	Fee: Express Consignment Carrier/Centralized Hub Facility Fee, Per Individual Waybill/Bill of Lading Fee.	\$1
(b)(9)(B)(i) .....	(b)(1)(i)(B)(2) .....	Limitation: Minimum Express Consignment Carrier/Centralized Hub Facility Fee.	0.35
(b)(9)(B)(i) .....	(b)(1)(i)(B)(2) .....	Limitation: Maximum Express Consignment Carrier/Centralized Hub Facility Fee.	1
(a)(9)(B)(i); (b)(8)(A)(i) .....	(b)(1)(i)(B)(1) .....	Limitation: Minimum Merchandise Processing Fee .....	25
(a)(9)(B)(i); (b)(8)(A)(i) .....	(b)(1)(i)(B)(1) .....	Limitation: Maximum Merchandise Processing Fee .....	485
(b)(8)(A)(ii) .....	(b)(1)(ii) .....	Fee: Surcharge for Manual Entry or Release .....	3
(a)(10)(C)(i) .....	(b)(2)(i) .....	Fee: Informal Entry or Release; Automated and Not Prepared by CBP Personnel.	2
(a)(10)(C)(ii) .....	(b)(2)(ii) .....	Fee: Informal Entry or Release; Manual and Not Prepared by CBP Personnel.	6
(a)(10)(C)(iii) .....	(b)(2)(iii) .....	Fee: Informal Entry or Release; Automated or Manual; Prepared by CBP Personnel.	9
(b)(9)(A)(ii) .....	(b)(4) .....	Fee: Express Consignment Carrier/Centralized Hub Facility Fee, Per Individual Waybill/Bill of Lading Fee.	1

The Merchandise Processing Fee (MPF) is comprised of an *ad valorem* rate, a minimum fee amount, and a maximum fee amount. Adjusting the minimum and maximum fee amounts for the MPF pursuant to the FAST Act will reflect any increase in inflation. The value of the merchandise—to which

the rate applies—will necessarily increase on its own along with inflation, obviating the need separately to adjust the rate specified in 19 CFR 24.23(b)(1)(i)(A).

In addition, CBP proposes to amend paragraph (b)(4) to include the statutory minimum and maximum limitations on

the fees for express consignment carrier facilities or centralized hubs. (19 CFR 24.23(b).) The statute provides for adjustment of this fee from an amount not less than \$0.35 to an amount not more than \$1 per individual airway bill or bill of lading. (19 U.S.C.58c(b)(9)(B)(i).) These fee

limitations are also subject to adjustment pursuant to the FAST Act and therefore, must also be annually adjusted for inflation, if necessary. To include this second set of maximum and minimum fees, CBP proposes to split paragraph (b)(4) into three new paragraphs: (i) For general provisions, (ii) to describe the maximum and minimum fees, and (iii) for quarterly payment requirements. (19 CFR 24.23(b)). New paragraph (b)(4)(iii) will also reflect that two electronic payment methods, Fedwire and *pay.gov*, are available for submitting quarterly payments.

The figure of \$2,000 found at 19 U.S.C. 58c(b)(9)(A) is neither a fee nor a limitation on a fee, but a reference to the allowable value for informal entries authorized pursuant to 19 U.S.C. 1498, that are subject to the fee established by 19 U.S.C. 58c(b)(9). It is not subject to the adjustment for inflation under the FAST Act. (19 U.S.C. 1498 was amended in 1993, and the merchandise value limitation on informal entries authorized by 19 U.S.C. 1498 was raised from \$2,000 to \$2,500.)

#### Part 111

CBP proposes conforming amendments to Part 111. (19 CFR part 111.) Specifically, CBP proposes to remove the specific amount of the annual customs broker permit user fee (\$138), found in paragraph (c) of section 111.19 and paragraph (c) of section 111.96, and add a reference to section 24.23(h) in section 111.96(c). (19 CFR 24.23(h), 111.19(c) and 111.96(c).)

#### Executive Orders 12866, 13563 and 13771

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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This proposed rule has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has not reviewed this rule. Furthermore, because this rule is not significant, the rule is not subject to the requirements of Executive Order 13771, meaning it is not necessary for CBP to identify two existing regulations to repeal.

#### Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996, requires agencies to assess the impact of regulations on small entities. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

This rule will affect a combination of individuals and businesses. While most of the businesses that pay the customs COBRA user fees are large corporations, the rule affects all businesses that pay these fees, so this rule will affect a substantial number of small entities. However, the impact will be small and in line with inflation; for example, with 2% inflation the commercial truck fee will increase by 11 cents. Therefore, CBP certifies that this rule will not have a significant economic impact on a substantial number of small entities.

#### Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3507) an agency may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by OMB. This rule does not involve any collection of information.

#### Signing Authority

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

#### List of Subjects

##### 19 CFR Part 24

Accounting, Claims, Customs duties and inspection, Harbors, Reporting and recordkeeping requirements, Taxes.

##### 19 CFR Part 111

Administrative practice and procedure, Brokers, Customs duties and inspection, Penalties, Reporting and recordkeeping requirements

#### Proposed Amendments to the CBP Regulations

For the reasons set forth in the preamble, parts 24 and 111 of title 19 of the Code of Federal Regulations (19 CFR parts 24 and 111) are proposed to be amended as set forth below.

#### PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

■ 1. The general authority citation for part 24 continues to read as follows, the specific authority citation for § 24.22 is added, and the specific authority citation for § 24.23 is revised to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 58a–58c, 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1505, 1520, 1624; 26 U.S.C. 4461, 4462; 31 U.S.C. 3717, 9701; Pub. L. 107–296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*).

\* \* \* \* \*  
Section 24.22 also issued under Sec. 892, Pub. L. 108–357, 118 Stat. 1418 (19 U.S.C. 58c); Sec. 32201, Pub. L. 114–94, 129 Stat. 1312 (19 U.S.C. 58c).

Section 24.23 also issued under 19 U.S.C. 3332; Sec. 892, Pub. L. 108–357, 118 Stat. 1418 (19 U.S.C. 58c); Sec. 32201, Pub. L. 114–94, 129 Stat. 1312 (19 U.S.C. 58c).

\* \* \* \* \*

■ 2. In § 24.22:

- a. Add a new introductory text before paragraph (a);
- b. In paragraph (b):
  - i. Paragraph (b)(1)(i) is amended by adding the words “, as adjusted in accordance with the terms of paragraph (k) of this section,” after the words “amount of \$437”;
  - ii. Paragraph (b)(1)(ii) is amended by adding the words “, as adjusted in accordance with the terms of paragraph (k) of this section,” after the words “total of \$,5,955 in fees”;
  - iii. Paragraph (b)(2)(i) is amended by adding the words “, as adjusted in accordance with the terms of paragraph (k) of this section,” after the words “fee of \$110”;
  - iv. Paragraph (b)(2)(ii) is amended by adding the words “, as adjusted in accordance with the terms of paragraph (k) of this section,” after the words “\$1,500 in fees”;
- c. In paragraph (c):
  - i. Paragraphs (c)(1) and (c)(2) are revised; and
  - ii. Paragraph (c)(3) is amended by adding the words “of the \$100 CBP fee, as adjusted in accordance with the terms of paragraph (k) of this section, and the APHIS/AQI fee set forth in 7 CFR 354.3” between the words “Prepayment” and “must be made” in the second sentence;
- d. In paragraph (d):
  - i. Paragraph (d)(1) is amended by adding the words “, as adjusted in accordance with the terms of paragraph (k) of this section,” after the words “fee of \$8.25”;
  - ii. Paragraph (d)(2) is amended by adding the words “, as adjusted in accordance with the terms of paragraph

(k) of this section,” after the words “prepayment of \$100”; and

■ iii. Paragraph (d)(3) is amended by adding the words “, as adjusted in accordance with the terms of paragraph (k) of this section,” after the words “fee of \$100”;

■ e. In paragraph (e):

■ i. Paragraph (e)(1) is amended by adding the words “, as adjusted in accordance with the terms of paragraph (k) of this section,” after the words “sum of \$27.50; and

■ ii. Paragraph (e)(2) is amended by adding the words “, as adjusted in accordance with the terms of paragraph (k) of this section” to the end of the first sentence after the word “section”;  
 ■ f. Paragraph (f) is amended by adding the words “, as adjusted in accordance with the terms of paragraph (k) of this section” after the words “amount of \$5.50”;

■ g. In paragraph (g):

■ i. Paragraphs (g)(1)(i)–(iii) are revised;

■ ii. Paragraph (g)(2)(i) is amended by:

■ A. Removing the text “Canada, Mexico, any” between the words “means” and “territories”; and  
 ■ B. Removing the text “, and any adjacent islands” after the words “United States”;

■ iii. Paragraph (g)(2)(iii) is amended by adding the words “and/or the United States” after the words “Specified Location”;

■ iv. The chart in paragraph (g)(2)(iv) is revised;

■ v. Paragraph (g)(4)(ii)(A) is amended by:

■ A. Removing the words “in and arrives” between the words “originates” and “from”;

■ B. Removing the words “Canada, Mexico,” between the words “other than” and “one of the territories”; and

■ C. Removing the words “, or an adjacent island” from the end of the sentence;

■ vi. Paragraphs (g)(4)(ii)(B) and (C) are revised;

■ vii. Paragraph (g)(4)(iii)(A) is amended by:

■ A. Removing the words “from Canada, Mexico,” between the words “United States” and “one of the territories” and adding in their place the words “that originated in”; and

■ B. Removing the comma and the words “or an adjacent island” from the end of the paragraph;

■ viii. Paragraph (g)(4)(iii)(B) is amended by:

■ A. Removing the words “and the return arrival to the United States is from Canada, Mexico, one of” between the words “United States” and “the territories” and adding in their place the words “and was limited to”; and

■ B. Removing the comma and the words “or an adjacent island” following the words “United States” at the end of the sentence;

■ ix. Paragraph (g)(4)(iii)(C) is revised; and

■ x. Paragraph (g)(5)(v) is amended by adding the words “, as adjusted in accordance with the terms of paragraph (k) of this section,” after the words “vessel passenger fee” in each place that they appear;

■ h. Paragraph (h) is revised;

■ i. In paragraph (i),

■ i. Paragraph (7) is amended by adding the words “, as adjusted in accordance with the terms of paragraph (k) of this section” after the words “commercial aircraft passengers”; and

■ ii. Paragraph (8) is amended by adding the words “, as adjusted in accordance with the terms of paragraph (k) of this section” after the words “commercial vessel passengers”; and

■ j. A new paragraph (k) is added.

The revisions to § 24.22 read as follows:

#### § 24.22 Fees for certain services.

This section sets forth the terms and conditions for when the fees and corresponding limitations for certain services are required. The specific customs user fee amounts and corresponding limitations that appear in this section are not the actual fees or limitations but represent the base year amounts that are subject to adjustment each fiscal year in accordance with the Fixing America’s Surface Transportation Act (FAST Act) using Fiscal Year 2014 as the base year for comparison. (See Appendix A to part 24 for a table setting forth the fees and limitations subject to adjustment along with the corresponding statutory authority, the regulatory citation, the name of the fee or limitation, and the Fiscal Year 2014 base amount which reflects the statutory amounts that were adjusted by the American Jobs Creation Act of 2004 (Pub. L. 108–357).) The methodology for adjusting the fees and limitations to reflect the percentage, if any, of the increase in the average of the Consumer Price Index—All Urban Consumers, U.S. All items, 1982–84 (CPI–U) for the preceding 12-month period (June through May) compared to the Consumer Price Index for fiscal year 2014 is set forth in paragraph (k) of this section. CBP will determine annually whether an adjustment to the fees and limitations is necessary and a notice specifying the amount of the fees and limitations will be published in the **Federal Register** annually for each fiscal year at least 30 days prior to the effective date of the new fees and

limitations. The fees and the limitations will also be maintained for the public’s convenience on the CBP Web site at [www.cbp.gov](http://www.cbp.gov). If a customs user has pre-paid or met the calendar year limit prior to the effective date of the new fees and limitations, no additional fees will be required for that calendar year. If the customs user has not pre-paid or met the calendar year limit prior to the effective date of the new fees and limitations, the customs user will be subject to the adjusted limitation or prepayment amount.

\* \* \* \* \*

#### (c) Fees for arrival of a commercial truck—

(1) *Fees*. The fees for the arrival of a commercial truck consist of two separate fees. A CBP fee of \$5.50, as adjusted by the terms of paragraph (k) of this section, and an Animal and Plant Health Inspection Service/Agricultural Quarantine Inspection (APHIS/AQI) fee set forth in 7 CFR 354.3 for the services provided that CBP collects on behalf of APHIS. Upon arrival at a CBP port of entry, the driver or other person in charge of a commercial truck must tender the fees to CBP unless they have been prepaid as provided for in paragraph (c)(3) of this section. The fees will not apply to any commercial truck which, at the time of arrival, is being transported by any vessel other than a ferry. For purposes of this paragraph, the term “commercial truck” means any self-propelled vehicle, including an empty vehicle or a truck cab without a trailer, which is designed and used for the transportation of commercial merchandise or for the transportation or non-commercial merchandise on a for-hire basis.

(2) *CBP fee limitation*. No CBP fee will be collected under paragraph (c)(1) of this section for the arrival of a commercial truck during any calendar year once a prepayment of \$100, as adjusted by the terms of paragraph (k) of this section, has been made and a transponder has been affixed to the vehicle windshield as provided in paragraph (c)(3) of this section.

\* \* \* \* \*

(g) \* \* \*

(1) \* \* \*

(i) Subject to paragraphs (g)(1)(ii) and (g)(3) of this section, a fee of \$5.50, as adjusted by the terms of paragraph (k) of this section, must be collected and remitted to CBP for services provided in connection with the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States except:

(A) When the journey of the arriving passenger originates in a territory or possession of the United States; or

(B) When the journey of the arriving passenger originates in the United States and was not limited to the territories and possessions of the United States.

(ii) Subject to paragraph (g)(3) of this section, a fee of \$1.93, as adjusted by the terms of paragraph (k) of this section,

must be collected and remitted to CBP for services provided in connection with the arrival of each passenger aboard a commercial vessel whose journey originated in a territory or possession of the United States or whose journey originated in the United States and was limited to the territories and possessions of the United States.

(iii) For the purposes of this paragraph (g), the term “territories and possessions of the United States” includes American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

\* \* \*

(2) \* \* \*

(iv) \* \* \*

Place where journey originates (see (g)(1)(iv))	Fee status for arrival from SL		Fee status for arrival from other than SL	
	Vessel	Aircraft	Vessel	Aircraft
SL .....	\$1.93, as adjusted by the terms of paragraph (k) of this section.	No fee .....	No fee .....	No fee.
Other than SL or U.S.	\$5.50, as adjusted by the terms of paragraph (k) of this section.	\$5.50, as adjusted by the terms of paragraph (k) of this section.	\$5.50, as adjusted by the terms of paragraph (k) of this section.	\$5.50, as adjusted by the terms of paragraph (k) of this section.
U.S.* .....	\$1.93, as adjusted by the terms of paragraph (k) of this section.	No fee .....	N/A .....	N/A.
U.S.** .....	\$5.50, as adjusted by the terms of paragraph (k) of this section.	\$5.50, as adjusted by the terms of paragraph (k) of this section.	\$5.50, as adjusted by the terms of paragraph (k) of this section.	\$5.50, as adjusted by the terms of paragraph (k) of this section.

\* \* \* \* \*

(4) \* \* \*

(ii) \* \* \*

(B) When a return ticket or travel document is issued (or a receipt or other document that indicates an infant traveling without a return ticket or travel document is issued) in connection with a journey which originates in the United States, includes a stop in a place other than the United States or one of the territories and possessions of the United States and the return arrival to the United States is from a place outside the United States; and

(C) When a passenger on a journey through the United States to a foreign destination arrives in the customs territory of the United States from a place outside the United States, unless that passenger’s journey originated in the territories and possessions of the United States.

(iii) \* \* \*

(C) When a passenger on a journey through the United States to a foreign destination arrives in the customs territory of the United States from a place outside the United States and that passenger’s journey originated in one of the territories and possessions of the United States and is processed by CBP.

\* \* \* \* \*

(h) *Annual customs broker permit user fee.* Customs brokers are subject to an annual user fee of \$138, as adjusted by the terms of paragraph (k) of this section, for each district permit and for a national permit held by an individual,

partnership, association, or corporation. The annual user fee for each district permit must be submitted to the port through which the broker was granted the permit. The annual user fee for a national permit must be submitted to the port through which the broker’s license is delivered.

\* \* \* \* \*

(k) Adjustment for inflation of *Customs Consolidated Omnibus Budget Reconciliation Act (COBRA) user fees*—

(1) *Fee amounts.* CBP will determine annually whether an adjustment to the fees and limitations is necessary and a notice specifying the amount of the fees and limitations, as adjusted, will be published in the **Federal Register** annually for each fiscal year at least 30 days prior to the effective date of the new fees and limitations. The fee and limitation amounts will also be maintained for the public’s convenience on the CBP Web site at [www.cbp.gov](http://www.cbp.gov).

(2) *Methodology for annual adjustments of fees and limitation amounts for inflation.* CBP will determine the adjustments, if any, by making the following calculations:

(i) Calculate the arithmetic average of the Consumer Price Index—All Urban Consumers, U.S. All items, 1982–84 = 100 (CPI-U) for the current year based on the most recent June–May period. This figure is referred to as (A).

(ii) Use the figure 236.009 which is the arithmetic average of the CPI-U for FY 2014. This figure is referred to as (B).

(iii) State the arithmetic average of CPI-U for the comparison year which

will be either (B) if the fees have never been adjusted in accordance with this paragraph (k), or the arithmetic average of the CPI-U for the last year in which fees were adjusted in accordance with this paragraph (k) as set forth in the **Federal Register** notice that last adjusted the fee. This figure is referred to as (C).

(iv) Calculate the difference between the arithmetic averages of the CPI-U of the comparison year (C) and the current year (A). This difference is referred to as (D).  $(D) = (A) - (C)$ .

(v) Round the difference (D) to the nearest whole number. This figure is referred to as (E).

(vi) Calculate the percentage change in the arithmetic averages of the CPI-U of the comparison year (C) and the current year (A) which is referred to as (F).  $(F) = ((E) \div (C)) \times 100\%$ .

(vii) If (F) is one percent or more, proceed to the next step (viii). If (F) is less than one percent, no adjustment will be made.

(viii) Calculate the difference in the arithmetic average of the CPI-U between the current year (the most recent June through May period) and the base year (FY 2014). This difference is referred to as (G).  $(G) = (A) - (B)$ .

(ix) Calculate the percentage change in the CPI-U from the base year to the current year. This figure is referred to as (H).  $(H) = ((G) \div (B)) \times 100\%$ .

(x) Increase the fees and limitations that are subject to the rules of this paragraph by (H), calculating fees and limitations to the second decimal.

■ 3. In § 24.23:

- a. Add a new introductory text before paragraph (a).
- b. In paragraph (b):
- i. Paragraph (b)(1)(i)(A) is amended by adding the words “, as adjusted in accordance with the terms of § 24.22(k) of this part,” after the words “\$1.00 per individual air waybill or bill of lading fee”;
- ii. Paragraph (b)(1)(i)(B) is amended by adding the words “, as adjusted in accordance with the terms of § 24.22(k) of this part,” after the amounts “\$485” and “\$25”;
- iii. Paragraph (b)(1)(ii) is amended by adding the words “, as adjusted in accordance with the terms of § 24.22(k) of this part,” after the words “surcharge of \$3”;
- iv. Paragraph (b)(2)(i) is amended by adding the words “, as adjusted in accordance with the terms of § 24.22(k) of this part,” after the amount “\$2”;
- v. Paragraph (b)(2)(ii) is amended by adding the words “, as adjusted in accordance with the terms of § 24.22(k) of this part,” after the amount “\$6”;
- vi. Paragraph (b)(2)(iii) is amended by adding the words “, as adjusted in accordance with the terms of § 24.22(k) of this part,” after the amount “\$9”; and
- vii. Paragraph (b)(4) is revised.

The revisions to § 24.23 read as follows:

#### § 24.23 Fees for processing merchandise.

This section sets forth the terms and conditions for when the fees for processing merchandise are required. The specific merchandise processing fee amounts and corresponding limitations that appear in this section are not the actual fees or limitations, but represent the base year amounts that are subject to adjustment each fiscal year in accordance with the Fixing America's Surface Transportation Act (FAST Act) using Fiscal Year 2014 as the base year for comparison. (See Appendix B to part 24 for a table setting forth the fees and limitations subject to adjustment along with the corresponding statutory authority, the regulatory citation, the name of the fee or limitation, and the Fiscal Year 2014 base amount which reflects the statutory amounts that were adjusted by the American Jobs Creation Act of 2004 (Pub. L. 108-357).) The methodology for adjusting the fees and limitations to reflect the percentage, if any, of the increase in the average of the Consumer Price Index—All Urban Consumers, U.S. All items, 1982-84 (CPI-U) for the preceding 12-month period (June through May) compared to the Consumer Price Index for fiscal year 2014 is set forth in § 24.22(k) of this part. CBP will determine annually whether an adjustment to the fees and

limitations is necessary and a notice specifying the amount of the fees and limitations will be published in the **Federal Register** annually for each fiscal year at least 30 days prior to the effective date of the new fees and limitations. The fees and the limitations will also be maintained for the public's convenience on the CBP Web site at [www.cbp.gov](http://www.cbp.gov).

\* \* \* \* \*

(b) \* \* \*

(4) *Express consignment carrier and centralized hub facilities.*

(i) *General.* Each carrier or operator using an express consignment carrier facility or a centralized hub facility must pay to CBP a fee in the amount of \$1.00, as adjusted in accordance with the terms of paragraph (k) of § 24.22 of this chapter, per individual air waybill or individual bill of lading for the processing of airway bills for shipments arriving in the United States. In addition, if merchandise is formally entered and valued at \$2,500 or less, the importer of record must pay to CBP the ad valorem fee specified in paragraph (b)(1) of this section, if applicable. An individual air waybill or individual bill of lading is the individual document issued by the carrier or operator for transporting and/or tracking an individual item, letter, package, envelope, record, document, or shipment. An individual air waybill is not a consolidation of several air waybills, and is not a master bill or other consolidated document. An individual air waybill or bill of lading is a bill representing an individual shipment that has its own unique bill number and tracking number, where the shipment is assigned to a single ultimate consignee, and no lower bill unit exists. Payment must be made to CBP on a quarterly basis and must cover the individual fees for all subject transactions that occurred during a calendar quarter.

(ii) *Maximum and minimum fees.* Subject to the provisions of paragraph (b)(1)(i)(A) and (b)(4) of this section relating to the express consignment carrier facility or centralized hub facility fee, the fee per individual air waybill or bill of lading charged under paragraph (b)(1)(i)(A) of this section must not exceed \$1, as adjusted in accordance with the terms of paragraph (k) of § 24.22 of this chapter, and must not be less than \$0.35, as adjusted by paragraph (k) of § 24.22 of this chapter.

(iii) *Quarterly payments.* The following additional requirements and conditions apply to each quarterly payment made under this section:

(A) The quarterly payment must conform to the requirements of § 24.1,

must be submitted electronically via Fedwire or [pay.gov](http://pay.gov), or mailed to Customs and Border Protection, Revenue Division/Attention: Reimbursables, 6650 Telecom Drive, Suite 100, Indianapolis, Indiana 46278, and must be received by CBP no later than the last day of the month that follows the close of the calendar quarter to which the payment relates.

(B) The following information must be included with the quarterly payment:

(1) The identity of the calendar quarter to which the payment relates;

(2) The identity of the facility for which the payment is made and the port code that applies to that location and, if the payment covers multiple facilities, the identity of each facility and its port code and the portion of the payment that pertains to each port code; and

(3) The total number of individual air waybills and individual bills of lading covered by the payment, and a breakdown of that total for each facility covered by the payment according to the number covered by formal entry procedures, the number covered by informal entry procedures specified in §§ 128.24(e) and 143.23(j) of this chapter, and the number covered by other informal entry procedures.

(C) Overpayments or underpayments may be accounted for by an explanation in, and adjustment of, the next due quarterly payment to CBP. In the case of an overpayment or underpayment that is not accounted for by an adjustment of the next due quarterly payment to CBP, the following procedures apply:

(1) In the case of an overpayment, the carrier or operator may request a refund by writing to Customs and Border Protection, Revenue Division/Attention: Reimbursables, 6650 Telecom Drive, Suite 100, Indianapolis, Indiana 46278. The refund request must specify the grounds for the refund and must be received by CBP within one year of the date the fee for which the refund is sought was paid to CBP; and

(2) In the case of an underpayment, interest will accrue on the amount not paid from the date payment was initially due to the date that payment to CBP is made.

(D) The underpayment or failure of a carrier or operator using an express consignment carrier facility or a centralized hub facility to pay all applicable fees owed to CBP pursuant to paragraph (b)(4) of this section may result in the assessment of penalties under 19 U.S.C. 1592, liquidated damages, and any other action authorized by law.

\* \* \* \* \*

■ 4. Add Appendix A and Appendix B to part 24 to read as follows:

**Appendix A to Part 24—Customs Cobra User Fees and Limitations in 19 CFR 24.22**

19 U.S.C. 58c	19 CFR 24.22	Customs COBRA user fee/limitation	FY14 base fee/limitation (subject to adjustment in accordance with the FAST Act)
(a)(1) .....	(b)(1)(i) .....	Fee: Commercial Vessel Arrival Fee .....	\$437
(b)(5)(A) .....	(b)(1)(ii) .....	Limitation: Calendar Year Maximum for Commercial Vessel Arrival Fees.	5,955
(a)(8) .....	(b)(2)(i) .....	Fee: Barges and Other Bulk Carriers Arrival Fee .....	110
(b)(6) .....	(b)(2)(ii) .....	Limitation: Calendar Year Maximum for Barges and Other Bulk Carriers Arrival Fees.	1,500
(a)(2) .....	(c)(1) .....	Fee: Commercial Truck Arrival Fee .....	5.50
(b)(2) .....	(c)(2) and (3) .....	Limitation: Commercial Truck Calendar Year Prepayment Fee .....	100
(a)(3) .....	(d)(1) .....	Fee: Railroad Car Arrival Fee .....	8.25
(b)(3) .....	(d)(2) and (3) .....	Limitation: Railroad Car Calendar Year Prepayment Fee .....	100
(a)(4) .....	(e)(1) and (2) .....	Fee and Limitation: Private Vessel or Private Aircraft First Arrival/Calendar Year Prepayment Fee.	27.50
(a)(6) .....	(f) .....	Fee: Dutiable Mail Fee .....	5.50
(a)(5)(A) .....	(g)(1)(i) .....	Fee: Commercial Vessel or Commercial Aircraft Passenger Arrival Fee	5.50
(a)(5)(B) .....	(g)(1)(ii) .....	Fee: Commercial Vessel Passenger Arrival Fee (from Canada, Mexico, one of the territories and possessions of the United States, or one of the adjacent islands).	1.93
(a)(7) .....	(h) .....	Fee: Customs Broker Permit User Fee .....	138

**Appendix B to Part 24—Customs Cobra User Fees and Limitations in 19 CFR 24.23**

19 U.S.C. 58c	19 CFR 24.23	Customs COBRA user fee/limitation	FY14 base fee/limitation (subject to adjustment in accordance with the FAST Act)
(b)(9)(A) (ii) .....	(b)(1)(i)(A) .....	Fee: Express Consignment Carrier/Centralized Hub Facility Fee, Per Individual Waybill/Bill of Lading Fee.	\$1
(b)(9)(B)(i) .....	(b)(1)(i)(B)(2) .....	Limitation: Minimum Express Consignment Carrier/Centralized Hub Facility Fee.	0.35
(b)(9)(B)(i) .....	(b)(1)(i)(B)(2) .....	Limitation: Maximum Express Consignment Carrier/Centralized Hub Facility Fee.	1
(a)(9)(B)(i); (b)(8)(A)(i) ..	(b)(1)(i)(B)(1) .....	Limitation: Minimum Merchandise Processing Fee .....	25
(a)(9)(B)(i); (b)(8)(A)(i) ..	(b)(1)(i)(B)(1) .....	Limitation: Maximum Merchandise Processing Fee .....	485
(b)(8)(A)(ii) .....	(b)(1)(ii) .....	Fee: Surcharge for Manual Entry or Release .....	3
(a)(10)(C)(i) .....	(b)(2)(i) .....	Fee: Informal Entry or Release; Automated and Not Prepared by CBP Personnel.	2
(a)(10)(C)(ii) .....	(b)(2)(ii) .....	Fee: Informal Entry or Release; Manual and Not Prepared by CBP Personnel.	6
(a)(10)(C)(iii) .....	(b)(2)(iii) .....	Fee: Informal Entry or Release; Automated or Manual; Prepared by CBP Personnel.	9
(b)(9)(A)(ii) .....	(b)(4) .....	Fee: Express Consignment Carrier/Centralized Hub Facility Fee, Per Individual Waybill/Bill of Lading Fee.	1

**PART 111—CUSTOMS BROKERS**

■ 5. The general authority citation for part 111 and the specific authority citation for § 111.96 continue to read as follows:

**Authority:** 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1624, 1641.

\* \* \* \* \*

Section 111.96 also issued under 19 U.S.C. 58c, 31 U.S.C. 9701.

\* \* \* \* \*

**§ 111.19 [Amended]**

■ 6. In § 111.19(c):

■ a. Remove the phrase “\$100 and \$138” in the first sentence; and

■ b. Remove the amounts “\$100” and “\$138” in each place that they appear.

**§ 111.96 [Amended]**

■ 7. In § 111.96(c):

■ a. In the first sentence, remove the words “of \$138” and add in their place the words “specified in § 24.22(h) of this chapter”; and

■ b. Remove the figure “\$138” in each place that it appears.

**Kevin K. McAleenan,**

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

Approved: July 10, 2017.

**Timothy E. Skud,**

*Deputy Assistant Secretary of the Treasury.*

[FR Doc. 2017–14824 Filed 7–14–17; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### 19 CFR Part 101

[Docket No. USCBP–2017–0017]

### Extension of Port Limits of Savannah, GA

#### Correction

In proposed rule document 2017–13983, beginning on page 30807, in the issue of Monday, July 3, 2017, make the following correction:

On page 30808, in the first column, the coordinates listed in line seven of “III. Proposed Port Limits of Savannah, Georgia”, “080°04.998’ W.” should read “080°54.998’ W.”

[FR Doc. C1–2017–13983 Filed 7–14–17; 8:45 am]

**BILLING CODE 1301–00–D**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R05–OAR–2016–0327; FRL–9964–95–Region 5]

### Air Plan Approval; Minnesota; State Board Requirements

**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 Minnesota addressing the state board requirements of the Clean Air Act (CAA). EPA is also proposing to approve elements of Minnesota’s submission addressing the infrastructure requirements relating to state boards for the 1997 ozone, 1997 fine particulate (PM<sub>2.5</sub>), 2006 PM<sub>2.5</sub>, 2008 lead (Pb), 2008 ozone, 2010 nitrogen dioxide (NO<sub>2</sub>), 2010 sulfur dioxide (SO<sub>2</sub>), and 2012 PM<sub>2.5</sub> National Ambient Air Quality Standards (NAAQS). This SIP revision was

submitted by the Minnesota Pollution Control Agency (MPCA) on May 26, 2016.

**DATES:** Comments must be received on or before August 16, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R05–OAR–2016–0327 at <https://www.regulations.gov>, or via email to [aburano.douglas@epa.gov](mailto: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:** Eric Svingen, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–4489, [svingen.eric@epa.gov](mailto:svingen.eric@epa.gov).

**SUPPLEMENTARY INFORMATION:**

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

- I. What is the background of this SIP submission?
- II. What guidance is EPA using to evaluate this SIP submission?
- III. What is the result of EPA’s review of this SIP submission?
- IV. What action is EPA taking?
- V. Incorporation by Reference.
- VI. Statutory and Executive Order Reviews.

#### I. What is the background of this SIP submission?

This rulemaking addresses a SIP submission from the MPCA dated May

26, 2016, which addresses CAA requirements relating to the state board requirements under section 128, as well as infrastructure requirements of section 110 relating to state boards for the 1997 ozone, 1997 PM<sub>2.5</sub>, 2006 PM<sub>2.5</sub>, 2008 Pb, 2008 ozone, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, and 2012 PM<sub>2.5</sub> NAAQS.

The requirement for states to make infrastructure SIP submissions arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions “within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),” and these SIP submissions are to provide for the “implementation, maintenance, and enforcement” of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA’s taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that “[e]ach such plan” submission must address.

EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA section 110(a)(1) and (2) as “infrastructure SIP” submissions. Although the term “infrastructure SIP” does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA. This specific rulemaking is only taking action on the CAA 110(a)(2)(E)(ii) element of these infrastructure SIP requirements.

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

EPA’s guidance relating to infrastructure SIP submissions can be found in a guidance document entitled “Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 1997 8-hour Ozone and PM<sub>2.5</sub><sup>1</sup> National Ambient Air Quality Standards” (2007 Guidance). Further guidance is provided in a September 13, 2013, document entitled “Guidance on Infrastructure State Implementation Plan (SIP) Elements under CAA Sections 110(a)(1) and (2)” (2013 Guidance).

#### III. What is the result of EPA’s review of this SIP submission?

Pursuant to section 110(a), states must provide reasonable notice and

<sup>1</sup>PM<sub>2.5</sub> refers to particles with an aerodynamic diameter of less than or equal to 2.5 micrometers, oftentimes referred to as “fine” particles.

opportunity for public hearing for all infrastructure SIP submissions. MPCA provided public notice for the SIP revision on April 4, 2016, commenced a public comment period on April 5, 2016, and closed the public comment period on May 5, 2016. No comments were received nor were there any requests for a public hearing.

Minnesota provided a detailed synopsis of how various components of its SIP meet each of the applicable requirements in sections 128 and 110(a)(2)(E)(ii) for the 1997 ozone, 1997 PM<sub>2.5</sub>, 2006 PM<sub>2.5</sub>, 2008 Pb, 2008 ozone, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, and 2012 PM<sub>2.5</sub> NAAQS, as applicable. The following review evaluates the state's submission.

#### A. Section 128

Section 128 of the CAA includes just one subsection labeled "(a)," which contains two explicit requirements, that: "(1) any board or body which approves permits or enforcement orders under this chapter shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits and enforcement orders under this chapter, and (2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed." Minnesota has no board or body which approves permits or enforcement orders in relation to the CAA. Under Minnesota Statutes (Minn. Stat.), the administrative powers and duties of the MPCA, including issuance of permits and enforcement orders, are vested in the Commissioner of the MPCA. Therefore, Minnesota has no further obligations under section 128(a)(1) of the CAA.

Under section 128(a)(2) of the CAA, the head of the executive agency with the power to approve permits or enforcement orders must adequately disclose any potential conflicts of interest. In Minnesota, this power is vested in the Commissioner of the MPCA. Minnesota's statutes and rules require disclosure by public officials of any potential conflict of interest. Under Minn. Stat. 10A, matters of disclosure and public interest are governed by the Minnesota Campaign Finance and Public Disclosure Board (MCFPDB). Minn. Stat. 10A.09 requires that statements of economic interest be filed with the MCFPDB upon the nomination of the Commissioner, and a supplementary statement must be submitted every year thereafter. Under Minn. Stat. 10A.07, if the Commissioner has a financial interest relating to a matter before the agency, he or she must

make this interest known in writing. Decision-making responsibility on the matter must be assigned by the Governor to another employee who does not have a conflict of interest, or the Commissioner must abstain from influence over the matter in a manner prescribed by the MCFPDB. Minnesota Rules (Minn. R.) 7000.0300 further prescribes a "duty of candor" for the Commissioner: "In all formal or informal negotiations, communications, proceedings, and other dealings between any person and any member, employee, or agent of the board or commissioner, it shall be the duty of each person and each member, employee, or agent of the board or commissioner to act in good faith and with complete truthfulness, accuracy, disclosure, and candor."

In its May 26, 2016 submission, MPCA requested that EPA incorporate Minn. Stat. 10A.07, Minn. Stat. 10A.09, and Minn. R. 7000.0300 into Minnesota's SIP. In this action, EPA proposes to approve Minnesota's request to incorporate these statutes and rule into the SIP, and further proposes that these statutes and rule satisfy all requirements under section 128 of the CAA.

#### B. Section 110(a)(2)(E)(ii)

Section 110(a)(2)(E)(ii) of the CAA also requires each SIP to contain provisions that comply with the state board requirements of section 128 of the CAA.

In its submission dated May 26, 2016, MPCA requested that Minn. Stat. 10A.07, Minn. Stat. 10A.09, and Minn. R. 7000.0300 be applied not only to obligations under section 128 of the CAA, but also to infrastructure SIP requirements for the 1997 ozone, 1997 PM<sub>2.5</sub>, 2006 PM<sub>2.5</sub>, 2008 Pb, 2008 ozone, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, and 2012 PM<sub>2.5</sub> NAAQS. EPA therefore proposes that Minnesota has met the infrastructure SIP requirements of this portion of section 110(a)(2)(E)(ii) with respect to the 1997 ozone, 1997 PM<sub>2.5</sub>, 2006 PM<sub>2.5</sub>, 2008 Pb, 2008 ozone, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, and 2012 PM<sub>2.5</sub> NAAQS.

#### IV. What action is EPA taking?

EPA is proposing to incorporate Minn. Stat. 10A.07, Minn. Stat. 10A.09, and Minn. R. 7000.0300 into Minnesota's SIP. EPA is further proposing to approve this submission as meeting CAA obligations under section 128, as well as 110(a)(2)(E)(ii) for the 1997 ozone, 1997 PM<sub>2.5</sub>, 2006 PM<sub>2.5</sub>, 2008 Pb, 2008 ozone, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, and 2012 PM<sub>2.5</sub> NAAQS.

#### V. Incorporation by Reference

In this rulemaking, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Minn. Stat. 10A.07 "Conflicts of Interest," effective May 25, 2013, Minn. Stat. 10A.09 "Statements of Economic Interest," effective May 25, 2013, and Minn. R. 7000.0300 "Duty of Candor," effective April 19, 2004. EPA has made, and will continue to make, these documents generally available through <https://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).

#### VI. 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).

#### List of Subjects in 40 CFR Part 52

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

Dated: July 6, 2017.

**Cheryl L. Newton,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 2017-14941 Filed 7-14-17; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2017-0361; FRL-9964-93-Region 4]

#### Air Plan Approval; KY; Revisions to Ambient Air Quality Standards

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

**ACTION:** Proposed rule.

**SUMMARY:** On September 9, 2016, the Commonwealth of Kentucky, through the Kentucky Division for Air Quality (KDAQ), submitted a revision to the Kentucky State Implementation Plan (SIP). The Environmental Protection Agency (EPA) is proposing to approve changes to the Commonwealth's air quality standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), ozone, particulate matter (both PM<sub>10</sub> and PM<sub>2.5</sub>), and sulfur dioxide (SO<sub>2</sub>) to reflect the historical and current National Ambient Air Quality Standards (NAAQS). EPA is proposing to approve

this SIP revision because the Commonwealth has demonstrated that these change are consistent with the Clean Air Act (CAA or Act). KDAQ's submission also includes additional air quality standards for hydrogen sulfide, fluorides, and odor; however, EPA is not proposing to approve these state standards into the SIP.

**DATES:** Written comments must be received on or before August 16, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2017-0361 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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, 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:

Madolyn Sanchez, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Ms. Sanchez can be reached via telephone at (404) 562-9644 or via electronic mail at [sanchez.madolyn@epa.gov](mailto:sanchez.madolyn@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Sections 108 and 109 of the CAA govern the establishment, review, and revision, as appropriate, of the NAAQS to protect public health and welfare. The CAA requires periodic review of the air quality criteria—the science upon which the standards are based—and the standards themselves. EPA's regulatory provisions that govern the NAAQS are found at 40 CFR 50—*National Primary and Secondary Ambient Air Quality Standards*. In this rulemaking, EPA is proposing to approve changes in

Kentucky's September 9, 2016, submission amending the Commonwealth's regulations for ambient air quality standards to reflect the historical and current NAAQS, which are found at 401 KAR 53:010. The revision also includes textual changes to language in the regulation to provide regulatory clarity, as well as updating and reformatting the Appendix A table of ambient air quality standards and Appendix A footnotes. The SIP submittal amending Kentucky's regulations can be found in the docket for this rulemaking at [www.regulations.gov](http://www.regulations.gov) and is summarized below.

## II. EPA's Analysis of Kentucky's SIP Revisions

The September 9, 2016, SIP submission revises Kentucky regulation 401 KAR 53:010 by updating the Commonwealth's ambient air quality standards to reflect the historical and current NAAQS for CO, Pb, NO<sub>2</sub>, ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, and SO<sub>2</sub>; modifying language in the regulation to provide regulatory clarity; and updating and reformatting the Appendix A ambient air quality standards table and Appendix A footnotes. The updates to the air quality standards are discussed in further detail below.

### a. CO

On September 13, 1985, EPA revoked the 1-hour and 8-hour secondary NAAQS for CO. *See* 50 FR 37484. Accordingly, in the September 9, 2016, SIP submission, Kentucky revised regulation 401 KAR 53:010 to update its air quality standards for CO to be consistent with the NAAQS promulgated by EPA in 1985.

### b. Pb

On November 12, 2008, EPA promulgated a new 1-hour primary and secondary NAAQS for Pb at a level of 0.15 micrograms per cubic meter (µg/m<sup>3</sup>), based on a rolling 3-month average. *See* 73 FR 66964. Accordingly, in the September 9, 2016, SIP submission, Kentucky revised regulation 401 KAR 53:010 to update its air quality standards for Pb to be consistent with the NAAQS promulgated by EPA in 2008.

### c. NO<sub>2</sub>

On February 9, 2010, EPA promulgated a new 1-hour primary NAAQS for NO<sub>2</sub> at a level of 100 parts per billion (ppb), based on a 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. *See* 75 FR 6474. Accordingly, in the September 9,

2016, SIP submission, Kentucky revised regulation 401 KAR 53:010 to update its air quality standards for NO<sub>2</sub> to be consistent with the NAAQS promulgated by EPA in 2010.

#### d. Ozone

On July 18, 1997, EPA revoked the 1-hour primary and secondary NAAQS for ozone.<sup>1</sup> To replace the 1-hour primary and secondary NAAQS for ozone, EPA promulgated a new primary and secondary 8-hour NAAQS for ozone at a level of 0.08 parts per million (ppm), based on an annual fourth-highest maximum 8-hour concentration averaged over three years. See 62 FR 38856. On March 27, 2008, EPA promulgated a new 8-hour primary and secondary NAAQS for ozone at a level of 0.075 ppm, based on an annual fourth-highest maximum 8-hour concentration averaged over three years. See 73 FR 16483. On October 26, 2015, EPA promulgated a new primary and secondary NAAQS for ozone at a level of 0.070 ppm, based on an annual fourth-highest maximum 8-hour concentration averaged over three years. See 80 FR 65292. At that same time, EPA revoked the 1997 8-hour primary and secondary NAAQS for ozone.<sup>2</sup> Accordingly, in the September 9, 2016, SIP submission, Kentucky revised regulation 401 KAR 53:010 to update its air quality standards for ozone to be consistent with the NAAQS promulgated by EPA in 1997, 2008, and 2015.

#### e. Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>)

On July 18, 1997, EPA promulgated a new 24-hour primary and secondary NAAQS for PM<sub>2.5</sub> at a level of 65 µg/m<sup>3</sup>, based on the 98th percentile of 24-hour PM<sub>2.5</sub> concentrations averaged over three years. EPA also promulgated a new annual primary and secondary NAAQS for PM<sub>2.5</sub> at a level of 15.0 µg/m<sup>3</sup>, based on the annual arithmetic mean averaged over three years. See 62 FR 38652. On October 17 2006, EPA revised the 24-hour primary and secondary PM<sub>2.5</sub> NAAQS to 35 µg/m<sup>3</sup>, based on the 98th percentile of 24-hour PM<sub>2.5</sub> concentrations averaged over three years. At that same time, EPA revoked the annual PM<sub>10</sub> NAAQS. See 71 FR 61144. On December 14, 2012, EPA revised the primary annual NAAQS for PM<sub>2.5</sub> at a level of 12 µg/m<sup>3</sup>, based on the annual arithmetic mean averaged over three years. See 78 FR

3085; January 15, 2013. Accordingly, in the September 9, 2016, SIP submission, Kentucky revised regulation 401 KAR 53:010 to update its air quality standards for PM<sub>10</sub> and PM<sub>2.5</sub> to be consistent with the NAAQS promulgated by EPA in 1997, 2006, and 2012.

#### f. SO<sub>2</sub>

On June 22, 2010, EPA promulgated a revised primary SO<sub>2</sub> NAAQS to an hourly standard of 75 ppb, based on a 3-year average of the annual 99th percentile of 1-hour daily maximum concentration. At that same time, EPA revoked the 24-hour SO<sub>2</sub> NAAQS.<sup>3</sup> See 75 FR 35520. Accordingly, in the September 9, 2016, SIP submission, Kentucky revised regulation 401 KAR 53:010 to update its air quality standards for SO<sub>2</sub> to be consistent with the NAAQS promulgated by EPA in 2010.

### III. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Kentucky regulation 401 KAR 53:010—*Ambient air quality standards*, effective July 19, 2016. EPA has made, and will continue to make, these documents generally available through [www.regulations.gov](http://www.regulations.gov) and/or at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

### IV. Proposed Action

EPA is proposing to approve the Commonwealth of Kentucky September 9, 2016, SIP revision identified in section II above, because these changes are consistent with the CAA.

### V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. See 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 proposed action merely proposes to approve state

law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

### List of Subjects in 40 CFR Part 52

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

<sup>1</sup> EPA revoked the 1-hour ozone standard in all areas in 2005. However, some areas have continuing obligations under the standard.

<sup>2</sup> EPA revoked the 1997 8-hour ozone standard in 2015. However, some areas have continuing obligations under the standard.

<sup>3</sup> The 1971 sulfur dioxide standards remain in effect until one (1) year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved, in accordance with 40 CFR part 52, subpart S.

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

Dated: June 29, 2017.

**V. Anne Heard,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 2017-14944 Filed 7-14-17; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2016-0327; FRL-9964-96-Region 5]

### Air Plan Approval; Minnesota; 2008 Ozone Transport

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a May 26, 2016, State Implementation Plan (SIP) submission from Minnesota that is intended to demonstrate that the Minnesota SIP meets certain interstate transport requirements of the Clean Air Act (CAA) for the 2008 ozone National Ambient Air Quality Standards (NAAQS). This submission addresses the requirement that each SIP contain adequate provisions prohibiting air emissions that will have certain adverse air quality effects in other states. EPA is proposing to approve this SIP as containing adequate provisions to ensure that Minnesota emissions do not significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone NAAQS in any other state.

**DATES:** Comments must be received on or before August 16, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2016-0327 at <https://www.regulations.gov> or via email to [aburano.douglas@epa.gov](mailto:aburano.douglas@epa.gov). For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.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:** Eric Svingen, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-4489, [svingen.eric@epa.gov](mailto:svingen.eric@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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

- I. Background.
- II. EPA’s Analysis of Minnesota’s Submittal
- III. What action is EPA taking?
- IV. Statutory and Executive Order Reviews.

#### I. Background

On March 12, 2008, EPA revised the levels of the primary and secondary ozone standards from 0.08 parts per million (ppm) to 0.075 ppm (73 FR 16436). The CAA requires states to submit, within three years after promulgation of a new or revised standard, SIPs meeting the applicable “infrastructure” elements of sections 110(a)(1) and (2). One of these applicable infrastructure elements, CAA section 110(a)(2)(D)(i), requires SIPs to contain “good neighbor” provisions to prohibit certain adverse air quality effects on neighboring states due to interstate transport of pollution. There are four sub-elements within CAA section 110(a)(2)(D)(i). This action addresses the first two sub-elements of the good neighbor provisions, at CAA section 110(a)(2)(D)(i)(I). These sub-elements require that each SIP for a new or revised standard contain adequate provisions to prohibit any source or other type of emissions activity within the state from emitting air pollutants that will “contribute significantly to nonattainment” or “interfere with maintenance” of the applicable air quality standard in any other state.

#### II. EPA’s Analysis of Minnesota’s Submittals

On May 26, 2016, the State of Minnesota submitted a revision to its SIP to address the first two sub-elements

of the good neighbor provisions, at CAA section 110(a)(2)(D)(i)(I). Specifically, Minnesota’s submission asserts that the state’s SIP contains adequate provisions to prohibit any source or other type of emissions activity within the state from emitting air pollutants that will “contribute significantly to nonattainment” or “interfere with maintenance” of the 2008 ozone standard in any other state. The SIP submission highlights rules and statutes already in Minnesota’s SIP that limit emissions of nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOC), the precursor pollutants contributing to ozone formation. Minnesota primarily limits VOC emissions through emission limitations in state-issued part 70 permits. Minnesota has also incorporated by reference EPA’s National Emission Standards for Hazardous Air Pollutants, which further limit VOC emissions. *See* Minn. R. 7011.7000–9990. Minnesota limits NO<sub>x</sub> emissions through application of Minn. R. 7011.0500–0553, “Indirect Heating Fossil Fuel Burning Equipment,” as well as Minn. R. 7011.1700–1705, “Nitric Acid Plants.” Additionally, an administrative order issued to the Xcel Energy Sherburne County Generating Station (Sherco) as part of Minnesota’s Regional Haze SIP imposes additional limits on NO<sub>x</sub> emissions in Minnesota. Finally, Minnesota sources are also subject to a Federal Implementation Plan (FIP) for the Cross-State Air Pollution Rule (CSAPR) at 40 CFR 52.1240, and are required to reduce annual emissions of NO<sub>x</sub> in support of the 2006 NAAQS for fine particulate matter (PM<sub>2.5</sub>).

EPA developed technical information and a related analysis to assist states with meeting section 110(a)(2)(D)(i)(I) requirements for the 2008 ozone NAAQS, and used this technical analysis to support the CSAPR Update for the 2008 Ozone NAAQS (“CSAPR Update”).<sup>1</sup> As explained below, this analysis supports the conclusion of Minnesota’s analysis regarding interstate transport for the 2008 ozone NAAQS.

In the technical analysis supporting the CSAPR Update, EPA used detailed air quality analyses to determine where projected nonattainment or maintenance areas would be and whether emissions from a state would contribute to downwind air quality problems at those projected nonattainment or maintenance receptors. Specifically, EPA determined whether a state’s contributing emissions were at or above a specific threshold (*i.e.*, one percent of the ozone NAAQS).

<sup>1</sup> 81 FR 74504 (October 26, 2016).

If a state's contribution did not exceed the one percent threshold, the state was not considered "linked" to identified downwind nonattainment and maintenance receptors and was therefore not considered to significantly contribute to nonattainment or interfere with maintenance of the standard in those downwind areas. If a state's contribution was equal to or exceeded the one percent threshold, that state was considered "linked" to the downwind nonattainment or maintenance receptor(s) and the state's emissions were further evaluated, taking into account both air quality and cost considerations, to determine what, if any, emissions reductions might be necessary to address the state's obligation pursuant to CAA section 110(a)(2)(D)(i)(I).

As discussed in the CSAPR Update, the air quality modeling contained in EPA's technical analysis: (1) Identified locations in the U.S. where EPA anticipates nonattainment or maintenance issues in 2017 for the 2008 ozone NAAQS (these are identified as nonattainment and maintenance receptors), and (2) quantified the projected contributions from emissions from upwind states to downwind ozone concentrations at the receptors in 2017. See CSAPR Update at 81 FR 74526. This modeling used the Comprehensive Air Quality Model with Extensions (CAMx version 6.11) to model the 2011 base year, and the 2017 future base case emissions scenarios to identify projected nonattainment and maintenance sites with respect to the 2008 ozone NAAQS in 2017. EPA used nationwide state-level ozone source apportionment modeling (the CAMx Ozone Source Apportionment Technology/Anthropogenic Precursor Culpability Analysis technique) to quantify the contribution of 2017 base case NO<sub>x</sub> and VOC emissions from all sources in each state to the 2017 projected receptors. The air quality model runs were performed for a modeling domain that covers the 48 contiguous states in the U.S. and adjacent portions of Canada and Mexico. *Id.* at 81 FR 74526–74527. The modeling data released to support the final CSAPR Update are the most up-to-date information EPA has developed to inform our analysis of upwind state linkages to downwind air quality problems for the 2008 ozone NAAQS. See "Air Quality Modeling TSD for the Final CSAPR Update" in the docket for CSAPR Update at 81 FR 74504 for more details regarding EPA's modeling analysis.

Consistent with the framework established in the original CSAPR

rulemaking, EPA's technical analysis in support of the CSAPR Update applied a threshold of one percent of the 2008 ozone NAAQS of 75 ppb (0.75 ppb) to identify linkages between upwind states and the downwind nonattainment and maintenance receptors. See CSAPR Update, 81 FR 74518–74519. EPA considered states to be "linked" to a specific downwind receptor if emissions from that state meet or exceed that one percent threshold. EPA analyzed emissions from those "linked" states to determine whether emissions reductions were required for purposes of CAA section 110(a)(2)(D)(i)(I). EPA determined that one percent was an appropriate threshold to use in that analysis because there were important, even if relatively small, contributions to identified nonattainment and maintenance receptors from multiple upwind states at that threshold. In response to commenters who advocated a higher or lower threshold than one percent, EPA compiled the contribution modeling results for the CSAPR Update to analyze the impact of different possible thresholds for the eastern United States. EPA's analysis showed that the one percent threshold captures a high percentage of the total pollution transport affecting downwind states. EPA's analysis further showed that application of a lower threshold would result in relatively modest increases in the overall percentage of ozone transport pollution captured, while the use of higher thresholds would result in a relatively large reduction in the overall percentage of ozone pollution transport captured relative to the levels captured at one percent at the majority of the receptors. *Id.*; see also Air Quality Modeling Final Rule Technical Support Document for the Final CSAPR Update, Appendix F, Analysis of Contribution Thresholds. This approach is consistent with the use of a one percent threshold to identify those states "linked" to air quality problems with respect to the 1997 ozone NAAQS in the original CSAPR rulemaking, wherein EPA noted that there are adverse health impacts associated with ambient ozone even at low levels. 76 FR 48208, 48236–48237 (August 8, 2011).

EPA's air quality modeling for the final CSAPR Update projects that Minnesota emissions are projected to contribute amounts less than one percent of the 2008 ozone NAAQS to all receptors. The modeling indicates that Minnesota's largest contribution to any projected downwind nonattainment site is 0.40 ppb and Minnesota's largest contribution to any projected downwind maintenance-only site is 0.47 ppb. 80

FR 46271, 46277 (August 4, 2015). These values are below the one percent screening threshold of 0.75 ppb, and therefore there are no identified linkages between Minnesota and 2017 downwind projected nonattainment and maintenance sites. In Minnesota's submission, the state provides data demonstrating that statewide NO<sub>x</sub> and VOC emissions have been decreasing in recent years. This indicates that existing controls have been sufficient in meeting Minnesota's transport obligations for ozone. This further suggests that Minnesota will likely continue to have insignificant contributions to downwind nonattainment and maintenance problems for ozone.

EPA agrees with the state's technical information and conclusion. EPA's modeling also confirms this finding. Based on the modeling data and the information and analysis provided in Minnesota's SIP, we are proposing to approve Minnesota's interstate transport SIP for purposes of meeting the CAA section 110(a)(2)(D)(i)(I) requirements as to the 2008 ozone standard. EPA's modeling confirms the results of the state's analysis: Minnesota does not significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone standard in any other state.

### III. What action is EPA taking?

EPA is proposing to approve Minnesota's interstate transport SIP for purposes of meeting the CAA section 110(a)(2)(D)(i)(I) requirements of the 2008 ozone standard.

### 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).

#### **List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: July 6, 2017.

**Cheryl L. Newton,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 2017–14939 Filed 7–14–17; 8:45 am]

**BILLING CODE 6560–50–P**

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0046]

#### Oral Rabies Vaccine Trial; Availability of a Supplemental Environmental Assessment

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service has prepared a supplemental environmental assessment (EA) relative to an oral rabies vaccination field trial in New Hampshire, New York, Ohio, Vermont, and West Virginia. The supplemental EA analyzes expanding the field trial for an experimental oral rabies vaccine for wildlife to additional areas in New York, Ohio, and West Virginia. The proposed field trial is necessary to evaluate whether the wildlife rabies vaccine will produce sufficient levels of population immunity against raccoon rabies. We are making the supplemental EA available to the public for review and comment.

**DATES:** We will consider all comments that we receive on or before August 16, 2017.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/>
- *Postal Mail/Commercial Delivery:*

Send your comment to Docket No. APHIS–2017–0046, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

The supplemental environmental assessment and any comments we receive may be viewed at <http://>

[www.regulations.gov/](http://www.regulations.gov/) [#!docketDetail;D=APHIS-2017-0046](#) or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

This notice and the supplemental EA are also posted on the APHIS Web site at [http://www.aphis.usda.gov/regulations/ws/ws\\_nepa\\_environmental\\_documents.shtml](http://www.aphis.usda.gov/regulations/ws/ws_nepa_environmental_documents.shtml).

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Chipman, Rabies Program Coordinator, Wildlife Services, APHIS, 59 Chennell Drive, Suite 7, Concord, NH 03301; (603) 223–9623, email: [richard.b.chipman@aphis.usda.gov](mailto:richard.b.chipman@aphis.usda.gov). To obtain copies of the supplemental environmental assessment, contact Ms. Beth Kabert, Staff Wildlife Biologist, Wildlife Services, 140–C Locust Grove Road, Pittstown, NJ 08867; (908) 735–5654, fax (908) 735–0821, email: [beth.e.kabert@aphis.usda.gov](mailto:beth.e.kabert@aphis.usda.gov).

**SUPPLEMENTARY INFORMATION:** The Wildlife Services (WS) program in the Animal and Plant Health Inspection Service (APHIS) cooperates with Federal agencies, State and local governments, and private individuals to research and implement the best methods of managing conflicts between wildlife and human health and safety, agriculture, property, and natural resources. Wildlife-borne diseases that can affect domestic animals and humans are among the types of conflicts that APHIS–WS addresses. Wildlife is the dominant reservoir of rabies in the United States.

Currently, APHIS–WS conducts an oral rabies vaccination (ORV) program to control the spread of rabies. The ORV program has utilized a vaccinia-rabies glycoprotein (V–RG) vaccine. APHIS–WS' use of the V–RG vaccine has resulted in several notable accomplishments, including the elimination of canine rabies from sources in Mexico, the successful control of gray fox rabies virus variant in western Texas, and the prevention of any appreciable spread of raccoon rabies in the eastern United States. While the prevention of any appreciable spread of raccoon rabies in the eastern United States represents a major

accomplishment in rabies management, the V–RG vaccine has not been effective in eliminating raccoon rabies from high-risk spread corridors. This fact prompted APHIS–WS to evaluate rabies vaccines capable of producing higher levels of population immunity against raccoon rabies to better control the spread of this disease.

In 2011, APHIS–WS initiated a field trial to study the immunogenicity and safety of a promising new wildlife rabies vaccine, human adenovirus type 5 rabies glycoprotein recombinant vaccine in portions of West Virginia, including U.S. Department of Agriculture Forest Service National Forest System lands. The vaccine used in this field trial is an experimental oral rabies vaccine called ONRAB (produced by Artemis Technologies Inc., Guelph, Ontario, Canada).

To further assess the immunogenicity of ONRAB in raccoons and skunks for raccoon rabies virus variant, APHIS–WS determined the need to expand the field trial into portions of New Hampshire, New York, Ohio, Vermont, and West Virginia, including National Forest System lands. On July 9, 2012, we published in the **Federal Register** (77 FR 40322–40323, Docket No. APHIS–2012–0052) a notice<sup>1</sup> in which we announced the availability, for public review and comment, of an environmental assessment (EA) that examined the potential environmental impacts associated with the proposed field trial to test the safety and efficacy of the ONRAB vaccine in New Hampshire, New York, Ohio, Vermont, and West Virginia. We announced the availability of our final EA and finding of no significant impact (FONSI) in a notice published in the **Federal Register** (see footnote 1) on August 16, 2012 (77 FR 49409–49410, Docket No. APHIS–2012–0052).

On July 17, 2015, we published in the **Federal Register** (80 FR 42467–42469, Docket No. APHIS–2015–0047) a notice<sup>2</sup> in which we announced the availability, for public review and comment, of a supplemental EA that examined the potential environmental impacts associated with expanding the

<sup>1</sup> To view the notice, the comments we received, the EA, and the follow-up finding of no significant impact, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0052>.

<sup>2</sup> To view the notice, the supplemental EA, and the FONSI, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0047>.

field trial to additional areas in Ohio and increasing bait distribution density in portions of West Virginia. We announced the availability of our final EA and FONSI in a notice published in the **Federal Register** (see footnote 2) on September 17, 2015 (80 FR 55826–55827, Docket No. APHIS–2015–0047).

In 2017, there were two confirmed cases of raccoon variant rabies 8–10 km (5–6 miles) west of the established V–RG ORV zone in Ohio (approximately 20 km [12 miles]) east of the city of Canton, OH). To address this emergency, APHIS–WS proposes to shift the existing ORV zone in Ohio in an effort to contain the outbreak and to secure the zone. ONRAB vaccine-baits will be distributed in this revised portion of the ORV zone.

APHIS–WS is also proposing to add Webster, Braxton, Nicholas, Wyoming, McDowell, Upshur, Barbour, Harrison, Lewis, Tyler, Ritchie, Doddridge, Wetzell, Taylor, Marion, Monongalia, and Preston Counties in West Virginia so that ONRAB vaccine-baits may be applied to the western edge of the ORV zone in West Virginia to provide added confidence in the seroconversion rates based on results from previous field trials. This will provide an opportunity to improve serological sampling spatially throughout the zone as part of an increased monitoring initiative.

Finally, APHIS–WS is proposing to expand the field trial zone in New York into Oswego County. The current ORV ONRAB zone in New York includes Jefferson County, which shares a border with Oswego County. Current ONRAB bait distribution occurs very close to the Oswego County border and including this county will allow APHIS–WS to opportunistically distribute any remaining excess baits while collecting additional serological data to further assess the field trial.

APHIS–WS has prepared a supplemental EA in which we analyze expanding the area of the field trial zone in New York, Ohio, and West Virginia. We are making the supplemental EA available to the public for review and comment. We will consider all comments that we receive on or before the date listed under the heading **DATES** at the beginning of this notice.

The supplemental EA may be viewed on the *Regulations.gov* Web site or in our reading room (see **ADDRESSES** above for instructions for accessing *Regulations.gov* and information on the location and hours of the reading room). In addition, paper copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

The EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 12th day of July 2017.

**Michael C. Gregoire,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2017–14921 Filed 7–14–17; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

#### United States Standards for Lentils

##### Correction

In notice document 2017–14803, appearing on pages 31550–31551 in the Issue of Friday, July 7, 2017, make the following correction:

On page 31551, in the table titled “607 GRADES AND GRADE REQUIREMENTS FOR DOCKAGE-FREE LENTILS”, in the tenth row, in the fourth column, the entry “<4.0” should read “>4.0”.

[FR Doc. C1–2017–14308 Filed 7–14–17; 8:45 am]

**BILLING CODE 1301–00–D**

## DEPARTMENT OF COMMERCE

### U.S. Census Bureau

#### Proposed Information Collection; Comment Request; Annual Wholesale Trade Survey

**AGENCY:** U.S. Census Bureau, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** To ensure consideration, written comments must be submitted on or before September 15, 2017.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental

Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [PRAComments@doc.gov](mailto:PRAComments@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Susan Pozzanghera, Economy-Wide Statistics Division, U.S. Census Bureau, (301) 763–7169 or via email at [ewd.annual.wholesale.trade.survey@census.gov](mailto:ewd.annual.wholesale.trade.survey@census.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Annual Wholesale Trade Survey (AWTS) covers employer firms with establishments located in the United States and classified in wholesale trade sector as defined by the North American Industry Classification System (NAICS). This sector include distributors, manufacturers' sales branches and offices, as well as agents and brokers.

Firms are selected for this survey using a stratified random sample where strata are defined by type of operation, industry, and annual sales size. The sample is drawn from the Business Register (BR), which is the Census Bureau's master business list containing basic economic information for over 7.4 million employer businesses and over 22.5 million nonemployer businesses.

The BR obtains information using direct data collections and administrative record information from federal agencies. The AWTS sample is updated quarterly to reflect business “births” and “deaths” by adding newly established employer businesses and deleting companies when it is determined they are no longer active.

The AWTS introduced a new sample for 2016. The Census Bureau requested two years of data from all sample firms in order to link the old and new samples, ensuring that the published estimates continue to be reliable and accurate. The 2017 AWTS and subsequent years will request one year of data until a new sample is selected again in five years. The 2017 AWTS will also collect detailed business expenditure items and sales tax data, in response to a request for this data from the Bureau of Economic Analysis (BEA). These data items are collected on the AWTS survey in years ending in 2 and 7, which coincide with the economic census collection.

The AWTS data is collected electronically using the Census Bureau's secure online reporting instrument (Centurion). This electronic system of reporting is designed to allow

respondents easier access, convenience and flexibility. In the few cases of companies that have no access to the Internet, the Census Bureau can arrange for the companies to provide data to an analyst via telephone.

The AWTS survey collects data on annual sales, e-commerce sales, operating expenses, purchases, commissions, and year-end inventories. There are five electronic form types based on the specific type of operation and structure of the sampled firm. Each form asks a different subset of the items listed above based on relevance to their type of operation. These data are used to satisfy a variety of public and business needs such as economic market analysis, company performance, and forecasting future demands. The Bureau of Economic Analysis uses the data in developing the Nation's Gross Domestic Product (GDP) estimates and the national accounts' input-output tables. The Bureau of Labor Statistics uses the data as an input to its producer price indices and in developing productivity measurements.

Results will be available by type of operation and item collected at the United States summary level approximately fifteen months after the end of the reference year.

## II. Method of Collection

The Census Bureau primarily collects this information via the Internet and, in rare cases when respondents have no access to the Internet, by telephone.

## III. Data

*OMB Control Number:* 0607-0195.  
*Form Number(s):* SA-42, SA-42A, SA-42A (MSBO), SA-42 (AGBR), SA-42A (AGBR).

*Type of Review:* Regular submission.  
*Affected Public:* Wholesale firms located in the United States.

*Estimated Number of Respondents:* 8,900.

*Estimated Time per Response:* 93.6 minutes (2017 survey year—additional items collected); 28.8 minutes (2018 and 2019 survey years).

*Estimated Total Annual Burden Hours:* 13,884 hours (2017 survey year—additional items collected); 4,272 hours (2018 and 2019 survey years).

*Estimated Total Annual Cost to Public:* \$0.

*Respondents Obligation:* Mandatory.  
*Legal Authority:* Title 13, United States Code, Sections 131 and 182.

## IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection, and will become a matter of public record.

**Sheleen Dumas,**

*Departmental PRA Lead, Office of the Chief Information Officer.*

[FR Doc. 2017-14871 Filed 7-14-17; 8:45 am]

**BILLING CODE 3510-07-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-980]

#### **Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results of Countervailing Duty Administrative Review, and Partial Rescission of Countervailing Duty Administrative Review; 2014**

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

**SUMMARY:** The Department of Commerce (the Department) has completed its administrative review of the countervailing duty order (CVD) on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (PRC) for the January 1, 2014, through December 31, 2014, period of review (POR). We have determined that the mandatory respondents Canadian Solar Manufacturing (Changshu) Inc. and its cross-owned affiliates (collectively, Canadian Solar) and Changzhou Trina Solar Energy Co., Ltd. and its cross-owned affiliates (collectively, Trina Solar), received countervailable subsidies during the POR. The final net subsidy rates are listed below in the section, "Final Results of Administrative Review." We are also rescinding the review for 20 companies for which all review requests were timely withdrawn or for which we have concluded that there were no

entries, exports, or sales of the subject merchandise during the POR.

**DATES:** Applicable July 17, 2017.

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

Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-3586.

#### **Background**

The Department published the *Preliminary Results* of this administrative review in the **Federal Register** on January 9, 2017.<sup>1</sup> We invited interested parties to comment on the *Preliminary Results*. On May 11, 2017, we received timely case briefs from the following interested parties: SolarWorld Americas, Inc. (the petitioner); the Government of China (GOC); Canadian Solar; Trina Solar; Shanghai BYD Co., Ltd. and BYD (Shangluo) Industrial Co., Ltd. (collectively, Shanghai BYD); Systemes Versilis, Inc. (Systemes Versilis); and Toenergy Technology Hangzhou Co., Ltd.<sup>2</sup> On May 17, 2017, we received timely rebuttal comments from the petitioner; the GOC; Canadian Solar; Trina Solar; Shanghai BYD; and Systemes Versilis.<sup>3</sup>

<sup>1</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review and Preliminary Intent To Rescind, in Part; 2014*, 82 FR 2317 (January 9, 2017) (*Preliminary Results*).

<sup>2</sup> See Letter to the Secretary from the petitioner, "Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Case Brief of SolarWorld Americas, Inc.," (May 11, 2017); Letter to the Secretary from the GOC, "GOC Administrative Case Brief: Third Administrative Review of the Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules from the People's Republic of China (C-570-980)," (May 11, 2017); Letter to the Secretary from Canadian Solar, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China: Case Brief," (May 11, 2017); Letter to the Secretary from Trina Solar, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China—Case Brief," (May 11, 2017); Letter to the Secretary from Shanghai BYD, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China—2014 CVD Review: BYD's Case Brief," (May 11, 2017); Letter to the Secretary from Systemes Versilis, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China—2014 CVD Review: Systems Versilis's Case Brief," (May 11, 2017); and Letter to the Secretary from Toenergy, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, From the People's Republic of China (C-570-980): Preliminary Results of the 2014 Countervailing Duty Administrative Review; Case Brief of Toenergy Technology Hangzhou Co., Ltd. (May 11, 2017).

<sup>3</sup> See Letter to the Secretary from the petitioner, "Crystalline Silicon Photovoltaic Cells, Whether Or



On April 12, 2017, in accordance with section 751(a)(3)(A) of the Act, the Department extended the period for issuing the final results of this review by 45 days, to June 23, 2017.<sup>4</sup> On June 7, 2017, the Department extended the period for issuing the final results by an additional 15 days, to July 8, 2017.<sup>5</sup>

### Scope of the Order

The merchandise covered by this order is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels, and building integrated materials. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item numbers 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of this order is dispositive. A full description of the scope of the order is contained in the Issues and Decision Memorandum, which is hereby adopted by this notice.<sup>6</sup>

Not Assembled Into Modules from the People's Republic of China: Rebuttal Brief of SolarWorld Americas, Inc.," (May 17, 2017); Letter to the Secretary from the GOC, "GOC Rebuttal Brief: Third Administrative Review of the Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules from the People's Republic of China (C-570-980) (May 17, 2017); Letter to the Secretary from Canadian Solar, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China: Rebuttal Brief," (May 17, 2017); Letter to the Secretary from Trina Solar, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China—Rebuttal Brief," (May 17, 2017); Letter to the Secretary from Shanghai BYD, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China—2014 CVD Review: BYD's Rebuttal Brief," (May 17, 2017); and Letter to the Secretary from Systemes Versilis, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China—2014 CVD Review: Systemes Versilis's Rebuttal Brief," (May 17, 2017).

<sup>4</sup> See Department Memorandum, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Extension of Deadline for Final Results of Third Countervailing Duty Administrative Review," (April 12, 2017).

<sup>5</sup> See Department Memorandum, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Second Extension of Deadline for Final Results of Third Countervailing Duty Administrative Review," (June 7, 2017); see also *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

<sup>6</sup> See Department Memorandum to James Maeder, Senior Director, Performing the Duties of Deputy Assistant Secretary for Antidumping and

### Corrections to the Preliminary Results

The **Federal Register** notice for the *Preliminary Results* incorrectly listed the case number for this review as "C-570-971," instead of under the correct case number "C-570-980."<sup>7</sup> Accordingly, we now correct the *Preliminary Results* of this administrative review to be referenced under case number "C-570-980." In addition, the *Preliminary Results* inadvertently referenced a non-selected company under review as "Toenergy Technology," rather than its legal name, "Toenergy Technology Hangzhou Co., Ltd."<sup>8</sup> We hereby correct the *Preliminary Results* to reference "Toenergy Technology Hangzhou Co., Ltd.," as a non-selected company under review.

### Analysis of Comments Received

All issues raised in interested parties' briefs are addressed in the Issues and Decision Memorandum accompanying this notice. A list of the issues raised by interested parties and to which we responded in the Issues and Decision Memorandum is provided in Appendix I to this notice. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov> and in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be access directly at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

### Changes Since the Preliminary Results

Based on case briefs, rebuttal briefs, and all supporting documentation, we made changes from the *Preliminary Results*. The Department has modified its creditworthiness findings for both mandatory respondents to find that the respondents were creditworthy during certain years. Additionally, the Department has adjusted Canadian Solar's inland freight charges when constructing the benchmarks for its

Countervailing Duty Operations, "Decision Memorandum for Final Results and Partial Rescission of Countervailing Duty Administrative Review: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China; 2014," dated concurrently with this notice (Issues and Decision Memorandum).

<sup>7</sup> See *Preliminary Results*.

<sup>8</sup> *Id.*

purchases regarding the provision of inputs for LTAR programs and its discount rates for the Preferential Policy Lending program. We also adjusted the discount rates for both respondents based on our final determination that both mandatory respondents were creditworthy in certain years.

### Partial Rescission of Review

We are rescinding this administrative review for 20 companies named in the *Initiation Notice*.<sup>9</sup> In the *Preliminary Results*, we made a preliminary determination to rescind the review of companies for which all review requests were timely withdrawn.<sup>10</sup> We received no comments with regard to this preliminary determination, and are accordingly rescinding the review for these companies in accordance with 19 CFR 351.212(d)(1). With respect to JA Solar Technology Yangzhou Co., Ltd.; JingAo Solar Co., Ltd.; and Shanghai JA Solar Technology Co., Ltd. (collectively, the JA Solar Companies), the *Preliminary Results* stated that we preliminarily intended to rescind the review for these companies because they timely withdrew their request for review and no other party requested a review for these companies.<sup>11</sup> This was incorrect, as petitioners also requested a review of the JA Solar Companies.<sup>12</sup> However, we also noted that the JA Solar Companies reported that they made no exports or sales of subject merchandise to the United States during the POR.<sup>13</sup> We received no comments regarding whether to rescind the review of the JA Solar Companies or on what basis the review should be rescinded. As a result, we are rescinding the review with respect to the JA Solar Companies pursuant to 19 CFR 351.213(d)(3).

All companies for which we are rescinding this administrative review are listed in Appendix II to this notice. For these companies, countervailing duties shall be assessed at rates equal to the rates of the cash deposits for estimated countervailing duties required at the time of entry, or withdrawal from

<sup>9</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 6832 (February 9, 2016) (*Initiation Notice*).

<sup>10</sup> See *Preliminary Results*.

<sup>11</sup> *Id.*

<sup>12</sup> See Letter to the Secretary from the petitioner, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Request for Administrative Review," (December 31, 2015).

<sup>13</sup> See Department Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China; 2014," dated concurrently with and adopted by the *Preliminary Results* (PDM) at 2-3.

warehouse, for consumption, during the POR, in accordance with 19 CFR 351.212(c)(2).

**Methodology**

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, we find that there is a subsidy, *i.e.*, a financial contribution from a government or public entity that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>14</sup> For a full description of the methodology

underlying all of the Department’s conclusions, including any determination that relied upon the use of adverse facts available pursuant to sections 776(a) and (b) of the Act, *see* the Issues and Decision Memorandum.

**Final Results of Administrative Review**

In accordance with 19 CFR 351.221(b)(5), we calculated a countervailable subsidy rate for the two mandatory respondents, Canadian Solar and Trina Solar. For the non-selected companies subject to this review,<sup>15</sup> we followed the Department’s practice, which is to base the subsidy rates on an

average of the subsidy rates calculated for those companies selected for individual review, excluding *de minimis* rates or rates based entirely on adverse facts available.<sup>16</sup> In this case, for the non-selected companies, we have calculated a rate by weight-averaging the calculated subsidy rates of the two mandatory respondents using their publicly-ranged sales data for exports of subject merchandise to the United States during the POR. We find the countervailable subsidy rates for the producers/exporters under review to be as follows:

Company	Subsidy rate (percent ad valorem)
Canadian Solar Manufacturing (Changshu) and its Cross-Owned Affiliates <sup>17</sup>	18.30
Changzhou Trina Solar Energy Co., Ltd. and its Cross-Owned Affiliates <sup>18</sup>	17.14
BYD (Shangluo) Industrial Co., Ltd	17.53
Chint Solar (Zhejiang) Co., Ltd	17.53
ET Solar Energy Limited	17.53
ET Solar Industry Limited	17.53
Hangzhou Sunny Energy Science and Technology Co., Ltd	17.53
Jiawei Solarchina Co., Ltd	17.53
Jiawei Solarchina (Shenzhen) Co., Ltd	17.53
Lightway Green New Energy Co., Ltd	17.53
Luoyang Suntech Power Co., Ltd	17.53
Ningbo Qixin Solar Electrical Appliance Co., Ltd	17.53
Shanghai BYD Co., Ltd	17.53
Shenzhen Topray Solar Co. Ltd	17.53
Systemes Versilis, Inc.	17.53
Taizhou BD Trade Co., Ltd	17.53
tenKsolar (Shanghai) Co., Ltd	17.53
Toenergy Technology Hangzhou Co., Ltd	17.53
Wuxi Suntech Power Co., Ltd	17.53

**Disclosure**

We will disclose to the parties in this proceeding the calculations performed for these final results within five days of the date of publication of this notice in the **Federal Register**.<sup>19</sup>

**Assessment Rates**

Consistent with 19 CFR 351.212(b)(2), we intend to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of these final results of review, to liquidate shipments of subject merchandise entered, or withdrawn from warehouse, for consumption, on or after January 1, 2014, through December 31, 2014, at the *ad valorem* rates listed above.

**Cash Deposit Instructions**

In accordance with section 751(a)(1) of the Act, we intend to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above. These cash deposit requirements, when imposed, shall remain in effect until further notice.

**Administrative Protective Orders**

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely

written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 10, 2017.

**Carole Showers,**

*Executive Director, Office of Policy, performing the duties of the Deputy Assistant Secretary for Enforcement and Compliance.*

**Appendix I**

**List of Topics Discussed in the Issues and Decision Memorandum**

Summary

<sup>14</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>15</sup> See Appendix III.

<sup>16</sup> See, e.g., *Certain Pasta from Italy: Preliminary Results of the 13th (2008) Countervailing Duty Administrative Review*, 75 FR 18806, 18811 (April 13, 2010), unchanged in *Certain Pasta from Italy:*

*Final Results of the 13th (2008) Countervailing Duty Administrative Review*, 75 FR 37386 (June 29, 2010).

<sup>17</sup> See *Preliminary Results* at the section, “Preliminary Results of Review.” Cross-owned affiliates are: Canadian Solar Inc.; Canadian Solar Manufacturing (Luoyang) Inc.; CSI Cells Co., Ltd.; CSI Solar Power (China) Inc.; CSI Solartronics (Changshu) Co., Ltd.; CSI Solar Technologies Inc.; and CSI Solar Manufacture Inc.

<sup>18</sup> *Id.* Cross-owned affiliates are: Trina Solar Limited; Trina Solar (Changzhou) Science & Technology Co., Ltd.; Yancheng Trina Solar Energy Technology Co., Ltd.; Changzhou Trina Solar Yabang Energy Co., Ltd.; Hubei Trina Solar Energy Co., Ltd.; Turpan Trina Solar Energy Co., Ltd.; and Changzhou Trina PV Ribbon Materials Co., Ltd.

<sup>19</sup> See 19 CFR 351.224(b).

Background  
 List of Comments from Interested Parties  
 Scope of the Order  
 Correction to the Preliminary Results  
 Changes Since the Preliminary Results  
 Partial Rescission of Administrative Review  
 Non-Selected Companies Under Review  
 Subsidies Valuation Information  
   Allocation Period  
   Attribution of Subsidies  
   Denominators  
   Creditworthiness  
   Benchmarks and Discount Rates  
 Use of Facts Otherwise Available and  
   Adverse Inferences  
 Programs Determined To Be Countervailable  
 Programs Determined To Be not  
   Countervailable During the POR  
 Programs Determined Not To Be Used or Not  
   To Confer Measurable Benefits  
 Analysis of Comments  
   Comment 1: Usage of Export Buyer's Credit  
   Program  
   Comment 2: Selection of the Adverse Facts  
   Available (AFA) Rate for Export Buyer's  
   Credit Program  
   Comment 3: Whether the Aluminum  
   Extrusions for Less Than Adequate  
   Remuneration (LTAR) Program Is  
   Specific  
   Comment 4: Aluminum Extrusions  
   Benchmark  
   Comment 5: Solar Glass Benchmark  
   Comment 6: Polysilicon Benchmark  
   Comment 7: Ocean Freight Benchmark  
   Comment 8: Inland Freight Benchmarks  
   Comment 9: Inclusion of Value Added Tax  
   (VAT) in LTAR Benchmarks  
   Comment 10: Electricity for LTAR  
   Comment 11: Creditworthiness  
   Comment 12: Whether the Department  
   Should Adjust the Benefit Calculation  
   for the Preferential Policy Lending  
   Program  
   Comment 13: Canadian Solar's Benefit  
   From the Golden Sun Demonstration  
   Program  
   Comment 14: Whether the Export Credit  
   Insurance Program is Countervailable  
   Comment 15: Clerical Errors in the  
   Preliminary Results  
 Recommendation  
 Appendix—Non-Selected Companies Under  
 Review

## Appendix II

### List of Companies for Which We are Rescinding This Administrative Review<sup>20</sup>

1. Baoding Jiasheng Photovoltaic Technology Co. Ltd.
2. Baoding Tianwei Yingli New Energy Resources Co., Ltd.
3. Beijing Tianneng Yingli New Energy Resources Co. Ltd.
4. ERA Solar Co. Limited
5. Hainan Yingli New Energy Resources Co., Ltd.
6. Hengshui Yingli New Energy Resources Co., Ltd.
7. JA Solar Technology Yangzhou Co., Ltd.
8. JingAo Solar Co., Ltd.
9. Jinko Solar Co., Ltd.

<sup>20</sup> See Issues and Decision Memorandum at the section, "Partial Rescission of Administrative Review."

10. Jinko Solar Import and Export Co., Ltd.
11. JinkoSolar International Limited
12. JinkoSolar (U.S.) Inc.
13. Lixian Yingli New Energy Resources Co., Ltd.
14. Shanghai JA Solar Technology Co., Ltd.
15. Tianjin Yingli New Energy Resources Co., Ltd.
16. Yingli Energy (China) Co., Ltd.
17. Yingli Green Energy Holding Company Limited
18. Yingli Green Energy International Trading Company Limited
19. Zhejiang Jinko Solar Co., Ltd.
20. Zhejiang Sunflower Light Energy Science & Technology Liability Company

## Appendix III

### List of Non-Selected Companies Under Review

1. BYD (Shangluo) Industrial Co., Ltd.
2. Chint Solar (Zhejiang) Co., Ltd.
3. ET Solar Energy Limited
4. ET Solar Industry Limited
5. Hangzhou Sunny Energy Science and Technology Co., Ltd.
6. Jiawei Solarchina Co., Ltd.
7. Jiawei Solarchina (Shenzhen) Co., Ltd.
8. Lightway Green New Energy Co., Ltd.
9. Luoyang Suntech Power Co., Ltd.
10. Ningbo Qixin Solar Electrical Appliance Co., Ltd.
11. Shanghai BYD Co., Ltd.
12. Shenzhen Topray Solar Co. Ltd.
13. Systemes Versilis, Inc.
14. Taizhou BD Trade Co., Ltd.
15. tenKsolar (Shanghai) Co., Ltd.
16. Toenergy Technology Hangzhou Co., Ltd.
17. Wuxi Suntech Power Co., Ltd.

[FR Doc. 2017-14957 Filed 7-14-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-823-815]

### Amendment to the Agreement Suspending the Antidumping Duty Investigation on Certain Oil Country Tubular Goods From Ukraine

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

**DATES:** Applicable July 10, 2017.

**SUMMARY:** The Department of Commerce (the Department) and a representative of the Ukrainian signatory producer/exporter of certain oil country tubular goods (OCTG) from Ukraine, Interpipe, have signed an amendment to the Agreement Suspending the Antidumping Duty Investigation on Certain Oil Country Tubular Goods from Ukraine (Agreement). The amendment to the Agreement extends the Agreement for one additional year, specifying that the Agreement shall terminate four years after the effective

date of the original agreement, on July 10, 2018.

**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

As signed on July 10, 2014, Section H of the Agreement stated that, "{t}his Agreement shall terminate three years after the effective date of this Agreement, on July 10, 2017."<sup>1</sup> On December 9, 2016, the Ukrainian signatory producer/exporter Interpipe<sup>2</sup> requested that the Agreement be extended by five years, to July 10, 2022.<sup>3</sup> On December 22, 2016, the Department invited interested parties to comment on the extension request.<sup>4</sup> On January 13, 2017, the Petitioners<sup>5</sup> filed a letter in opposition to the request to extend the Agreement.<sup>6</sup> On May 19, 2017, the Department informed Interpipe that it was denying Interpipe's request to extend the Agreement by five years.<sup>7</sup> The Department stated that it had reviewed Interpipe's request and the comments received from interested parties and that it intended to follow the current terms of the Agreement by proceeding to issue an antidumping duty order on July 10, 2017.

Subsequently, the Department reconsidered its decision and, on July 10, 2017, met with counsel to the Petitioners to discuss the possible

<sup>1</sup> See *Suspension of Antidumping Investigation: Certain Oil Country Tubular Goods from Ukraine*, 79 FR 41959 (July 18, 2014).

<sup>2</sup> Interpipe Europe S.A.; Interpipe Ukraine LLC; PJSC Interpipe Nizhnedneprovsky Tube Rolling Plant (aka Interpipe NTRP); LLC Interpipe Niko Tube; North American Interpipe, Inc. (collectively Interpipe).

<sup>3</sup> See Letter from Interpipe, entitled "Antidumping Duty Suspension Agreement on Certain Oil Country Tubular Goods from Ukraine: Request to Extend the Suspension Agreement" (December 9, 2016).

<sup>4</sup> See Memorandum to all interested parties inviting comments on the extension request (December 22, 2016).

<sup>5</sup> Maverick Tube Corporation, United States Steel Corporation, Energet Tube, TMK IPSCO, and Welded Tube USA Inc. (collectively, Petitioners).

<sup>6</sup> See Letter from the Petitioners entitled "Agreement Suspending the Antidumping Duty Investigation on Certain Oil Country Tubular Goods from Ukraine: Comments in Opposition to Interpipe's Request to Extend Suspension Agreement" (January 13, 2017).

<sup>7</sup> See Letter to Deen Kaplan from Ronald K. Lorentzen, re "Antidumping Duty Suspension Agreement on Certain Oil Country Tubular Goods from Ukraine: Request to Extend the Suspension Agreement" (May 19, 2017).

extension of the Agreement.<sup>8</sup> As a result of its reconsideration, the Department determined to grant Interpipe's request, in part, and extend the Agreement by one year, based on the unique facts and circumstances in Ukraine which have affected Interpipe's operations since the inception of the Agreement and are still ongoing.<sup>9</sup> The Department and Interpipe, therefore, signed an amendment to the Agreement on July 10, 2017, extending the Agreement by an additional one-year period such that the Agreement will terminate, and the Department will issue an antidumping duty order, on July 10, 2018.

The terms and conditions of the July 10, 2017 amendment to the Agreement are set forth in the Amendment to the Agreement, which is attached in Annex 1 to this notice.

We are publishing this notice consistent with section 734(f)(1)(A) of the Tariff Act of 1930, as amended, and 19 CFR 351.208(g)(2).

Dated: July 11, 2017.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

### **Annex 1: Amendment to the Agreement Suspending the Antidumping Duty Investigation on Certain Oil Country Tubular Goods (OCTG) From Ukraine**

### **Amendment to the Agreement Suspending the Antidumping Duty Investigation on Certain Oil Country Tubular Goods From Ukraine**

The United States Department of Commerce (the Department) and the producers/exporters of Certain Oil Country Tubular Goods from Ukraine that are signatories to the Agreement Suspending the Antidumping Duty Investigation on Certain Oil Country Tubular Goods from Ukraine (Agreement), signed on July 10, 2014, hereby amend Section H of the Agreement, as follows:

The first sentence of Section H is amended as follows (changes in italics):

(H) Termination or Withdrawal

This Agreement shall terminate *four* years after the effective date of this Agreement, on *July 10, 2018*.

All other provisions of the Agreement, as amended, continue with full force.

Signed on July 10, 2017, in Washington, DC by

Gary Taverman,

<sup>8</sup> See Memorandum to the File entitled "Meeting with Counsel to the Petitioners" (July 11, 2017).

<sup>9</sup> See Interpipe's submission, entitled "Agreement Suspending the Antidumping Duty Investigation on Certain Oil Country Tubular Goods from Ukraine: Rebuttal to Petitioners' Comments in Opposition to Interpipe's Request to Extend the Suspension Agreement" (January 23, 2017) at 2–6.

*Deputy Assistant Secretary, for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

Deen Kaplan,  
*Counsel for Interpipe Europe S.A.; Interpipe Ukraine, LLC; PJSC Interpipe Niznedneprovsky Tube Rolling Plant (aka Interpipe NTRP); LLC Interpipe Niko Tube; North American Interpipe, Inc.*

[FR Doc. 2017–14953 Filed 7–14–17; 8:45 am]

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## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

**[A–588–815]**

#### **Gray Portland Cement and Cement Clinker From Japan: Continuation of Antidumping Duty Order**

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

**SUMMARY:** As a result of the determination by the Department of Commerce (Department) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on gray portland cement and cement clinker (cement and clinker) from Japan would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of this antidumping duty order.

**DATES:** Applicable July 17, 2017.

**FOR FURTHER INFORMATION CONTACT:** Amanda Brings, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3927.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

On November 1, 2016, the Department published the notice of initiation of the fourth sunset review of the antidumping duty order on cement and clinker from Japan pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>1</sup> As a result of its review, the Department determined that revocation of the AD order would likely lead to a continuation or recurrence of dumping.<sup>2</sup> The Department, therefore, notified the ITC of the magnitude of the margins

<sup>1</sup> See *Initiation of Five-Year ("Sunset") Reviews*, 81 FR 75808 (November 1, 2016).

<sup>2</sup> See *Gray Portland Cement and Cement Clinker from Japan: Final Results of Expedited Fourth Sunset Review of the Antidumping Duty Order*, 82 FR 12561 (March 6, 2017) (*Final Results*).

likely to prevail should the AD order be revoked. On July 5, 2017, the ITC published notice of its determination, pursuant to section 751(c) of the Act, that revocation of the AD order on cement and clinker from Japan would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>3</sup>

#### **Scope of the Order**

The products covered by the order are cement and cement clinker from Japan. Cement is a hydraulic cement and the primary component of concrete. Cement clinker, an intermediate material produced when manufacturing cement, has no use other than grinding into finished cement. Microfine cement was specifically excluded from the antidumping duty order. Cement is currently classifiable under the Harmonized Tariff Schedule (HTS) item number 2523.29 and cement clinker is currently classifiable under HTS item number 2523.10. Cement has also been entered under HTS item number 2523.90 as "other hydraulic cements." The HTS item numbers are provided for convenience and customs purposes. The written product description remains dispositive as to the scope of the product covered by the order.<sup>4</sup>

#### **Continuation of the Order**

As a result of the determinations by the Department and the ITC that revocation of the AD order would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), the Department hereby orders the continuation of the AD order on cement and clinker from Japan. U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of this order not later than 30 days prior to the fifth

<sup>3</sup> See *Gray Portland Cement and Cement Clinker from Japan; Determination*, 82 FR 31068 (July 5, 2017); see also *Gray Portland Cement and Cement Clinker from Japan: Investigation No. 731–TA–461 (Fourth Review)*, ITC Publication 4704 (June 2017).

<sup>4</sup> The Department has made two scope rulings regarding subject merchandise. See *Scope Rulings*, 57 FR 19602 (May 7, 1992) (classes G and H of oil well cement are within the scope of the order), and *Scope Rulings*, 58 FR 27542 (May 10, 1993) ("Nittetsu Super Fine" cement is not within the scope of the order).

anniversary of the effective date of continuation.

This five-year sunset review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: July 11, 2017.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2017-14955 Filed 7-14-17; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-051]

#### **Certain Hardwood Plywood Products From the People's Republic of China: Amended Preliminary Determination of Sales at Less Than Fair Value**

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

**SUMMARY:** On June 23, 2017 the Department of Commerce (Department) published the *Preliminary Determination* of sales at less than fair value (LTFV) in the antidumping duty investigation of certain hardwood plywood products (hardwood plywood) from the People's Republic of China (PRC). We are amending our *Preliminary Determination* to correct ministerial errors with respect to the identification of companies receiving a separate rate.

**DATES:** Applicable June 23, 2017.

**FOR FURTHER INFORMATION CONTACT:** Amanda Brings or Ryan Mullen, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3927 or (202) 482-5260, respectively.

**SUPPLEMENTARY INFORMATION:** As noted above, on June 23, 2017, the Department published in the **Federal Register** the *Preliminary Determination*<sup>1</sup> that hardwood plywood from the PRC is being, or is likely to be, sold in the

United States at LTFV, as provided in section 733 of the Tariff Act of 1930, as amended (Act).<sup>2</sup> On June 20, 2017, Suqian Yaorun Trade Co., Ltd. (Suqian Yaorun), Shandong Anxin Timber Co., Ltd. (Shandong Anxin), Pizhou Jin Sheng Yuan International Trade Co., Ltd. (Pizhou Jin Sheng), Xuzhou Shuiwangxing Trading Co. (Shuiwangxing), and Cosco Star International Co., Ltd. (Cosco) (collectively, certain separate rate respondents) timely filed ministerial error allegations.<sup>3</sup>

#### **Period of Investigation**

The period of investigation (POI) is April 1, 2016, through September 30, 2016.

#### **Scope of Investigation**

The product covered by this investigation is hardwood plywood from the PRC. A complete description of the scope of this investigation is included in the *Preliminary Determination*.<sup>4</sup>

#### **Significant Ministerial Error**

Pursuant to 19 CFR 351.224(e) and (g)(1), the Department is amending the *Preliminary Determination* to reflect the correction of significant ministerial errors it made in the margin assigned to certain separate rate respondents. A ministerial error is defined as errors in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.<sup>5</sup> A significant ministerial error is defined as a ministerial error, the correction of which, singly or in combination with other errors, would result in: (1) A change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination; or (2) a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa.<sup>6</sup> As a result of this amended preliminary determination, we have added certain separate rate respondents to the list of exporters that received a separate rate or

corrected typographical errors, as appropriate.<sup>7</sup>

#### **Ministerial Error Allegations**

On June 20, 2017, certain separate rate respondents submitted ministerial error allegations claiming that the Department should have included exporters Suqian Yaorun and Shandong Anxin as separate rate recipients and that typographical errors were made to the spelling of the names of exporters Pizhou Jin Sheng and Shuiwangxing, and to the spelling of the name of one of exporter Cosco's producers, Pingyi Jinniu Wood Co., Ltd.<sup>8</sup> The Department reviewed the record and agrees that we made certain typographical errors and omissions on the producer/exporter list for separate rate recipients constituting significant ministerial errors pursuant to 19 CFR 351.224(e) and (f). In their SRA, certain separate rate respondents submitted information supporting a preliminary finding of an absence of *de jure* and *de facto* government control.<sup>9</sup> Accordingly, we preliminarily determine that certain separate rate respondents are eligible for a separate rate. Further, these errors are significant because the rate applicable to the certain separate rate respondents is improperly at the PRC-Wide rate of 114.72 percent, rather than at the correct separate rate of 57.36 percent, thus exceeding the significant error threshold because correction of these errors results in a change of at least five absolute percentage points.

The collection of cash deposits and suspension of liquidation will be revised accordingly in accordance with section 733(d) and (f) of the Act and 19 CFR 351.224. Because the amended rates for certain separate rate respondents results in reduced cash deposit rates, the corrected rates for certain separate rate respondents will be effective retroactively to June 23, 2017, the date of publication of the *Preliminary Determination*.

#### **Amended Preliminary Determination**

As a result of this amended preliminary determination, we have revised the preliminary estimated weighted-average dumping margins as follows:

<sup>1</sup> See *Certain Hardwood Plywood Products from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part*, 82 FR 28629 (June 23, 2017) (*Preliminary Determination*).

<sup>2</sup> See *Preliminary Determination*.

<sup>3</sup> See Letter to the Department re: Hardwood Plywood Products from the People's Republic of China: Ministerial-Error Comments on Separate Rate Applications, dated June 20, 2017 (Ministerial Error Comments).

<sup>4</sup> See *Preliminary Determination* at Appendix I.

<sup>5</sup> See section 735(e) of the Act.

<sup>6</sup> See 19 CFR 351.224(g).

<sup>7</sup> See the "Amended Preliminary Determination" section below.

<sup>8</sup> See Ministerial Comments.

<sup>9</sup>

Exporter	Producer	Estimated weighted-average dumping margins (percent)	Cash deposit rate (percent)
Suqian Yaorun Trade Co., Ltd .....	Pizhou Jiangshan Wood Co., Ltd .....	57.36	57.07
Suqian Yaorun Trade Co., Ltd .....	Suqian Bairun Wood Co., Ltd .....	57.36	57.07
Shandong Anxin Timber Co., Ltd .....	Shandong Anxin Timber Co., Ltd .....	57.36	57.07
Pizhou Jin Sheng Yuan International Trade Co., Ltd ..	Xuzhou Chengxin Wood Co., Ltd .....	57.36	57.07
Pizhou Jin Sheng Yuan International Trade Co., Ltd ..	Xuzhou Golden River Wood Co., Ltd .....	57.36	57.07
Xuzhou Shuiwangxing Trading Co., Ltd .....	Fengxian Jihe Wood Industry Co. Ltd .....	57.36	57.07
Cosco Star International Co., Ltd .....	Pingyi Jinniu Wood Co., Ltd .....	57.36	57.07

**International Trade Commission Notification**

In accordance with section 733(f) of the Act, we notified the International Trade Commission of our amended preliminary determination.

This amended preliminary determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.224(e).

Dated: July 11, 2017.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2017-14956 Filed 7-14-17; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XF513**

**Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries**

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

**ACTION:** Notice of receipt of an application for an exempted fishing permit; request for comments.

**SUMMARY:** NMFS has made a preliminary determination that an application for an exempted fishing permit (EFP) warrants further consideration and an opportunity for public comment. The application was submitted by the Cape Cod Commercial Fishermen’s Alliance (CCCFA), requesting an exemption from the regulation that prohibits having unauthorized gear on board while fishing for, retaining, or possessing a bluefin tuna. The applicants suggest that with the use of electronic monitoring (EM) and through issuance of an EFP,

there would be sufficient at-sea monitoring to verify the catch of bluefin tuna occurred with authorized gear (e.g., rod and reel and harpoon gear). NMFS requests public comment on the information provided in this notice and the application submitted.

**DATES:** Comments must be received by August 1, 2017.

**ADDRESSES:** You may submit comments on this notice, identified by 0648-XF513, by either of the following methods:

- *Email:* NMFS.EMEFP.2017@noaa.gov.
- *Mail:* Craig Cockrell, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Please mark the outside of the envelope “Comments on 2017 CCCFA EM EFP application.”

**FOR FURTHER INFORMATION CONTACT:** A copy of the application can viewed at the following Web site: <http://www.nmfs.noaa.gov/sfa/hms/compliance/efp/index.html>; or by contacting Craig Cockrell, Highly Migratory Species Management Division, NMFS, (301) 427-8503.

**SUPPLEMENTARY INFORMATION:** NMFS published a notice of intent to issue EFPs, Scientific Research Permits, Letters of Acknowledgement, and Chartering Permits for Atlantic highly migratory species (HMS) in 2017 (81 FR 80646, November 16, 2016). Although that notice anticipated a variety of applications, it stated that occasionally NMFS receives applications for activities that were not anticipated at the time of the general notice and that NMFS would provide additional opportunity for public comment if that were to occur.

As discussed in the November 2016 notice of intent to issue EFPs and other permits, issuance of EFPs and related permits are necessary for the collection of HMS for public display and scientific research to exempt them from specified regulations (e.g., fishing seasons, prohibited species, authorized gear,

closed areas, and minimum sizes) that may otherwise prohibit such collection. Specifically, NMFS may authorize activities otherwise prohibited by the regulations at 50 CFR part 635 for the conduct of scientific research; the acquisition of information and data; the enhancement of safety at sea; the purpose of collecting animals for public education or display; the investigation of bycatch, economic or regulatory discard; or for chartering arrangements. See 50 CFR 635.32(a)(1). The terms and conditions of individual permits are unique; however, most permits include reporting requirements, limit the number and species of HMS to be collected, and only authorize collection in Federal waters of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. EFPs and related permits are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). Regulations at 50 CFR 600.745 and 635.32 govern exempted fishing permits, as well as scientific research activity, chartering arrangements, and exempted public display and educational activities.

Current Atlantic HMS regulations specify that a person that fishes for, retains, or possesses an Atlantic bluefin tuna may not have on board a vessel or use on board a vessel any primary gear other than those authorized for the category for which the Atlantic tunas or HMS permit has been issued for such vessel. See 50 CFR 635.19(b). As a result, vessels that are permitted in other fisheries that use gears that are not authorized for Atlantic tunas must remove these gears before fishing for, retaining, or possessing a bluefin tuna. This regulation allows enforcement agents to readily verify that only the authorized gear type was used to catch the bluefin tuna (rod and reel or harpoon). This regulation also serves as an effort control for bluefin tuna as it limits the number of vessels that can

actively pursue bluefin tuna to those with only authorized gear.

The CCCFA would like to test the effectiveness of EM for confirming authorized gear is used to catch Atlantic tunas, while unauthorized gear (for tunas) is onboard. Fishermen would be targeting groundfish with benthic longline, jigging machines, handgear, demersal gillnet (6.5-inch groundfish and 10–12-inch tie-down monkfish gillnet), or otter trawl. The applicants would commit to 100 percent of the trips being recorded and 100 percent of the footage being reviewed. Video footage would be reviewed by Ecotrust Canada, a third-party EM service provider. Also, vessels using harpoon gear would have EM camera views that would allow for viewing all fishing operations to ensure compliance, including adding necessary cameras to cover the pulpit and harpoon throw.

The CCCFA has requested that four vessels be exempted from the regulations at 50 CFR 635.19(b). These vessels would be listed as authorized vessels on the EFP and would also possess Atlantic Tunas General Category permits and/or Swordfish General Commercial permits. If granted, this EFP would expire on December 31, 2017.

NMFS finds this application warrants further consideration. The agency may impose possible conditions on this EFP, if it is granted, based on consideration of public comments and further analyses. The submission of reports on the exempted fishing activities would be due within 5 days of the completion of fishing trips, as well as a summary report within 30 days of the expiration of the EFP, if issued.

NMFS requests comments and offers a 15-day comment period on this notice, consistent with EFP regulations at 50 CFR 600.745.

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

Dated: July 12, 2017.

**Emily H. Menashes,**

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

[FR Doc. 2017–14935 Filed 7–14–17; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Scientific Research, Exempted Fishing, and Exempted Activity Submissions

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before September 15, 2017.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [pracomments@doc.gov](mailto:pracomments@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Craig Cockrell, Highly Migratory Species Management Division, 13533 F/SF1, 1315 East-West Highway, Silver Spring, MD 20910; (301) 427–8503; or [craig.cockrell@noaa.gov](mailto:craig.cockrell@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This request is for extension of a current information collection.

Exempted fishing permits (EFPs), scientific research permits (SRPs), display permits, letters of acknowledgment (LOAs), and shark research fishery permits are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). Issuance of EFPs and related permits is necessary for the collection of Highly Migratory Species (HMS) for public display and scientific research that requires exemption from regulations (*e.g.*, seasons, prohibited species, authorized gear, and minimum sizes) that otherwise may prohibit such

collection. Display permits are issued for the collection of HMS for the purpose of public display, and a limited number of shark research fishery permits are issued for the collection of fishery-dependent data for future stock assessments and cooperative research with commercial fishermen to meet the shark research objectives of the Agency.

Regulations at 50 CFR 600.745 and 50 CFR 635.32 govern scientific research activity, exempted fishing, and exempted educational activities with respect to Atlantic HMS. Since the Magnuson-Stevens Act does not include scientific research within the definition of “fishing”, scientific research is exempt from this statute, and the National Marine Fisheries Service (NMFS) does not issue EFPs for bona fide research activities (*e.g.*, research conducted from a research vessel and not a commercial or recreational fishing vessel) involving species that are only regulated under the Magnuson-Stevens Act (*e.g.*, most species of sharks) and not under ATCA. NMFS requests copies of scientific research plans for these activities and indicates concurrence by issuing a LOA to researchers to indicate that the proposed activity meets the definition of scientific research and is therefore exempt from regulation.

Scientific research is not exempt from regulation under ATCA. NMFS issues SRPs for collection of species managed under this statute (*e.g.*, tunas, swordfish, billfish, and some shark species), which authorize researchers to collect HMS from bona fide research vessels (*e.g.*, NMFS or university research vessel.) NMFS will issue an EFP when research/ collection involving such species occurs from commercial or recreational fishing platforms.

To regulate these fishing activities, NMFS needs information to determine the justification for granting an EFP, LOA, SRP, display, or shark research fishery permit. The application requirements are detailed at 50 CFR 600.745(b)(2). Interim, annual, and no-catch/fishing reports must also be submitted to the HMS Management Division within NMFS. The authority for the NMFS requiring this information is found at 50 CFR 635.32(a).

NMFS has updated the burden estimates based on participation in the Atlantic HMS Management Division’s exempted fishing program from 2014 to 2016 and the Shark Research Fishery from 2014–2016. Since 2014 the shark research fishery application and the exempted fishing permit application have been separate applications. The burden estimates for these two applications remain the same for each application (40 minutes).

## II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, mail and facsimile transmission of paper forms.

## III. Data

*OMB Control Number:* 0648–0471.

*Form Number(s):* None.

*Type of Review:* Regular submission (revision of a currently approved collection).

*Affected Public:* Non-profit institutions; State, local, or tribal government; business or other for-profit organizations.

*Estimated Number of Respondents for Research and Display Permits:* 39.

*Estimated Number of Respondents for Shark Research Fishery Permits:* 16.

*Estimated Number of Calls to Request an Observer for Shark Research Fishery Participants:* 84.

*Estimated Time Per Response:* 2 hours for a scientific research plan; 40 minutes for an application for an EFP, Display Permit, SRP, LOA, or Shark Research Permit; 1 hour for an interim report; 40 minutes for an annual fishing report; 15 minutes for an application for an amendment; 5 minutes for notification of departure phone calls to NMFS Enforcement; 10 minutes for calls to request and observer; and 2 minutes for “no-catch” reports.

*Estimated Total Annual Burden Hours:* 616.

*Estimated Total Annual Cost to Public:* \$7.84.

## IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 11, 2017.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

[FR Doc. 2017–14863 Filed 7–14–17; 8:45 am]

**BILLING CODE 3510–22–P**

## BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2017–0017]

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice and request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is proposing to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, “Fair Credit Reporting Act (Regulation V).”

**DATES:** Written comments are encouraged and must be received on or before August 16, 2017 to be assured of consideration.

**ADDRESSES:** You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic:* <http://www.regulations.gov>.

Follow the instructions for submitting comments.

- *OMB:* Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503 or fax to (202) 395–5806. Mailed or faxed comments to OMB should be to the attention of the OMB Desk Officer for the Bureau of Consumer Financial Protection.

*Please note that comments submitted after the comment period will not be accepted.* In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

#### FOR FURTHER INFORMATION CONTACT:

Documentation prepared in support of this information collection request is available at [www.reginfo.gov](http://www.reginfo.gov) (this link becomes active on the day following publication of this notice). Select “Information Collection Review,” under “Currently under review, use the dropdown menu “Select Agency” and select “Consumer Financial Protection Bureau” (recent submissions to OMB

will be at the top of the list). The same documentation is also available at <http://www.regulations.gov>. Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or email: [CFPB\\_PRA@cfpb.gov](mailto:CFPB_PRA@cfpb.gov). *Please do not submit comments to this email box.*

#### SUPPLEMENTARY INFORMATION:

*Title of Collection:* Fair Credit Reporting Act (Regulation V) 12 CFR 1022.

*OMB Control Number:* 3170–0002.

*Type of Review:* Extension without change of a currently approved collection.

*Affected Public:* Businesses and other for profit.

*Estimated Number of Respondents:* 779,073.

*Estimated Total Annual Burden Hours:* 6,093,412.

*Abstract:* The consumer disclosures included in Regulation V are designed to alert consumers that a financial institution furnished negative information about them to a consumer reporting agency, that they have a right to opt out of receiving marketing materials and credit or insurance offers, that their credit report was used in setting the material terms of credit that may be less favorable than the terms offered to consumers with better credit histories, that they maintain certain rights with respect to a theft of their identity that they reported to a consumer reporting agency, that they maintain rights with respect to knowing what is in their consumer reporting agency file, that they can request a free credit report, and that they can report a theft of their identity to the CFPB. Consumers then can use the information provided to consider how and when to check and use their credit reports.

This is a routine request for OMB to renew its approval of the collections of information currently approved under this OMB control number. The Bureau is not proposing any new or revised collections of information pursuant to this request.

**REQUEST FOR COMMENTS:** The Bureau issued a 60-day **Federal Register** notice on February 23, 2017, 82 FR 11437, Docket Number: CFPB–2017–0003. Comments were solicited and continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau’s estimate of the burden of the collection of information, including the



validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be reviewed by OMB as part of its review of this request. All comments will become a matter of public record.

**Darrin A. King,**

*Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.*

[FR Doc. 2017-14907 Filed 7-14-17; 8:45 am]

BILLING CODE 4810-AM-P

## COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

### Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

**AGENCY:** Court Services and Offender Supervision Agency for the District of Columbia (CSOSA).

**ACTION:** Notice and request for comments.

**SUMMARY:** This notice announces the intention of the CSOSA to request that the Office of Management and Budget (OMB) approve the proposed Generic Information Collection request (Generic ICR): “Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.” In accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces CSOSA’s intent to submit this collection to OMB for approval. CSOSA invites the public to comment on this proposed information collection.

**DATES:** Consideration will be given to all comments received by August 16, 2017.

**ADDRESSES:** You may submit written comments, identified by “Collection of Qualitative Feedback on Agency Service Delivery” to: Rochelle Durant, Program Analyst, Office of General Counsel, Court Services and Offender Supervision Agency for the District of Columbia, 633 Indiana Avenue NW., Washington, DC 20004 or to [Rochelle.Durant@csosa.gov](mailto:Rochelle.Durant@csosa.gov) Fax: (202) 220-5315.

Comments submitted in response to this notice may be made available to the public. For this reason, please do not

include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and may be made available on the Internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

#### FOR FURTHER INFORMATION CONTACT:

Rochelle Durant, Program Analyst, Office of General Counsel, Court Services and Offender Supervision Agency for the District of Columbia, 633 Indiana Avenue NW., Room 1253, Washington, DC 20004, (202) 220-5304 or to [Rochelle.Durant@csosa.gov](mailto:Rochelle.Durant@csosa.gov).

*For content support:* William T. Miles, Congressional Affairs Specialist, Office of Legislative, Intergovernmental and Public Affairs, Court Services and Offender Supervision Agency for the District of Columbia, 633 Indiana Avenue NW., Room 1268, Washington, DC 20004, (202) 220-5344 or to [William.Miles@csosa.gov](mailto:William.Miles@csosa.gov).

**SUPPLEMENTARY INFORMATION:** Notice and request for public comment on this collection was published in the **Federal Register** on May 3, 2017 at 82 FR 84. The Agency did not receive any comments in response to the 60-day notice published in the **Federal Register**.

*Title:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

*Abstract:* Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they collect or sponsor. Section 3506(c)(2)(A) of the PRA (944 U.S.C. 3506(c)(2)(A) requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection of information to OMB for approval. To comply with this requirement, CSOSA is publishing notice of the proposed collection of information set forth in this document. The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration’s commitment to improving service

delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The Agency has traditionally used paper form surveys as its primary public information collection method. However, to further comply with the goals of the PRA, the Agency is planning to implement the use of online electronic survey tools to obtain customer and client feedback regarding Agency programs and supervision support services. The Agency will request authorization from OMB to add to the Agency’s current paper form option provided to our public stakeholders, an electronic option to complete the Agency’s standard surveys online. The contents in online version and in paper versions of the Agency’s surveys will be identical.

Similar to the process used for gaining public feedback via the Agency’s traditional paper form surveys, the online surveys would be forwarded to the meeting participants at the conclusion of an event or program via the participants previously registered email address. The results of the electronic surveys would be tallied by the online software and then forward to a centralized user account for further evaluation and review or to be merged with any results from completed hard copy paper surveys. Prior to implementation and use of the online survey, the Agency will conduct internal testing with fewer than nine members of the public to ensure proper functioning and ease of use.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and

stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

1. The collections are voluntary;
  2. The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the federal government;
  3. The collections are non-controversial and do not raise issues of concern to other federal agencies;
  4. Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
  5. Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
  6. Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
  7. Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
  8. Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.
- Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

*Current Actions:* New collection of information.

*Type of Review:* New Collection.

(1) *Affected Public:* Individuals currently under CSOSA supervision. CSOSA stakeholders including criminal justice system (e.g., judges, law enforcement officers) and community partners.

*Estimated Number of Respondents:* 450.

*Below we provide projected average estimates for the next three years:*

*Average Expected Annual Number of activities:* 15.

*Average number of Respondents per Activity:* 30.

*Annual responses:* 450.

*Frequency of Response:* Once per request.

*Average minutes per response:* 10.

*Burden hours:* 75.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) whether paper or electronic information collection is preferred and explanation regarding choice; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Dated: July 11, 2017.

**Rochelle Durant,**

*Program Analyst, Court Services and Offender Supervision Agency for the District of Columbia.*

[FR Doc. 2017-14928 Filed 7-14-17; 8:45 am]

**BILLING CODE 3129-04-P**

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### Army Education Advisory Subcommittee Meeting Notice

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice of open Subcommittee meeting.

**SUMMARY:** The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Department of the Army Historical Advisory Subcommittee (DAHAS), a subcommittee of the Army Education Advisory Committee. This meeting is open to the public.

**DATES:** The Department of the Army Historical Advisory Subcommittee will meet from 8:40 a.m. to 3:30 p.m. on August 14, 2017.

**ADDRESSES:** Department of the Army Historical Advisory Subcommittee, U.S. Army Center of Military History, 102 4th Ave., BLDG.35, Washington, DC 20319-5060.

**FOR FURTHER INFORMATION CONTACT:** Dr. Nicholas J. Schlosser, the Alternate Designated Federal Officer for the subcommittee, in writing at ATTN: AAMH-ZC U.S. Army Center of Military History, 102 4th Ave., BLDG.35, Fort McNair, Washington, DC 20319-5060 by email at [nicholas.j.schlosser.civ@mail.mil](mailto:nicholas.j.schlosser.civ@mail.mil) or by telephone at (202) 685-2058.

**SUPPLEMENTARY INFORMATION:** The subcommittee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150.

*Purpose of the Meeting:* The purpose of the meeting is to review the Army historical program and provide advice to and recommendations to the Executive Director of the U.S. Army Center of Military History and to the Secretary of the Army.

*Agenda:* The committee is chartered to provide independent advice and recommendations to the Secretary of the Army on the educational, doctrinal, and research policies and activities of U.S.

Army educational programs. At this meeting the subcommittee will review the Army historical program and discuss ways to improve the provision of historical support to the Army. The subcommittee will also discuss ways to increase cooperation between the historical and military professions in advancing the purpose of the Army Historical Program, and the furtherance of the mission of the U.S. Army Center of Military History to promote the study and use of military history in both civilian and military Schools.

*Public Accessibility to the Meeting:*

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Dr. Schlosser, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public attending the committee meetings will not be permitted to present questions from the floor or speak to any issue under consideration by the committee. Because the meeting of the committee will be held in a Federal Government facility on a military post, security screening is required. A photo ID is required to enter post. Please note that security and gate guards have the right to inspect vehicles and persons seeking to enter and exit the installation. The U.S. Army Center of Military History is fully handicapped accessible. Wheelchair access is available in front at the main entrance of the building. For additional information about public access procedures, contact Dr. Schlosser, the committee's Alternate Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

*Written Comments or Statements:*

Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the committee, in response to the stated agenda of the open meeting or in regard to the committee's mission in general. Written comments or statements should be submitted to Dr. Nicholas J. Schlosser, the committee Alternate Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's

name, title or affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Alternate Designated Federal Official at least seven business days prior to the meeting to be considered by the committee. The Alternate Designated Federal Official will review all timely submitted written comments or statements with the committee Chairperson, and ensure the comments are provided to all members of the committee before the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least seven (7) days in advance to the Committee's Alternate Designated Federal Official, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. The Alternate Designated Federal Official will log each request, in the order received, and in consultation with the committee Chairperson determine whether the subject matter of each comment is relevant to the Committee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during the period, and will be invited to speak in the order in which their requests were received by the Alternate Designated Federal Official.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2017–14918 Filed 7–14–17; 8:45 am]

**BILLING CODE 5001–03–P**

**DEPARTMENT OF EDUCATION**

[Catalog of Federal Domestic Assistance (CFDA) Number: 84.259A]

**Final Waiver and Extension of the Project Period for the Native Hawaiian Career and Technical Education Program**

**AGENCY:** Office of Career, Technical, and Adult Education, Department of Education.

**ACTION:** Final waiver and extension of the project period.

**SUMMARY:** For the 24-month projects originally funded in fiscal year (FY) 2013 and extended for an additional 24-months in FY 2015 under the Native Hawaiian Career and Technical Education Program (NHCTEP), the Secretary: Waives the requirements in Education Department regulations that generally prohibit project period extensions involving the obligation of additional Federal funds; and extends the project period for the current seven NHCTEP grantees for an additional 12 months under the existing program authority. This waiver and extension will allow the seven current NHCTEP grantees to seek FY 2017 continuation awards for the project period through FY 2018.

**DATES:** As of July 17, 2017, the waiver and extension of the project period are finalized.

**FOR FURTHER INFORMATION CONTACT:**

Linda Mayo by telephone at (202) 245–7792 or by email at: [linda.mayo@ed.gov](mailto:linda.mayo@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** On April 14, 2017, we published a notice in the **Federal Register** (82 FR 17986) proposing to waive the requirements of 34 CFR 75.261(a) and (c)(2) that generally prohibit project period extensions involving the obligation of additional Federal funds. In that notice, the Secretary also proposed to extend the NHCTEP project period for up to an additional 12 months. The proposed waiver and extension of the project period would enable the Secretary to provide continuation awards to the current NHCTEP grantees through FY 2018 under the existing program authority.

That notice contained background information and our reasons for proposing the waiver and extension of the project period. This notice makes the waiver and extension of the project period final. Any activities carried out during the period of a NHCTEP

continuation award will have to be consistent with, or a logical extension of, the scope, goals, and objectives of the grantee's application as approved in the FY 2013 NHCTEP competition. The requirements applicable to continuation awards for this competition set forth in the 2013 notice inviting applications and the requirements in 34 CFR 75.253 will apply to any continuation awards sought by the current NHCTEP grantees.

We will make decisions regarding the continuation awards based on grantee program narratives, budgets and budget narratives, and program performance reports and the requirements in 34 CFR 75.253. We will not announce a new competition or make new awards in FY 2017.

The final waiver and project period extension will not exempt the current NHCTEP grantees from the appropriation account closing provisions of 31 U.S.C. 1552(a), nor would they extend the availability of funds previously awarded to current NHCTEP grantees. As a result of 31 U.S.C. 1552(a), appropriations available for a limited period may be used for payment of valid obligations for only five years after the expiration of their period of availability for Federal obligation. After that time, the unexpended balance of those funds is canceled and returned to the U.S. Department of the Treasury and is unavailable for restoration for any purpose (31 U.S.C. 1552(b)).

**Public Comment:** In the April 14, 2017 notice, the Secretary invited comments on the proposed waiver and extension of the project period. We received two comments in response to the notice. There are no substantive differences between the proposed waiver and extension and the final waiver and extension. Generally, we do not address technical and other minor changes. In addition, we do not address general comments that raise concerns not directly related to the proposed waiver and extension.

#### **Analysis of Comments and Discussion**

**Comments:** All commenters supported the proposed waiver and extension of the NHCTEP project period. The commenters provided various reasons for their support.

One commenter, a CTE director, stated that a competitive grant process would delay the current NHCTEP grantees' training services, as well as outreach, recruitment, academic, and retention efforts, and would cause a lapse in services to Native Hawaiian students. The commenter further stated that issuing a waiver and extension would allow educators and staff to

continue providing specialized CTE training, including certifications, internships, and well-paying job placements, which would maximize the participation and completion of Native Hawaiian students in Perkins-supported CTE programs. The commenter also stated that an extension would help maintain continuity to provide career and technical services to the Native Hawaiian community and students, some of whom have special needs or are at-risk students.

Another commenter, a teacher, stated that because of the NHCTEP grant, certain high school students graduated on time, were placed in postsecondary education, and are now successfully working in their chosen professions. Also, the commenter stated that teachers benefit from the NHCTEP through professional development opportunities. The commenter further stated that students are able to learn skills using the tools needed to be proficient according to industry standards and that the extension would ensure continuation and continuity of CTE for Native Hawaiian students, who would otherwise be subject to a decrease in educational support and support services.

**Discussion:** We appreciate the support of the commenters and agree that extending the current NHCTEP grant period will allow current NHCTEP grantees to continue to work toward accomplishing the goals and objectives stated in their 2013 NHCTEP grant applications, including providing specialized CTE training to Native Hawaiian students. We agree that it is important that there not be a lapse in programming provided by NHCTEP grantees to CTE students.

**Changes:** None.

#### **Waiver of Delayed Effective Date**

The Administrative Procedure Act (APA) requires that a substantive rule must be published at least 30 days before its effective date, except as otherwise provided for good cause (5 U.S.C. 553(d)(3)). The Secretary has determined that a delayed effective date is unnecessary and contrary to the public interest. It is unnecessary because we received only two public comments on this action, both of which supported our proposal, and we have not made any substantive changes to the proposal. It is contrary to public interest because we would not be able to make timely continuation grants to the seven affected entities with the delay. Therefore, the Secretary waives the APA's delayed effective date provision for good cause.

#### **Regulatory Flexibility Act Certification**

The Secretary certifies that the final waiver and extension and the activities required to support additional months of funding would not have a significant economic impact on a substantial number of small entities. The small entities that would be affected by this final waiver and extension are the seven currently funded NHCTEP grantees and any other potential applicants. The extension of an existing project imposes minimal compliance costs, and the activities required to support the additional year of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

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

This notice of final waiver and extension does not contain any information collection requirements.

#### **Intergovernmental Review**

The NHCTEP is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g., Braille, large print, audiotape, or compact disc) on request to the 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](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

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Dated: July 11, 2017.

**Kim R. Ford,**

*Deputy Assistant Secretary for Career, Technical, and Adult Education, delegated the duties of the Assistant Secretary for Career, Technical, and Adult Education.*

[FR Doc. 2017-14832 Filed 7-14-17; 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 rate filings:

- Docket Numbers:* ER16–2534–003.  
*Applicants:* Midcontinent Independent System Operator, Inc., Northern Indiana Public Service Company.  
*Description:* Compliance filing: 2017–07–11 Filing to implement Offer of Settlement re NIPSCO deprec rates to be effective 10/1/2016.  
*Filed Date:* 7/11/17.  
*Accession Number:* 20170711–5119.  
*Comments Due:* 5 p.m. ET 8/1/17.
- Docket Numbers:* ER17–1191–002.  
*Applicants:* Otter Tail Power Company.  
*Description:* Tariff Amendment: Second Amendment to Extend Time for Action to be effective 7/30/2010.  
*Filed Date:* 7/10/17.  
*Accession Number:* 20170710–5197.  
*Comments Due:* 5 p.m. ET 7/31/17.
- Docket Numbers:* ER17–1310–001.  
*Applicants:* New York Independent System Operator, Inc.  
*Description:* Tariff Amendment: NYISO Response to Deficiency Letter on Regional Cost Allocation Methodology to be effective 12/31/9998.  
*Filed Date:* 7/10/17.  
*Accession Number:* 20170710–5335.  
*Comments Due:* 5 p.m. ET 7/31/17.
- Docket Numbers:* ER17–2072–000.  
*Applicants:* California Independent System Operator Corporation.  
*Description:* Compliance filing: 2017–07–10 Petition for Tariff Waiver—CPM Designation Report to be effective N/A.  
*Filed Date:* 7/10/17.  
*Accession Number:* 20170710–5399.  
*Comments Due:* 5 p.m. ET 7/31/17.
- Docket Numbers:* ER17–2073–000.  
*Applicants:* PJM Interconnection, L.L.C.  
*Description:* § 205(d) Rate Filing: Amendment to Service Agreement No. 2536, Queue Nos. O66/V1–034 to Convert TWR to be effective 6/2/2017.  
*Filed Date:* 7/10/17.  
*Accession Number:* 20170710–5410.  
*Comments Due:* 5 p.m. ET 7/31/17.

Take notice that the Commission received the following electric securities filings:

- Docket Numbers:* ES17–40–000.  
*Applicants:* MDU Resources Group, Inc.  
*Description:* Application under Section 204 of the Federal Power Act for authorization to issue short-term securities of MDU Resources Group, Inc.  
*Filed Date:* 7/10/17.  
*Accession Number:* 20170710–5413.  
*Comments Due:* 5 p.m. ET 7/31/17.
- 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 11, 2017.  
**Nathaniel J. Davis, Sr.**,  
*Deputy Secretary.*  
[FR Doc. 2017–14897 Filed 7–14–17; 8:45 am]  
**BILLING CODE 6717–01–P**

to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. RM98–1–000]

**Records Governing Off-the-Record Communications; Public Notice**

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission’s Web site at <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, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
<b>Prohibited</b>		
1. CP15–93–000 .....	6–26–2017	Various Organizations. <sup>1</sup>
2. P–2660–000 .....	6–27–2017	Leonard White.
3. CP15–554–000 .....	6–29–2017	Mass Mailing. <sup>2</sup>
4. CP15–554–000 .....	6–30–2017	Mass Mailing. <sup>3</sup>

Docket No.	File date	Presenter or requester
5. CP15-554-000 .....	7-6-2017	Mass Mailing. <sup>4</sup>
6. CP15-554-000 .....	7-6-2017	Lynne C. Euse.
7. CP15-554-000 .....	7-7-2017	Anne McCaig.
<b>Exempt</b>		
1. CP16-9-000 .....	6-26-2017	U.S. House Representative Elizabeth Esty.
2. CP15-554-000 .....	6-27-2017	FERC Staff. <sup>5</sup>
3. CP15-499-001 .....	7-5-2017	FERC Staff. <sup>6</sup>

<sup>1</sup> Sierra Club, Center for Biological Diversity, Earthworks, Freshwater Accountability Project, Friends for Environmental Justice, Indigenous Environmental Network, Indigenous Iowa, Keep Wayne Wild, Louisiana Bucket Brigade, Ohio River Citizens' Alliance, and Oil Change International.  
<sup>2</sup> Thirteen letters have been sent to FERC Commissioners and staff under this docket number.  
<sup>3</sup> Four letters have been sent to FERC Commissioners and staff under this docket number.  
<sup>4</sup> Twenty letters have been sent to FERC Commissioners and staff under this docket number.  
<sup>5</sup> Email dated April 6, 2017 between Jeff Mackenthun of Merjent and Will Orndorff of Virginia DCR.  
<sup>6</sup> Telephone Call Record for call on June 29, 2017 with Mary Orms of United States Fish and Wildlife Services.

Dated: July 11, 2017.  
**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*  
 [FR Doc. 2017-14896 Filed 7-14-17; 8:45 am]  
**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**Combined Notice of Filings #3**

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC17-133-000.  
*Applicants:* Beech Ridge Energy LLC, Beech Ridge Energy II LLC, Beech Ridge Energy Storage LLC, Bishop Hill Energy III LLC, Bishop Hill Interconnection LLC, Buckeye Wind Energy LLC, Forward Energy LLC, Grand Ridge Energy LLC, Grand Ridge Energy III LLC, Grand Ridge Energy IV LLC, Grand Ridge Energy V LLC, Grand Ridge Energy Storage LLC, Gratiot County Wind LLC, Gratiot County Wind II LLC, Invenergy TN LLC, Judith Gap Energy LLC, Prairie Breeze Wind Energy II LLC, Prairie Breeze Wind Energy III LLC, Sheldon Energy LLC, Spring Canyon Energy LLC, Stony Creek Energy LLC, Vantage Wind Energy LLC, Wolverine Creek Energy LLC, Wolverine Creek Goshen Interconnection LLC, Willow Creek Energy LLC, Grand Ridge Energy II LLC.

*Description:* Supplement to June 21, 2017 Application for Authorization Under Section 203 of the Federal Power Act, et al. of Beech Ridge Energy LLC, et al.

*Filed Date:* 7/6/17.  
*Accession Number:* 20170706-5176.  
*Comments Due:* 5 p.m. ET 7/17/17.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER12-2145-005; ER17-987-001; ER10-2834-005; ER11-2905-004; ER11-2904-004; ER10-2821-005; ER12-1329-005.

*Applicants:* EC&R O&M, LLC, Iron Horse Battery Storage, LLC, Munnsville Wind Farm, LLC, Pioneer Trail Wind Farm, LLC, Settlers Trail Wind Farm, LLC, Stony Creek Wind Farm, LLC, Wildcat Wind Farm I, LLC.

*Description:* Notice of Change in Status of ECRNA Companies.  
*Filed Date:* 7/6/17.  
*Accession Number:* 20170706-5180.  
*Comments Due:* 5 p.m. ET 7/27/17.

*Docket Numbers:* ER16-2365-000.  
*Applicants:* All Dams Generation, LLC.

*Description:* Report Filing: Refund Report to be effective N/A.  
*Filed Date:* 7/7/17.

*Accession Number:* 20170707-5145.  
*Comments Due:* 5 p.m. ET 7/28/17.  
*Docket Numbers:* ER17-2060-000.  
*Applicants:* Nevada Power Company.

*Description:* § 205(d) Rate Filing: Rate Schedule No. 120 Third Amnded Restated Agrm Concurrence to be effective 3/1/2017.

*Filed Date:* 7/7/17.  
*Accession Number:* 20170707-5113.  
*Comments Due:* 5 p.m. ET 7/28/17.

*Docket Numbers:* ER17-2061-000.  
*Applicants:* California Independent System Operator Corporation.

*Description:* § 205(d) Rate Filing: 2017-07-07 Amendment No. 1 to MEEA with WAPA—Sierra Nevada Region to be effective 9/6/2017.

*Filed Date:* 7/7/17.  
*Accession Number:* 20170707-5114.  
*Comments Due:* 5 p.m. ET 7/28/17.

*Docket Numbers:* ER17-2062-000.  
*Applicants:* New England States Committee on Electricity.

*Description:* Informational Filing of New England States Committee on Electricity.

*Filed Date:* 7/6/17.  
*Accession Number:* 20170706-5178.

*Comments Due:* 5 p.m. ET 7/27/17.  
*Docket Numbers:* ER17-2063-000.  
*Applicants:* Virginia Electric and Power Company.  
*Description:* Notice of Cancellation of Generator Interconnection and Operating Service Agreement [No. 337] of Virginia Electric and Power Company.

*Filed Date:* 7/7/17.  
*Accession Number:* 20170707-5120.  
*Comments Due:* 5 p.m. ET 7/28/17.

*Docket Numbers:* ER17-2064-000.  
*Applicants:* Southern California Edison Company.

*Description:* § 205(d) Rate Filing: LGIA NRG Solar Desert Center LLC Solth Project to be effective 9/6/2017.  
*Filed Date:* 7/7/17.

*Accession Number:* 20170707-5131.  
*Comments Due:* 5 p.m. ET 7/28/17.

*Docket Numbers:* ER17-2065-000.  
*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Dynamic Schedule Agreement SA No. 4750 to be effective 7/11/2017.

*Filed Date:* 7/7/17.  
*Accession Number:* 20170707-5146.  
*Comments Due:* 5 p.m. ET 7/28/17.

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 7, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-14874 Filed 7-14-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL17-78-000]

#### City of Dover; Notice of Institution of Section 206 Proceeding

On July 7, 2017, a letter order was issued in Docket No. EL17-78-000 by the Director, Division of Electric Power—East, Office of Energy Market Regulation, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into whether the proposed rate decrease of City of Dover may be unjust, unreasonable, unduly discriminatory or preferential. *City of Dover*, 160 FERC 62,014 (2017).<sup>1</sup>

Any interested person desiring to be heard in Docket No. EL17-78-000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, within 21 days of the date of issuance of the order.

Dated: July 11, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-14895 Filed 7-14-17; 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:* ER16-2665-000.

*Applicants:* NRG Power Midwest LP.

*Description:* Report Filing: Refund Report—Informational Filing (EL16-72-000) to be effective N/A.

*Filed Date:* 7/11/17.

*Accession Number:* 20170711-5174.

<sup>1</sup> See also *City of Dover*, Docket Nos. NJ17-10-000, NJ17-10-001, and EL17-78-000 (July 10, 2017) (delegated letter order correcting the caption in *City of Dover*, 160 FERC ¶ 62,014 (2017)).

*Comments Due:* 5 p.m. ET 8/1/17.

*Docket Numbers:* ER17-2074-000.

*Applicants:* Burney Forest Products,

A Joint Venture.

*Description:* Baseline eTariff Filing; Application for Market Based Rate to be effective 9/14/2017.

*Filed Date:* 7/11/17.

*Accession Number:* 20170711-5146.

*Comments Due:* 5 p.m. ET 8/1/17.

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 11, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-14894 Filed 7-14-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC17-122-000.

*Applicants:* Bishop Hill Energy LLC, Blue Sky East, LLC, California Ridge Wind Energy LLC, Canandaigua Power Partners, LLC, Canandaigua Power Partners II, LLC, Erie Wind, LLC, Evergreen Wind Power, LLC, Evergreen Wind Power III, LLC, Imperial Valley Solar 1, LLC, Niagara Wind Power, LLC, Prairie Breeze Wind Energy LLC, Regulus Solar, LLC, Stetson Holdings, LLC, Stetson Wind II, LLC, Vermont Wind, LLC, Orion US Holdings 1 L.P., BRE TERP Holdings Inc.

*Description:* Amendment of Application for Authorization under Section 203 of the Federal Power Act and Request for Waivers, Confidential Treatment and Expedited Consideration of Bishop Hill Energy LLC, et al.

*Filed Date:* 6/23/17.

*Accession Number:* 20170623-5161.

*Comments Due:* 5 p.m. ET 7/24/17.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-2739-016; ER16-1732-003; ER17-993-002; ER10-2743-011; ER17-989-002; ER10-1854-009; ER17-990-002; ER17-1946-002; ER17-1947-002; ER17-1948-002; ER17-991-002; ER10-2755-014; ER16-1652-004; ER11-3320-009; ER14-2548-006; ER10-2751-011; ER10-2744-010; ER16-2406-003; ER16-2405-003; ER13-2316-007; ER17-992-002; ER10-1631-009; ER11-3321-008; ER14-19-008.

*Applicants:* LS Power Marketing, LLC, Aurora Generation, LLC, Bath County Energy, LLC, Bluegrass Generation Company, L.L.C., Chambersburg Energy, LLC, Doswell Limited Partnership, Gans Energy, LLC, Helix Ironwood, LLC, Helix Maine Wind Development, LLC, Helix Ravenswood, LLC, Hunlock Energy, LLC, Las Vegas Power Company, LLC, LifeEnergy, LLC, LSP University Park, LLC, Ocean State Power LLC, Renaissance Power, L.L.C., Riverside Generating Company, L.L.C., Rockford Power, LLC, Rockford Power II, LLC, Seneca Generation, LLC, Springdale Energy, LLC, University Park Energy, LLC, Wallingford Energy LLC, West Deptford Energy, LLC.

*Description:* Updated Market Power Analysis of the LS Northeast MBR Sellers.

*Filed Date:* 6/30/17.

*Accession Number:* 20170630-5479.

*Comments Due:* 5 p.m. ET 8/29/17.

*Docket Numbers:* ER10-2895-017; ER14-1964-008; ER16-287-003; ER13-2143-010; ER10-3167-009; ER13-203-009; ER17-482-002; ER11-2292-018; ER11-3942-017; ER11-2293-018; ER10-2917-017; ER11-2294-016; ER12-2447-016; ER13-1613-010; ER10-2918-018; ER10-2920-017; ER11-3941-015; ER10-2921-017; ER10-2922-017; ER10-2966-017; ER11-2383-012.

*Applicants:* Bear Swamp Power Company LLC, BIF II Safe Harbor Holdings, LLC, BIF III Holtwood LLC, Black Bear Development Holdings, LLC, Black Bear Hydro Partners, LLC, Black Bear SO, LLC, BREG Aggregator LLC, Brookfield Energy Marketing Inc., Brookfield Energy Marketing LP, Brookfield Energy Marketing US LLC, Brookfield Power Piney & Deep Creek LLC, Brookfield Renewable Energy Marketing US LLC, Brookfield Smoky Mountain Hydropower LLC, Brookfield White Pine Hydro LLC, Carr Street Generating Station, L.P., Erie Boulevard

Hydropower, L.P., Granite Reliable Power, LLC, Great Lakes Hydro America, LLC, Hawks Nest Hydro LLC, Rumford Falls Hydro LLC, Safe Harbor Water Power Corporation.

*Description:* Updated Market Power Analysis for the Northeast Region of the Brookfield Companies.

*Filed Date:* 6/30/17.

*Accession Number:* 20170630-5481.

*Comments Due:* 5 p.m. ET 8/29/17.

*Docket Numbers:* ER17-1620-001.

*Applicants:* Liberty Utilities (CalPeco Electric) LLC.

*Description:* Tariff Amendment: Clarify Amendment Filing to be effective 6/1/2017.

*Filed Date:* 7/6/17.

*Accession Number:* 20170706-5108.

*Comments Due:* 5 p.m. ET 7/27/17.

*Docket Numbers:* ER17-2032-001.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Tariff Amendment: 2198R22 Kansas Power Pool NITSA NOA to be effective 6/1/2017.

*Filed Date:* 7/7/17.

*Accession Number:* 20170707-5043.

*Comments Due:* 5 p.m. ET 7/28/17.

*Docket Numbers:* ER17-2038-001.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Tariff Amendment: 2198R23 Kansas Power Pool NITSA NOA to be effective 9/1/2017.

*Filed Date:* 7/7/17.

*Accession Number:* 20170707-5045.

*Comments Due:* 5 p.m. ET 7/28/17.

*Docket Numbers:* ER17-2052-000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 1166R30 Oklahoma Municipal Power Authority NITSA and NOA to be effective 7/1/2017.

*Filed Date:* 7/6/17.

*Accession Number:* 20170706-5124.

*Comments Due:* 5 p.m. ET 7/27/17.

*Docket Numbers:* ER17-2053-000.

*Applicants:* Arizona Public Service Company.

*Description:* § 205(d) Rate Filing: Rate Schedule No. 217, Exhibit B.PHX to be effective 9/5/2017.

*Filed Date:* 7/6/17.

*Accession Number:* 20170706-5157.

*Comments Due:* 5 p.m. ET 7/27/17.

*Docket Numbers:* ER17-2054-000.

*Applicants:* Stony Creek Wind Farm, LLC.

*Description:* § 205(d) Rate Filing: Revisions to Market Based Rate to be effective 9/5/2017.

*Filed Date:* 7/7/17.

*Accession Number:* 20170707-5001.

*Comments Due:* 5 p.m. ET 7/28/17.

*Docket Numbers:* ER17-2055-000.

*Applicants:* Munnsville Wind Farm, LLC.

*Description:* § 205(d) Rate Filing: Revisions to Market Based Rate to be effective 9/5/2017.

*Filed Date:* 7/7/17.

*Accession Number:* 20170707-5003.

*Comments Due:* 5 p.m. ET 7/28/17.

*Docket Numbers:* ER17-2056-000.

*Applicants:* EC&R O&M, LLC.

*Description:* § 205(d) Rate Filing: Revisions to Market Based Rate to be effective 9/5/2017.

*Filed Date:* 7/7/17.

*Accession Number:* 20170707-5004.

*Comments Due:* 5 p.m. ET 7/28/17.

*Docket Numbers:* ER17-2057-000.

*Applicants:* Wildcat Wind Farm I, LLC.

*Description:* § 205(d) Rate Filing: Revisions to Market Based Rate to be effective 9/5/2017.

*Filed Date:* 7/7/17.

*Accession Number:* 20170707-5014.

*Comments Due:* 5 p.m. ET 7/28/17.

*Docket Numbers:* ER17-2058-000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2017-07-07\_SA 3024 Broadlands-Ameren Illinois GIA (J468) to be effective 6/26/2017.

*Filed Date:* 7/7/17.

*Accession Number:* 20170707-5053.

*Comments Due:* 5 p.m. ET 7/28/17.

*Docket Numbers:* ER17-2059-000.

*Applicants:* Puget Sound Energy, Inc.  
*Description:* Baseline eTariff Filing: MBR Tariff Housekeeping Filing to be effective 7/10/2017.

*Filed Date:* 7/7/17.

*Accession Number:* 20170707-5085.

*Comments Due:* 5 p.m. ET 7/28/17.

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 7, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-14873 Filed 7-14-17; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. EL17-30-000]

#### Nogales Transmission, L.L.C.; Nogales Frontier Operations, L.L.C.; Notice of Supplement To Petition for Declaratory Order

Take notice that on June 30, 2017, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2015), Nogales Transmission, L.L.C. (Nogales Transmission) and Nogales Frontier Operations, L.L.C. (Nogales Operations) filed a second supplement to its petition for declaratory order, filed on December 21, 2016, as more fully explained in its supplemented petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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 proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for 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](mailto:FERCOnlineSupport@ferc.gov) or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5:00 p.m. Eastern time on July 14, 2017.

Dated: July 6, 2017.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2017-14909 Filed 7-14-17; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RD17-4-000]

#### Commission Information Collection Activities; Comment Request

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice of revised information collections and request for comments.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission or FERC) previously issued a 60-day Notice in the **Federal Register** requesting public comments on the revisions to FERC-725A (Mandatory Reliability Standards for the Bulk-Power System), and FERC-725Z (Mandatory Reliability Standards: IRO Reliability Standards). The Commission received no comments.

Another unrelated item is currently pending review at the Office of Management and Budget (OMB) under FERC-725A. Only one item per OMB Control No. may be pending OMB review at a time. In order to submit this material for Docket No. RD17-4 timely to OMB, the package will be submitted to OMB under FERC-725Z, and a 'placeholder' information collection number, FERC-725A(1C) (Mandatory Reliability Standards for Bulk-Power

System: Reliability Standard TOP-001-4) rather than under FERC-725A.

In compliance with the requirements of the Paperwork Reduction Act of 1995, the Commission is submitting the FERC-725A(1C) and FERC-725Z to the OMB for review of the revised information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below.

**DATES:** Comments on the FERC-725A(1C) and FERC-725Z are due by August 16, 2017.

**ADDRESSES:** Comments filed with OMB, identified by the OMB Control Nos. TBD (for FERC-725A(1C)) and 1902-0276 (for FERC-725Z) should be sent via email to the Office of Information and Regulatory Affairs at: [oir\\_submission@omb.gov](mailto:oir_submission@omb.gov), Attention: Federal Energy Regulatory Commission Desk Officer.

A copy of the comments should also be sent to the Commission, in Docket No. RD17-4-000, by either of the following methods:

- *eFiling at Commission's Web site:* <http://www.ferc.gov/docs-filing/efiling.asp>.

- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

*Instructions:* All submissions must be formatted and filed in accordance with submission guidelines at: <http://www.ferc.gov/help/submission-guide.asp>. For user assistance, contact FERC Online Support by email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or by phone at: (866) 208-3676 (toll-free), or (202) 502-8659 for TTY.

*Docket:* Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <http://www.ferc.gov/docs-filing/docs-filing.asp>.

#### FOR FURTHER INFORMATION CONTACT:

Ellen Brown may be reached by email at [DataClearance@FERC.gov](mailto:DataClearance@FERC.gov), by telephone at (202) 502-8663, and by fax at (202) 273-0873.

#### SUPPLEMENTARY INFORMATION:

*Title:* FERC-725A(1C) (Mandatory Reliability Standards for Bulk-Power System: Reliability Standard TOP-001-4), and FERC-725Z (Mandatory

Reliability Standards: IRO Reliability Standards)

*OMB Control No.:* TBD (FERC-725A(1C)) and 1902-0276 (FERC-725Z).

*Type of Request:* Revisions to the information collection FERC-725Z and implementation of new 'placeholder' information collection FERC-725A(1C), as discussed in Docket No. RD17-4-000.

*Abstract:* In a Petition dated March 6, 2017, the North American Electric Reliability Corporation ("NERC") requested Commission approval for proposed Reliability Standards IRO-002-5 (Reliability Coordination, Monitoring and Analysis) and TOP-001-4 (Transmission Operations). NERC stated that the "proposed Reliability Standards address the Commission directives in Order No. 817 related to: (i) Transmission operator monitoring of non-bulk electric system ("BES") facilities; (ii) redundancy and diverse routing of transmission operator, balancing authority, and reliability coordinator data exchange capabilities; and (iii) testing of alternative or less frequently used data exchange capabilities." In addition, NERC requested Commission approval of the retirement of Reliability Standards TOP-001-3 and IRO-002-4. In an order on April 17, 2017,<sup>1</sup> the implementation of Reliability Standards IRO-002-5 and TOP-001-4 and the retirement of Reliability Standards IRO-002-4 and TOP-001-3 were approved.

*Type of Respondents:* Transmission operators (TOP), balancing authorities (BA), and reliability coordinators (RC).

*Estimate of Annual Burden:*<sup>2</sup> The Commission estimates the changes in the annual public reporting burden and cost due to Docket No. RD17-4-000 as follows.<sup>3</sup>

<sup>1</sup> The Delegated Letter Order is available in the Commission's eLibrary at <https://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=14560616>.

<sup>2</sup> Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

<sup>3</sup> For the Reliability Standards being retired in Docket No. RD17-4, the baseline numbers for respondents, burden, and cost are the same figures as those in Order No. 817. The requirements and burdens (from the standards being retired) are continuing in the new standards, plus there are additional requirements and burdens as indicated in the table.

CHANGES DUE TO DOCKET NO. RD17-4-000

Information collection requirements	Number of respondents & type of entity <sup>4</sup>	Annual number of responses per respondent	Total number of responses	Average burden hours & cost per response (\$)	Total annual burden hours & total annual cost (\$)
	(1)	(2)	(1) * (2) = (3)	(4) <sup>5</sup>	(3) * (4) = (5)

**FERC-725A**

Reporting and Recordkeeping Requirements (continuing in TOP-001-4 [formerly in TOP-001-3]) <sup>6</sup> .				no change	no change
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**FERC-725A(1C)<sup>7</sup>**

Increases, due to Implementation of TOP-001-4<sup>8</sup>

Reporting (R10, R20, & R21), in Yr. 1.	323 (TOP) .....	1	323	11 hrs.; \$707.19 .....	3,553 hrs.; \$228,422.37.
Reporting (R10, R20, & R21), in Yr. 2 & ongoing.	323 (TOP) .....	1	323	3 hrs.; \$192.87 .....	969 hrs.; \$62,297.01.
Recordkeeping, in Yr. 1 .....	323 (TOP) .....	1	323	3 hrs.; \$113.25 .....	969 hrs.; \$36,579.75.
Recordkeeping, in Yr. 2 & ongoing.	323 (TOP) .....	1	323	2 hrs.; \$75.50 .....	646 hrs.; \$24,386.50.
Reporting (R23 & R24), in Yr. 1.	99 (BA) .....	1	99	8 hrs.; \$514.32 .....	792 hrs.; \$50,917.68.
Reporting (R23 & R24), in Yr. 2 & ongoing.	99 (BA) .....	1	99	2 hrs.; \$128.58 .....	198 hrs.; \$12,729.42.
Recordkeeping, in Yr. 1 .....	99 (BA) .....	1	99	4 hrs.; \$151.00 .....	396 hrs.; \$14,949.00.
Recordkeeping, in Yr. 2 and ongoing.	99 (BA) .....	1	99	4 hrs.; \$151.00 .....	396 hrs.; \$14,949.00.
Increase to FERC-725A(1C) in Year 1.	.....	.....	.....	.....	5,710 hrs.; \$330,868.80.
Increase to FERC-725A(1C) in Year 2 & ongoing.	.....	.....	.....	.....	2,209 hrs.; \$114,361.93.

**FERC-725Z**

Reporting and Recordkeeping Requirements (continuing in IRO-002-5 [formerly in IRO-002-4]) <sup>9</sup> .				no change	no change
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Increases, due to Implementation of IRO-002-5<sup>10</sup>

Reporting (R2 & R3), in Yr. 1	11 (RC) .....	1	11	8 hrs.; \$514.32 .....	88 hrs.; \$5,657.52.
Reporting (R2 & R3), in Yr. 2 & ongoing.	11 (RC) .....	1	11	2 hrs.; \$128.58 .....	22 hrs.; \$1,414.38.
Recordkeeping, in Yr. 1 .....	11 (RC) .....	1	11	5 hrs.; \$188.75 .....	55 hrs.; \$2,076.25.
Recordkeeping, in Yr. 2 & ongoing.	11 (RC) .....	1	11	4 hrs.; \$151.00 .....	44 hrs.; \$1,661.00.
Increase to FERC-725Z in Year 1.	.....	.....	.....	.....	143 hrs.; \$7,733.77.
Increase to FERC-725Z in Year 2 and ongoing.	.....	.....	.....	.....	66 hrs.; \$3,075.38.
TOTAL INCREASE IN YEAR 1, Due To Docket No. RD17-4.	.....	.....	.....	.....	5,853 hrs.; \$338,602.57.
TOTAL INCREASE IN YEAR 2 AND ONGOING, Due To Docket No. RD17-4.	.....	.....	.....	.....	2,275 hrs.; \$117,437.31.

(As of 7/5/2017, the total OMB-approved annual burden inventory for

<sup>4</sup> Our estimates are based on the NERC Compliance Registry of 12/12/2016, which indicates that, within the United States, there are 323 entities registered as TOPs, 99 entities registered as BAs, and 11 entities registered as RCs.

One entity may be registered as having several roles.

<sup>5</sup> The hourly cost figures, for salary plus benefits, for the new standards are based on Bureau of Labor Statistics (BLS) information (at [http://www.bls.gov/oes/current/naics2\\_22.htm](http://www.bls.gov/oes/current/naics2_22.htm)), as of May 2015. For reporting requirements, an electrical engineer (code 17-2071) is \$64.29/hour; for the recordkeeping requirements, an information and record clerk (code 43-4199) is \$37.75/hour.

<sup>6</sup> The reporting and recordkeeping requirements and the associated burden will continue in TOP-001-4 (formerly included in TOP-001-3, which is now being retired). The corresponding estimated burden for the 196 TOPs and BAs continues to be 96 hours per response (or a total estimated burden of 18,816 hours). These burdens continue in FERC-725A with no change, so a formal submittal for FERC-725A will not be made at this time. The

FERC-725A is 1,642,395 hours; the total OMB-approved annual burden inventory for FERC-725Z is 49,331 hours.<sup>11</sup> Because FERC-725A(1C) is a new 'placeholder' information collection number, the current inventory is 0.)

*Comments:* Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: July 6, 2017.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2017-14908 Filed 7-14-17; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC17-136-000.

*Applicants:* ITC Midwest LLC.

changes are being submitted under 'placeholder' information collection no. FERC-725A(1C).

<sup>7</sup> The new requirements and burden which would normally be submitted to OMB under FERC-725A will be submitted under 'placeholder' information collection number FERC-725A(1C).

<sup>8</sup> Requirement R21 (applicable to TOPs in ongoing yrs.) covers quarterly testing and associated reporting and recordkeeping requirements. Requirement R24 (applicable to BAs in ongoing yrs.) covers quarterly testing and associated engineering and recordkeeping requirements.

<sup>9</sup> The reporting and recordkeeping requirements and the associated burden will continue in IRO-002-5 (burden formerly included in IRO-002-4, which is being retired). The corresponding estimated burden for the 11 RCs continues to be 24 hours per response (or a total estimated burden of 264 hours).

<sup>10</sup> Requirement R3 (applicable to RCs in ongoing yrs.) covers quarterly testing and associated reporting and recordkeeping requirements.

<sup>11</sup> These figures are the total OMB-approved inventory, prior to the revisions in Docket No. RD17-4. In addition, as of 7/5/2017, there are proposed revisions pending OMB review for the FERC-725A (related to the Notice of Proposed Rulemaking in Docket No. RM16-20) which are not counted in these OMB-approved inventory figures.

*Description:* Application of ITC Midwest LLC for Approval of Acquisition of Assets Pursuant to Section 203 of the FPA.

*Filed Date:* 7/6/17.

*Accession Number:* 20170706-5109.

*Comments Due:* 5 p.m. ET 7/27/17.

*Docket Numbers:* EC17-137-000.

*Applicants:* Luz Solar Partners Ltd., III, Luz Solar Partners Ltd., IV.

*Description:* Application of Luz Solar Partners Ltd., III, et al. for Authorization for Disposition of Jurisdictional Facilities and Request for Waivers and Expedited Action.

*Filed Date:* 7/6/17.

*Accession Number:* 20170706-5138.

*Comments Due:* 5 p.m. ET 7/27/17.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-1838-009; ER10-1852-018; ER10-1857-008; ER10-1899-009; ER10-1915-008; ER10-1932-008; ER10-1935-008; ER10-1951-011; ER10-1963-008; ER10-1967-009; ER10-1968-009; ER10-1973-008; ER10-1974-019; ER10-1975-020; ER10-1990-009; ER10-1993-009; ER11-4462-027; ER13-752-008; ER14-1630-006; ER15-2601-002; ER15-2602-002; ER17-838-002.

*Applicants:* Backbone Mountain Windpower LLC, Bayswater Peaking Facility, LLC, Energy Storage Holdings, LLC, FPL Energy Cape, LLC, FPL Energy Illinois Wind, LLC, FPL Energy Wyman, LLC, FPL Energy Wyman IV, LLC, Florida Power & Light Company, Green Mountain Storage, LLC, Jamaica Bay Peaking Facility, LLC, Manuta Creek Solar, LLC, Meyersdale Storage, LLC, Meyersdale Windpower LLC, Mill Run Windpower, LLC, NEPM II, LLC, NextEra Energy Marketing, LLC, NextEra Energy SeaBrook, LLC, NextEra Energy Services Massachusetts, LLC, North Jersey Energy Associates, A Limited Partnership, Northeast Energy Associates, A Limited Partnership, Somerset Windpower, LLC, Waymart Wind Farm, L.P.

*Description:* Northeast Region Triennial Market Power Update of the NextEra Companies.

*Filed Date:* 6/30/17.

*Accession Number:* 20170630-5478.

*Comments Due:* 5 p.m. ET 8/29/17.

*Docket Numbers:* ER10-2141-017; ER16-2187-002.

*Applicants:* Grand Ridge Energy V LLC, Grand Ridge Energy Storage LLC.

*Description:* Triennial Report of Grand Ridge Energy V LLC, et al.

*Filed Date:* 6/30/17.

*Accession Number:* 20170630-5453.

*Comments Due:* 5 p.m. ET 8/29/17.

*Docket Numbers:* ER10-2739-015; ER10-1631-008; ER10-1854-008; ER10-2743-010; ER10-2744-009; ER10-2751-010; ER10-2755-013; ER11-3320-008; ER11-3321-007; ER13-2316-006; ER14-19-007; ER14-2548-005; ER16-1652-003; ER16-1732-002; ER16-2405-002; ER16-2406-002; ER17-1946-001; ER17-1947-001; ER17-1948-001; ER17-989-001; ER17-990-001; ER17-991-001; ER17-992-001; ER17-993-001.

*Applicants:* LS Power Marketing, LLC, Aurora Generation, LLC, Bath County Energy, LLC, Bluegrass Generation Company, L.L.C., Chambersburg Energy, LLC, Doswell Limited Partnership, Helix Ironwood, LLC, Helix Maine Wind Development, LLC, Helix Ravenswood, LLC, Hunlock Energy, LLC, Las Vegas Power Company, LLC, LifeEnergy, LLC, LSP University Park, LLC, Ocean State Power LLC, Renaissance Power, L.L.C., Riverside Generating Company, L.L.C., Rockford Power, LLC, Rockford Power II, LLC, Seneca Generation, LLC, Springdale Energy, LLC, University Park Energy, LLC, Wallingford Energy LLC, West Deptford Energy, LLC, Gans Energy, LLC.

*Description:* Notification of Change in Status of the LS Northeast MBR Sellers.

*Filed Date:* 6/30/17.

*Accession Number:* 20170630-5477.

*Comments Due:* 5 p.m. ET 7/21/17.

*Docket Numbers:* ER11-2292-017; ER11-3942-016; ER11-2293-017; ER12-2447-015

*Applicants:* Brookfield Energy Marketing Inc., Brookfield Energy Marketing LP, Brookfield Energy Marketing US LLC, Brookfield Smoky Mountain Hydropower LLC.

*Description:* Updated Market Power Analysis for the Southeast Region of the Brookfield Companies.

*Filed Date:* 6/30/17.

*Accession Number:* 20170630-5474.

*Comments Due:* 5 p.m. ET 8/29/17.

*Docket Numbers:* ER17-1622-001.

*Applicants:* J. Aron & Company LLC.

*Description:* Notice of Non-Material Change in Status of J. Aron & Company LLC.

*Filed Date:* 6/30/17.

*Accession Number:* 20170630-5476.

*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 7, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-14877 Filed 7-14-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC17-128-000.

*Applicants:* Beech Ridge Energy LLC, Beech Ridge Energy II LLC, Beech Ridge Energy Storage LLC, Bishop Hill Energy III LLC, Bishop Hill Interconnection LLC, Buckeye Wind Energy LLC, Forward Energy LLC, Grand Ridge Energy LLC, Grand Ridge Energy II LLC, Grand Ridge Energy III LLC, Grand Ridge Energy IV LLC, Grand Ridge Energy V LLC, Grand Ridge Energy Storage LLC, Gratiot County Wind LLC, Gratiot County Wind II LLC, Invenergy TN LLC, Judith Gap Energy LLC, Prairie Breeze Wind Energy II LLC, Prairie Breeze Wind Energy III LLC, Sheldon Energy LLC, Spring Canyon Energy LLC, Stony Creek Energy LLC, Vantage Wind Energy LLC, Willow Creek Energy LLC, Wolverine Creek Energy LLC, Wolverine Creek Goshen Interconnection LLC.

*Description:* Supplement to June 8, 2017 Application for Authorization Under Section 203 of the Federal Power Act, et al. of Beech Ridge Energy LLC, et al.

*Filed Date:* 7/6/17.

*Accession Number:* 20170706-5172.

*Comments Due:* 5 p.m. ET 7/17/17.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-2964-014.

*Applicants:* Selkirk Cogen Partners, L.P.

*Description:* Triennial Market Power Update of Selkirk Cogen Partners, L.P.

*Filed Date:* 6/30/17.

*Accession Number:* 20170630-5472.

*Comments Due:* 5 p.m. ET 8/29/17.

*Docket Numbers:* ER11-4573-001.

*Applicants:* Evergreen Community Power, LLC.

*Description:* Notice of Non-Material Change In Status for Evergreen Community Power, LLC.

*Filed Date:* 7/10/17.

*Accession Number:* 20170710-5316.

*Comments Due:* 5 p.m. ET 7/31/17.

*Docket Numbers:* ER17-1192-002.

*Applicants:* Otter Tail Power Company.

*Description:* Tariff Amendment: Amendment to Submit Restated Conforming Agreement—Rate Schedule No. 168 to be effective 7/30/2010.

*Filed Date:* 7/10/17.

*Accession Number:* 20170710-5251.

*Comments Due:* 5 p.m. ET 7/31/17.

*Docket Numbers:* ER17-2066-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Pseudo-Tie Cost Reimbursement Agreements SA. Nos. 4751 and 4752 to be effective 7/8/2017.

*Filed Date:* 7/7/17.

*Accession Number:* 20170707-5162.

*Comments Due:* 5 p.m. ET 7/28/17.

*Docket Numbers:* ER17-2067-000.

*Applicants:* Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

*Description:* § 205(d) Rate Filing: 2017-07-10 Ameren-Prairie Power Wholesale Connection and Umbrella Construction to be effective 6/8/2017.

*Filed Date:* 7/10/17.

*Accession Number:* 20170710-5252.

*Comments Due:* 5 p.m. ET 7/31/17.

*Docket Numbers:* ER17-2068-000.

*Applicants:* California Independent System Operator Corporation.

*Description:* § 205(d) Rate Filing: 2017-07-10 Operating Agreement between CAISO and MWD to be effective 10/1/2017.

*Filed Date:* 7/10/17.

*Accession Number:* 20170710-5295.

*Comments Due:* 5 p.m. ET 7/31/17.

*Docket Numbers:* ER17-2069-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Cancellation: Notice of Cancellation of Original Service Agreement No. 4430, Queue #AB1-099 to be effective 8/20/2017.

*Filed Date:* 7/10/17.

*Accession Number:* 20170710-5304.

*Comments Due:* 5 p.m. ET 7/31/17.

*Docket Numbers:* ER17-2070-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Queue Position AA2-068, Original Service Agreement No. 4740 to be effective 6/20/2017.

*Filed Date:* 7/10/17.

*Accession Number:* 20170710-5319.

*Comments Due:* 5 p.m. ET 7/31/17.

*Docket Numbers:* ER17-2071-000.

*Applicants:* ITC Midwest LLC.

*Description:* § 205(d) Rate Filing:

Filing of Amended and Restated Duane Arnold Energy Center Agreement to be effective 9/8/2017.

*Filed Date:* 7/10/17.

*Accession Number:* 20170710-5375.

*Comments Due:* 5 p.m. ET 7/31/17.

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 10, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-14875 Filed 7-14-17; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9963-93-Region 8]

### Public Water System Supervision Program Revision for the State of North Dakota

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

**ACTION:** Notice.

**SUMMARY:** Public notice is hereby given that the state of North Dakota has revised its Public Water System Supervision (PWSS) Program by adopting federal regulations for the Revised Total Coliform Rule (RTCR) that correspond to the National Primary Drinking Water Regulations (NPDWR). The Environmental Protection Agency (EPA) has reviewed North Dakota's regulations and determined they are no less stringent than the federal regulations. The EPA is proposing to approve North Dakota's primacy revision for the RTCR.

Today's approval action does not extend to public water systems in Indian country. Please see Supplementary Information, Item B.

**DATES:** Any member of the public is invited to request a public hearing on this determination by August 16, 2017. Please see **SUPPLEMENTARY INFORMATION**, Item C, for details. Should no timely and appropriate request for a hearing be received, and the Regional Administrator (RA) does not elect to hold a hearing on his/her own motion, this determination shall become effective August 16, 2017. If a public hearing is requested and granted, then this determination shall not become effective until such time following the hearing as the RA issues an order affirming or rescinding this action.

**ADDRESSES:** Requests for a public hearing should be addressed to: Robert Clement, Drinking Water Unit B (8WP-SDB), EPA, Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129.

All documents relating to this determination are available for inspection at: EPA, Region 8, Drinking Water Unit (7th floor), 1595 Wynkoop Street, Denver, Colorado.

**FOR FURTHER INFORMATION CONTACT:** Robert Clement, Drinking Water Unit B (8WP-SDB), EPA, Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129, phone 303-312-6653.

**SUPPLEMENTARY INFORMATION:** In accordance with the provisions of section 1413 of the Safe Drinking Water Act (SDWA), 42 U.S.C. 300g-2, and 40 CFR 142.13, public notice is hereby given that the state of North Dakota has revised its PWSS program by adopting federal regulations for the RTCR that correspond to the NPDWR in 40 CFR parts 141 and 142. The EPA has reviewed North Dakota's regulations and determined they are no less stringent than the federal regulations. The EPA is proposing to approve North Dakota's primacy revision for the RTCR.

Today's approval action does not extend to public water systems in Indian country as defined in 18 U.S.C. 1151. Please see Supplementary Information, Item B.

#### **A. Why are revisions to State programs necessary?**

States with primary PWSS enforcement authority must comply with the requirements of 40 CFR part 142 to maintain primacy. They must adopt regulations that are at least as stringent as the NPDWRs at 40 CFR parts 141 and 142, as well as adopt all new and revised NPDWRs in order to retain primacy (40 CFR 142.12(a)).

#### **B. How does today's action affect Indian country (18 U.S.C. 1151) in North Dakota?**

Today's approval action does not extend to public water systems in Indian country, as defined in 18 U.S.C. 1151. Pursuant to that statute, Indian country includes, but is not limited to, land within the exterior boundaries of Indian reservations located within North Dakota, including the Fort Berthold, Spirit Lake, Standing Rock, and Turtle Mountain Indian Reservations; any land held in trust by the United States for an Indian tribe; and any other areas which are "Indian country" within the meaning of 18 U.S.C. 1151. EPA or eligible Indian tribes, as appropriate, will retain PWSS program responsibilities over Indian country.

#### **C. Requesting a Hearing**

Any member of the public may request a hearing on this determination within thirty (30) days of this notice. All requests shall include the following information: Name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of interest and information to be submitted at the hearing; and a signature of the interested individual or responsible official, if made on behalf of an organization or other entity. Frivolous or insubstantial requests for a hearing may be denied by the RA.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing and will be made by the RA in the **Federal Register** and in a newspaper of general circulation in the state. A notice will also be sent to both the person(s) requesting the hearing and the state. The hearing notice will include a statement of purpose, information regarding time and location, and the address and telephone number where interested persons may obtain further information. The RA will issue an order affirming or rescinding the determination upon review of the hearing record.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: June 6, 2017.

**Debra H. Thomas,**

*Acting Regional Administrator, Region 8.*  
[FR Doc. 2017-14949 Filed 7-14-17; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9964-54-Region 1]

### **Program Requirement Revisions Related to the Public Water System Supervision Programs for the State of Connecticut, the Commonwealth of Massachusetts, the State of New Hampshire, the State of Rhode Island and the State of Vermont**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the State of Connecticut, the Commonwealth of Massachusetts, the State of New Hampshire, the State of Rhode Island, and the State of Vermont are in the process of revising their respective approved Public Water System Supervision (PWSS) programs to meet the requirements of the Safe Drinking Water Act (SDWA).

**DATES:** All interested parties may request a public hearing for any of the above EPA determinations. A request for a public hearing must be submitted by August 16, 2017, to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator.

However, if a substantial request for a public hearing is made by this date, a public hearing will be held. If no timely and appropriate request for a hearing is received, and the Regional Administrator does not elect to hold a hearing on his/her own motion, this determination shall become final August 16, 2017.

Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination; (3) information that the requesting person intends to submit at such hearing; and (4) the signature of the individual making the request, or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

**ADDRESSES:** All documents relating to this determination are available for inspection between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, at the following office(s): U.S. Environmental Protection Agency, Office of Ecosystem Protection, 5 Post

Office Square, Suite 100, Boston, MA 02109-3912

For state-specific documents:

Connecticut Department of Public

Health, Drinking Water Section, 410 Capital Avenue, Hartford, CT 06134

Massachusetts Department of Environmental Protection, Division of Water Supply, 1 Winter Street, 6th Floor, Boston, MA 02108

New Hampshire Department of Environmental Services, Drinking Water and Groundwater Bureau, 29 Hazen Drive, Concord, NH 03302-0095

Rhode Island Department of Public Health, Division of Drinking Water Quality, 3 Capitol Hill, Providence, RI 02908-5097

Vermont Agency of Natural Resources, Department of Environmental Conservation, Drinking Water & Groundwater Protection Division, Main Building—2nd Floor, One National Life Drive, Montpelier, Vermont 05620-3521

**FOR FURTHER INFORMATION CONTACT:** Jeri Weiss, U.S. EPA—New England, Office of Ecosystem Protection (telephone 617-918-1568).

**SUPPLEMENTARY INFORMATION:** The State of Connecticut has adopted drinking water regulations for the Lead and Copper Minor Revisions Rule (65 FR 1950) promulgated on January 12, 2000, the Lead and Copper Short Term Revisions Rule (72 FR 57782) promulgated on October 10, 2007, and the Radionuclides Rule (65 FR 76708-76753) promulgated on December 7, 2000. After review of the submitted documentation, EPA has determined that the State of Connecticut's Lead and Copper Minor Revisions Rule, the Lead and Copper Short Term Revisions Rule, and the Radionuclides Rule are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve Connecticut's PWSS program revision for these rules.

The Commonwealth of Massachusetts has adopted drinking water regulations for the Lead and Copper Minor Revisions Rule (65 FR 1950) promulgated on January 12, 2000, and the Lead and Copper Short Term Revisions Rule (72 FR 57782) promulgated on October 10, 2007. After review of the submitted documentation, EPA has determined that the Commonwealth of Massachusetts' Lead and Copper Minor Revisions Rule and the Lead and Copper Short Term Revisions Rule are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve Massachusetts' PWSS program revision for these rules.

The State of New Hampshire has adopted drinking water regulations for the Lead and Copper Rule (56 FR 26460-26564) promulgated on June 7, 1991 and the Lead and Copper Minor Revisions Rule (65 FR 1950) promulgated on January 12, 2000. After review of the submitted documentation, EPA has determined that the state of New Hampshire's Lead and Copper Rule and the Lead and Copper Minor Revisions Rule are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve New Hampshire's PWSS program revision for these rules.

The State of Rhode Island has adopted drinking water regulations for the Long Term 2 Enhanced Surface Water Treatment Rule (71 FR 654) promulgated on January 5, 2006. After review of the submitted documentation, EPA has determined that the State of Rhode Island's Long Term 2 Enhanced Surface Water Treatment Rule is no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve Rhode Island's PWSS program revision for this rule.

The State of Vermont has adopted drinking water regulations for the Lead and Copper Minor Revisions Rule (65 FR 1950) promulgated on January 12, 2000, and the Lead and Copper Short Term Revisions Rule (72 FR 57782) promulgated on October 10, 2007. After review of the submitted documentation, EPA has determined that the State of Vermont's Lead and Copper Minor Revisions Rule and the Lead and Copper Short Term Revisions Rule are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve Vermont's PWSS program revision for these rules.

**Authority:** Section 1401 (42 U.S.C 300f) and Section 1413 (42 U.S.C 300g-2) of the Safe Drinking Water Act, as amended (1996), and (40 CFR 142.10) of the National Primary Drinking Water Regulations.

Dated: June 26, 2017.

**Deborah A. Szaro,**

*Acting Regional Administrator, EPA Region 1—New England.*

[FR Doc. 2017-14836 Filed 7-14-17; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 16-306; GN Docket No. 12-268; DA 17-584]

### Tools Available To Displaced Low Power Television and TV Translator Stations

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document sets forth tools available to low power television and TV translator stations that are displaced prior to the opening of the Special Displacement Window in the first quarter of 2018.

**DATES:** July 17, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Joyce Bernstein, [joyce.bernstein@fcc.gov](mailto:joyce.bernstein@fcc.gov) or Hossein Hashemzadeh, [hossein.hashemzadeh@fcc.gov](mailto:hossein.hashemzadeh@fcc.gov), Video Division, Media Bureau, Federal Communications Commission.

**SUPPLEMENTARY INFORMATION:** Auction 1000, which was conducted pursuant to Title VI of the Middle Class Tax Relief and Job Creation Act of 2012, was completed on April 13, 2017, and on June 14, 2017, the Commission granted 2,317 licenses to new wireless licensees in the 600 MHz Band (former television channels 38 through 51 spectrum). Low power television, analog-to-digital replacement translators, and TV translator stations (LPTV/translator stations) on channels 38 through 51 must terminate operation or resolve interference if they receive notice of likely interference to a new 600 MHz Band licensee that intends to commence operations or conduct first field application (FFA) testing. This notice must be in the form of a letter to the LPTV/translator station not less than 120 days in advance of the commence operations or FFA testing date (120-day notice) and the LPTV/translator station must cease operations or eliminate the likelihood of harmful interference by that date. One of the recipients of the licenses granted on June 14, 2017 has indicated that it may commence operations or conduct FFA testing using some of its 600 MHz Band licenses later this year, thereby displacing some LPTV/translator stations.

There is currently a freeze on the filing of displacement applications (Displacement Freeze) and the Commission will release a Displacement Public Notice announcing the date of a Special Displacement Window for operating LPTV/translator stations subject to displacement as a result of the incentive auction and repacking

process. The Commission anticipates that the Special Displacement Window will most likely open in the first quarter of 2018, and it therefore appears that some LPTV/translator stations may be displaced by a new 600 MHz Band licensee in 2017, prior to the Special Displacement Window opening in 2018.

In order to permit these displaced stations to continue to provide service to viewers with as little disruption as possible, this document sets forth two mechanisms stations may use to stay on the air. First, until the Special Displacement Window opens, an LPTV/translator station that receives 120-day notice from a wireless licensee may seek to operate on a temporary channel by submitting a displacement application, together with a request for waiver of the Displacement Freeze, and for Special Temporary Authority (STA) to operate on the channel proposed in the displacement application. The ability to operate on a temporary channel is limited to operating LPTV/translator stations on channels 36 through 51 that have received a 120-day notice and whose termination of operation date will occur before the Special Displacement Window opens (eligible LPTV/translator stations). Displacement applications that do not include a copy of the 120-day notice will be dismissed. Displacement applications must also comply with the Commission's rules and will be treated as if filed on the last day of the Special Displacement Window. In considering an STA request the Commission will determine whether the proposed displacement facility complies with technical and interference rules, and stations granted an STA to operate on facilities proposed in their displacement applications may be required to terminate their STA operations if their application is ultimately not granted.

Eligible LPTV/translator stations may also channel share to continue to provide service to viewers in area where channel availability is limited. Two or more eligible LPTV/translator stations may each request a waiver of the Displacement Freeze and submit a displacement application that proposes to share a channel with the other station(s), as well as a request for an STA. Displaced LPTV/translator stations may also submit an application to channel share with another LPTV/translator station that has not received a 120-day notice and such applications are not subject to the Displacement Freeze and may be filed at any time.

Federal Communications Commission.

**Barbara Kreisman,**

*Chief, Video Division, Media Bureau.*

[FR Doc. 2017-14882 Filed 7-14-17; 8:45 am]

**BILLING CODE 6712-01-P**

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## FEDERAL MEDIATION AND CONCILIATION SERVICE

### Labor-Management Cooperation Grant Program Information Collection Request

**AGENCY:** Federal Mediation and Conciliation Service.

**ACTION:** Submission for OMB review: comment request.

**SUMMARY:** The Federal Mediation and Conciliation Service (FMCS) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13). This information collection, "Labor-Management Cooperation Grant Program Information Collection Request" (OMB Control No. 3076-0006) will be used to collect information to determine applicant suitability, to monitor grant project status and for grant program evaluation. **DATES:** Comments should be received by OMB within 30 calendar days from the date of this publication.

**ADDRESSES:** Send comments to: Email: [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). Please include the FMCS form number, if applicable, the information collection title and the OMB control number in the subject line of your message. Comments may also be sent to fax number 202.395.5806 to the Attention of Desk Officer for FMCS.

**SUPPLEMENTARY INFORMATION:** The OMB is particularly interested in comments which:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimates of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected;

(iv) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated electronic collection technologies or other forms of information technology, *e.g.* permitting

electronic and fax submission of responses.

Approximately 40 respondents will complete the grant kit annually. The estimated burden per respondent is 4.5 hours. The estimated total annual burden is 180 hours.

*Affected entities:* Potential applicants and/or grantees who received our grant application kit. Also applicants who have received a grant from FMCS.

For additional information, see the related 60-day notice published in the **Federal Register** at Vol. 82, No. 91 on Friday, May 12, 2017.

Dated: July 11, 2017.

**Michael J. Bartlett,**

*Deputy General Counsel.*

[FR Doc. 2017-14910 Filed 7-14-17; 8:45 am]

**BILLING CODE 6732-01-P**

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## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### Sunshine Act Meeting; Notice of Board Member Meeting

#### Agenda

*Federal Retirement Thrift Investment Board*

July 24, 2017, 8:30 a.m. (In-Person)  
77 K Street NE., 10th Floor, Washington, DC 20002

#### Open Session

1. Approval of the Minutes for the June 26, 2017 Board Members' Meeting
2. Monthly Reports
  - (a) Participant Activity Report
  - (b) Legislative Report
3. Quarterly Reports
  - (a) Investment Performance Review
  - (b) Budget Review
4. Blended Retirement Update
5. IT Update

#### Closed Session

Information covered under 5 U.S.C. 552b(c)(9)(B) and (c)(10).

#### Adjourn

**CONTACT PERSON FOR MORE INFORMATION:** Kimberly Weaver, Director, Office of External Affairs, (202) 942-1640.

Dated: July 13, 2017.

**Megan Grumbine,**

*General Counsel, Federal Retirement Thrift Investment Board.*

[FR Doc. 2017-15064 Filed 7-13-17; 4:15 pm]

**BILLING CODE 6760-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[30Day-17-0904]

#### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570 or send an email to [omb@cdc.gov](mailto:omb@cdc.gov). Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395-5806. Written comments should be received within 30 days of this notice.

#### Proposed Project

SEARCH for Diabetes in Youth Study (OMB Control Number 0920-0904, Expiration Date 08/31/2017)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

Diabetes is one of the most common chronic diseases among children in the United States. When diabetes strikes during childhood, it is routinely assumed to be type 1, or juvenile-onset, diabetes. Type 1 diabetes (T1D) develops when the body's immune system destroys pancreatic cells that make the hormone insulin. Type 2 diabetes begins when the body develops a resistance to insulin and no longer uses it properly. As the need for insulin rises, the pancreas gradually loses its ability to produce sufficient amounts of insulin to regulate blood sugar. Reports of increasing frequency of both type 1 and type 2 diabetes in youth have been among the most concerning aspects of the evolving diabetes epidemic. In response to this growing public health concern, the Centers for Disease Control and Prevention (CDC) and the National Institutes of Health (NIH) funded the SEARCH for Diabetes in Youth Study.

The SEARCH for Diabetes in Youth Study began in 2000 as a multi-center, epidemiological study, conducted in six geographically dispersed Study Centers that reflected the racial and ethnic diversity of the U.S. Phases 1 (2000–2005) and 2 (2005–2010) produced estimates of the prevalence and incidence of diabetes among youth age <20 years, according to diabetes type, age, sex, and race/ethnicity, and characterized selected acute and chronic complications of diabetes and their risk factors, as well as the quality of life and quality of health care. Phase 3 (2010–2015) built upon the activities in Phase 1 and 2 and added a cohort component to collect information on estimate the prevalence and incidence of risk factors and complications, including chronic microvascular (retinopathy, nephropathy, and autonomic neuropathy) and selected markers of macrovascular complications (hypertension, arterial stiffness) of diabetes.

SEARCH Phase 4 (2015–2020) continues the activities of the SEARCH Registry Study via cooperative agreements with the clinical sites, data coordinating center, and CDC. Respondents will be youth <20 years of age who have been diagnosed with diabetes. Information will be collected from the study participants by five clinical sites and transmitted to the Coordinating Center for the study, each funded through a cooperative agreement. Information collection will support a case registry that can be used to estimate the incidence and prevalence of diabetes in youth in the U.S. The registry study will continue to

collect information from participants related to diabetes diagnosis and will ask participants identified with incident diabetes in 2016 to complete an in-person study examination. CDC is no longer funding the cohort component of the SEARCH for Diabetes in Youth Study.

SEARCH Phase 3 identified an average of 1,361 incident cases of diabetes among youth under 20 years each year of the study and completed an average of 1,088 participant surveys each year (80% participation rate among registry study participants).

Respondents will be the Population-based Diabetes in Youth (SEARCH for Diabetes in Youth Phase 4) study participants. The information collection will include:

1. Incident diabetes cases:
  - Collection of information on newly diagnosed incident diabetes cases in youth age <20 years. CDC estimates that each clinical site will identify and register an average of 302 to 303 cases per year, for a total of 1,511 cases across all sites. There are no changes for the Medication Inventory Form. The Initial Participant Survey form has been revised to eliminate questions that were not useful to the researchers and to improve readability and understanding for the participants. The overall burden for the form has not changed. The total estimated annualized burden for this information collection is 378 hours.
  - Physical exam and specimen collection for the 2016 incident cases. CDC estimates that each clinical site will identify and register 1,511 cases during this incident year. Of these cases, CDC anticipates 80% will complete the Initial Participant Survey and be invited for an in-person visit. Of those, we anticipate a 65 to 70% response rate and complete 823 in-person visits. The Physical Exam Form has not changed. There was a change to the Specimen Collection Form since a spot urine sample will no longer be collected. The total estimated annualized burden for this information collection is 1,509 hours.

2. Prevalent diabetes cases:
  - Collection of information on prevalent cases of diagnosed diabetes among youth <20 years. CDC estimates that the clinical sites will identify 776 cases. The items collected for each case include an Initial Participant Survey. The total estimated annualized burden for this information collection is 129 hours. This is a new data collection instrument.

The estimated annualized burden per participant respondent is reduced by 3.2 hours since the CDC is no longer funding the cohort component.



The total annualized burden for this study is 2,016 hours. There are no costs to respondents other than their time.

## ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Form name	Average burden per response
Incident case .....	1,511	1	Medical Inventory .....	5/60
			Initial Participant Survey Incident case (adult and parent).	10/60
Incident case in 2016 who complete survey ..	823	1	Physical Exam .....	1.5
Prevalent case .....	776	1	Specimen collection .....	20/60
			Initial Participant Survey, Prevalent case (adult and parent).	10/60

**Leroy A. Richardson,**

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017-14913 Filed 7-14-17; 8:45 am]

BILLING CODE 4163-18-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[30 Day-17-17NE]

#### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated,

electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570 or send an email to [omb@cdc.gov](mailto:omb@cdc.gov). Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395-5806. Written comments should be received within 30 days of this notice.

#### Proposed Project

Survey of Engineered Nanomaterial Occupational Safety and Health Practices—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

As mandated in the Occupational Safety and Health Act of 1970 (PL 91-596), NIOSH's mission is to conduct research and investigations on work-related disease and injury and to disseminate information for preventing identified workplace hazards (Sections 20 (a)(1) and (d)). This dual responsibility recognizes the need to translate research into workplace application if it is to impact worker safety and well-being. The goal of this project is to assess the relevance and impact of NIOSH's contribution to guidelines and risk mitigation practices for safe handling of engineered nanomaterials in the workplace. The intended use of this data is to inform NIOSH's research agenda to enhance its relevance and impact on worker safety and health in the context of engineered nanomaterials.

The research under this project will survey companies who manufacture, distribute, fabricate, formulate, use or provide services related to engineered nanomaterials. The analysis will describe the survey sample, response rates, and types of company by industry and size. Further analysis will focus on identifying the types of engineered nanomaterials being used in industry and the types of occupational safety and health practices being implemented. The analysis will be used to develop a final report which evaluates the influence of NIOSH products, services, and outputs on industry occupational safety and health practices.

Under this project, the following activities and data collections will be conducted:

(1) *Company Pre-calls*. Sampled companies will be contacted to identify the person who will complete the survey and to ascertain whether or not the company handles engineered nanomaterials.

(2) *Survey*. A web-based questionnaire, with a mail option, will be administered to companies. The purpose of the survey is to learn directly from companies about their use of NIOSH materials and their occupational safety and health practices concerning engineered nanomaterials.

A sample of 600 companies will be compiled from lists of industry associations, research reports, marketing databases, and web-based searches. Of the 600 selected companies we anticipate that 500 will complete the survey within two years. The company pre-call is expected to require five minutes to complete. The survey is expected to require 20 minutes to complete; including the time it may take respondents to look-up and retrieve needed information. The estimated annualized burden hours for the respondents' time to participate in this information collection is 109 hours.

There are no costs to the responders other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Receptionist .....	Pre-call .....	300	1	5/60
Occupational health and safety specialists .....	Survey .....	100	1	20/60
Industrial Production Managers .....	Survey .....	75	1	20/60
Natural Sciences Managers .....	Survey .....	75	1	20/60

**Leroy A. Richardson,**

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017-14912 Filed 7-14-17; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

[60Day-17-17AMP; Docket No. CDC-2017-0057]

**Proposed Data Collection Submitted for Public Comment and Recommendations**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection entitled "Evaluation of the SAMHSA Naloxone Education and Distribution Program." CDC will use the information collected to evaluate the program "Substance Abuse and Mental Health Services Agency (SAMHSA) Grants to Prevent Prescription Drug/Opioid Overdose-Related Deaths." The program was recently funded to improve access to treatment for opioid use disorders, reduce opioid related deaths, and strengthen drug misuse prevention efforts.

**DATES:** Written comments must be received on or before September 15, 2017.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC-2017-0057 by any of the following methods:

- *Federal eRulemaking Portal:* Regulations.gov. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to Regulations.gov, including any personal information provided. For access to the docket to read background documents or comments received, go to Regulations.gov.

*Please note:* All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact LeRoy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329; phone: 404-639-7570; Email: omb@cdc.gov.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of

previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

*Comments are invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

**Proposed Project**

Evaluation of the SAMHSA Naloxone Education and Distribution Program—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

**Background and Brief Description**

Overdose deaths involving prescription opioids and heroin have reached epidemic levels in the U.S. and continue to rise. To address the prescription drug/opioid overdose crisis, the federal government has recently allocated funding to improve access to treatment for opioid use disorders, reduce opioid related deaths, and strengthen drug misuse prevention efforts. One program resulting from the federal government’s efforts to address the opioid crisis is, the Substance Abuse and Mental Health Services Agency (SAMHSA) Grants to Prevent Prescription Drug/Opioid Overdose-Related Deaths (PDO/naloxone grant). This collection will be to evaluate the Substance Abuse and Mental Health Services Agency (SAMHSA) Grants to Prevent Prescription Drug/Opioid Overdose-Related Deaths.

This evaluation will seek to describe and understand the scope and impact of the program on overdose. To address the prescription drug/opioid overdose

crisis, the federal government has recently allocated funding to improve access to treatment for opioid use disorders, reduce opioid related deaths, and strengthen drug misuse prevention efforts. One program resulting from the federal government’s efforts to address the opioid crisis is, the Substance Abuse and Mental Health Services Agency (SAMHSA) Grants to Prevent Prescription Drug/Opioid Overdose-Related Deaths (PDO/naloxone grant). Through this program, SAMHSA awarded funding to 12 states. The funding is aimed at reducing the number of prescription drug/opioid overdose-related deaths and adverse events among individuals 18 years of age and older through educating and training first responders and other key community sectors on the prevention of prescription drug/opioid overdose-related deaths, including the purchase and distribution of naloxone. SAMHSA is funding the grant and CDC is responsible for conducting the grantee evaluation.

The intended use of the resulting data is to increase CDC and SAMHSA understanding of the scope and impact of the program on overdose fatalities and how program effectiveness may vary among different sub-populations and settings, and to increase knowledge of barriers and facilitators to program implementation. Key informant interviews and focus groups with participants in the activities enacted by the twelve state grant recipients will be methodology used. This will include state administrators of the grant and other PDO/Naloxone stakeholders including advisory council members, first responders, social service providers, laypersons including end users and their family and friend. All focus groups and interviews will be analyzed through qualitative content analysis, including utilization of a systematic coding scheme.

Total burden in hours for this collection is 381. There are no costs to respondents other than their time.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
PDO/Naloxone Advisory Committee Members and Grantees.	Focus Group Discussion Guide .....	140	1	1.5	210
PDO/Naloxone Grantees .....	Individual Interview Discussion Guide for Grantees.	36	1	1	36
PDO/Naloxone Stakeholders and Partners.	Individual Interview Discussion Guide for Partners.	84	1	1	84
PDO/Naloxone Laypersons .....	Individual Interview Discussion Guide for Laypersons.	24	1	1	24
All participants (PDO Naloxone grantees, advisory committee, stakeholders and partners, laypersons).	Recruitment contact script .....	284	1	5/60	24
PDO/Naloxone Grantees .....	Key Informant Selection Tool .....	12	1	15/60	3
<b>Total .....</b>	<b>.....</b>	<b>.....</b>	<b>.....</b>	<b>.....</b>	<b>381</b>

**Leroy A. Richardson,**  
*Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.*

[FR Doc. 2017-14914 Filed 7-14-17; 8:45 am]

**BILLING CODE 4163-18-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**[60Day-17-1054; Docket No. CDC-2017-0055]**

**Proposed Data Collection Submitted for Public Comment and Recommendations**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of

its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection entitled “Drug Overdose Response Investigation (DORI) Data Collections.” CDC will use the information collected to respond to urgent requests from state and local health authorities to provide epidemiological information that allows

for the selection of interventions to curb local epidemics of drug overdose.

**DATES:** Written comments must be received on or before September 15, 2017.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC-2017-0055 by any of the following methods:

- *Federal eRulemaking Portal:*

*Regulations.gov.* Follow the instructions for submitting comments.

- *Mail:* Leroy A. Richardson,

Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

*Please note:* All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329; phone: 404-639-7570; Email: [omb@cdc.gov](mailto:omb@cdc.gov).

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

*Comments are invited on:* (a) Whether the proposed collection of information

is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

#### Proposed Project

Drug Overdose Response Investigation (DORI) Data Collections (OMB control number 0920-1054, Expiration 03/31/218)—Extension—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

In 2015, CDC received OMB approval (OMB control number 0920-1054) for a new OMB generic clearance for a three-year period to collect information to respond to urgent requests from state and local health authorities to provide epidemiological information that allows for the selection of interventions to curb local epidemics of drug overdose. CDC seeks OMB approval for an extension of this generic plan for another three-year period.

Drug Overdose Response Investigation (DORI) are to be conducted in response to urgent requests from state and local health authorities to provide epidemiological information that allows for the selection of interventions to curb

local epidemics of drug overdose. Of particular interest is response to increasing trends in, or changing characteristics of, overdose from prescription drugs (with a special interest in opioid analgesics such as oxycodone or methadone; benzodiazepines such as alprazolam) and/or illicit drugs (e.g., heroin). CDC's National Center for Injury Prevention and Control (NCIPC) is frequently called upon to conduct DORIs at the request of state or local health authorities seeking support to respond to urgent public health problems resulting from drug use, misuse, abuse, and overdose. Such requests are typically, but not always, made through CDC's Epi-Aid mechanism; in most investigations, CDC's epidemiological response entails rapid and flexible collection of data that evolves during the investigation period.

Generic clearance is requested to ensure that timely information is collected during a DORI, which allows NCIPC to maintain critical mission function by working with state and local health authorities to protect the public's health. During an unanticipated rise in nonfatal or fatal drug overdose where the substances responsible for the health event need to be identified, drivers and risk factors are undetermined, and/or subgroups at risk need to be identified, immediate action by CDC is necessary to minimize or prevent public harm. CDC must have the ability to rapidly deploy data collection tools to understand the scope of the problem and determine appropriate action. Procedures for each investigation, including specific data collection plans, depend on the time and resources available, number of persons involved, and other circumstances unique to the urgent conditions at hand. Data are collected by epidemiologists, psychologists, medical professionals, subject matter experts, and biostatisticians.

Data collected during a DORI are used to understand sudden increases in drug use and misuse associated with fatal and nonfatal overdoses, understand the drivers and risk factors associated with those trends, and identify the groups most affected. This allows CDC to effectively advise states on actions that could be taken to control the local epidemic. During a DORI, data are collected once, with the rare need for follow-up. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Drug Overdose Response Investigation Participants.	Drug Overdose Response Investigation Data Collection Instruments.	2,700	1	30/60	1,350
Total .....	.....	.....	.....	.....	1350

**Leroy A. Richardson,**  
*Chief, Information Collection Review Office,  
 Office of Scientific Integrity, Office of the  
 Associate Director for Science, Office of the  
 Director, Centers for Disease Control and  
 Prevention.*

[FR Doc. 2017-14915 Filed 7-14-17; 8:45 am]

**BILLING CODE 4163-18-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**Fees for Sanitation Inspection of Cruise Ships**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** General notice.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS) announces fees for vessel sanitation inspections for Fiscal Year (FY) 2018. These inspections are conducted by HHS/CDC's Vessel Sanitation Program (VSP).

VSP helps the cruise line industry fulfill its responsibility for developing and implementing comprehensive sanitation programs to minimize the risk for acute gastroenteritis. Every vessel that has a foreign itinerary and carries 13 or more passengers is subject to twice-yearly unannounced inspections and, when necessary, reinspection.

**DATES:** These fees are effective October 1, 2017, through September 30, 2018.

**FOR FURTHER INFORMATION CONTACT:** CDR Aimee Treffiletti, Chief, Vessel Sanitation Program, National Center for Environmental Health, Centers for Disease Control and Prevention, 4770 Buford Highway NE., MS F-59, Atlanta, Georgia 30341-3717; phone: 800-323-2132, 770-488-7070, or 954-356-6650; email: *vsp@cdc.gov*.

**SUPPLEMENTARY INFORMATION:**

**Purpose and Background**

HHS/CDC established the Vessel Sanitation Program (VSP) in the 1970s as a cooperative activity with the cruise ship industry. VSP helps the cruise ship industry prevent and control the introduction, transmission, and spread of gastrointestinal illnesses on cruise

ships. VSP operates under the authority of the Public Health Service Act (Section 361 of the Public Health Service Act; 42 U.S.C. 264, "Control of Communicable Diseases"). Regulations found at 42 CFR 71.41 (Foreign Quarantine—Requirements Upon Arrival at U.S. Ports: Sanitary Inspection; General Provisions) state that carriers arriving at U.S. ports from foreign areas are subject to sanitary inspections to determine whether rodent, insect, or other vermin infestations exist, contaminated food or water, or other sanitary conditions requiring measures for the prevention of the introduction, transmission, or spread of communicable diseases are present.

The fee schedule for sanitation inspections of passenger cruise ships by VSP was first published in the **Federal Register** on November 24, 1987 (52 FR 45019). HHS/CDC began collecting fees on March 1, 1988. This notice announces fees that are effective for FY 2018, beginning on October 1, 2017, through September 30, 2018.

The following formula will be used to determine the fees:

$$\text{Average cost per inspection} = \frac{\text{Total cost of VSP}}{\text{Weighted number of annual inspections}}$$

Total cost of VSP = Total cost of operating the program, such as administration, travel, staffing, sanitation inspections, and outbreak response.

Weighted number of annual inspections = Total number of ships and inspections per year accounting for vessel size, number of inspectors needed for vessel size, travel logistics to conduct inspections, and vessel location and arrivals in U.S. jurisdiction per year.

The fee schedule was originally established and published in the **Federal Register** on July 17, 1987 (52 FR 27060). It was most recently published in the **Federal Register** on August 19, 2016 (81 FR 55460). The fee schedule for FY 2018 is presented in Appendix A.

**Fee**

The fee schedule (Appendix A) will be effective October 1, 2017, through September 30, 2018.

**Applicability**

The fees will apply to all passenger cruise vessels for which inspections are conducted as part of HHS/CDC's VSP. Inspections and reinspections involve the same procedures, require the same amount of time, and are therefore charged at the same rates.

Dated: July 12, 2017.

**Sandra Cashman,**  
*Executive Secretary, Centers for Disease Control and Prevention.*

**Appendix A**

**FEE SCHEDULE FOR EACH VESSEL SIZE**

Vessel size (GRT <sup>1</sup> )	Inspection fee
Extra Small (<3,000 GRT) ....	US\$1,495
Small (3,001-15,000 GRT) ..	2,990
Medium (15,001-30,000 GRT) .....	5,980
Large (30,001-60,000 GRT)	8,970
Extra Large (60,001-120,000 GRT) .....	11,960

FEE SCHEDULE FOR EACH VESSEL  
SIZE—Continued

Vessel size (GRT <sup>1</sup> )	Inspection fee
Mega (>120,001 GRT) .....	17,940

<sup>1</sup>Gross register tonnage in cubic feet, as shown in Lloyd's Register of Shipping.

[FR Doc. 2017-14906 Filed 7-14-17; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND  
HUMAN SERVICES

Centers for Medicare & Medicaid  
Services

[Document Identifier: CMS-10114]

Agency Information Collection  
Activities: Proposed Collection;  
Comment Request

AGENCY: Centers for Medicare &  
Medicaid Services, HHS.

ACTION: Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action.

**DATES:** Comments must be received by September 15, 2017.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number \_\_\_\_\_, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the

proposed collection(s) summarized in this notice, you may make your request using one of the following:

1. Access CMS' Web site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov).

3. Call the Reports Clearance Office at (410) 786-1326.

**FOR FURTHER INFORMATION CONTACT:** Reports Clearance Office at (410) 786-1326.

**SUPPLEMENTARY INFORMATION:**

**Contents**

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (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.

**CMS-10114 National Provider Identifier (NPI) Application and Update Form and Supporting Regs in 45 CFR 142.408, 45 CFR 162.408, 45 CFR 162.406**

Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

**Information Collection**

1. *Type of Information Collection Request:* Extension of a currently approved collection;

*Title of Information Collection:* National Provider Identifier (NPI) Application and Update Form and Supporting Regulations in 45 CFR 142.408, 45 CFR 162.406, 45 CFR 162.408; *Use:* The National Provider Identifier Application and Update Form is used by health care providers to apply for NPIs and furnish updates to the information they supplied on their initial applications. The form is also used to deactivate their NPIs if necessary. The original application form was approved in February 2005 and has been in use since May 23, 2005. The form is available on paper or can be completed via a web-based process. Health care providers can mail a paper application, complete the application via the web-based process via the National Plan and Provider Enumeration System (NPPES), or have a trusted organization submit the application on their behalf via the Electronic File Interchange (EFI) process. The Enumerator uses the NPPES to process the application and generate the NPI. NPPES is the Medicare contractor tasked with issuing NPIs, and maintaining and storing NPI data. *Form Number:* CMS-10114 (OMB Control Number: 0938-0931); *Frequency:* Reporting—On occasion; *Affected Public:* Business or other for-profit, Not-for-profit institutions, and Federal government; *Number of Respondents:* 1,473,185; *Total Annual Responses:* 1,473,185; *Total Annual Hours:* 250,442. (For policy questions regarding this collection contact Kimberly McPhillips at 410-786-5374.)

Dated: July 12, 2017.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2017-14959 Filed 7-14-17; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND  
HUMAN SERVICES

Centers for Medicare & Medicaid  
Services

[Document Identifier: CMS-R-246, CMS-724 and CMS-10225]

Agency Information Collection  
Activities: Submission for OMB  
Review; Comment Request

AGENCY: Centers for Medicare &  
Medicaid Services, HHS.

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by August 16, 2017.

**ADDRESSES:** When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395-5806 or, Email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov).

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at Web site address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov).

3. Call the Reports Clearance Office at (410) 786-1326.

**FOR FURTHER INFORMATION CONTACT:** William Parham at (410) 786-4669.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of

Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension, revision or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Advantage, Medicare Part D, and Medicare Fee-For-Service Consumer Assessment of Healthcare Providers and Systems (CAHPS) Survey; *Use:* This information collection request's currently approved title is, "Medicare Advantage and Medicare Fee-For-Service Consumer Assessment of Healthcare Providers and Systems (CAHPS) Survey." In this iteration we propose to revise the title (see above) to better reflect the data collection.

The primary purpose of the Medicare consumer assessment of healthcare providers and systems (CAHPS) surveys is to provide information to Medicare beneficiaries to help them make more informed choices among health and prescription drug plans available to them. The surveys also provides data to help CMS and others monitor the quality and performance of Medicare health and prescription drug plans and identify areas to improve the quality of care and services provided to enrollees of these plans. *Form Number:* CMS-R-246 (OMB control number: 0938-0732); *Frequency:* Yearly; *Affected Public:* Individuals and households; *Number of Respondents:* 799,650; *Total Annual Responses:* 799,650; *Total Annual Hours:* 192,113. (For policy questions regarding this collection contact Sarah Gaillot at 410-786-4637.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare/Medicaid Psychiatric Hospital Survey Data and Supporting Regulations; *Use:* The CMS-724 form is used to collect data that assists us in program planning

and evaluation and in maintaining an accurate database on providers participating in the psychiatric hospital program. Specifically, we use the information collected on this form in evaluating the Medicare psychiatric hospital program. The form is also used for audit purposes; determining patient population and characteristics of the hospital; and survey term composition. *Form Number:* CMS-724 (OMB control number: 0938-0378); *Frequency:* Annually; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 150; *Total Annual Responses:* 150; *Total Annual Hours:* 75. (For policy questions regarding this collection contact Stephanie Hursey at 410-786-4349.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Disclosures Required of Certain Hospitals and Critical Access Hospitals Regarding Physician Ownership; *Use:* This information collection relates to the required third party disclosures by certain Medicare-participating hospitals and Critical Access Hospitals (CAHs) and physicians to their patients. The intent of the disclosure notice is to assist the patient in making an informed decision regarding their care. The disclosure requires hospitals and CAHs to disclose to its patients whether the hospitals/CAHs are physician-owned and, if so, the names of the physician-owners. The second disclosure requires all hospitals and CAHs that do not have a Doctor of Medicine (MD) or a Doctor of Osteopathic Medicine (DO) on the premises at all times to disclose this to patients upon admission or registration for both inpatient and specified outpatient services. *Form Number:* CMS-10225 (OMB Control Number: 0938-1034); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 2,954; *Total Annual Responses:* 18,876,098; *Total Annual Hours:* 151,256. (For policy questions regarding this collection contact Karena Meushaw at 410-786-2441.)

Dated: July 12, 2017.

**William N. Parham, III,**  
Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017-14958 Filed 7-14-17; 8:45 am]

**BILLING CODE 4120-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Community Living**

**Agency Information Collection Activities; Proposed Collection; Public Comment Request; State Grants for Assistive Technology Program Annual Progress Report (AT APR)**

**AGENCY:** Administration for Community Living, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on ACL's intention to collect information necessary to determine grantee compliance with Section 4 of the Assistive Technology Act of 1998, as amended (AT Act). Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the proposed action. This notice solicits comments on a proposed revision to an existing data collection related to the State Grants for Assistive Technology Program Annual Progress Report (AT APR), formerly the 572 Report (0985-0042).

**DATES:** Submit written or electronic comments on the collection of information by September 15, 2017.

**ADDRESSES:** Submit electronic comments on the collection of information to: *Robert.Groenendaal@acl.hhs.gov*. Submit written comments on the collection of information by mail to Robert Groenendaal, U.S. Department of Health and Human Services, Administration for Community Living, 330 C Street SW., Room 1317B, Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** Robert Groenendaal at (202) 795-7356 or *Robert.Groenendaal@acl.hhs.gov*.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or update of an existing collection of information, before submitting the collection to OMB for approval. The proposed data collection represents a revision of a currently approved collection (ICR-Rev). In order to comply with the above requirement, ACL is requesting approval of a revision of a previously approved collection, the State Grants for Assistive Technology Program Annual Progress Report (AT APR), formerly known as the 572 report (0985-0042).

The AT APR is submitted annually by all State Grantees for AT programs receiving formula funds under Section 4 of the Assistive Technology Act of 1998, as Amended (AT Act). The AT APR is used by ACL to assess grantees' compliance with Section 4 of the AT Act and with applicable provisions of the HHS regulations at 45 CFR part 75. The AT APR enables ACL to analyze qualitative and quantitative data to track performance outcomes and efficiency measures of the State Grants for AT programs; support budget requests; comply with the GPRAMA Modernization Act of 2010 (GPRAMA) reporting requirements; provide national benchmark information; and inform program development and management activities. This information collection has 3 pieces: (A) a web-based system that collects data from states; (B) a performance measure survey on the

access and acquisition of AT devices and services that states collect from individuals; and, (C) a customer satisfaction survey that states collect from individuals on their experiences accessing and acquiring AT through the State AT program. The burden table below identifies the data collection activities for the three surveys above as well as the estimates for record keeping and entry of aggregate data. In addition to submitting a State Plan every three years, states and outlying areas are required to submit annual progress reports on their activities. The data required for these progress reports is specified in Section 4(f) of the AT Act. The State Grants for AT program conduct the following state-level and state leadership activities: state financing, device demonstration, device loans, device reutilization, training and technical assistance, public awareness, and information and referral.

The proposed State Grants for Assistive Technology Program Annual Progress Report may be found on the ACL Web site at: <https://www.acl.gov/about-acl/public-input>.

**Burden Estimates**

ACL estimates the burden of this collection of information as follows:

The total estimated hour burden per respondent for the proposed AT APR will decrease from the 406 hours per respondent estimated in FY 2014 to 404 hours estimated for FY 2017, an estimated reduction of two hours per respondent or 112 in total. These are in addition to substantial reductions made during the last information collection process. The reduction in burden is a result of a data collection workgroup composed of State AT program staff that met to suggest revisions to the current instrument. The workgroup solicited feedback from all of the grantees through face-to-face meetings and webinar presentations. The number of hours is multiplied by 56 AT State Grants programs, resulting in a total estimated hour burden of 22,624 hours.

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
State Grants for AT Annual Progress Report (AT APR) .....	56	1	80.0	4,480
Performance Measure Surveys .....	56	1	54.0	3,024
Customer Satisfaction Surveys .....	56	1	54.0	3,024
Data Entry for the Instruments .....	56	1	208.0	11,648
Record Keeping Burden .....	56	1	8.0	448
Total .....	56	1	404.0	22,624



Dated: July 10, 2017.

**Mary Lazare,**

*Acting Administrator and Assistant Secretary for Aging.*

[FR Doc. 2017-14960 Filed 7-14-17; 8:45 am]

**BILLING CODE 4154-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Announcement of Intent To Establish the Tick-Borne Disease Working Group and Solicitation of Nominations for Appointment to the Working Group Membership

**AGENCY:** Office of the Assistant Secretary for Health, Office of the Secretary, U.S. Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Health and Human Services (HHS) announces establishment of the Working Group. The Secretary of Health and Human Services is responsible for ensuring the conduct of and support for epidemiological, basic, translational, and clinical research related to vector-borne diseases, including tick-borne diseases.

The Working Group will assist in this effort. The Working Group will consist of representatives of appropriate federal agencies and non-federal entities who represent diverse scientific disciplines and views. The Working Group will provide expertise and review all efforts within the Department of Health and Human Services related to all tick-borne diseases, to help ensure interagency coordination and minimize overlap, and to examine research priorities.

This notice also will serve to announce that HHS is seeking nominations of individuals who are interested in being considered for appointment to the Working Group. Resumes or curricula vitae from qualified individuals who wish to be considered for appointment as a member of the Working Group are currently being accepted.

**DATES:** Nominations must be received no later than close of business August 16, 2017.

**ADDRESSES:** All nominations should be sent to: CAPT Richard Henry, Office of HIV/AIDS and Infectious Disease Policy, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services, 330 C Street SW., Room L001 Switzer Building, Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** CAPT Richard Henry, Office of HIV/AIDS and Infectious Disease Policy;

Telephone: (202) 795-7615; Fax: (202) 691-2101; Email address: [richard.henry@hhs.gov](mailto:richard.henry@hhs.gov). When the charter for the Working Group has been filed with the appropriate Congressional committees and the Library of Congress, this document will be made available online. Web site information about activities of the Working Group will be provided when the URL has been identified. The charter will include detailed information about the purpose, function, and structure of the Working Group.

**SUPPLEMENTARY INFORMATION:** Section 2062 of the 21st Century Cures Act authorizes establishment of the Tick-Borne Disease Working Group (Working Group). The Working Group will be governed by provisions of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of federal advisory committees.

The 21st Century Cures Act is intended to advance the research and development of new therapies and diagnostics and make substantial federal investments in a wide range of health priorities.

Under Section 2062 of the 21st Century Cures Act, it is mandated that the Secretary of Health and Human Services establish the Working Group. The Working Group will be comprised of representatives of appropriate federal agencies and non-federal entities. The Working Group membership will represent diverse scientific disciplines and views.

The charter for the Working Group has been drafted. When the charter is approved, it will be filed with the appropriate Congressional committees and the Library of Congress; hard copies of this document will be made available upon request. The approved charter also will be accessible on line. The Working Group will be established as a non-discretionary federal advisory committee.

**Objectives and Scope of Activities.** The Secretary of Health and Human Services is responsible for ensuring the conduct of and support for epidemiological, basic, translational, and clinical research related to vector-borne diseases, including tick-borne diseases. The Working Group will provide assistance for this effort. The Working Group membership will provide expertise and will review all efforts within the Department of Health and Human Services related to all tick-borne diseases, to help ensure interagency coordination and minimize overlap, and to examine research priorities.

**Membership and Designation.** The Working Group will consist of 14 voting members who represent diverse scientific disciplines and views. The composition will include seven federal members and seven non-federal public members. The federal members will consist of one or more representatives of each of the following: Office of the Assistant Secretary for Health, the Food and Drug Administration, the Centers for Disease Control and Prevention, and the National Institutes of Health. The non-federal public members will consist of representatives of the following categories: Physicians and other medical providers with experience in diagnosing and treating tick-borne diseases; scientists or researchers with expertise; patients and their family members; nonprofit organizations that advocate for patients with respect to tick-borne disease. Individuals who are appointed to represent federal entities will be classified as regular government employees. The non-federal public members will be classified as special government employees. Invitations of membership will be extended to other agencies and offices of the Department of Health and Human Services and other individuals as determined by the Secretary to be appropriate and beneficial for accomplishing the mission of the Working Group.

The federal members will be appointed to serve for the duration of time that the Working Group is authorized to operate. Participation of the appointed federal members will be at the discretion of their respective agency head. The non-federal public members will be invited to serve overlapping terms of up to four years. Any non-federal public member who is appointed to fill the vacancy of an unexpired term will be appointed to serve for the remainder of that term. A non-federal public member may serve after the expiration of their term until their successor has taken office, but no longer than 180 days. Terms of more than two years are contingent upon renewal of the charter of the Working Group.

Pursuant to advance written agreement, non-federal public members of the Working Group will receive no stipend for the advisory service that they render as members of the Working Group. However, non-federal public members will receive per diem and reimbursement for travel expenses incurred in relation to performing duties for the Working Group, as authorized by law under 5 U.S.C. 5703 for persons who are employed intermittently to perform services for the federal

government and in accordance with federal travel regulations.

*Estimated Number and Frequency of Meetings.* The Working Group will meet not less than twice a year. The meetings will be open to the public, except as determined otherwise by the Secretary, or another official to whom authority has been delegated, in accordance with the guidelines under Government in the Sunshine Act, 5 U.S.C. 552b(c).

*Nominations:* Nominations, including self-nominations, of individuals who have the specified expertise and knowledge will be considered for appointment as public voting members of the Working Group. A nomination should include, at a minimum, the following for each nominee: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination, and a statement from the nominee that indicates that the individual is willing to serve as a member of the Working Group, if selected; (2) the nominator's name, address, and daytime telephone number, and the address, telephone number, and email address of the individual being nominated; and (3) a current copy of the nominee's curriculum vitae or resume, which should be limited to no more than 10 pages.

Every effort will be made to ensure that the Working Group is a diverse group of individuals with representation from various geographic locations, racial and ethnic minorities, all genders, and persons living with disabilities.

Individuals being considered for appointment as public voting members will be required to complete and submit a report of their financial holdings. An ethics review must be conducted to ensure that individuals appointed as public voting members of the Working Group are not involved in any activity that may pose a potential conflict of interest for the official duties that are to be performed. This is a federal ethics requirement that must be satisfied upon entering the position and annually throughout the established term of appointment on the Working Group.

Dated: July 12, 2017.

**Donald Wright,**

*Acting Assistant Secretary for Health.*

[FR Doc. 2017-14965 Filed 7-14-17; 8:45 am]

**BILLING CODE 4150-28-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; NIAID Clinical Trial Planning Grant (R34).

*Date:* July 31, 2017.

*Time:* 2:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Jay R. Radke, Ph.D., AIDS Review Branch, Scientific Review Program, Division of Extramural Activities, Room #3G11B, National Institutes of Health, NIAID, 5601 Fishers Lane MSC-9823, Bethesda, MD 20892-9823, (240) 669-5046, [jay.radke@nih.gov](mailto:jay.radke@nih.gov).

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

(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 10, 2017.

**Natasha M. Copeland,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-14857 Filed 7-14-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Prospective Grant of Exclusive Patent License: Development, Commercial Application and Use of Fulvestrant in Combination Therapy for the Treatment of Cancers

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Commercialization Patent License to practice the inventions embodied in the U.S. Patents and Patent Applications listed in the Supplementary Information section of this notice to NantBioScience, Inc., located in, California, USA.

**DATES:** Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before August 1, 2017 will be considered.

**ADDRESSES:** Requests for copies of the patent application, inquiries, and comments relating to the contemplated Exclusive Commercialization Patent License should be directed to: Sabarni K. Chatterjee, Ph.D., M.B.A., Senior Licensing and Patenting Manager, NCI Technology Transfer Center, 9609 Medical Center Drive, RM 1E530 MSC 9702, Bethesda, MD 20892-9702 (for business mail), Rockville, MD 20850-9702 Telephone: (240) 276-5530; Facsimile: (240) 276-5504 Email: [sabarni.chatterjee@nih.gov](mailto:sabarni.chatterjee@nih.gov).

#### SUPPLEMENTARY INFORMATION:

##### Intellectual Property

- United States Provisional Patent Application No. 62/290,117 filed February 02, 2016, and entitled "Fulvestrant Improves Immune-mediated Cytotoxic Lysis of Cancer Cells." [HHS Reference No. E-066-2016/0-US-01];

- International PCT Application No. PCT/US2017/015829 filed January 31, 2017, entitled "Fulvestrant Improves Immune-mediated Cytotoxic Lysis of Cancer Cells." [HHS Reference No. E-066-2016/0-PCT-02]; and U.S. and foreign patent applications claiming priority to the aforementioned applications.

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide and the field of use may be limited to the use of Licensed Patent Rights for the following: "Development, commercial application and use of fulvestrant in estrogen receptor positive cancers, in combination with other products and therapies, excluding poxvirus-based vaccines." For avoidance of doubt, the field of use specifically excludes the use of fulvestrant in combination with poxvirus-based vaccines.

This technology discloses the use of fulvestrant, an estrogen receptor antagonist, as an immune modulating agent that enhances the effects of immunotherapy and/or chemotherapy in cancer cells. Fulvestrant treatment of mesenchymal-like lung carcinoma cells increases immune-mediated lysis by reversing epithelial mesenchymal transition (EMT), potentially repairing defective cell death mechanisms driven by EMT, and restoring immune-mediated lysis to chemo-resistant cells. Overall, treatment of cancer cells with fulvestrant in combination with immunotherapy or chemotherapy agents results in increased cancer cell death. Although immunotherapy is leading the charge in cancer treatments, its efficacy is limited by patient resistance to immunotherapy and/or non-responsiveness. Combination therapy with fulvestrant that enhances the therapeutic effects of immunotherapy and chemotherapy, is a promising strategy to improve the clinical outcome for patients with resistant or unresponsive tumors.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license in the prospective field of use that are filed in response to this notice will be treated as objections to the grant of the contemplated Exclusive Commercialization Patent License Agreement. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the *Freedom of Information Act*, 5 U.S.C. 552.

Dated: July 6, 2017.

**Richard U. Rodriguez,**  
*Associate Director, Technology Transfer Center, National Cancer Institute.*

[FR Doc. 2017-14860 Filed 7-14-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Drug Abuse; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Drug Abuse Special Emphasis Panel, July 27, 2017, 09:00 a.m. to July 27, 2017, 05:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on June 29, 2017, 82 125 FR 2017-13696.

This meeting was amended to change the date from July 27, 2017 to July 25, 2017. The time of the meeting remains the same. The meeting is closed to the public.

Dated: July 10, 2017.

**Natasha M. Copeland,**  
*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-14858 Filed 7-14-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Government-Owned Inventions; Availability for Licensing

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

**FOR FURTHER INFORMATION CONTACT:** Dr. Peter Tung; 240-669-5483; [peter.tung@nih.gov](mailto:peter.tung@nih.gov). Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property

Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD, 20852; tel. 301-496-2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

**SUPPLEMENTARY INFORMATION:**  
Technology description follows.

#### Compounds That Treat Malaria and Prevent Malaria Transmission

##### *Description of Technology*

Malaria is the single leading cause of death, especially among children, in the developing world. Malaria is caused by infection with parasites of the genus *Plasmodium*, transmitted by mosquitos. In addition to transmission, vital steps in the parasite lifecycle occur in the mosquito host. The invention offered for licensing relates to therapeutic compounds and related pharmaceutical compositions that can be used in the prevention and treatment of malaria infection. More specifically, the invention is drawn to compounds that may kill sexual and mosquito stage malaria parasites to block transmission. Specifically claimed is the antihistamine Ketotifen, which has demonstrated activity blocking parasite development in mosquitoes. Also claimed are treatments encompassing Ketotifen with other existing antimalarial drugs in a combination treatment aimed at multiple stages in the malaria life cycle.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

##### *Potential Commercial Applications*

- Prevention and treatment of malaria infections

##### *Competitive Advantages*

- Drugs that kill sexual and mosquito stages of the parasite are important for preventing and/or slowing the spread of malaria infection and ultimately for malaria eradication.
- Primaquine, the only currently available drug shown to block transmission, is known to cause serious adverse side effects.

##### *Development Stage*

- Pre-Clinical (animal data available)

*Inventors:* Xin-zhuan Su and Dipak Raj (NIAID).

*Publications:* Eastman R.T. Pattaradilokrat S. Raj D.K. Dixit S. Deng B. Miura K. Yuan J. Tanaka T.Q. Johnson R.L. Jiang H. et al. 2013. A class

of tricyclic compounds blocking malaria parasite oocyst development and transmission. Antimicrob. Agents Chemother. 57: 425–435.

*Intellectual Property:* US Patent # 9,375,424, US divisional patent application: 13/392,668, Worldwide patent applications: Canada 2772085, Europe 10812670.7, India 1684/DELNP/2012. Priority Application 61/237,417 filed August 27, 2009. (HHS Reference No. E–283–2009)

*Licensing Contact:* Peter Tung, Ph.D.; 240–669–5483; [peter.tung@nih.gov](mailto:peter.tung@nih.gov).

*Collaborative Research Opportunity:* The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize this technology. For collaboration opportunities, please contact Peter Tung; 240–669–5483; [peter.tung@nih.gov](mailto:peter.tung@nih.gov).

Dated: July 6, 2017.

**Suzanne Frisbie,**

*Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.*

[FR Doc. 2017–14861 Filed 7–14–17; 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:* Microbiology, Infectious Diseases and AIDS Initial Review Group; Acquired Immunodeficiency Syndrome Research Review Committee AIDS.

*Date:* August 10–11, 2017.

*Time:* 8:00 a.m. to 6:00 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:* Robert C. Unfer, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3F40A, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892–9834, (240) 669–5035, [robert.unfer@nih.gov](mailto:robert.unfer@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 10, 2017.

**Natasha M. Copeland,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017–14856 Filed 7–14–17; 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 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 Clinical Trial Planning Grant (R34).

*Date:* August 8, 2017.

*Time:* 1:15 p.m. to 2:30 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:* Louis A. Rosenthal, Ph.D., Scientific Review Officer, Immunology Review Branch, 5601 Fishers Lane, Telephone: 240–669–5070, Fax: 301–480–2408, [rosenthalla@niaid.nih.gov](mailto:rosenthalla@niaid.nih.gov).

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Planning Grant (R34).

*Date:* August 8, 2017.

*Time:* 12:00 p.m. to 1:15 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:* Louis A. Rosenthal, Ph.D., Scientific Review Officer, Immunology Review Branch, 5601 Fishers Lane, Telephone: 240–669–5070, Fax: 301–480–2408, [rosenthalla@niaid.nih.gov](mailto:rosenthalla@niaid.nih.gov).

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Grant (R01).

*Date:* August 10, 2017.

*Time:* 1:00 p.m. to 2:30 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](mailto: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 10, 2017.

**Natasha M. Copeland,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017–14855 Filed 7–14–17; 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: International and Cooperative Projects 1.

*Date:* July 21, 2017.

*Time:* 10:30 a.m. to 12:00 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:* Brian H. Scott, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301-827-7490, [brianscott@mail.nih.gov](mailto:brianscott@mail.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Exploration of Antimicrobial Resistant Microbes and Therapeutics.

*Date:* August 1, 2017.

*Time:* 9:30 a.m. to 12:00 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:* Susan Daum, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 3202, Bethesda, MD 20892, 301-827-7233, [susan.boyle-vavra@nih.gov](mailto:susan.boyle-vavra@nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 11, 2017.

**Natasha M. Copeland,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-14854 Filed 7-14-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA-DK-17-508 Limited Competition: TEDDY Follow-up (UC4).

*Date:* July 27, 2017.

*Time:* 11:30 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate cooperative agreement applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7119, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, 301-594-2242, [jerkinsa@nidk.nih.gov](mailto:jerkinsa@nidk.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: July 11, 2017.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-14859 Filed 7-14-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2016-0045]

### Privacy Act of 1974; System of Records

**AGENCY:** Department of Homeland Security, Privacy Office.

**ACTION:** Notice of modified Privacy Act System of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Department of Homeland Security is modifying and reissuing a current Department of Homeland Security system of records titled, "Department of Homeland Security/United States Coast Guard-029 Notice of Arrival and Departure System of Records." This system of records notice was previously re-issued in the **Federal Register** on November 27, 2015. The Department is providing a further update based on comments received in response to the November 2015 update.

This system of records allows the United States Coast Guard (Coast Guard) to facilitate the effective and efficient

entry and departure of vessels into and from the United States, and assist with assigning priorities for complying with maritime safety and security regulations. As part of the Department's ongoing effort to promote transparency regarding its collection of information, the Coast Guard is updating its November 2015 system of records notice to explain its changes to the routine uses. Additional updates to this notice were explained in the November 2015 update. Further, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice. The Coast Guard has re-issued this systems of records notice in its entirety for clarity and transparency.

The Coast Guard also issued a Notice of Proposed Rulemaking (NPRM) to clarify the exemptions for this system at 80 FR 74018 (Nov. 27, 2015).

Concurrently with this modified system of records notice, the Coast Guard has issued a Final Rule. Responses from the Coast Guard to comments to the NPRM for this system may be found in the Final Rule elsewhere in this issue of the **Federal Register**.

This modified system will be included in the Department of Homeland Security's inventory of record systems.

**DATES:** No further comments are being accepted. This modified system will be effective the date of this **Federal Register** notice.

**ADDRESSES:** No further comments are being accepted. This modified system will be effective the date of this **Federal Register** notice.

**FOR FURTHER INFORMATION CONTACT:** For general questions, please contact: Marilyn Scott-Perez, (202) 475-3515, Privacy Officer, Commandant (CG-61), United States Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Mail Stop 7710, Washington, DC 20593. For privacy questions, please contact: Jonathan R. Cantor, (202) 343-1717, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) United States Coast Guard (USCG) is modifying and reissuing a current DHS system of records titled, "DHS/USCG-029 Notice of Arrival and Departure (NOAD) System of Records."

The collection and maintenance of this information assists DHS/USCG in meeting its statutory obligation to assign

priorities while conducting maritime safety and security missions in accordance with international and U.S. regulations. DHS/USCG is modifying this system of records notice to update the routine uses in response to comments received in the November 2015 update of this records notice in the **Federal Register** and updated OMB Circular A-108.

This system of records notice was previously re-issued in the **Federal Register** on November 27, 2015 at 80 FR 74116. The Department is providing a further update based on comments received in response to this update.

First, in general, the commenter noted that the proposed routine uses exceed the scope of DHS's authority because these routine uses would permit the sharing of information outside maritime security and screening, which was the purpose for which it was originally gathered. DHS does not concur. It is within DHS's authority to share information legally obtained, and compatible with the purposes for which it was collected, with other law enforcement agencies and components. DHS has a mandate to protect the United States from law enforcement threats, and, as a result, is mandated to share such information with other Federal Government agencies. DHS is working to ensure information regarding threats is shared across the Government to reduce or disrupt threats and prosecute criminals.

Second, the commenter was specifically concerned with routine uses G, H, I, J, and M which permit DHS to disclose records to foreign entities, which are not subject to Privacy Act, consequently putting private information of American citizens at risk. The SORN has been modified to address some of the commenter's concerns. DHS's partnerships with foreign governments and entities are critical to its ability to successfully apprehend criminals. DHS's refusal or inability to share information regarding suspected criminals would undermine its mutually beneficial relationships with these foreign governments and could impede DHS's efforts to gain information it needs for its efforts to fight crime targeted at the United States. However, to limit the scope of sharing with foreign partners, DHS will consider a foreign entity's ability to safeguard personally identifiable information (PII), and its commitment to and history of safeguarding such information, when determining whether to share records containing PII. In addition, with respect to Routine Use M, DHS will use fictitious data whenever possible when

testing new technology, to further reduce risk of PII exposure.

Third, the commenter also stated that Routine Use N, which permits disclosure of information to the news media and public in three narrow instances, is too broad. DHS does not concur. As a Department that regularly interacts with the public and relies heavily on public trust, DHS must be able to preserve its integrity and correct the record when necessary. Prior to disclosing information pursuant to this routine use, the DHS Chief Privacy Officer and the DHS Office of the General Counsel conduct an analysis to minimize the effect of the disclosure and ensure that the disclosure sheds light on Government operations and would not constitute a clearly unwarranted invasion of personal privacy.

Consistent with DHS's information sharing mission, information stored in this system of records may be shared with other DHS components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions and missions. In addition, DHS/USCG may share information with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice.

The Coast Guard is issuing a Final Rule to clarify the exemptions for this system concurrently with this notice. This modified system will be included in DHS's inventory of record systems.

## II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, and similarly, the Judicial Redress Act (JRA) provides a statutory right to covered persons to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures

of covered records, except as otherwise permitted by the Privacy Act.

Below is the description of the DHS/USCG-029 Notice of Arrival and Departure System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

### SYSTEM NAME AND NUMBER:

Department of Homeland Security (DHS)/United States Coast Guard (USCG)-029 Notice of Arrival and Departure.

### SECURITY CLASSIFICATION:

Unclassified. The data may be retained on classified networks but this does not change the nature and character of the data until it is combined with classified information.

### SYSTEM LOCATION:

The United States Coast Guard (USCG) maintains records in the operational system at the USCG Operations Systems Center, Kearneysville, West Virginia (WV), and in disaster recovery backup systems in other USCG field locations. USCG maintains records associated with this function in the Ship Arrival Notification System (SANS) operational information technology (IT) system.

DHS replicates records from the operational IT system and maintains them in other IT systems connected on the DHS unclassified and classified networks.

### SYSTEM MANAGER(S):

Commandant (CG-26), United States Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Mail Stop 7301, Washington, DC 20593-0001.

### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Secretary of the Department of Homeland Security has delegated to the Coast Guard authority from the Ports and Waterways Safety Act (33 U.S.C. 1221 *et seq.*). See specifically 33 U.S.C. 1223(a)(5), 1225, and 1231; 46 U.S.C. 3717; 46 U.S.C. 12501; the Maritime Transportation Act of 2002, Public Law 107-295; the Homeland Security Act of 2002, Public Law 107-296; 33 CFR part 160; and 36 CFR chapter XII.

### PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to maintain NOAD information to improve navigation safety, enhance the Coast Guard's ability to identify and track vessels, and heighten the Coast Guard's overall situational and maritime domain awareness (MDA), which will enhance mariners' navigation safety and the

Coast Guard's ability to address threats to maritime transportation security.

DHS maintains a replica of some or all of the NOAD data in operational IT systems residing on unclassified and classified DHS networks to allow for analysis and vetting consistent with the above stated purposes and this published notice.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Crew members who arrive or depart the United States by sea; and other individuals or organizations associated with a vessel and whose information is submitted as part of a notice of arrival or notice of departure, such as vessel owners, operators, charterers, reporting parties, 24-hour contacts, company security officers, and passengers who arrive and depart the United States by sea.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records on vessels include: Name of vessel; name of registered owner; country of registry; call sign; International Maritime Organization (IMO) number or, if a vessel does not have an IMO number the official number; name of the operator; name of charterer; and name of classification society.

Records on arrival information pertaining to the voyage include: Names of last five foreign ports or places the vessel visited; dates of arrival and departure for last five foreign ports or places it visited; for each port or place in the United States the vessel will visit, the name of the receiving facility; for the port or place in the United States the estimated date and time of arrival; for the port or place in the United States the estimated date and time of departure; the location (port or place and country) or position (latitude and longitude or waterway and mile marker) of the vessel at the time of reporting; and the name and telephone number of a 24-hour point of contact (POC). This individual may be a crew or non-crew member.

Records on departure information pertaining to the voyage include: The name of the departing port or waterway of the United States; the estimated date and time of departure; next port or place of call (including foreign); the estimated date and time of arrival at the next port or place of call; and the name and telephone number of a 24-hour POC.

Records about crewmembers include: Full name; date of birth; nationality; identification type (e.g., passport, U.S. Alien Registration Card, U.S. Merchant Mariner Document, foreign mariner document, government-issued picture identification (ID) (Canada) or (United

States)); identification issue and expiration dates; position or duties on the vessel; location where the crewmember embarked (list port or place and country); and location where the crewmember will disembark.

Records about "other individuals associated with a vessel and whose information is submitted as part of a notice of arrival or notice of departure" (e.g., passenger information) include: Full name; date of birth; nationality; identification type (e.g., passport, U.S. Alien Registration Card, government-issued picture ID); identification number, issuing country, issue date, expiration date; U.S. address information; and location where the individual embarked (list port or place and country).

Records related to cargo onboard the vessel include: A general description of cargo other than Certain Dangerous Cargo (CDC) onboard the vessel (e.g., grain, container, oil); name of each CDC carried, including United Nations (UN) number, if applicable; and amount of each CDC carried.

Records regarding the operational condition of equipment required by 33 CFR part 164 include: The date of issuance for the company's document of compliance certificate; the date of issuance of the vessel's safety management certificate; and the name of the flag administration, or recognized organization(s) representing the vessel flag administration that issued those certificates.

**RECORD SOURCE CATEGORIES:**

USCG obtains NOAD records from vessel carriers and operators regarding passengers, crewmembers, and cargo that arrive in, depart from, or transit through the United States on a vessel carrier covered by notice of arrival and departure regulations.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. Any employee or former employee of DHS in his/her official capacity;
3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS determines that information from this system of records is reasonably necessary and otherwise compatible with the purpose of collection to assist another federal recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach; or

2. DHS suspects or has confirmed that there has been a breach of this system of records; and (a) DHS has determined that as a result of the suspected or confirmed breach, there is a risk of harm to individuals, harm to DHS (including its information systems, programs, and operations), the Federal Government, or national security; and (b) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on

disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure. Prior to releasing information to a foreign entity, DHS will consider the foreign entity's ability to safeguard personally identifiable information, and its commitment to and history of safeguarding such information.

H. To federal and foreign government intelligence or counterterrorism agencies or components if USCG becomes aware of an indication of a threat or potential threat to national or international security, or if such use is to assist in anti-terrorism efforts and disclosure is appropriate to the proper performance of the official duties of the person making the disclosure. Prior to releasing information to a foreign entity, DHS will consider the foreign entity's ability to safeguard personally identifiable information, and its commitment to and history of safeguarding such information.

I. To an organization or individual in either the public or private sector, foreign or domestic, if there is a reason to believe that the recipient is or could become the target of a particular terrorist activity or conspiracy, to the extent the information is relevant to the protection of life, property, or other vital interests of a data subject and disclosure is proper and consistent with the official duties of the person making the disclosure. Prior to releasing information to a foreign entity, DHS will consider the foreign entity's ability to safeguard personally identifiable information, and its commitment to and history of safeguarding such information.

J. To appropriate federal, state, local, tribal, territorial, or foreign governmental agencies or multilateral governmental organizations for the purpose of protecting the vital interests of a data subject or other persons, USCG will provide appropriate notice of any identified health threat or risk to assist such agencies or organizations in preventing exposure to or transmission of a communicable or quarantined disease or for combating other significant public health threats. Prior to

releasing information to a foreign entity, DHS will consider the foreign entity's ability to safeguard personally identifiable information, and its commitment to and history of safeguarding such information.

K. To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, settlement negotiations, or in connection with criminal law proceedings.

L. To third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate in the proper performance of the official duties of the officer making the disclosure.

M. To appropriate federal, state, local, tribal, territorial, or foreign governmental agencies or multilateral governmental organizations, with the approval of the Chief Privacy Officer, if DHS is aware of a need to utilize relevant data for purposes of testing new technology and systems designed to enhance border security or identify other violations of law, provided disclosure is appropriate in the proper performance of the official duties of the person making the disclosure. When testing new systems, fictitious data will be utilized whenever possible to reduce the risk of unwarranted disclosure. Prior to releasing information to a foreign entity, DHS will consider the foreign entity's ability to safeguard personally identifiable information, and its commitment to and history of safeguarding such information.

N. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, or when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute a clearly unwarranted invasion of personal privacy.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

DHS/USCG stores records in this system electronically in the operational IT system, as well as on other IT systems residing on the unclassified and classified networks or on paper in

secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and digital media.

USCG stores NOAD information electronically in the Ship Arrival Notice System (SANS) located at USCG Operations Systems Center in Kearneysville, WV. USCG uses an alternative storage facility for the SANS historical logs and system backups. Derivative NOAD system data may be stored on USCG Standard Workstation computers or USCG unit servers located at USCG Headquarters, headquarters units, area offices, sector offices, sector sub-unit offices, and other locations where USCG authorized personnel may be posted to facilitate DHS's mission.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

USCG retrieves records from the SANS by vessel. Information from the retrieved records may then be extracted by name, passport number, or other unique personal identifier. NOAD information maintained in the SANS operational IT system is not directly retrievable by name or other unique personal identifier.

NOAD data that is replicated on the unclassified and classified DHS networks to allow for analysis and vetting consistent with the above stated purposes and this published notice may be retrieved by all core and extended biographic fields (*e.g.*, full name; date of birth; nationality).

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

In accordance with NARA Disposition Authority number N1-026-05-11, NOAD information on vessels and individuals maintained in the SANS is destroyed or deleted when no longer needed for reference, or after ten years, whichever is later. Outputs, which include ad-hoc reports generated for local and immediate use to provide a variety of interested parties with necessary information, are deleted after five years if they do not constitute a permanent record according to NARA. For example, in accordance with this schedule, USCG shares outputs with the Captains of the Port and marine safety offices, sea marshals, U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement if they require such information to set up security zones, schedule boarding and inspections activities, take actions for non-compliance with regulations, and other activities in support of USCG's mission to provide for safety and security of U.S. ports. Records replicated to IT systems residing on the



unclassified and classified networks will also follow the same retention schedule.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

USCG safeguards NOAD data in accordance with applicable laws, rules, and policies. All records are protected from unauthorized access through appropriate administrative, physical, and technical safeguards. These safeguards include role-based access provisions, restricting access to authorized personnel who have a need-to-know, using locks, and password-protection identification features. USCG file areas are locked after normal duty hours and the facilities are protected from the outside by security personnel. In addition, the system manager has the capability to maintain system back-ups for the purpose of supporting continuity of operations and the discrete need to isolate and copy specific data access transactions for the purpose of conducting security incident investigations. All communication links with the USCG datacenter are encrypted. The databases are Certified and Accredited in accordance with the requirements of the Federal Information Security Management Act (FISMA).

**RECORD ACCESS PROCEDURES:**

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act, and those of the Judicial Redress Act if applicable, because it is a law enforcement system. However, DHS/USCG will consider individual requests to determine whether or not information may be released. Thus, individuals seeking access to and notification of any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer and Headquarters or USCG's FOIA Officer, whose contact information can be found at <http://www.dhs.gov/foia> under "Contacts Information." If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, Washington, DC 20528-0655. Even if neither the Privacy Act nor the Judicial Redress Act provide a right of access, certain records about you may be available under the Freedom of Information Act.

When seeking records about yourself from this system of records or any other Departmental system of records, your

request must conform with the Privacy Act regulations set forth in 6 CFR part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, <http://www.dhs.gov/foia> or 1-866-431-0486. In addition, you should:

- Explain why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records;

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

**CONTESTING RECORD PROCEDURES:**

For records covered by the Privacy Act or covered Judicial Redress Act records, see "access procedures" above.

**NOTIFICATION PROCEDURES:**

See "Record Access procedure."

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

No exemption shall be asserted with respect to information maintained in the system that is collected from a person if that person, or his or her agent, seeks access to or amendment of such information.

The Privacy Act, however, requires DHS to maintain an accounting of the disclosures made pursuant to all routines uses. Disclosing the fact that a law enforcement or intelligence agency has sought particular records may affect ongoing law enforcement activities. The Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(j)(2), exempted this system from the following provisions of the Privacy Act: Sections (c)(3), (e)(8), and (g) of the Privacy Act of 1974, as amended, as is

necessary and appropriate to protect this information. Further, DHS has exempted section (c)(3) of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(k)(2) as is necessary and appropriate to protect this information.

**HISTORY:**

73 FR 75442; 76 FR 69749; 79 FR 64812; 80 FR 74116.

Dated: July 10, 2017.

**Jonathan R. Cantor,**

*Acting Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. 2017-14841 Filed 7-14-17; 8:45 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[FWS-R8-ES-2017-N087;  
FXES1113080000-178-FF08EVEN00]

**Receipt of Application for Incidental Take Permit; Low-Effect Habitat Conservation Plan for the Laguna County Sanitation District, Santa Barbara County, California**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit application; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have received an application from Laguna County Sanitation District, for an incidental take permit under the Endangered Species Act of 1973, as amended. The permit would authorize take of the federally endangered California tiger salamander (Santa Barbara distinct population segment) and the federally threatened California red-legged frog incidental to otherwise lawful activities associated with the Laguna County Sanitation District Project Habitat Conservation Plan. We invite public comment.

**DATES:** Written comments should be received on or before August 16, 2017.

**ADDRESSES:**

*To obtain documents:* You may download a copy of the draft habitat conservation plan and draft low-effect screening form and environmental action statement on the Internet at <http://www.fws.gov/ventura/>, or you may request copies of the documents by U.S. mail to our Ventura office, or by phone (see **FOR FURTHER INFORMATION CONTACT**).

*To submit written comments:* Please send us your written comments using one of the following methods:

- *U.S. mail:* Send your comments to: Stephen P. Henry, Field Supervisor,

Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.

• *Facsimile (fax)*: Fax your comments to (805) 644-3958.

**FOR FURTHER INFORMATION CONTACT:**

Rachel Henry, Fish and Wildlife Biologist, at the above address or by calling (805) 677-3312.

**SUPPLEMENTARY INFORMATION:** We have received an application from Laguna County Sanitation District (applicant), for an incidental take permit under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; Act). The applicant has agreed to follow all of the conditions in the habitat conservation plan for the project. The permit would authorize take of the Santa Barbara distinct population segment of the federally endangered California tiger salamander (*Ambystoma californiense*) and the federally threatened California red-legged frog (*Rana draytonii*) incidental to otherwise lawful activities associated with the Laguna County Sanitation District Project Habitat Conservation Plan (HCP). We invite public comment on the application, the draft habitat conservation plan, draft low-effect screening form, and environmental action statement.

**Background**

The Santa Barbara distinct population segment of the California tiger salamander was listed by the Service as endangered on September 21, 2000 (65 FR 57242). The California red-legged frog was listed by the Service as threatened on May 23, 1996 (61 FR 25813). Section 9 of the Act and its implementing regulations prohibit the “take” of fish or wildlife species listed as endangered or threatened. “Take” is defined under the Act to include the following activities: “[T]o harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the Act, we may issue permits to authorize incidental take of listed species. “Incidental take” is defined by the Act as take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are in the Code of Federal Regulations at 50 CFR 17.32 and 17.22, respectively. Under the Act, protections for federally listed plants differ from the protections afforded to federally listed animals. Issuance of an incidental take permit also must not jeopardize the existence of federally

listed fish, wildlife, or plant species. All species included in the incidental take permit would receive assurances under our “No Surprises” regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

The applicant has applied for a permit for incidental take of the California tiger salamander and California red-legged frog. The potential taking would occur as a result of activities associated with the construction of the farm labor camp in suitable habitat for the covered species.

**Our Preliminary Determination**

The Service has made a preliminary determination that issuance of the permit is neither a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*; NEPA), nor will it individually or cumulatively have more than a negligible effect on the species covered in the HCP. Therefore, the permit qualifies for a categorical exclusion under NEPA.

**Public Comments**

If you wish to comment on the permit application, plan, and associated documents, you may submit comments by one of the methods in **ADDRESSES**.

**Public Availability of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

**Authority**

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: July 11, 2017.

**Stephen P. Henry,**

*Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.*

[FR Doc. 2017-14926 Filed 7-14-17; 8:45 am]

**BILLING CODE 4333-15-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

[178A2100DD/AAKC001030/  
AOA501010.999900 253G]

**Indian Gaming; Approval of an Amendment to a Tribal-State Class III Gaming Compact in the State of Arizona**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** The Tohono O’odham Nation of Arizona and State of Arizona negotiated an Agreement to Amend Compact between the Tohono O’odham Nation and the State of Arizona governing Class III gaming; this notice announces approval of the Agreement to Amend Compact.

**DATES:** This notice takes effect July 17, 2017.

**FOR FURTHER INFORMATION CONTACT:** Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** Section 11 of the Indian Gaming Regulatory Act (IGRA) requires the Secretary of the Interior to publish in the **Federal Register** notice of approved Tribal-State compacts that are for the purpose of engaging in Class III gaming activities on Indian lands. *See* Public Law 100-497, 25 U.S.C. 2701 *et seq.* All Tribal-State Class III compacts, including amendments, are subject to review and approval by the Secretary under 25 CFR 293.4. The Agreement to Amend Compact prohibits gaming in the Geographical Area with the exception of one gaming facility on the West Valley Trust Land, increases the number of Keno games to four within each of the Tribe’s facilities, and allows for the operation of an additional five poker tables within each gaming facility. The Agreement to Amend Compact is approved. *See* 25 U.S.C. 2710(d)(8)(A).

Dated: July 7, 2017.

**Michael S. Black,**

*Acting Assistant Secretary—Indian Affairs.*

[FR Doc. 2017-14881 Filed 7-14-17; 8:45 am]

**BILLING CODE 4337-15-P**

**DEPARTMENT OF JUSTICE**

[OMB Number 1110-0050]

**Agency Information Collection Activities; Proposed eCollection; eComments Requested; FBI National Academy: End-of-Session Student Course Questionnaire; FBI National Academy: General Remarks Questionnaire****AGENCY:** Federal Bureau of Investigation, Department of Justice.**ACTION:** 30-day notice.

**SUMMARY:** Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Training Division's Curriculum Management Section (CMS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register**, on May 12, 2017, allowing for a 60 day comment period.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until August 16, 2017.

**FOR FURTHER INFORMATION CONTACT:** Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to US Department of Justice, Federal Bureau of Investigation. Contact Keith Shirley, Unit Chief, Evaluation and Assessment Unit, Training Division, FBI Academy. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to [OIRA\\_submissions@omb.eop.gov](mailto:OIRA_submissions@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection:

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* FBI National Academy: End-of-Session Student Course Questionnaire FBI National Academy: General Remarks Questionnaire

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Agency form number: Unnumbered. Sponsoring component: Training Division, Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: FBI National Academy students that represent state and local police and sheriffs' departments, military police organizations, and federal law enforcement agencies from the United States and over 150 foreign nations. This collection is requested by the FBI National Academy. These questionnaires have been designed to collect feedback from National Academy students regarding their courses and instructors. The results are used to help determine if the National Academy program is functioning as intended and meeting its goals and objectives. We will utilize the students' comments to improve the current curriculum.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that approximately 1,000 FBI National Academy students per year will respond to two types of questionnaires, (1) FBI National Academy: End-of-Session Student Course Questionnaire and (2) FBI National Academy: General Remarks Questionnaire. It is predicted we will receive a 75% response rate for both questionnaires. Each student will respond to seven Student Course questionnaires- one for each course they completed. The average time for reading the questionnaire directions is estimated to be two (2) minutes; the time to complete each questionnaire is

estimated to be approximately 13 minutes. Thus the total time to complete one Student Course questionnaire is 15 minutes and 105 minutes for all seven questionnaires.

*For the FBI National Academy:* General Remarks Questionnaire, students will respond to one questionnaire. The average time for reading the questionnaire directions is estimated to be (2) minutes; the time to complete the questionnaire is estimated to be approximately 10 minutes. Thus the total time to complete the General Remarks Questionnaire is 12 minutes.

The total estimated time for both questionnaires per respondent is approximately 117 minutes or about 2 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* Given that approximately 75% of those surveyed (or 750) will respond, the total public burden for completing all questionnaires is 1462.5 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 3E.405B, Washington, DC 20530.

Dated: July 12, 2017.

**Melody Braswell,**

*Department Clearance Officer, PRA, U.S. Department of Justice.*

[FR Doc. 2017-14900 Filed 7-14-17; 8:45 am]

**BILLING CODE 4410-02-P**

**DEPARTMENT OF JUSTICE**

[OMB Number 1110-0021]

**Agency Information Collection Activities; Proposed eCollection; eComments Requested; FBI National Academy: End-of-Session Student Course Questionnaire FBI National Academy: General Remarks Questionnaire****AGENCY:** Federal Bureau of Investigation, Department of Justice.**ACTION:** 30-day notice.

**SUMMARY:** Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Training Division's Curriculum Management Section (CMS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal**

**Register**, on May 12, 2017, allowing for a 60 day comment period.

**DATES:** Comments are encouraged and will be accepted for an additional 30 day until August 16, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to US Department of Justice, Federal Bureau of Investigation. Contact Keith Shirley, Unit Chief, Evaluation and Assessment Unit, Training Division, FBI Academy.

Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to [OIRA\\_submissions@omb.eop.gov](mailto:OIRA_submissions@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection:

(1) Type of Information Collection: Revision of a currently approved collection.

(2) Title of the Form/Collection: Request for Registration Under the Gambling Devices Act of 1962.

(3) Agency form number, if any, and the applicable component of the Department sponsoring the collection: Agency form number: Unnumbered Sponsoring component: Training Division, Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: FBI National Academy students that represent state and local police and sheriffs' departments, military police organizations, and federal law enforcement agencies from the United States and over 150 foreign nations. This collection is requested by FBI National Academy. These questionnaires have been designed to collect feedback from National Academy students regarding their courses and instructors. The results are used to help determine if the National Academy program is functioning as intended and meeting its goals and objectives. We will utilize the students' comments to improve the current curriculum.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: It is estimated that approximately 1,000 FBI National Academy students per year will respond to two types of questionnaires, (1) FBI National Academy: End-of-Session Student Course Questionnaire and (2) FBI National Academy: General Remarks Questionnaire. It is predicted we will receive a 75% response rate for both questionnaires. Each student will respond to seven Student Course questionnaires—one for each course they completed. The average time for reading the questionnaire directions is estimated to be two (2) minutes; the time to complete each questionnaire is estimated to be approximately 13 minutes. Thus the total time to complete one Student Course questionnaire is 15 minutes and 105 minutes for all seven questionnaires.

For the FBI National Academy: General Remarks Questionnaire, students will respond to one questionnaire. The average time for reading the questionnaire directions is estimated to be (2) minutes; the time to complete the questionnaire is estimated to be approximately 10 minutes. Thus the total time to complete the General Remarks Questionnaire is 12 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* Given that approximately 75% of those surveyed (or 750) will respond, the total public burden for completing all questionnaires is 1462.5 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 3E.405B, Washington, DC 20530.

Dated: July 12, 2017.

**Melody Braswell,**

*Department Clearance Officer, PRA, U.S. Department of Justice.*

[FR Doc. 2017-14901 Filed 7-14-17; 8:45 am]

**BILLING CODE 4410-02-P**

**DEPARTMENT OF JUSTICE**

[OMB Number 1110-0009]

**Agency Information Collection Activities; Proposed eCollection; eComments Requested; Law Enforcement Officers Killed and Assaulted Program, Analysis of Officers Feloniously Killed and Assaulted; and Law Enforcement Officers Killed and Assaulted Program; Analysis of Officers Accidentally Killed**

**AGENCY:** Federal Bureau of Investigation, Department of Justice.

**ACTION:** 30-day notice.

**SUMMARY:** Department of Justice (DOJ), Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** May 16, 2017, allowing for a 60 day comment period.

**DATES:** Comments are encouraged and will be accepted for an additional 30 day until August 16, 2017.

**FOR FURTHER INFORMATION CONTACT:** Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Mrs. Amy Blasher, Unit Chief, Federal Bureau of Investigation, CJIS Division, Module E-3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625-3566. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to [OIRA\\_submissions@omb.eop.gov](mailto:OIRA_submissions@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Law Enforcement Officers Killed and Assaulted Program, Analysis of Officers Feloniously Killed and Assaulted; and Law Enforcement Officers Killed and Assaulted Program, Analysis of Officers Accidentally Killed.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Agency form number: 1-701 and 1-701a. Sponsoring component: Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal, and tribal law enforcement agencies. Abstract: Under Title 28, U.S. Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials, this collection requests the number of officers killed or assaulted from law enforcement agencies in order for the FBI Uniform Crime Reporting Program to serve as the national clearinghouse for the collection and dissemination of law enforcement officer death/assault data and to publish these statistics in law Enforcement Officers Killed and Assaulted.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* There are approximately 188 law enforcement agency respondents with an estimated response time of 1 hour per report.

(6) *An estimate of the total public burden (in hours) associated with the*

*collection:* There are an estimated 188 hours, annual burden, associated with this information collection.

*If additional information is required contact:* Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 3E.405B, Washington, DC 20530.

Dated: July 12, 2017.

**Melody Braswell,**

*Department Clearance Officer, PRA, U.S. Department of Justice.*

[FR Doc. 2017-14903 Filed 7-14-17; 8:45 am]

**BILLING CODE 4410-02-P**

#### DEPARTMENT OF JUSTICE

[OMB Number 1110-0002]

#### Agency Information Collection Activities; Proposed eCollection; eComments Requested; Supplementary Homicide Report

**AGENCY:** Federal Bureau of Investigation, Department of Justice.

**ACTION:** 30-day Notice.

**SUMMARY:** Department of Justice (DOJ), Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** on May 16, 2017 allowing for a 60-day comment period.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until August 16, 2017.

**FOR FURTHER INFORMATION CONTACT:** Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Mrs. Amy Blasher, Unit Chief, Federal Bureau of Investigation, CJIS Division, Module E-3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625-3566. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to [OIRA\\_submissions@omb.eop.gov](mailto:OIRA_submissions@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning

the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Supplementary Homicide Report.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Agency form number: 1-704.

*Sponsoring component:* Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal, and tribal law enforcement agencies. Abstract: Under Title 28, U.S. Code, Section 534, this information collection requests homicide data from respondents in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of homicide data and to publish these statistics in Crime in the United States. The SHR provides for the national UCR Program a record of each homicide incident including details regarding the victim, offender, their relationship, the weapon used, and the circumstances in which each criminal homicide, justifiable homicide, and manslaughter by negligence is committed.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* There are approximately 10,106 law enforcement agency

respondents that submit monthly for a total of 121,272 responses with an estimated response time of 9 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 18,191 hours, annual burden, associated with this information collection.

*If additional information is required contact:* Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 3E.405B, Washington, DC 20530.

Dated: July 12, 2017.

**Melody Braswell,**

*Department Clearance Officer, PRA, U.S. Department of Justice.*

[FR Doc. 2017-14905 Filed 7-14-17; 8:45 am]

**BILLING CODE 4410-02-P**

## NATIONAL SCIENCE FOUNDATION

### Notice of Intent To Seek Approval To Renew an Information Collection

**AGENCY:** National Science Foundation.

**ACTION:** Notice and request for comments.

**SUMMARY:** The National Science Foundation (NSF) is announcing plans to request renewal of this collection. In accordance with the requirement of the Paperwork Reduction Act of 1995, we are providing an opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than 3 years.

*Comments:* Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; (d) 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.

**DATES:** Written comments on this notice must be received by September 15, 2017

to be assured of consideration. Comments received after that date will be considered to the extent practicable.

**ADDRESSES:** Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Suite 1265, Arlington, VA 22230, or by email to [splimpto@nsf.gov](mailto:splimpto@nsf.gov).

**FOR FURTHER INFORMATION CONTACT:** Contact Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Suite 1265; telephone 703-292-7556; or send email to [splimpto@nsf.gov](mailto:splimpto@nsf.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* National Science Foundation-Managed Awards.

*OMB Approval Number:* 3145-0035.

*Expiration Date of Approval:* November 30, 2017.

*Type of Request:* Intent to seek approval to renew an information collection for three years.

*Abstract:* The National Science Foundation (NSF) administers several external awards, among them the President's National Medal of Science, the Alan T. Waterman Award, the National Science Board (NSB) Vannevar Bush Award, the NSB Public Service Award, the Presidential Awards for Excellence in Science, Mathematics and Engineering Mentoring (PAESMEM) program, and the Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST) program.

In 2003, to comply with E-government requirements, the nomination processes were converted to electronic submission through the National Science Foundation's (NSF) FastLane system or via other electronic systems as described in the individual nomination process. Individuals can now prepare nominations and references through [www.fastlane.nsf.gov/honawards/](http://www.fastlane.nsf.gov/honawards/). First-time users must register on the Fastlane Web site using the link found in the upper right-hand corner above the "Log In" box before accessing any of the honorary award categories. The nominations for PAESMEM also may be submitted via [www.grants.gov](http://www.grants.gov). Nominations and applications are submitted on the PAEMST portal at [www.PAEMST.org](http://www.PAEMST.org).

*Use of the Information:* The Foundation has the following honorary award programs:

- President's National Medal of Science. Statutory authority for the President's National Medal of Science is contained in 42 U.S.C. 1881 (Public Law 86-209), which established the award and stated that "(t)he President shall . . . award the Medal on the recommendations received from the National Academy of Sciences or on the basis of such other information and evidence as . . . appropriate."

Subsequently, Executive Order 10961 specified procedures for the Award by establishing a National Medal of Science Committee which would "receive recommendations made by any other nationally representative scientific or engineering organization." On the basis of these recommendations, the Committee was directed to select its candidates and to forward its recommendations to the President.

In 1962, to comply with these directives, the Committee initiated a solicitation form letter to invite these nominations. In 1979, the Committee initiated a nomination form as an attachment to the solicitation letter. A slightly modified version of the nomination form was used in 1980.

The Committee has established the following considerations for selection of candidates:

- a. The impact of an individual's body of work on the current state of his or her field of science or engineering;
- b. Whether the individual's achievements are of an unusually significant nature in relation to the potential effects on the development of thought in his or her field of science or engineering;
- c. Whether the nominee has demonstrated unusually distinguished service in the general advancement of science and/or engineering for the Nation, especially when accompanied by substantial contributions to the content of science;
- d. The recognition of the nominee by peers within his or her community, and whether s/he is recognized for substantial impact in fields in addition to his/her discipline;
- e. If the nominee has made contributions to innovation and industry;
- f. Whether the nominee has demonstrated sustained influence on education through publications, teaching activities, outreach, mentoring, etc.; and
- g. Whether the nominee's contributions have created significant positive impact for the Nation.

In 2003, the Committee changed the active period of eligibility to three years, including the year of nomination. After that time, candidates must be renominated with a new nomination package for them to be considered by the Committee.

Narratives are now restricted to three pages of text, as stipulated in the guidelines at: <https://www.fastlane.nsf.gov/honawards/medalHome.do>.

- Alan T. Waterman Award. Congress established the Alan T. Waterman Award in August 1975 (42 U.S.C. 1881a (Public Law 94–86) and authorized NSF to “establish the Alan T. Waterman Award for research or advanced study in any of the sciences or engineering” to mark the 25th anniversary of the National Science Foundation and to honor its first Director. The annual award recognizes an outstanding young researcher in any field of science or engineering supported by NSF. In addition to a medal, the awardee receives a grant of \$1,000,000 over a five-year period for scientific research or advanced study in the mathematical, physical, medical, biological, engineering, social, or other sciences at the institution of the recipient’s choice.

The Alan T. Waterman Award Committee was established by NSF to comply with the directive contained in Public Law 94–86. The Committee solicits nominations from members of the National Academy of Sciences, National Academy of Engineering, scientific and technical organizations, and any other source, public or private, as appropriate.

In 1976, the Committee initiated a form letter to solicit these nominations. In 1980, a nomination form was used which standardized the nomination procedures, allowed for more effective Committee review, and permitted better staff work in a short period of time. On the basis of its review, the Committee forwards its recommendation to the Director, NSF, and the National Science Board (NSB).

Candidates must be U.S. citizens or permanent residents and must be 35 years of age or younger or not more than seven years beyond receipt of the Ph.D. degree by December 31 of the year in which they are nominated. Candidates should have demonstrated exceptional individual achievements in scientific or engineering research of sufficient quality to place them at the forefront of their peers. Criteria include originality, innovation, and significant impact on the field.

- Vannevar Bush Award. The Vannevar Bush Award honors truly exceptional lifelong leaders in science

and technology who have made substantial contributions to the welfare of the Nation through public service activities in science, technology, and public policy. The National Science Board established this award in 1980 in the memory of Vannevar Bush, who served as a science advisor to President Franklin Roosevelt during World War II, helped to establish Federal funding for science and engineering as a national priority during peacetime, and was behind the creation of the National Science Foundation.

The Vannevar Bush Award recipient is selected annually by the National Science Board’s Subcommittee on Honorary Awards (AWD), which is established to solicit nominations from scientific, engineering, and educational societies and institutions, in both the public and private sectors.

Candidates for the Vannevar Bush Award should have demonstrated outstanding leadership and accomplishment in meeting at least two of the following selection criteria:

1. Candidates must be U.S. citizens.
2. Distinguished himself/herself through public service activities in science and technology.
3. Pioneered the exploration, charting, and settlement of new frontiers in science, technology, education, and public service.
4. Demonstrated leadership and creativity that have inspired others to distinguished careers in science and technology.
5. Contributed to the welfare of the Nation and mankind through activities in science and technology.
6. Demonstrated leadership and creativity that has helped mold the history of advancements in the Nation’s science, technology, and education.

Nomination Submissions must include:

1. A current curriculum vita without publications (no more than 5 pages).
2. A narrative statement (no more than 8 pages) addressing the candidate’s activities and contributions related to the selection criteria.
3. A proposed award citation addressing the candidate’s activities in and contributions to national public service activities in science, technology, and public policy.
4. Contact information for award candidate and nominator (mailing address, email address, and phone number).
5. Two reference letters (no more than 2 pages each) from individuals familiar with the candidate’s accomplishments, and not affiliated with the candidate’s home institution. Letters should be

submitted by email to [nsbawards@nsf.gov](mailto:nsbawards@nsf.gov) on letterhead as a PDF file.

Nominations remain active for three years, including the year of nomination. After that time, candidates must be renominated with a new nomination for them to be considered by the selection committee.

### Awards Ceremony

The award recipient is presented with a medal and honored at the NSF Annual Awards Ceremony and Dinner in Washington, DC.

- NSB Public Service Award. The National Science Board established the Public Service Award in November 1996 to honor individuals and groups that have made substantial contributions to increasing public understanding of science and engineering in the United States. These contributions may be in a wide variety of areas that have the potential of contributing to public understanding of and appreciation for science and engineering—including mass media, education and/or training programs, and entertainment.

Eligibility includes any individual or group (company, corporation or organization) that has increased the public understanding of science or engineering.

Candidates for the NSB Public Service Award should have demonstrated outstanding leadership and accomplishment in meeting the following selection criteria:

1. Increased the public’s understanding of the processes of science and engineering through scientific discovery, innovation, and its communication to the public.
2. Encouraged others to help raise the public understanding of science and technology.
3. Promoted the engagement of scientists and engineers in public outreach and scientific literacy.
4. Contributed to the development of broad science and engineering policy and its support.
5. Influenced and encouraged the next generation of scientists and engineers.
6. Achieved broad recognition outside of the candidate’s area of specialization.
7. Fostered awareness of science and technology among broad segments of the population.

**Note:** Members of the U.S. Government are not eligible for this award.

### Nomination Procedures

Nominations for an individual must include:

1. A current curriculum vita without publications (no more than 3 pages).
2. A narrative statement (no more than 5 pages) addressing the following:

a. the candidate's public service activities in science and engineering, and

b. the candidate's contributions to public understanding of science and engineering, as they relate to the selection criteria.

3. Contact information of candidate and nominator (mailing address, email address, phone number).

Nominations must be submitted by email to: [nsbawards@nsf.gov](mailto:nsbawards@nsf.gov).

Nominations for a group must include:

1. A narrative statement (no more than 5 pages) addressing the following:

a. the group's activities, and how it accomplishes the selection criteria for the award,

b. length of years of the program,

c. number and type of individuals served by the group's activities; and

d. data on the success of the program (if available).

2. Contact information of candidate and nominator (mailing address, email address, phone number).

3. Reference letters are optional, and up to 3 letters (no more than 2 pages each) may be submitted on letterhead as a PDF file.

Nominations must be submitted by email to: [nsbawards@nsf.gov](mailto:nsbawards@nsf.gov).

Nominations remain active for three years, including the year of nomination. After that time, candidates must be re-nominated with a new nomination for them to be considered by the selection committee.

### Awards Ceremony

Award recipients are presented with a medal and honored at the NSF Annual Awards Ceremony and Dinner in Washington, DC.

- Presidential Awards for Excellence in Science, Mathematics and Engineering Mentoring (PAESMEM) program

In 1996, the White House, through the National Science and Technology Council (NSTC) and the Office of Science and Technology Policy (OSTP), established the Presidential Awards for Excellence in Science, Mathematics and Engineering Mentoring (PAESMEM) program. The program, administered on behalf of the White House by the National Science Foundation, seeks to identify outstanding mentoring efforts or programs designed to enhance the participation of groups (women, minorities and persons with disabilities as well as groups from low socioeconomic regions) underrepresented in science, mathematics and engineering. The awardees will serve as exemplars to

their colleagues and will be leaders in the national effort to more fully develop the Nation's human resources in science, mathematics and engineering. This award is managed at NSF by the Directorate for Education and Human Resources (EHR).

The award will be made to U.S. citizens or U.S. permanent residents based on the following: (1) An individual who has demonstrated outstanding and sustained mentoring and effective guidance to a significant number of early career STEM professionals, students at the K-12, undergraduate, or graduate education level or (2) an organization that, through its programming, has enabled a substantial number of students underrepresented in science, mathematics and engineering to successfully pursue and complete the relevant degree programs as well as mentoring of early career STEM professionals. Nominees must have served in a mentoring role for at least five years. Nominations are reviewed for impact, significance of the mentoring activity and quality of the mentoring activity. Nominations for organizational awards must demonstrate rigorous evaluation and/or assessment during the five-year period of the mentoring activity.

### Award Ceremony

The awardees are hosted for two days in Washington, DC, for celebratory activities. Recipients of the PAESMEM award receive a monetary award in the amount of \$10,000 from NSF and a commemorative Presidential certificate. If scheduling permits, the President meets with the mentors for a photo opportunity at the White House. The Director of OSTP and the Director of NSF present the awards to the mentors at an awards ceremony.

- Presidential Award for Excellence in Mathematics and Science Teaching

The Presidential Award for Excellence in Mathematics and Science Teaching (PAEMST) is the highest recognition that a kindergarten through 12th-grade mathematics or science teacher may receive for outstanding teaching in the United States. Enacted by Congress in 1983, this program authorizes the President to bestow 108 awards, assuming there are qualified applicants. In even-numbered years, nominations are accepted for elementary teachers (grades K-6); in odd-numbered years, secondary teachers (grades 7-12) are nominated. This award is managed at NSF by the Directorate for Education and Human Resources (EHR).

### Nomination Criteria

A teacher may be nominated by a principal, another teacher, students, members of the community, or the general public. Self-nominations are allowed. Awardees must be either U.S. Citizens or U.S. Permanent Residents. A Nominee must meet the following criteria to apply:

- Be highly qualified as deemed by their states, districts, or schools;
- Teach in one of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the four U.S. territories, including the Department of Defense Schools (DoDEA).
- Hold a degree or appropriate credentials in the category for which they are applying.
- Be a full-time employee of the school or school district.
- Have at least 5 years of mathematics or science teaching (including computer science) experience prior to application.
- Teach mathematics or science at the kindergarten through 6th grade level or at the 7th through 12th grade level in a public or private school.
- Not have received the national PAEMST award in any prior competition or category.

### Application Process

- Applicants complete a 12-page written document on five dimensions of outstanding teaching (content knowledge, pedagogy, assessment, leadership and professional development) and submit a video of one class. Three letters of reference including one from a school official are required, along with a resume or biographical sketch.
- The applicant has a 7-month period (October to May) to complete applications and submit them for state review. The nomination period is from October to April.

### Review of Nominations

- State coordinators convene state selection committees of prominent mathematicians, scientists, mathematics and science educators, and past awardees to select up to five mathematics and five science finalists for recognition at the state level and for submission to NSF. To ensure consistency, state selection committees review their applications using the same criteria and scoring information that was approved by OSTP.
- NSF (EHR) convenes a National Selection Committee of prominent mathematicians, scientists, mathematics and science educators, and past awardees that review the application



packets of the state finalists and make recommendations to NSF. NSF reviews these recommendations and recommends one awardee in both mathematics and science for all eligible jurisdictions, when possible, to OSTP. Alternatively, NSF may recommend two awardees from a discipline in a jurisdiction, when warranted.

### Award Ceremony

The awardees are hosted for 3–4 days in Washington, DC, for a variety of professional development sessions and celebratory activities. Each awardee receives a citation signed by the President and \$10,000 from NSF. If scheduling permits, the President meets the teachers for a photo opportunity at the White House. The Director of OSTP and the Director of NSF present the citations to the teachers at an awards ceremony. Awardees also have the opportunity to meet their congressional representatives and education representatives from other federal agencies.

*Estimate of Burden:* These are annual award programs with application deadlines varying according to the program. Public burden also may vary according to program; however, across all the programs, it is estimated that each submission will average 19 hours per respondent. If the nominator is thoroughly familiar with the disciplinary background of the nominee, time spent to complete the nomination may be considerably reduced.

*Respondents:* Individuals, businesses or other for-profit organizations, universities, non-profit institutions, and Federal and State governments.

*Estimated Number of Responses per Award:* 1782 responses, broken down as follows: For the President's National Medal of Science, 80; for the Alan T. Waterman Award, 70; for the Vannevar Bush Award, 20; for the Public Service Award, 30; for the PAESMEM, 200; and 1400 for the PAEMST.

*Estimated Total Annual Burden on Respondents:* 41,350 hours, broken down by 1,600 hours for the President's National Medal of Science (20 hours per 80 respondents); 1,400 hours for the Alan T. Waterman Award (20 hours per 70 respondents); 300 hours for the Vannevar Bush Award (15 hours per 20 respondents); 450 hours for the Public Service Award (15 hours per 30 respondents); 4,000 hours for the PAESMEM (20 hours per 200 respondents); and 33,600 hours for the PAEMST (24 hours per 1400 respondents).

*Frequency of Responses:* Annually.

Dated: July 12, 2017.

**Suzanne H. Plimpton,**  
*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2017-14922 Filed 7-14-17; 8:45 am]

**BILLING CODE 7555-01-P**

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## POSTAL REGULATORY COMMISSION

[Docket Nos. MC2017-157 and CP2017-221]

### New Postal Products

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* July 19, 2017.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

**SUPPLEMENTARY INFORMATION:**

### Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

### I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also

establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

### II. Docketed Proceeding(s)

1. *Docket No(s):* MC2017-157 and CP2017-221; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 333 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* July 11, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative:* Matthew R. Ashford; *Comments Due:* July 19, 2017.

This notice will be published in the **Federal Register**.

**Stacy L. Ruble,**

*Secretary.*

[FR Doc. 2017-14911 Filed 7-14-17; 8:45 am]

**BILLING CODE 7710-FW-P**

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## POSTAL SERVICE

### Product Change—Priority Mail Negotiated Service Agreement

**AGENCY:** Postal Service™.

**ACTION:** Notice.

**SUMMARY:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

**DATES:** *Effective date:* July 17, 2017.

**FOR FURTHER INFORMATION CONTACT:** Maria W. Votsch, 202-268-6525.

**SUPPLEMENTARY INFORMATION:** The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 11, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 333 to Competitive Product List*. Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2017-157, CP2017-221.

**Stanley F. Mires,**

*Attorney, Federal Compliance.*

[FR Doc. 2017-14879 Filed 7-14-17; 8:45 am]

**BILLING CODE 7710-12-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81114; File No. SR-FINRA-2017-015]

### Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Granting Approval of Proposed Rule Change To Make Available a New End-of-Day TRACE Transaction File

July 11, 2017.

#### I. Introduction

On May 18, 2017, the Financial Industry Regulatory Authority, Inc. (“FINRA”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b-4 thereunder, <sup>2</sup> a proposed rule change to amend FINRA Rule 7730 (Trade Reporting and Compliance Engine (“TRACE”)) to make available a new End-of-Day (“EOD”) TRACE Transaction File. The proposed rule change was published for comment in the **Federal Register** on May 30, 2017. <sup>3</sup> The Commission did not receive any comments on the proposal. As discussed below, the Commission is approving the proposed rule change.

#### II. Description of the Proposal

FINRA Rule 7730, among other things, sets forth the TRACE data products offered by FINRA. FINRA has proposed to amend Rule 7730 to make available a new EOD TRACE Transaction File to provide interested parties with an alternative means of receiving the transaction information disseminated each trading day as part of Real-Time TRACE transaction data

product. <sup>4</sup> FINRA stated in the Notice that some market participants had indicated that a simpler alternative that allows them to receive transaction information once a day in an EOD file would be useful.

The proposed EOD TRACE Transaction File would include the same data elements that are currently disseminated in the Real-Time TRACE transaction data product. The proposed EOD TRACE Transaction File would also be separately available for each data set for which Real-Time TRACE transaction data is available (*i.e.*, the Corporate Bond Data Set, Agency Data Set, Securitized Product Data Set, and Rule 144A Data Set). Subscribers to the EOD TRACE Transaction File would access the product daily after the TRACE system closes.

FINRA stated that it will announce the effective date of the proposed rule change in a *Regulatory Notice*. The effective date will be no later than 365 days following the Commission’s approval. FINRA stated in the Notice that it intends to establish a fee for the EOD product before the effective date of this proposed rule change. The fee will be established pursuant to a separate rule filing.

#### III. Discussion

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association. <sup>5</sup> In particular, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Act, <sup>6</sup> which requires, among other things, that FINRA rules be 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. The Commission notes that the new EOD product does not require member firms to provide FINRA with any additional data, and subscription to the product is optional. The new product will include the same data elements that FINRA already

disseminates in its Real-Time TRACE transaction data product and is a reasonable accommodation to market participants who may wish to obtain the same data in an EOD file.

#### IV. Conclusion

*It is therefore ordered* pursuant to Section 19(b)(2) of the Act <sup>7</sup> that the proposed rule change (SR-FINRA-2017-015) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. <sup>8</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2017-14884 Filed 7-14-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81117; File No. SR-Phlx-2017-53]

### Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Nasdaq Phlx Pricing Schedule, Section IX

July 11, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”), <sup>1</sup> and Rule 19b-4 thereunder, <sup>2</sup> notice is hereby given that on June 29, 2017, NASDAQ PHLX LLC (“Phlx” 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Nasdaq PHLX Rules, Section IX (“Proprietary Data Feed Fees”) to make a sample of PHLX Options Trade Outline (“PHOTO”) Historical Data for the period January 1 through June 30, 2014, available free of charge; current charges will continue to be assessed for PHOTO Historical Data for any other period.

The text of the proposed rule change is available on the Exchange’s Web site at <http://nasdaqphlx.cchwallstreet>.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 80805 (May 18, 2017), 82 FR 25862 (May 30, 2017) (“Notice”).

<sup>4</sup> FINRA currently makes available a Real-Time TRACE transaction data product, which provides subscribers with access to all disseminated transactions as they are reported throughout the trading day.

<sup>5</sup> 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).

<sup>6</sup> 15 U.S.C. 78o-3(b)(6).

<sup>7</sup> 15 U.S.C. 78s(b)(2).

<sup>8</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

com/, at the principal office of the Exchange, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The purpose of the proposed rule change is to allow the Exchange to make a sample of PHOTO Historical Data for the period January 1 through June 30, 2014, available free of charge; current charges will continue to be assessed for PHOTO Historical Data for any other period. The proposed change will allow potential customers an opportunity to inspect the product, and the Exchange expects that the resulting greater familiarity with the product will lead to greater sales and wider dissemination of the data.

#### PHOTO Historical Data

PHOTO Historical Data provides information about the past activity of all option series traded on the Exchange for each trading session conducted during a particular prior calendar month, as selected by the subscriber.<sup>3</sup> The data is intended to enhance a purchaser's ability to analyze option trade and volume data, evaluate historical trends in the trading activity of a particular option series, and create and test trading models and analytical strategies. The product provides the following data:

- Aggregate number of buy and sell transactions in the affected series for each trading session conducted during the specified calendar month(s);
- Aggregate volume traded electronically on the Exchange in the affected series for each trading session conducted during the specified calendar month(s);

- Aggregate number of trades effected on the Exchange to open a position<sup>4</sup> for each trading session conducted during the specified calendar month(s);
- Aggregate number of trades effected on the Exchange to close a position<sup>5</sup> for each trading session conducted during the specified calendar month(s);
- Origin of the orders involved in trades on the Exchange in the affected series for each trading session conducted during the specified calendar month(s), specifically aggregated in the following categories of participants: customers, broker-dealers, market makers (including specialists, Registered Options Traders ("ROTs"), Streaming Quote Traders ("SQTs")<sup>6</sup> and Remote Streaming Quote Traders ("RSQTs")<sup>7</sup>, and professionals.<sup>8</sup>

<sup>4</sup> PHOTO Historical Data provides subscribers with the aggregate number of "opening purchase transactions" in the affected series for each trading session conducted during the calendar month(s) selected. An opening purchase transaction is an Exchange options transaction in which the purchaser's intention is to create or increase a long position in the series of options involved in such transaction. See Exchange Rule 1000(b)(24). PHOTO Historical Data will also provide subscribers with the aggregate number of "opening writing transactions" in the affected series for each trading session conducted during the calendar month(s) selected. An opening writing transaction is an Exchange options transaction in which the seller's (writer's) intention is to create or increase a short position in the series of options involved in such transaction. See Exchange Rule 1000(b)(25).

<sup>5</sup> PHOTO Historical Data provides subscribers with the aggregate number of "closing purchase transactions" in the affected series for each trading session conducted during the calendar month(s) selected. A closing purchase transaction is an Exchange options transaction in which the purchaser's intention is to reduce or eliminate a short position in the series of options involved in such transaction. See Exchange Rule 1000(b)(27). PHOTO Historical Data will also provide subscribers with the aggregate number of "closing sale transactions" in the affected series for each trading session conducted during the calendar month(s) selected. A closing sale transaction is an Exchange options transaction in which the seller's intention is to reduce or eliminate a long position in the series of options involved in such transaction. See Exchange Rule 1000(b)(26).

<sup>6</sup> An SQT is an ROT that has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. See Exchange Rule 1014(b)(ii)(A).

<sup>7</sup> An RSQT is an ROT that is a member or member organization with no physical trading floor presence that has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. An RSQT may only submit such quotations electronically from off the floor of the Exchange. See Exchange Rule 1014(b)(ii)(B).

<sup>8</sup> The term "professional" means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). A professional will be treated in the same manner as an off-floor broker-dealer for purposes of Rules 1014(g) (except with respect to all-or-none orders, which will be treated like customer orders except that orders submitted pursuant to Rule 1080(n) for the beneficial account(s) of professionals with an all-or-

PHOTO Historical Data is composed of an End of Day Product and an Intra-Day Product. The End of Day product provides the aggregate data described above for the entire trading session. The Intra-Day product includes periodic, cumulative data for a particular trading session, updated every ten minutes during the trading day. The fee for the PHOTO Historical Data End of Day product is \$400.00 per calendar month selected; the fee for the PHOTO Historical Data Intra-Day product is \$750.00 per calendar month selected. Data is available starting in January 2009.

The PHOTO Historical Data product is available to any person or entity that wishes to subscribe to it, whether or not the person or entity is a member of the Exchange. Data is available for internal use only.

#### Proposed Change

The Exchange proposes to make a sample of PHOTO Historical Data available for the period January 1 through June 30, 2014, on the Nasdaq Trader Web site ([www.nasdaqtrader.com](http://www.nasdaqtrader.com)) or a successor Web site free of charge as an FTP (File Transfer Protocol) file. The purpose of the proposed change is to allow potential customers an opportunity to inspect and test the value of the product in analyzing option trade and volume data, evaluating historical trends in the trading activity of a particular option series, and creating and testing trading models and analytical strategies. The Exchange expects that providing potential customers an opportunity to become acquainted with the benefits of the product will lead to greater sales and wider dissemination of PHOTO Historical Data.

Any person or entity, including both subscribers and non-subscribers, will be able to download the FTP file of PHOTO Historical Data for the period January 1 through June 30, 2014, free of charge. Fees for other periods of PHOTO Historical Data will remain \$400.00 for the End of Day product and \$750.00 for the Intra-Day product.

#### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>9</sup> in general, and furthers the

none designation will be treated in the same manner as off-floor broker-dealer orders), 1033(e), 1064.02 (except professional orders will be considered customer orders subject to facilitation), 1080(n) and 1080.07 as well as Options Floor Procedure Advices B-6 and F-5. Member organizations must indicate whether orders are for professionals. See Exchange Rule 1000(b)(14).

<sup>9</sup> 15 U.S.C. 78f(b).

<sup>3</sup> See Securities Exchange Act Release 63351 (November 19, 2010) 75 FR 73140 (November 29, 2010) (SR-Phlx-2010-154).

objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>10</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposal provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility because all persons and entities will have equal access to the sample data, and none will be charged for the sample product.

In adopting Regulation NMS,<sup>11</sup> the Commission granted SROs and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The PHOTO Historical Data product—which provides historical information about option series traded on the Exchange—is the type of market data product that the Commission envisioned when it adopted regulation NMS. The Commission concluded that Regulation NMS—deregulating the market in proprietary data—would further the Act's goals of facilitating efficiency and competition:

[E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.<sup>12</sup>

By removing unnecessary regulatory restrictions on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history.

In *NetCoalition v. Securities and Exchange Commission*<sup>13</sup> (“NetCoalition”), the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress

mandated a cost-based approach.<sup>14</sup> As the court emphasized, the Commission “intended in Regulation NMS that ‘market forces, rather than regulatory requirements’ play a role in determining the market data . . . to be made available to investors and at what cost.”<sup>15</sup> “No one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’ . . .”<sup>16</sup>

Data products such as PHOTO Historical Data are a means by which exchanges compete to attract order flow. To the extent that exchanges are successful in such competition, they earn trading revenues and also enhance the value of their data products by increasing the amount of data they provide. The need to compete for order flow places substantial pressure upon exchanges to keep their fees for both executions and data reasonable.<sup>17</sup> The very existence of a proposal to provide PHOTO Historical Data free of charge to generate potential customer interest is itself evidence of a competitive market.

The proposed changes are consistent with Section 6(b)(5) of the Act because the free sample of historical data will encourage additional customers to purchase the product, thereby increasing the availability of market information to the investing public. The proposed changes would not permit unfair discrimination because all persons and entities will have access to the data for free.

There will be no charge for the sample PHOTO Historical Data; persons and firms will be free to choose whether or not to download the data. Fees for PHOTO Historical Data not included in the free sample are optional in that they apply only to firms that elect to purchase the product, which, like all proprietary data products, they may cancel at any time.

<sup>14</sup> See *NetCoalition*, at 534—535.

<sup>15</sup> *Id.* at 537.

<sup>16</sup> *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

<sup>17</sup> See Sec. Indus. Fin. Mkts. Ass'n (SIFMA), Initial Decision Release No. 1015, 2016 SEC LEXIS 2278 (ALJ June 1, 2016) (finding the existence of vigorous competition with respect to non-core market data).

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Indeed, the Exchange believes that offering certain PHOTO Historical Data free of charge will enhance competition by encouraging sales, which will make analytical data more readily available to investors.

The market for data products is extremely competitive and firms may freely choose alternative venues and data vendors based on the aggregate fees assessed, the data offered, and the value provided. Numerous exchanges compete with each other for listings, trades, and market data itself, providing virtually limitless opportunities for entrepreneurs who wish to produce and distribute their own market data. Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, market data and trade execution are a paradigmatic example of joint products with joint costs. The decision whether and on which platform to post an order will depend on the attributes of the platform where the order can be posted, including the execution fees, data quality and price, and distribution of its data products. Without trade executions, exchange data products cannot exist. Moreover, data products are valuable to many end users only insofar as they provide information that end users expect will assist them or their customers in making trading decisions.

The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's transaction execution platform and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs. Moreover, the operation of the exchange is characterized by high fixed costs and low marginal costs. This cost structure is common in content distribution industries such as software, where developing new software typically requires a large initial investment (and continuing large investments to upgrade the software), but once the software is developed, the incremental cost of providing that software to an additional user is typically small, or even zero

<sup>10</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>11</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (“Regulation NMS Adopting Release”).

<sup>12</sup> *Id.*

<sup>13</sup> *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010).

(e.g., if the software can be downloaded over the internet after being purchased).<sup>18</sup> In the case of any exchange, it is costly to build and maintain a trading platform, but the incremental cost of trading each additional share on an existing platform, or distributing an additional instance of data, is very low. Market information and executions are each produced jointly (in the sense that the activities of trading and placing orders are the source of the information that is distributed) and are each subject to significant scale economies.

Competition among trading platforms can be expected to constrain the aggregate return each platform earns from the sale of its joint products. The level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including SRO markets, as well as internalizing BDs and various forms of alternative trading systems (“ATs”), including dark pools and electronic communication networks (“ECNs”). Each SRO market competes to produce transaction reports via trade executions. It is common for BDs to further and exploit this competition by sending their order flow and transaction reports to multiple markets, rather than providing them all to a single market. Competitive markets for order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products. The large number of SROs, TRFs, BDs, and ATs that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO, TRF, ATs, and BD is currently permitted to produce proprietary data products, and many currently do or have announced plans to do so, including Nasdaq, NYSE, NYSE MKT, NYSE Arca, and the BATS exchanges. As noted above, the very fact that the Exchange is proposing to provide a sample of PHOTO Historical Data free of charge to generate potential customer interest is itself evidence of a competitive market.

In this competitive environment, an “excessive” price for one product will have to be reflected in lower prices for other products sold by the Exchange, or otherwise the Exchange may experience a loss in sales that may adversely affect its profitability. In this case, the proposed rule change enhances competition by lowering the price of the

product through distribution of free samples. As such, the Exchange believes that the proposed changes will enhance, and not impair, competition in the financial markets.

### *C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>19</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission’s Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-Phlx-2017-53 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-Phlx-2017-53. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements

with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission’s Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2017-53, and should be submitted on or before August 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>20</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2017-14887 Filed 7-14-17; 8:45 am]

**BILLING CODE 8011-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-81121; File No. SR-NASDAQ-2017-067]

### **Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Customer and Professional Penny Pilot Options Tier 8 Rebate To Add Liquidity**

July 11, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 30, 2017, The NASDAQ Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to

<sup>18</sup> See William J. Baumol and Daniel G. Swanson, “The New Economy and Ubiquitous Competitive Price Discrimination: Identifying Defensible Criteria of Market Power,” *Antitrust Law Journal*, Vol. 70, No. 3 (2003).

<sup>19</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>20</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to modify the NASDAQ Options Market LLC’s (“NOM”) pricing at Chapter XV, Section 2(1), to amend the Customer<sup>3</sup> and Professional<sup>4</sup> Penny Pilot Options Tier 8 Rebate to Add Liquidity.

While changes to the Pricing Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on July 3, 2017.

The text of the proposed rule change is available on the Exchange’s Web site at <http://nasdaq.cchwallstreet.com>, at the principal office of the Exchange, and

at the Commission’s Public Reference Room.

**II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend the Customer and Professional Penny Pilot Options Rebate to Add Liquidity tiers. Specifically, the Exchange proposes to amend the current qualifications related to the Tier 8 Customer and Professional Penny Pilot Options rebate. The proposed new Tier 8 qualifications should continue to attract Customer and Professional order flow to NOM. This order flow benefits other market participants through order interaction.

Today, the Exchange pays Customer and Professional Penny Pilot Options Rebates to Add Liquidity as follows:

Tier	Monthly volume	Rebate to add liquidity
1	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of up to 0.10% of total industry customer equity and ETF option average daily volume (“ADV”) contracts per day in a month.	\$0.20
2	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.10% to 0.20% of total industry customer equity and ETF option ADV contracts per day in a month.	0.25
3	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.20% to 0.30% of total industry customer equity and ETF option ADV contracts per day in a month.	0.42
4	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.30% to 0.40% of total industry customer equity and ETF option ADV contracts per day in a month.	0.43
5	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.40% to 0.75% of total industry customer equity and ETF option ADV contracts per day in a month.	0.45
6	Participant has Total Volume of 100,000 or more contracts per day in a month, of which 25,000 or more contracts per day in a month must be Customer and/or Professional liquidity in Penny Pilot Options.	0.45
7	Participant has Total Volume of 150,000 or more contracts per day in a month, of which 50,000 or more contracts per day in a month must be Customer and/or Professional liquidity in Penny Pilot Options.	0.47
8	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.75% or more of total industry customer equity and ETF option ADV contracts per day in a month, or Participant adds: (1) Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 0.25% or more of total industry customer equity and ETF option ADV contracts per day in a month, and (2) has added liquidity in all securities through one or more of its Nasdaq Market Center MPIDs that represent 1.00% or more of Consolidated Volume in a month or qualifies for MARS (defined below).	0.48

Today, the Exchange pays a \$0.48 per contract rebate<sup>5</sup> to Participants that

<sup>3</sup> The term “Customer” or (“C”) applies to any transaction that is identified by a Participant for clearing in the Customer range at The Options Clearing Corporation (“OCC”) which is not for the account of broker or dealer or for the account of a “Professional.” See Chapter XV.

<sup>4</sup> The term “Professional” or (“P”) means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s) pursuant to Chapter I, Section 1(a)(48). All Professional orders shall be approximately marked by Participants.

<sup>5</sup> Note “c,” which is applicable to the Tier 8 rebate, provides additional rebates to Participants that: (1) Add Customer, Professional, Firm, Non-

NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 1.15% or more of total industry customer equity and ETF option ADV contracts per day in a month will receive an additional \$0.02 per contract Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity for each transaction which adds liquidity in Penny Pilot Options in that month; or (2) add Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 1.30% or more of total industry customer equity and ETF option ADV contracts per day in a month will receive an additional \$0.05 per contract Penny Pilot Options Customer and/or Professional Rebate to Add

Liquidity for each transaction which adds liquidity in Penny Pilot Options in that month; or (3) (a) add Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.80% of total industry customer equity and ETF option ADV contracts per day in a month, (b) add Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Non-Penny Pilot Options above 0.15% of total industry customer equity and ETF option ADV contracts per day in a month, and (c) execute greater than 0.04% of Consolidated Volume (“CV”) via Market-on-Close/Limit-on-Close (“MOC/LOC”) volume within the NASDAQ Stock Market Closing Cross within a month will receive an additional \$0.05 per contract

qualify for a Tier 8 Customer or Professional Penny Pilot Options Rebate to Add Liquidity by adding Customer, Professional, Firm,<sup>6</sup> Non-NOM Market Maker<sup>7</sup> and/or Broker-Dealer<sup>8</sup> liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.75% or more of total industry customer equity and ETF option ADV contracts per day in a month, or adding: (1) Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 0.25% or more of total industry customer equity and ETF option ADV contracts per day in a month, and (2) has added liquidity in all securities through one or more of its Nasdaq Market Center MPIDs that represent 1.00% or more of Consolidated Volume in a month or qualifies for MARS.<sup>9</sup>

The Exchange is proposing to continue to pay a \$0.48 per contract rebate provided, a NOM Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.75% or more of total industry customer equity and ETF option ADV contracts per day in a month, or Participant adds: (1) Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 0.20% or more of total industry customer equity and ETF option ADV contracts per day in a month, and (2) has added liquidity in all securities through one or more of its Nasdaq Market Center MPIDs that

Penny Pilot Options Customer and/or Professional Rebate to Add Liquidity for each transaction which adds liquidity in Penny Pilot Options in a month.

Consolidated Volume shall mean the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month in equity securities, excluding executed orders with a size of less than one round lot. For purposes of calculating Consolidated Volume and the extent of an equity member's trading activity, expressed as a percentage of or ratio to Consolidated Volume, the date of the annual reconstitution of the Russell Investments Indexes shall be excluded from both total Consolidated Volume and the member's trading activity.

<sup>6</sup> The term "Firm" or ("F") applies to any transaction that is identified by a Participant for clearing in the Firm range at OCC.

<sup>7</sup> The term "Non-NOM Market Maker" or ("O") is a registered market maker on another options exchange that is not a NOM Market Maker. A Non-NOM Market Maker must append the proper Non-NOM Market Maker designation to orders routed to NOM.

<sup>8</sup> The term "Broker-Dealer" or ("B") applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

<sup>9</sup> NOM Participants that have System Eligibility and have executed the requisite number of Eligible Contracts in a month are paid MARS rebates based on average daily volume in a month. See Chapter XV, Section 2(6).

represent 1.00% or more of Consolidated Volume in a month or qualifies for MARS.

The Exchange's proposal to amend the current qualification from Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 0.25% or more of total industry customer equity and ETF option ADV contracts per day in a month to 0.20% or more of total industry customer equity and ETF option ADV contracts per day in a month should provide Participants the ability to qualify for this tier by executing less contracts which represent industry volume in a given month. The Exchange believes that this amendment should incentivize Participants to transact more volume to qualify for a Tier 8 rebate since one of the qualifiers requires a lower percentage of total industry customer equity and ETF option ADV contracts per day in a month as compared to the current percentage.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>10</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>11</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal to amend the current qualifications related to the Tier 8 Customer and Professional Penny Pilot Options Rebate to Add Liquidity is reasonable because the rebate should continue to attract Customer and Professional order flow to NOM. The additional Customer and Professional order flow to NOM benefits other market participants by providing additional liquidity with which to interact. Customer liquidity offers unique benefits to the market which benefits all market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts market makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. The Exchange believes that encouraging Participants to add Professional liquidity creates competition among options exchanges

because the Exchange believes that the rebates may cause market participants to select NOM as a venue to send Professional order flow. Amending the current qualification 0.25% or more of total industry customer equity and ETF option ADV contracts to 0.20% or more of total industry customer equity and ETF option ADV contracts affords Participants the ability to qualify for this Tier 8 because it requires less volume as a result of the proposed lower percentage of industry volume. With this proposal, Participants that consistently send order flow to the Exchange may continue to qualify for Tier 8 rebates and other Participants may send additional order flow to qualify for a Tier 8 rebate with the lower requirement.

The Exchange's proposal to amend the current qualifications related to the Tier 8 Customer and Professional Penny Pilot Options Rebate to Add Liquidity is equitable and not unfairly discriminatory because all Participants are eligible to earn rebates. These rebates would be uniformly paid to all qualifying Participants.

## B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. The proposed pricing change is competitive and does not impose a burden on inter-market competition. If the change proposed herein is unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed change will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

The Exchange's proposal to amend the current qualifications related to the Tier 8 Customer and Professional Penny Pilot Options Rebate to Add Liquidity does not impose an undue burden on intra-market competition because all Participants are eligible to earn rebates and these rebates would be uniformly paid to all qualifying Participants.

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(4) and (5).

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>12</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NASDAQ-2017-067 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-NASDAQ-2017-067. 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-NASDAQ-2017-067 and should be submitted on or before August 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>13</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2017-14891 Filed 7-14-17; 8:45 am]

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**SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 34-81120; File No. SR-NASDAQ-2017-062]**

**Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Nasdaq Rule 5705(b) To Provide for the Inclusion of Cash in an Index or Portfolio Underlying a Series of Index Fund Shares**

July 11, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 30, 2017, The NASDAQ Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend Nasdaq Rule 5705(b) to provide for the

inclusion of cash in an index or portfolio underlying a series of Index Fund Shares. This filing is substantively identical to a NYSE Arca, Inc. filing previously approved by the Commission (SR-NYSEArca-2017-30, as amended).<sup>3</sup>

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaq.cchwallstreet.com>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

**1. Purpose**

The Exchange proposes to amend Nasdaq Rule 5705(b)(3) and 5705(b)(4) to provide for the inclusion of cash in an index or portfolio underlying a series of Index Fund Shares.<sup>4</sup> Nasdaq Rule 5705(b) provides "generic" criteria permitting listing and trading of Index Fund Shares pursuant to Rule 19b-4(e) under the Act<sup>5</sup> when the underlying index or portfolio satisfies the criteria set forth in Nasdaq Rule 5705(b).

The Exchange understands that certain index providers have included, or intend to include, cash as a component in indexes or portfolios that also include equity or fixed income securities components. An index provider may, for example, provide a certain index weighting allocation to cash or may periodically change an allocation to cash based on the index provider's assessment of market risk associated with other asset classes in the applicable index.<sup>6</sup>

<sup>3</sup> See Securities Exchange Act Release No. 80777 (May 25, 2017), 82 FR 25378 (June 1, 2017) (SR-NYSEArca-2017-30).

<sup>4</sup> See Nasdaq Rule 5705(b)(1)(A) and (B).

<sup>5</sup> 17 CFR 240.19b-4(e).

<sup>6</sup> The Exchange notes that shares of the following exchange-traded funds based on indexes or portfolios that include cash as a component are currently listed and traded on the BATS BZX Exchange, Inc.: QuantX Risk Managed Growth ETF;

<sup>12</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>13</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.



Accordingly, the Exchange proposes to amend Nasdaq Rule 5705(b)(3) and 5705(b)(4) to permit listing and trading of Index Fund Shares based on an index or portfolio that includes cash as a component. While open-end investment companies, like mutual funds, will generally hold an amount of cash, Nasdaq Rule 5705(b) currently provides that components of an index or portfolio underlying a series of Index Fund Shares consist of securities—namely, U.S. Component Stocks, Non-U.S. Component Stocks, Fixed Income Securities or a combination thereof. As described below, the proposed amendments to Nasdaq Rule 5705(b)(3) and 5705(b)(4) would permit inclusion of cash as an index or portfolio component.

Currently, Nasdaq Rule 5705(b)(3)(A)(i) provides that an underlying index or portfolio of U.S. Component Stocks<sup>7</sup> must meet specified criteria. The Exchange proposes to amend Nasdaq Rule 5705(b)(3) to provide that the components of an index or portfolio underlying a series of Index Fund Shares may also include cash. In addition, the percentage weighting criteria in Nasdaq Rule 5705(b)(3)(A)(i)a.–d. each would be amended to make clear that such criteria would be applied only to the U.S. Component Stocks portion of an index or portfolio. For example, in applying the criteria in proposed Nasdaq Rule 5705(b)(3)(A)(i)a.,<sup>8</sup> if 85% of the weight of an index consists of U.S. Component Stocks and 15% of the index weight is cash, the requirement that component stocks accounting for 90% of the weight of the index or portfolio each have a minimum market value of \$75 million minimum would be applied only to the 85% portion consisting of U.S. Component Stocks.

Nasdaq Rule 5705(b)(3)(A)(ii), which relates to international or global indexes or portfolios, would be amended to provide that components of an index or portfolio underlying a series of Index Fund Shares may consist of (a) only

Non-U.S. Component Stocks, (b) Non-U.S. Component Stocks and cash, (c) both U.S. Component Stocks and Non-U.S. Component Stocks, or (d) U.S. Component Stocks, Non-U.S. Component Stocks and cash. In addition, the percentage weighting criteria in Nasdaq Rule 5705(b)(3)(A)(ii)a.–d. each would be amended to make clear that such criteria would be applied only to the U.S. and Non-U.S. Component Stocks portions of an index or portfolio.

Nasdaq Rule 5705(b)(4) provides generic criteria applicable to listing and trading of Index Fund Shares whose underlying index or portfolio includes Fixed Income Securities.<sup>9</sup> Currently, Nasdaq Rule 5705(b)(4)(A)(i) provides that an underlying index or portfolio must consist of Fixed Income Securities. The Exchange proposes to amend Nasdaq Rule 5705(b)(4)(A)(i) to provide that the index or portfolio may also include cash. In addition, the percentage weighting criteria in Nasdaq Rule 5705(b)(4)(A)(ii), 5705(b)(4)(A)(iv) and 5705(b)(4)(A)(vi) each would be amended to make clear that such criteria would be applied only to the Fixed Income Securities portion of an index or portfolio. For example, in applying the criteria in proposed Nasdaq Rule 5705(b)(4)(A)(ii),<sup>10</sup> if 90% of the weight of an index or portfolio consists of Fixed Income Securities and 10% of the index weight is cash, the requirement that Fixed Income Securities accounting for at least 75% of the weight of the index or portfolio each have a minimum original principal amount outstanding of \$100 million would be applied only to the 90% portion consisting of Fixed Income Securities.

The Exchange notes that the Commission has previously approved Exchange rules allowing portfolios held by issues of Managed Fund Shares (actively managed exchange-traded funds) under Nasdaq Rule 5735 to include cash.<sup>11</sup> Like the provision in Nasdaq Rule 5735, which states that there is no limit to cash holdings by an issue of Managed Fund Shares listed

under the rule, there is no proposed limit to the weighting of cash in an index or portfolio underlying a series of Index Fund Shares. The Exchange believes this is appropriate in that cash does not, in itself, impose investment or market risk.

The Exchange believes the proposed amendments, by permitting inclusion of cash as a component of indexes or portfolios underlying series of Index Fund Shares, would provide issuers of Index Fund Shares with additional choice in indexes or portfolios permitted to underlie Index Fund Shares that are permitted to list and trade on the Exchange pursuant to Rule 19b–4(e), which would enhance competition among market participants, to the benefit of investors and the marketplace. In addition, the proposed amendments would provide investors with greater ability to hold Index Fund Shares based on underlying indexes or portfolios that may accord more closely with an investor's assessment of market risk, in that some investors may view cash as a desirable component of an underlying index or portfolio under certain market conditions.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>12</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>13</sup> in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange has in place surveillance procedures that are adequate to properly monitor trading in Index Fund Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The Exchange notes that, as described above, the percentage weighting criteria in Nasdaq Rule 5705(b)(3)(A)(i)a.–d. and Nasdaq Rule 5705(b)(3)(A)(ii)a.–d. each would be amended to make clear that such criteria would be applied only to the U.S. and Non-U.S. Component

QuantX Risk Managed Multi-Asset Income ETF; QuantX Risk Managed Multi-Asset Total Return ETF; and QuantX Risk Managed Real Return ETF.

<sup>7</sup> Nasdaq Rule 5705(b)(1)(D) defines “U.S. Component Stock” as an equity security that is registered under Sections 12(b) or 12(g) of the Act or an American Depositary Receipt, the underlying equity security of which is registered under Sections 12(b) or 12(g) of the Act.

<sup>8</sup> Nasdaq Rule 5705(b)(3)(A)(i)a. would provide that component stocks (excluding Derivative Securities Products) that in the aggregate account for at least 90% of the weight of the U.S. Component Stocks portion of the index or portfolio (excluding such Derivative Securities Products) each shall have a minimum market value of at least \$75 million.

<sup>9</sup> As defined in Nasdaq Rule 5705(b)(4), Fixed Income Securities are debt securities that are notes, bonds, debentures or evidence of indebtedness that include, but are not limited to, U.S. Department of Treasury securities (“Treasury Securities”), government-sponsored entity securities (“GSE Securities”), municipal securities, trust preferred securities, supranational debt and debt of a foreign country or a subdivision thereof.

<sup>10</sup> Nasdaq Rule 5705(b)(4)(A)(ii) would provide that Fixed Income Security components that in aggregate account for at least 75% of the Fixed Income Securities portion of the weight of the index or portfolio each shall have a minimum original principal amount outstanding of \$100 million or more.

<sup>11</sup> See Nasdaq Rule 5735.

<sup>12</sup> 15 U.S.C. 78f(b).

<sup>13</sup> 15 U.S.C. 78f(b)(5).

Stocks portions of an index or portfolio. The percentage weighting criteria in Nasdaq Rule 5705(b)(4)(A)(ii), 5705(b)(4)(A)(iv) and 5705(b)(4)(A)(vi) each would be amended to make clear that such criteria would be applied only to the Fixed Income Securities portion of an index or portfolio. Such applications of the proposed amendments would assure that the weighting requirements in Nasdaq Rule 5705(b)(3) and 5705(b)(4) would continue to be applied only to securities in an index or portfolio, and would not be diluted as a result of inclusion of a cash component. In addition, the addition of cash as a permitted component of indexes or portfolios underlying Index Fund Shares listed and traded on the Exchange pursuant to Rule 19b-4(e) does not raise regulatory issues because cash does not, in itself, impose investment or market risk and is generally not susceptible to manipulation.

The Exchange believes the proposed amendments, by permitting inclusion of cash as a component of indexes or portfolios underlying series of Index Fund Shares, would provide issuers of Index Fund Shares with additional choice in indexes or portfolios permitted to underlie Index Fund Shares that are permitted to list and trade on the Exchange pursuant to Rule 19b-4(e), which would enhance competition among market participants, to the benefit of investors and the marketplace. In addition, the proposed amendments would provide investors with greater ability to hold Index Fund Shares based on underlying indexes or portfolios that may accord more closely with an investor's assessment of market risk.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change would permit Exchange listing and trading under Rule 19b-4(e) of Index Fund Shares based on indexes or portfolios that include cash as a component, which would enhance competition among market participants, to the benefit of investors and the marketplace. Additionally, since the Commission has already approved a substantively identical filing by NYSE Arca, Inc.<sup>14</sup> this filing may serve to enhance competition among the exchanges.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>15</sup> and Rule 19b-4(f)(6) thereunder.<sup>16</sup>

A proposed rule change filed under Rule 19b-4(f)(6) normally does not become operative prior to 30 days after the date of filing. However, Rule 19b-4(f)(6)(iii)<sup>17</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. As noted above, the Exchange believes that the proposed rule change would provide additional choices to issuers of Index Fund Shares and investors in Index Fund Shares. The Exchange also noted that the Commission has approved a substantively identical proposal by NYSE Arca, Inc.,<sup>18</sup> and this proposed rule change may enhance competition between the exchanges. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.<sup>19</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may

<sup>15</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>16</sup> 17 CFR 240.19b-4(f)(6). As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

<sup>17</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>18</sup> See *supra* note 3.

<sup>19</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NASDAQ-2017-062 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-NASDAQ-2017-062. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing 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

<sup>14</sup> *Supra* note 3.

available publicly. All submissions should refer to File Number SR–NASDAQ–2017–062 and should be submitted on or before August 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>20</sup>

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–14890 Filed 7–14–17; 8:45 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81123; File No. SR–NASDAQ–2017–038]

### Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment No. 1, Relating to the First Trust Municipal High Income ETF

July 11, 2017.

On May 16, 2017, The NASDAQ Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> a proposed rule change relating to the First Trust Municipal High Income ETF (“Fund”) of First Trust Exchange-Traded Fund III, the shares of which have been approved by the Commission for listing and trading under Nasdaq Rule 5735. The proposed rule change was published for comment in the *Federal Register* on June 2, 2017.<sup>3</sup> On July 10, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.<sup>4</sup> The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act <sup>5</sup> provides that, within 45 days of the publication of notice of the filing of a proposed rule

change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is July 17, 2017. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>6</sup> designates August 31, 2017, as the date by which the Commission shall either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR–NASDAQ–2017–038).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–14893 Filed 7–14–17; 8:45 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81119; File No. SR–PEARL–2017–31]

### Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX PEARL Rule 524, Reporting of Matched Trades to Clearing Corporation

July 11, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that, on June 28, 2017, MIAX PEARL, LLC (“MIAX PEARL” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this

notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 524, Reporting of Matched Trades to Clearing Corporation.

The text of the proposed rule change is available on the Exchange’s Web site at <http://www.miaxoptions.com/rule-filings/pearl> at MIAX PEARL’s principal office, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to amend Exchange Rule 524, Reporting of Matched Trades to Clearing Corporation, to adopt Interpretations and Policies .01, to state that post-trade adjustments that do not affect the contractual terms of a trade are to be performed by the Exchange Member <sup>3</sup> via an Exchange approved electronic interface. The Exchange will notify Members of the approved electronic interface via Regulatory Circular. The Exchange notes that an identical filing has been submitted by its affiliate, MIAX Options. In order to ensure consistent operation of both MIAX PEARL and MIAX Options through having consistent rules, the Exchange proposes to amend MIAX PEARL Rule 524 as described below.

<sup>3</sup> The term “Member” means an individual or organization approved to exercise the trading rights associate with a Trading Permit. Members are deemed “members” under the Exchange Act. See Exchange Rule 100.

<sup>20</sup> 17 CFR 200.30–3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> See Securities Exchange Act Release No. 80802 (May 26, 2017), 82 FR 25648 (June 2, 2017).

<sup>4</sup> In Amendment No. 1, which amended and replaced the proposed rule change in its entirety, Nasdaq (a) deleted references to the “Liquidity Rule,” and (b) made certain changes to the percentages to the Fund’s investments in Municipal Securities that are, at the time of investment, rated investment grade and below investment grade. Because Amendment No. 1 does not materially alter the substance of the proposed rule change or raise unique or novel regulatory issues, Amendment No. 1 is not subject to notice and comment. Amendment No. 1 to the proposed rule change is available at: <https://www.sec.gov/comments/sr-nasdaq-2017-038/nasdaq2017038-1841718-155073.pdf>.

<sup>5</sup> 15 U.S.C. 78s(b)(2).

<sup>6</sup> *Id.*

<sup>7</sup> 17 CFR 200.30–3(a)(31).

<sup>1</sup> 15 U.S.C. 78s (b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

The Exchange staffs a Help Desk<sup>4</sup> to provide customer service and support to its Members. One of the support functions the Help Desk currently provides is to make certain post-trade adjustments to a Member's matched trades at the Member's request and on its behalf. The Exchange has also developed functionality that it makes available to all Members that enables Members to electronically and independently perform post-trade adjustments that do not affect the contractual terms of the transaction to their side of the matched trade. Examples of post-trade adjustments that do not affect the contractual terms of a trade include: Changing the position indicator (*e.g.*, from Open to Close or Close to Open); adding or removing Clearing Member Trade Agreement ("CMTA") information; changing the clearing account type (*e.g.*, Customer or Firm); and modifying the optional data field, which may be used by Members for their own internal back-office processing.

Despite the availability of functionality for Members to perform these straightforward post-trade adjustments on their own, the Help Desk still receives a significant number of requests on a daily basis to manually perform these adjustments. Processing these requests is a time consuming exercise for Exchange staff and is an inefficient use of Exchange time and resources given that Members have the ability to perform these adjustments themselves electronically via an Exchange provided interface. Accordingly, the Exchange proposes to mandate that Members perform their own post-trade adjustments which do not affect the contractual terms of a trade as discussed above, using the functionality provided by the Exchange. The Exchange notes that use of the functionality provided by the Exchange does not relieve Members of their obligations to abide by the rules of the Exchange.<sup>5</sup> The Exchange also represents that it has an adequate surveillance program in place to review post-trade adjustments made by its Members. Additionally, the Exchange has a Regulatory Services Agreement in place with the Financial Industry Regulatory Authority to monitor adjustments done directly at the

Options Clearing Corporation ("OCC") to ensure compliance with applicable Exchange rules and such Securities and Exchange Commission Trading rules related to options trading. Further, the Exchange notes that Members may make post-trade adjustments to trades executed on the Exchange directly at the OCC, as the OCC provides functionality for Members to update certain non-critical trade information with respect to the transaction, provided such changes are not in contravention of any rule of the Exchange on which a confirmed trade was executed.<sup>6</sup>

The Exchange notes that other exchanges offer similar functionality to their members for post-trade adjustments.<sup>7</sup> However, these Exchanges incentivize their members to perform their own post-trade adjustments by charging a fee when the member elects to have the exchange perform the adjustment on their behalf, as opposed to mandating usage of an interface to perform post-trade adjustments such as the Exchange is proposing.

## 2. Statutory Basis

MIAX PEARL believes that its proposed rule change is consistent with Section 6(b) of the Act<sup>8</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>9</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that its proposal would promote just and equitable principles of trade and not unfairly discriminate between Members because the functionality to make post-trade adjustments is available to all Members. Further, the Exchange believes that its proposal would promote a fair and orderly market and protect investors and the public interest because its proposal would result in a more efficient use of Exchange resources, which would benefit all market participants.

## B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues but rather to make more efficient use of the Exchange's employee time and resources, which may ultimately benefit Members.

The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition as the Rules apply equally to all Exchange Members.

## C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act<sup>10</sup> and Rule 19b-4(f)(6)<sup>11</sup> thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

<sup>4</sup> The term "Help Desk" means the Exchange's control room consisting of Exchange staff authorized to make certain trading determinations on behalf of the Exchange. The Help Desk shall report to and be supervised by a senior executive officer of the Exchange. See Exchange Rule 100.

<sup>5</sup> Specifically, the Exchange notes that Members have an obligation to adhere to Exchange Rule 507, Must Give Up Clearing Member.

<sup>6</sup> See OCC Rules, Chapter IV, Rule 401, Reporting of Confirmed Trades Effected on Exchanges.

<sup>7</sup> See Securities Exchange Act Release Nos. 73585 (November 13, 2014), 79 FR 68927 (November 19, 2014) (SR-NYSEArca-2014-116); and 73542 (November 6, 2014), 79 FR 67496 (November 13, 2014) (SR-NYSEMKT-2014-87).

<sup>8</sup> 15 U.S.C. 78f(b).

<sup>9</sup> 15 U.S.C. 78f(b)(5).

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>11</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission’s Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-PEARL-2017-31 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-PEARL-2017-31. 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-PEARL-2017-31, and should be submitted on or before August 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2017-14889 Filed 7-14-17; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-81118; File No. SR-CBOE-2017-052]

**Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Updating the CBOE Fees Schedule Concerning LVCX Fees**

July 11, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 29, 2017, Chicago Board Options Exchange, Incorporated (the “Exchange” or “CBOE”) 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend its Fees Schedule relating to Livevol Core X (“LVCX”) fees.

The text of the proposed rule change is available on the Exchange’s Web site (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

**II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend its Fees Schedule relating to Livevol Core X (“LVCX”) fees. By way of background, LVCX is a front-end order entry and management tool for listed stocks and options that supports both simple and complex orders. Particularly, LVCX is a web-based application integrated into the application programming interface of the user’s proprietary system. The application provides users with the capability to send option orders to U.S. options exchanges and stock orders to U.S. stock exchanges (and other trading centers). Additionally, LVCX allows users to input parameters to control the size, timing and other variables of their trades. Use of the application is completely optional and LVCX users may sublicense LVCX to their customers.

The Exchange proposes a new tiered fee schedule for LVCX. Specifically, the Exchange proposes to eliminate the current flat fees of \$100/month (per Log-in ID) and implement a new tiered fee schedule for the LVCX application fees. The Exchange believes the proposed change will encourage greater application of the LVCX platform by reducing the prices as users purchase more Log-In IDs. The proposed LVXC tiered pricing is below.

Livevol Core X (LVCX)	Fee per login ID per month
Application Fees by Number of Login IDs:	
0-0 .....	\$100
11-30 .....	75
31-100 .....	50
101-200 .....	40
201-500 .....	30
501-1,000 .....	20
>1,000 .....	15

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>3</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>4</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78f(b).

<sup>4</sup> 15 U.S.C. 78f(b)(5).

<sup>12</sup> 17 CFR 200.30-3(a)(12).

practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,<sup>5</sup> which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

In particular, the Exchange believes the tiered fee schedule is reasonable because broker-dealer clients will see an overall reduction of prices as they increase their Log-In IDs. Additionally, the proposed change continues to provide for the recoupment of the costs of developing, maintaining, supporting and enhancing the application.

The Exchange believes the proposed rule change is equitably [sic] and not unfairly discriminatory because it applies to all users of LVCX uniformly. Additionally, the use of LVCX is completely voluntary. The LVCX application is available as a convenience to market participants, who will continue to have the option to use any order entry and management system available in the marketplace to send orders to the Exchange and other exchanges. The Exchange also believes these fees are reasonable and appropriate as they are competitive with similar applications available throughout the market.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule changes will impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act. Particularly, any market participant will be able to access LVCX and its tiered platform fees, which will apply uniformly to all users. Additionally, the proposed tiered fee schedule will offer heightened incentives for all broker-dealer clients to promote use of LVCX. The Exchange notes that the LVCX application is available to all market participants on the same terms and conditions, and use of the application is completely voluntary. LVCX is merely an alternative application to other similar products already available in the market

and market participants can develop their own proprietary products with the same functionality.

The Exchange notes that when Congress charged the Commission with supervising the development of a "national market system" for securities, a premise of its action was that prices, products and services ordinarily would be determined by market forces.<sup>6</sup> Consistent with this purpose, Congress and the Commission have repeatedly stated their preference for competition, rather than regulatory intervention, to determine prices, products and services in the securities markets.<sup>7</sup> Many exchanges and other market participants make technology products, including products similar to the LVCX, available to the industry. Other market participants that offer these products can adjust pricing or add functionality to attract users to their products to compete with the Exchange-offered products based on all competitive forces in the marketplace, as the Exchange expects these other market participants currently do. The Exchange believes that other market participants that offer these products will continue to remain competitive in the market for order-entry, management and routing products, as they currently are in this market in which at least two exchanges (including CBOE) offer similar technology products. For example, CBOE currently offers PULSe, and ISE currently offers PrecISE. The Exchange believes that many investors will continue to elect to use competing products available from non-exchange technology providers.

<sup>6</sup> See, e.g., H.R. Rep. No. 94-229, at 92 (1975) (Conf. Rep.) (stating Congress's intent that the "national market system evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed").

<sup>7</sup> See S. Rep. No. 94-75, 94th Cong., 1st Sess. 8 (1975) ("The objective [in enacting the 1975 amendments to the Exchange Act] would be to enhance competition and to allow economic forces, interacting within a fair regulatory field, to arrive at appropriate variations in practices and services."); Order Approving Proposed Rule Change Relating to NYSE Arca Data, Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770 (Dec. 9, 2008) at 74781 ("The Exchange Act and its legislative history strongly support the Commission's reliance on competition, whenever possible, in meeting its regulatory responsibilities for overseeing the SROs and the national market system. Indeed, competition among multiple markets and market participants trading the same products is the hallmark of the national market system.") (SR-NYSEArca-2006-21); Regulation NMS, 70 FR at 37499 (observing that NMS regulation "has been remarkably successful in promoting market competition in [the] forms that are most important to investors and listed companies").

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>8</sup> and paragraph (f) of Rule 19b-4<sup>9</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-CBOE-2017-052 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-CBOE-2017-052. 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

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>9</sup> 17 CFR 240.19b-4(f).

<sup>5</sup> 15 U.S.C. 78f(b)(4).

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-CBOE-2017-052 and should be submitted on or before August 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2017-14888 Filed 7-14-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81116; File No. SR-Phlx-2017-48]

### Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Quote Mitigation

July 11, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 30, 2017, NASDAQ PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx Rule 1082, regarding quote mitigation.

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaqphlx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to amend Phlx Rule 1082, entitled "Firm Quotations," to specifically remove Phlx Rule 1082(a)(ii)(C)(4), which process is not currently in effect on Phlx.

Today, Phlx Rule 1082(a)(ii)(C) sets forth the conditions under which Phlx disseminates updated quotations based on changes in the Exchange's disseminated price and/or size. Phlx disseminates an updated bid and offer price, together with the size associated with such bid and offer, when: (1) Phlx's disseminated bid or offer price increases or decreases; (2) the size associated with Phlx's disseminated bid or offer decreases; or (3) the size associated with Phlx's bid (offer) increases by an amount greater than or equal to a percentage (never to exceed 20%)<sup>3</sup> of the size associated with the previously disseminated bid (offer);<sup>4</sup>

<sup>3</sup> Phlx has set its percentage to 10%. See <http://www.nasdaqtrader.com/content/phlxmemos/2007/jan/0197-07.pdf>.

<sup>4</sup> Such percentage, which would never exceed 20%, would be determined on an issue-by-issue basis by the Exchange and announced to membership via Exchange circular. The percentage size increase necessary to give rise to a refreshed quote may vary from issue to issue, depending, without limitation, on the liquidity, average volume, and average number of quotations submitted in the issue.

and (4) automatic executions will decrement the disseminated size by the amount of the automatic execution.

The Exchange notes that it is removing Phlx Rule 1082(a)(ii)(C)(4) because this functionality is not necessary today. By way of background, the Exchange initially adopted the quote mitigation rule text in Phlx Rule 1082(a)(ii)(C)(4) to enhance the ability of Exchange Streaming Quote Traders ("SQTs"),<sup>5</sup> Remote Streaming Quote Traders ("RSQTs"),<sup>6</sup> non-SQT ROTs,<sup>7</sup> and specialists<sup>8</sup> (collectively, "Phlx XL participants") to better manage risk by modifying the legacy Phlx XL system<sup>9</sup> such that when a trade occurred [sic], the Exchange caused the Phlx XL system to decrement the quote size by the number of contracts traded in the affected option series on the side of the market that has traded (*i.e.*, bid size for sell transactions and offer size for buy transactions). At that time, the Exchange did not decrement quotation size in real time,<sup>10</sup> rather it updated quotes and executions separately in two applications. The Exchange would update the quote sent to OPRA with each decrement. However with a size increase the Exchange would only update the quote sent to OPRA if it was beyond the 10% threshold. At this time, a Phlx XL participant, who controlled his or her quotation size, could refresh the size (and price) for which he or she was firm at the disseminated price. Phlx adopted the rule because participants experienced situations where they executed more contracts at a particular price than they intended due to the fact that Phlx XL

<sup>5</sup> An SQT is an ROT who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. An SQT may only submit such quotations while such SQT is physically present on the floor of the Exchange. An SQT may only trade in a market making capacity in classes of options in which the SQT is assigned. See Rule 1014(b)(ii)(A).

<sup>6</sup> An RSQT is an ROT that is a member affiliated with and RSQTO with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. A qualified RSQT may function as a Remote Specialist upon Exchange approval. See Rule 1014(b)(ii)(B).

<sup>7</sup> A non-SQT ROT is an ROT who is neither an SQT nor an RSQT. See Rule 1014(b)(ii)(C).

<sup>8</sup> A Specialist is an Exchange member who is registered as an options specialist pursuant to Rule 501(a). An options Specialist includes a Remote Specialist which is defined as an options specialist in one or more classes that does not have a physical presence on an Exchange floor and is approved by the Exchange pursuant to Rule 501.

<sup>9</sup> See Securities Exchange Act Release No. 58582 (September 18, 2008), 73 FR 55190 (September 24, 2008) (SR-Phlx-2008-66) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Quotation Size Decrementation).

<sup>10</sup> The Exchange was disseminating a size which was not necessarily on the Exchange's book.

<sup>10</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

did not decrement quote size in real time. The rule was intended to ensure that the Exchange's disseminated size was decremented after each trade automatically executed in Phlx XL. Receipt of a revised quote from the affected Phlx XL participant would reset the price and size for that series.<sup>11</sup>

Phlx subsequently began operating on INET in 2009.<sup>12</sup> With the migration to INET functionality, the Exchange began to decrement quotation size in real time. The Exchange's system considered both updated quotes and executions within the same process in updating OPRA when considering a decrement. Because of the manner in which the INET system architecture decrements on INET, the language in Phlx Rule 1082(a)(ii)(C)(4) is no longer a correct representation of the function of the quote mitigation in place on Phlx.

By way of example, presuming the Phlx quote mitigation is set to 10% and the following sequence occurs:

If Market Maker (MM)1 has a quote of 1.00 (100) × 1.10 (100)  
OPRA quote disseminated—1.00 (100) × 1.10 (100)

A new MM2 sends a quote of 1.00 (5) × 1.10 (5). Because the quote is not increased by 10%, no new OPRA Quote is disseminated. The new Phlx book would be 1.00 (105) × 1.10 (105) pursuant to Phlx Rule 1082(a)(ii)(C) both before and after the system was migrated to INET.

*Case (1):* Presuming an incoming buy order of 5 contracts trades on INET with MM1 trading a 4 lot and MM2 trading a 1 lot. If Phlx Rule 1082(a)(ii)(C)(4) did not exist, with net disseminated size at 100, no OPRA quote update would be disseminated because the current offer did not change as it is not over 10% and the last update remains at 1.00 (100) × 1.10 (100). This would be the manner in which the system would continue to work with this rule proposal. The new Phlx book would be 1.00 (100) × 1.10 (100) pursuant to Phlx Rule 1082(a)(ii)(C)(4). This scenario would be same for any buy order of 5 contracts or less since any execution of 5 contracts or less would not decrement the last OPRA quote size of 100 contracts.

With Phlx Rule 1082(a)(ii)(C)(4) employed on legacy PHLX (prior to INET), the incoming buy order of 5 contracts would cause the disseminated size to be decremented by the amount of the automatic execution. Since the prior OPRA quote was 1.00 (100) × 1.10 (100), the OPRA quote update would have been disseminated at 1.00 (100) × 1.10 (95) to reflect the automatic execution of 5 contracts at 1.10.

*Case (2):* Presuming an incoming buy order of 6 contracts total trades with MM1 trading a 5 lot and MM2 trading a 1 lot, this execution causes the net book size to be decremented from 105 contracts to 99 contracts and the OPRA quote would be disseminated because the size associated

with Phlx's disseminated offer decreased. The new updated OPRA quote would be 1.00 (105) × 1.10 (99) which also reflects the new Phlx book of 1.00 (105) × 1.10 (99) pursuant to Phlx Rule 1082(a)(ii)(C)(2). This scenario would be same for any buy order of more than 5 contracts since an execution of more than 5 contracts would cause the Phlx disseminated offer to decrease.

With Phlx Rule 1082(a)(ii)(C)(4) employed on the legacy Phlx system, the OPRA quote update in Case 2 would have been disseminated at 1.00 (100) × 1.10 (94).

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>13</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>14</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by continuing to reduce the number of options quotations required to be submitted to OPRA and, therefore, mitigating the Exchange's quote message traffic and capacity. By removing Phlx Rule 1082(a)(ii)(C)(4), the Exchange will update its rule to better describe the current functionality and remove obsolete language. By way of background, when the Exchange initially adopted the rule text in Phlx Rule 1082(a)(ii)(C)(4) Phlx XL, its operating system at the time, did not decrement quotation size in real time meaning that the Exchange's legacy XL system did not consider both updated quotes and executions within the same process when updating OPRA. Phlx Rule 1082(a)(ii)(C)(4) ensured the Exchange's disseminated size was decremented after each trade automatically executed in Phlx XL. Phlx subsequently began operating on INET, thereby rendering Phlx Rule 1082(a)(ii)(C)(4) no longer necessary because of the real-time features which exist on INET which dynamically update and/or purge quotes. At the time of the migration, the Exchange's system considered both updated quotes and executions within the same process in updating OPRA. This represents the current functionality today. The Exchange believes that the amendment to the rule will provide greater clarity as to the Exchange's plan for quote mitigation.

The Exchange believes that deleting the provision in Phlx Rule 1082(a)(ii)(C)(4) is consistent with the Act in that it removes impediments to

and perfect the mechanism of a free and open market and a national market system because the Exchange may have unintentionally disseminated a size which was not necessarily on the Exchange's book. The Exchange believes that Phlx's quote mitigation process has successfully controlled Phlx's quote capacity. The Exchange believes that the removal of the rule text is consistent with the Act because the removal of this rule text will align the functionality of quote mitigation with the language of the rule and properly update OPRA. With the removal of the language, the Exchange's rule properly represents its current function which decrements from a quote actually on the Exchange's book.

Notwithstanding the removal of this provision from the rule, the Exchange will continue to mitigate quotes and monitor its quote capacity, as is the case today. The Exchange believes that Phlx's quote mitigation process has successfully controlled Phlx's quote capacity. The Exchange believes that the removal of the rule text will not impact the effectiveness of quote mitigation.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange proposal will better reflect its current quote mitigation process which applies to all options trading on Phlx. All options exchanges have a quote mitigation process in place in connection with their participation in the Penny Pilot Program.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>15</sup> and

<sup>11</sup> See note 5, *supra*.

<sup>12</sup> See Options Trader Alert #2009-17.

<sup>13</sup> 15 U.S.C. 78f(b).

<sup>14</sup> 15 U.S.C. 78f(b)(5).

<sup>15</sup> 15 U.S.C. 78s(b)(3)(A)(iii).



subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>16</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-Phlx-2017-48 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-Phlx-2017-48. 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

<sup>16</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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-Phlx-2017-48 and should be submitted on or before August 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2017-14886 Filed 7-14-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81122; File No. SR-MIAX-2017-32]

### Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange, LLC To Amend MIAX Options Rule 524, Reporting of Matched Trades to Clearing Corporation

July 11, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that, on June 28, 2017, Miami International Securities Exchange, LLC ("MIAX Options" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 524, Reporting of

Matched Trades to Clearing Corporation.

The text of the proposed rule change is available on the Exchange's Web site at <http://www.miaxoptions.com/rule-filings>, at MIAX's principal office, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to amend Exchange Rule 524, Reporting of Matched Trades to Clearing Corporation, to adopt Interpretations and Policies .01, to state that post-trade adjustments that do not affect the contractual terms of a trade are to be performed by the Exchange Member<sup>3</sup> via an Exchange approved electronic interface. The Exchange will notify Members of the approved electronic interface via Regulatory Circular.

The Exchange staffs a Help Desk<sup>4</sup> to provide customer service and support to its Members. One of the support functions the Help Desk currently provides is to make certain post-trade adjustments to a Member's matched trades at the Member's request and on its behalf. The Exchange has also developed functionality that it makes available to all Members that enables Members to electronically and independently perform post-trade adjustments that do not affect the contractual terms of the transaction to their side of the matched trade.

<sup>3</sup> The term "Member" means an individual or organization approved to exercise the trading rights associate with a Trading Permit. Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

<sup>4</sup> The term "Help Desk" means the Exchange's control room consisting of Exchange staff authorized to make certain trading determinations on behalf of the Exchange. The Help Desk shall report to and be supervised by a senior executive officer of the Exchange. See Exchange Rule 100.

<sup>17</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s (b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

Examples of post-trade adjustments that do not affect the contractual terms of a trade include: changing the position indicator (e.g., from Open to Close or Close to Open); adding or removing Clearing Member Trade Agreement (“CMTA”) information; changing the clearing account type (e.g., Customer or Firm); and modifying the optional data field, which may be used by Members for their own internal back-office processing.

Despite the availability of functionality for Members to perform these straightforward post-trade adjustments on their own, the Help Desk still receives a significant number of requests on a daily basis to manually perform these adjustments. Processing these requests is a time consuming exercise for Exchange staff and is an inefficient use of Exchange time and resources given that Members have the ability to perform these adjustments themselves electronically via an Exchange provided interface. Accordingly, the Exchange proposes to mandate that Members perform their own post-trade adjustments which do not affect the contractual terms of a trade as discussed above, using the functionality provided by the Exchange. The Exchange notes that use of the functionality provided by the Exchange does not relieve Members of their obligations to abide by the rules of the Exchange.<sup>5</sup> The Exchange also represents that it has an adequate surveillance program in place to review post-trade adjustments made by its Members. Additionally, the Exchange has a Regulatory Services Agreement in place with the Financial Industry Regulatory Authority to monitor adjustments done directly at the Options Clearing Corporation (“OCC”) to ensure compliance with applicable Exchange rules and such Securities and Exchange Commission Trading rules related to options trading. Further, the Exchange notes that Members may make post-trade adjustments to trades executed on the Exchange directly at the OCC, as the OCC provides functionality for Members to update certain non-critical trade information with respect to the transaction, provided such changes are not in contravention of any rule of the Exchange on which a confirmed trade was executed.<sup>6</sup>

The Exchange notes that other exchanges offer similar functionality to their members for post-trade

adjustments.<sup>7</sup> However, these Exchanges incentivize their members to perform their own post-trade adjustments by charging a fee when the member elects to have the exchange perform the adjustment on their behalf, as opposed to mandating usage of an interface to perform post-trade adjustments such as the Exchange is proposing.

## 2. Statutory Basis

MIAx believes that its proposed rule change is consistent with Section 6(b) of the Act<sup>8</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>9</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that its proposal would promote just and equitable principles of trade and not unfairly discriminate between Members because the functionality to make post-trade adjustments is available to all Members. Further, the Exchange believes that its proposal would promote a fair and orderly market and protect investors and the public interest because its proposal would result in a more efficient use of Exchange resources, which would benefit all market participants.

### B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues but rather to make more efficient use of the Exchange’s employee time and resources, which may ultimately benefit Members.

The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition as the Rules apply equally to all Exchange Members.

### C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act<sup>10</sup> and Rule 19b-4(f)(6)<sup>11</sup> thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission’s Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-MIAx-2017-32 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-MIAx-2017-32. This file number should be included on the

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>11</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>7</sup> See Securities Exchange Act Release Nos. 73585 (November 13, 2014), 79 FR 68927 (November 19, 2014) (SR-NYSEArca-2014-116); and 73542 (November 6, 2014), 79 FR 67496 (November 13, 2014) (SR-NYSEMKT-2014-87).

<sup>8</sup> 15 U.S.C. 78f(b).

<sup>9</sup> 15 U.S.C. 78f(b)(5).

<sup>5</sup> Specifically, the Exchange notes that Members have an obligation to adhere to Exchange Rule 507, Must Give Up Clearing Member.

<sup>6</sup> See OCC Rules, Chapter IV, Rule 401, Reporting of Confirmed Trades Effected on Exchanges.

subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-MIAX-2017-32, and should be submitted on or before August 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Jill M. Peterson,**  
Assistant Secretary.

[FR Doc. 2017-14892 Filed 7-14-17; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-81115; File No. SR-NYSEMKT-2017-38]

### Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Exchange Rules To Eliminate ALO and Day ISO Orders and Related Functionality, Provide That All Pegged Orders Would Be Non-Displayed Orders, Change References From "NYSE MKT" to "NYSE American," and Add the Definition of "NYSE American Marketplace"

July 11, 2017.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the

"Act"),<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that on June 29, 2017, NYSE MKT LLC (the "Exchange" or "NYSE MKT") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange rules to (1) eliminate ALO and Day ISO orders and related functionality; (2) provide that all Pegged Orders would be non-displayed orders; (3) change references from "NYSE MKT" to "NYSE American"; (4) add the definition of "NYSE American Marketplace"; and (5) make other conforming rule changes. The proposed rule change is available on the Exchange's Web site at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of these statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to amend Exchange rules to (1) eliminate Add Liquidity Only ("ALO") Orders and Day Intermarket Sweep Orders ("ISO") and related functionality; (2) provide that all Pegged Orders would be non-displayed orders; (3) change references from "NYSE MKT" to "NYSE American"; (4) add the definition of "NYSE American Marketplace"; and (5) make other conforming rule changes.

To effect its transition to Pillar, the Exchange has adopted the rule numbering framework of the NYSE Arca Equities, Inc. ("NYSE Arca Equities") rules for Exchange cash equities trading on the Pillar trading platform.<sup>4</sup> As described in the Framework Filing, the Exchange is denoting the rules applicable to cash equities trading on Pillar with the letter "E" to distinguish such rules from current Exchange rules with the same numbering. The Exchange's trading rules for cash equity trading on Pillar are also based on the trading rules of NYSE Arca Equities.<sup>5</sup> As described in the Trading Rules Filing, with Pillar, the Exchange will transition its cash equities trading platform from a Floor-based market with a parity allocation model to a fully automated price-time priority allocation model that trades all NMS Stocks. In addition, the Exchange will introduce a delay mechanism on Pillar that will add the equivalent of 350 microseconds of latency to inbound and outbound order messages, as described in greater detail in Rules 1.1E(y) and 7.29E(b).<sup>6</sup>

In the Delay Mechanism Filing, the Exchange represented that in conjunction with implementing the Delay Mechanism, it would no longer offer ALO or Day ISO functionality and all Pegged Orders would not be displayed.<sup>7</sup> Because the Exchange has

<sup>4</sup> See Securities Exchange Act Release No. 79242 (November 4, 2016), 81 FR 79081 (November 10, 2016) (SR-NYSEMKT-2016-97) (Notice and Filing of Immediate Effectiveness of Proposed Rule Change) (the "Framework Filing"). In addition, the Exchange has filed a proposed rule change to support Exchange trading of securities listed on other national securities exchanges on an unlisted trading privileges basis, including Exchange Traded Products ("ETP") listed on other exchanges. See Securities Exchange Act Release Nos. 79400 (November 25, 2016), 81 FR 86750 (December 1, 2016) (SR-NYSEMKT-2016-103) (Notice) and 81038 (June 28, 2017) (SR-NYSEMKT-2016-103) (Approval Order) (the "ETP Listing Rules Filing").

<sup>5</sup> See Securities Exchange Act Release Nos. 80590 (May 4, 2017), 82 FR 21843 (May 10, 2017) (Approval Order) and 79993 (February 9, 2017), 82 FR 10814 (February 15, 2017) (SR-NYSEMKT-2017-01) (Notice) ("Trading Rules Filing"). The Exchange also has established market maker obligations when trading on the Pillar trading platform. See Securities Exchange Act Release No. 80577 (May 2, 2017), 82 FR 21446 (May 8, 2017) (SR-NYSEMKT-2017-04) (Approval Order).

<sup>6</sup> See Securities Exchange Act Release Nos. 80700 (May 16, 2017), 82 FR 23381 (May 22, 2017) (SR-NYSEMKT-2017-05) (Approval Order) and 79998 (February 9, 2017), 82 FR 10828 (February 15, 2017) (SR-NYSEMKT-2017-05) (Notice) ("Delay Mechanism Filing").

<sup>7</sup> Rule 7.31E (Orders and Modifiers) currently describes ALO Orders, Day ISO Orders, and Pegged Orders. These order types are based on NYSE Arca Equities ALO, Day ISO, and Pegged Orders, including that Primary Pegged Orders are required to have a minimum display quantity. In the Delay Mechanism Filing, the Exchange represented that, before implementing the Delay Mechanism, the

Continued

<sup>12</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

not yet transitioned to Pillar, the Exchange proposes to amend its rules relating to ALO, Day ISO, and Pegged Orders before transitioning to Pillar, as described in the Delay Mechanism Filing, so that it can implement the Delay Mechanism when it transitions to Pillar. The Exchange proposes additional amendments to its rules, described below, before implementing the Pillar trading platform.

#### Proposed Rule Changes

To eliminate ALO Orders, the Exchange proposes to delete rule text relating to ALO Orders and Non-Display Remove Modifiers, which is functionality that is operative only in conjunction with a contra-side incoming ALO Order. The Exchange would make the following changes to its rules:

- Delete Rule 7.31E(e)(2) and its subparagraphs, which describe ALO Orders, and replace that section of the Rule with the term “Reserved.”
- Delete Rule 7.31E(d)(2)(B), which provides that Limit Non-Display Orders may be designated with a Non-Display Remove Modifier.
- Delete the last sentence of Rule 7.31E(d)(3)(E) and Rules 7.31E(d)(3)(F) and (G), which describe MPL–ALO Orders and related Non-Display Remove Modifier functionality.
- Delete Rule 7.31E(e)(1)(C), which provides that an MKT Only Order may be designated with a Non-Display Remove Modifier.
- Amend Rule 7.31E(j)(1) to delete the reference to “ALO Order.”
- Amend Rules 7.46E(f)(5)(F)(ii) and (iii) to delete references to ALO Orders.

To effect the changes described in the Delay Mechanism Filing to eliminate Day ISO Orders, the Exchange proposes to delete text relating to Day ISOs and amend its rules as follows:

- Delete Rules 7.31E(e)(3)(C) and (D), which describe Day ISO and Day ISO ALO Orders. The Exchange also proposes to amend Rule 7.31E(e)(3) to provide that an ISO must be designated IOC and to delete the specific reference to “IOC ISO” in Rule 7.31E(e)(3)(B).
- Amend Rules 7.11E(a)(5P)(A) and 7.11E(a)(5P)(A)(ii) to delete references to “Day ISO” and make related conforming changes.
- Amend Rule 7.31E(a)(2)(C) to delete the last two sentences, which describes how Limit Orders are repriced upon arrival of a Day ISO.
- Amend Rule 7.35E(h)(3)(C) to delete the last sentence, which describes how

Day ISOs are processed when transitioning to continuous trading.

- Delete current Rule 7.46E(f)(5)(F)(i)(a), which relates to Day ISO Orders, and the designation of subparagraph (b). The text of current Rule 7.46E(f)(5)(F)(i)(b) would become the last sentence of 7.46E(f)(5)(F)(i).

To effect the changes described in the Delay Mechanism to make all Pegged Orders non-displayed, the Exchange proposes to amend its rules to provide for Primary Pegged Orders to operate similarly to Market Pegged Orders and Discretionary Pegged Orders not only in that they would not be displayed, but also with respect to how they would function (i) when the PBBO is locked or crossed, (ii) in different trading sessions, and (iii) in auctions. To effect these changes, the Exchange proposes to amend its rules as follows:

- Amend Rule 7.31E(h) to move rule text that is currently applicable to Market Pegged Orders and make it applicable to all Pegged Orders, as follows (new text italicized):

(h) Pegged Orders. A Limit Order that does not route with a working price that is pegged to a dynamic reference price. If the designated reference price is higher (lower) than the limit price of a Pegged Order to buy (sell), the working price will be the limit price of the order. *Pegged Orders are not displayed, are ranked Priority 3—Non-Displayed Orders, and are not eligible to participate in auctions. If the PBBO is locked or crossed, both an arriving and resting Pegged Order will wait for a PBBO that is not locked or crossed before the working price is adjusted and the order becomes eligible to trade. A Pegged Order will be rejected on arrival, or cancelled when resting, if there is no PBO (PBB) against which to peg.*

- Amend Rule 7.31E(h)(1) describing Market Pegged Orders to delete, as duplicative of proposed Rule 7.31E(h), the second sentence, sub-paragraphs (A) and (B) of that Rule, and the designation of subparagraph (C). The text of current Rule 7.31E(h)(1)(C) would become the second sentence of Rule 7.31E(h)(1).
- Amend Rule 7.31E(h)(2) defining and describing Primary Pegged Orders to delete the last two sentences and subparagraphs (A) and (B) of that Rule as no longer applicable.
- Delete reference to Primary Pegged Orders in Rule 7.31E(d)(1)(C) because Primary Pegged Orders would not include a display quantity and therefore would no longer be able to be combined with Reserve Orders.

- Make conforming changes to Rule 7.31E(h)(3) defining and describing Discretionary Pegged Orders by deleting rule text in Rules 7.31E(h)(3)(A) and (E)

that would be duplicative of the proposed new rule text in Rule 7.31E(h), described above.

- Amend Rule 7.18E(c)(4) governing halts in Exchange-listed securities to replace the term “Market Pegged Orders” with “Pegged Orders” because all Pegged Orders would function similarly to Market Pegged Orders during a halt or pause in an Exchange-listed security.<sup>8</sup> With this proposed change, all Pegged Orders, including Primary Pegged Orders and Discretionary Pegged Orders, would be processed in the same manner as Market Pegged Orders during a halt or pause in trading of an Exchange-listed security.

- Replace the term “Market Pegged Order” with “Pegged Order” and delete reference to “Discretionary Pegged Orders” in Rule 7.34E(c)(1)(A) because all Pegged Orders would be rejected when entered during the Early Trading Session, regardless of the session designation on the order.

In addition to the proposed amendments that the Exchange described in the Delay Mechanism Filing, the Exchange also proposes to amend its Pillar rules to replace references to “NYSE MKT” with references to “NYSE American.” These proposed changes are consistent with the Exchange’s proposed name change to NYSE American LLC (“NYSE American”), which will become operative upon effectiveness of an amendment to the Exchange’s Certificate of Formation.<sup>9</sup> Because the Exchange will implement the Pillar trading platform to coincide with the effectiveness of the name change to NYSE American, the Exchange believes that amending the rules governing trading on the Pillar trading platform to use the term “NYSE American” instead of “NYSE MKT” would be appropriate.

To effect the name change, the Exchange proposes to amend Rule 1.1E(k), which defines the term “Exchange,” to replace the term “NYSE MKT” with “NYSE American.” The Exchange also proposes to rename the order type “MKT Only Order” as a “Non-routable Limit Order,” and would amend Rules 7.31E(d)(1)(C), (e)(1), (j)(1), and 7.46E(f)(5)(F)(ii) and (iii) accordingly. The Exchange believes that the proposed new name for the “MKT Only Order” describes the functionality

<sup>8</sup> The Exchange also proposes to amend Rule 7.18E(c)(4) to delete references to “Retail Orders.” The Exchange will not offer a Retail Liquidity Program on its Pillar trading platform, and therefore references to Retail Orders are moot. See Trading Rules Filing Notice *supra* note 5 at 10815.

<sup>9</sup> See Securities Exchange Act Release No. 80283 (March 21, 2017), 82 FR 15244 (March 27, 2017) (SR–NYSEMKT–2017–14).

Exchange would file a separate proposed rule change to eliminate ALO and Day ISO Orders and related functionality and to provide that Primary Pegged Orders would not be displayed.

associated with this order type because it is not eligible to route. The Exchange would also amend Rule 7.45E(a) to replace references to the term “NYSE MKT LLC” with the term “the Exchange.”

The Exchange also proposes to add to Exchange rules the definition of “NYSE American Marketplace,” which would be defined in Rule 1.1E(e) as “the electronic securities communications and trading facility of the Exchange through which orders are processed or are consolidated for execution and/or display.” This proposed definition is based in part on NYSE Arca Equities Rule 1.1(e), which defines the term “NYSE Arca Marketplace” as “the electronic securities communications and trading facility designated by the Board of Directors through which orders of Users are consolidated for execution and/or display.” The Exchange proposes a non-substantive difference from NYSE Arca Equities Rule 1.1(e) not to include reference to the phrase “designated by the Board of Directors” because the Exchange’s Board of Directors does not designate which technology at the Exchange performs the various functions of the Exchange. The Exchange also proposes not to use the term “Users” as moot. The Exchange further proposes a difference to add that the term “NYSE American Marketplace” includes the facility where orders are processed, in addition to the facility where orders are consolidated for execution and/or display.

The Exchange believes that adding the term “NYSE American Marketplace” to Exchange rules provides for a term that describes the Exchange’s facilities where orders are processed or are consolidated for execution and/or display. The Exchange proposes to amend Rule 7.29E(a) and Rule 7.29E(b)(1)(C) to replace the term “Exchange” with “NYSE American Marketplace” because the Exchange believes that the term “NYSE American Marketplace” in this context is more descriptive.

The Exchange also proposes to amend Rule 7.29E(b)(1)(A) and (B) to add the term “NYSE American Marketplace” in order to provide specificity that the Delay Mechanism would be operative for inbound and outbound communications to and from ETP Holders. Inbound and outbound communications from ETP Holders, that are processed through the same electronic securities communications and trading facilities as orders, such as log on or log out messages, would be subject to the Delay Mechanism. The Exchange believes that this proposed rule change is consistent with the rules

governing the Delay Mechanism. Specifically, in the Delay Mechanism Filing, the Exchange described that the Delay Mechanism functionality is designed to provide for additional latency under the same circumstances as the intentional latency on Investors Exchange LLC (“IEX”).<sup>10</sup> IEX Rule 11.510, upon which Rule 7.29E is based, specifies that the IEX intentional delay is for inbound and outbound communications to IEX’s “System.” IEX defines “System” to mean “the electronic communications and trading facility designated by the Board through which securities orders of Members are consolidated for ranking, execution, and when applicable, routing.”<sup>11</sup> The Exchange believes that its proposed definition of “NYSE American Marketplace” describes facilities that provide similar functionality as the facilities defined in the IEX term “System.” As such, the Exchange’s proposal to add the phrase “the NYSE American Marketplace” in Rule 7.29E(b) would make clear that the Delay Mechanism would be added to all inbound and outbound communications to and from facilities where orders are processed or are consolidated for execution and/or display. Accordingly, the Exchange believes that adding the term “NYSE American Marketplace” to Rule 7.29E(b) is consistent with the original intent of the rule and provides greater specificity and transparency in Exchange rules regarding how the Delay Mechanism would function, without any differences.

Finally, the Exchange proposes to update Exchange rules to reflect recent changes to Supplementary Material .70 to Rule 67—Equities that amended the date when certain data would be published by the Exchange.<sup>12</sup> The Exchange proposes to amend Commentary .70 to Rule 7.46E to make the same date change.

\* \* \* \* \*

The Exchange will announce the implementation of its transition to Pillar, and thus when these proposed rule changes would be implemented, by Trader Update, which the Exchange anticipates will be in the third quarter of 2017.

## 2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the

“Act”),<sup>13</sup> in general, and furthers the objectives of Section 6(b)(5),<sup>14</sup> in particular, because 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.

The Exchange believes that its proposed rule change to eliminate ALO Orders, Day ISOs, and related functionality would remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed deletions are designed to work in conjunction with the Exchange’s Delay Mechanism, as described in the Delay Mechanism Filing. The proposed changes would also remove impediments to and perfect the mechanism of a free and open market and a national market system because they would simplify the Exchange’s trading model on Pillar and operate more similarly to IEX, which also does not offer ALO, Day ISO, or related functionality. The Exchange further believes that deleting these order types and related functionality would be consistent with the protection of investors and the public interest because the Exchange has not implemented Pillar and therefore these order types are not yet available for trading on Pillar. Deleting these order types before implementation therefore would not impact any market participants.

The Exchange believes that its proposed rule change to make all Pegged Orders be non-displayed is consistent with the purpose of the Delay Mechanism, which is to allow non-displayed Pegged Orders to update in real-time based on changes to the PBBO before a new, incoming order generated in response to the same PBBO change can access the resting order. By changing Primary Pegged Orders to be non-displayed, Primary Pegged Orders would be able to be re-priced in real-time as well. The Exchange therefore believes that this proposed change would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would allow for Primary Pegged Orders to benefit from a market structure that includes a Delay

<sup>10</sup> See Delay Mechanism Filing Notice, *supra* note 6 at 10829.

<sup>11</sup> See IEX Rule 1.160(nn).

<sup>12</sup> See Securities Exchange Act Release No. 80648 (May 10, 2017), 82 FR 22590 (May 16, 2017) (SR–NYSEMKT–2017–24) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change).

<sup>13</sup> 15 U.S.C. 78f(b).

<sup>14</sup> 15 U.S.C. 78f(b)(5).

Mechanism. The proposed changes would also remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed functionality is based on how IEX operates, which also does not offer displayed pegging functionality.<sup>15</sup> In addition, the Exchange believes that the proposed change is consistent with the protection of investors and the public interest because the Exchange has not implemented its Pillar trading platform and therefore a displayed Primary Pegged Order is not yet available for trading on Pillar. Amending Primary Pegged Order functionality before implementation would therefore not impact any market participants trading.

The Exchange believes that the proposed amendment to change references from “NYSE MKT” to “NYSE American” is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system because it would ensure that the Exchange’s rules accurately reflects the name of the Exchange that will be in effect when it transitions to Pillar, which will make the rule book easier to navigate.

The Exchange believes that adding to Exchange rules the term “NYSE American Marketplace,” which is based in part on the term “NYSE Arca Marketplace” in NYSE Arca Equities Rule 1.1(k), would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would add a term designed to describe with greater specificity the Exchange’s facility that processes or executes and/or displays orders. The Exchange further believes that amending Rules 7.29E(a) and (b) to add the term “NYSE American Marketplace” would remove impediments to and perfect the mechanism of a free and open market and a national market system by providing specificity of which communications would be subject to the Delay Mechanism. The Exchange believes that the proposed amendment to use this term in Rule 7.29E(b) is a non-substantive change that is consistent with the original intent of the rule to provide for additional latency under the same circumstances as IEX. As such, the proposed change is designed to provide greater specificity and transparency in Exchange rules regarding how the Delay Mechanism would function, without any differences.

<sup>15</sup> See IEX Rule 11.190(a)(3) (defining Pegged Order on IEX).

Finally, the Exchange believes that the proposed change to Commentary .70 to Rule 7.46E would remove impediments to and perfect the mechanism of a free and open market and a national market system by updating Rule 7.46E to reflect recent changes to Supplementary Material .70 to Rule 67—Equities that amended the date when certain data would be published by the Exchange.

#### *B. Self-Regulatory Organization’s Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes to ALO, Day ISO, and Pegged Orders are designed to implement changes previously described in the Delay Mechanism Filing. As such, these proposed changes are designed to provide a competitive trading model to IEX by offering similar order type functionality as IEX in combination with the Exchange’s Delay Mechanism. The Exchange’s proposal is therefore designed to promote competition by offering a choice of exchanges to those ETP Holders and issuers that prefer to trade or list on an exchange that offers a delay mechanism and the related order type offerings. The proposed changes to change the name of the Exchange to “NYSE American” and add the term “NYSE American Marketplace” are not designed to address any competitive issues but rather are designed to provide greater specificity in Exchange rules regarding the name of the Exchange and a term to define the Exchange’s facility that executes and/or displays orders.

#### *C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section

19(b)(3)(A) of the Act<sup>16</sup> and Rule 19b-4(f)(6) thereunder.<sup>17</sup>

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act<sup>18</sup> normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)<sup>19</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the operative delay would be consistent with the protection of investors and the public interest because it would allow the proposed rule change to be operative at the same time that the Exchange begins its transition to Pillar and implements the Delay Mechanism, which the Exchange anticipates will be on July 24, 2017. The Exchange states that a waiver will thereby reduce any potential for confusion of how orders would be processed when the Exchange transitions to Pillar and implements the Delay Mechanism. The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.<sup>20</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and

<sup>16</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>17</sup> 17 CFR 240.19b-4(f)(6). As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

<sup>18</sup> 17 CFR 240.19b-4(f)(6).

<sup>19</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>20</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEMKT-2017-38 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-NYSEMKT-2017-38. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEMKT-2017-38, and should be submitted on or before August 7, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>21</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2017-14885 Filed 7-14-17; 8:45 am]

**BILLING CODE 8011-01-P**

## **SMALL BUSINESS ADMINISTRATION**

### **Data Collection Available for Public Comments**

**ACTION:** 60 day notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

**DATES:** Submit comments on or before September 15, 2017.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Amy Kim, Program Manager, Office of Contract Assistance, Small Business Administration, 409 3rd Street SW., 8th Floor, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Amy Kim, 202-205-6915 [amy.kim@sba.gov](mailto:amy.kim@sba.gov), Curtis B. Rich, Management Analyst, 202-205-7030 [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

#### **SUPPLEMENTARY INFORMATION:**

*Title:* "Certification for the Women-Owned Small Business Federal Contract Program".

*Abstract:* The Small Business Act states that a women-owned small (WOSB) or an economically disadvantaged women-owned small business (EDWOSB) must (1) be a Federal agency, a State government, or a national certifying entity as a WOSB. or, (2) certify to the contracting office that it is a WOSB and provide adequate documentation to support such certification. These documents will be used by the SBA, contracting offices and third party certifies to determine program eligibility and compliance.

*Description of Respondents:* Women Owned Small Businesses.

*Form Number's:* 2413, 2414.

*Annual Responses:* 12,000.

*Annual Burden:* 24,400.

**Curtis Rich,**

*Management Analyst.*

[FR Doc. 2017-14899 Filed 7-14-17; 8:45 am]

**BILLING CODE 8025-01-P**

## **SURFACE TRANSPORTATION BOARD**

### **Release of Waybill Data**

The Surface Transportation Board has received a request from Hines (WB17-

33-7/8/17) for permission to use masked data from the Board's 2009-2014 Carload Waybill Samples. A copy of this request may be obtained from the Office of Economics.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

*Contact:* Alexander Dusenberry, (202) 245-0319.

**Kenyatta Clay,**

*Clearance Clerk.*

[FR Doc. 2017-14932 Filed 7-14-17; 8:45 am]

**BILLING CODE 4915-01-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

[Summary Notice No. PE-2017-56]

#### **Petition for Exemption; Summary of Petition Received**

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

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number involved and must be received on or before August 7, 2017.

**ADDRESSES:** Send comments identified by docket number FAA-2017-0584 using any of the following methods:

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

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

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building

<sup>21</sup> 17 CFR 200.30-3(a)(12).

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:** Deana Stedman, ANM-113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057-3356, email [deana.stedman@faa.gov](mailto:deana.stedman@faa.gov), phone (425) 227-2148; or Alphonso Pendergrass, ARM-200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, email [alphonso.pendergrass@faa.gov](mailto:alphonso.pendergrass@faa.gov), phone (202) 267-4713.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on July 7, 2017.

**Victor Wicklund**

*Manager, Transport Standards Staff.*

### Petition for Exemption

*Docket No.:* FAA-2017-0584.

*Petitioner:* Embraer.

*Section of 14 CFR Affected:* § 25.981(a)(3).

*Description of Relief Sought:* In accordance with FAA Policy PS-ANM-25.981-02, dated June 24, 2014, the petitioner seeks an exemption from the requirements of 14 CFR 25.981(a)(3) with respect to fuel tank ignition prevention for the Model ERJ 190-300, 190-400, and 190-500 airplanes. [FR Doc. 2017-14898 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2017-0706]

#### Recommendations for Facilities Realignments To Support Transition to NextGen as Part of Section 804 of the FAA Modernization and Reform Act of 2012—Part 3; Request for Comments

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** This document announces the availability of the FAA National Facilities Realignment and Consolidation Report, Part 3. The report was developed in response to Section 804 of the FAA Modernization and Reform Act of 2012. The report and recommendations contained therein have been developed collaboratively with the National Air Traffic Controllers Association (NATCA) and the Professional Aviation Safety Specialists (PASS) labor unions and with input from stakeholders. The FAA seeks comments on this report.

**DATES:** Send comments on or before August 31, 2017.

**ADDRESSES:** Send comments identified by docket number FAA-2017-0706 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

*Privacy:* The FAA will post all comments it receives, without change, to <http://www.regulations.gov>, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA dockets, including name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's

complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477-19478), as well as at <http://DocketsInfo.dot.gov>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or visit 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:** William Middleswart, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; email: [Section804-Public-Comments@faa.gov](mailto:Section804-Public-Comments@faa.gov); phone: (202) 267-1439.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 804 of the FAA Modernization and Reform Act of 2012 (Pub. L. 112-95) requires the FAA to develop a plan for realigning and consolidating facilities in an effort to support the transition to NextGen and reduce costs where such cost reductions can be implemented without adversely affecting safety. To address Section 804 requirements, the FAA formed a collaborative workgroup of representatives from the FAA and NATCA and PASS labor unions to develop a comprehensive process to analyze different realignment and consolidation scenarios. The collaborative process takes into account the following factors and criteria when prioritizing facilities for realignment analysis: NextGen readiness; the Terminal Automation program schedule; operational and airspace factors; existing facility conditions and workforce impacts; industry stakeholder input; costs and benefits associated with each potential realignment alternative; facilities and engineering planning and priorities; and employee career development.

The collaborative workgroup developed the guiding principles and criteria for evaluating existing Terminal Radar Approach Control (TRACON) operations. The principles support the goals of developing operationally viable realignment and consolidation scenarios, capturing recommendations, and outlining next steps. The workgroup has developed a repeatable and defensible four-step process to evaluate facility TRACON operations and prioritize for analysis; determine an initial set of realignment scenarios and a set of alternatives for each scenario; collect facility and operational data and



document system requirements; document facility, equipment, infrastructure, operational and safety data; capture qualitative workforce considerations, including training, transition, facility, and potential workforce impacts of potential realignments; consider potential impacts on operations, airspace modifications, route/fixes changes, arrival/departure procedures, intra/inter-facility coordination, and pilot community interaction; collect and consider industry stakeholder input; quantify benefits and cost of potential realignments; and develop a recommendation for each realignment scenario. A copy of this report has been placed in the docket for this notice. The docket may be accessed at <http://www.regulations.gov>. A copy of the report has also been made available on the FAA's Web site at [http://www.faa.gov/regulations\\_policies/rulemaking/recently\\_published/](http://www.faa.gov/regulations_policies/rulemaking/recently_published/).

The realignment recommendations outlined in the Part 3 report are the result of a collaborative process that involved a multi-disciplinary team of FAA management, labor, field facilities, finance, and subject matter experts. The Section 804 process serves as a stable foundation for future realignment analyses and recommendations. The process aims to maximize operational, administrative, and maintenance efficiencies, support transition to NextGen, and deliver the highest value to stakeholders.

The FAA is requesting comments on this report pursuant to Section 804 of the FAA Modernization and Reform Act of 2012. The agency will consider all comments received on or before August 31, 2017. Following a 60-day comment review period, the final report along with public comments will be submitted to Congress. The FAA continues to analyze data collected from facilities across the United States and evaluate possible realignment scenarios.

Issued in Washington, DC, on July 10, 2017.

**William Middleswart,**

*Management Services, Federal Aviation Administration.*

[FR Doc. 2017-14872 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by the FHWA, California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327, and the US Fish and Wildlife Service, and National Marine Fisheries Service.

**SUMMARY:** The FHWA is issuing this notice to announce actions taken by FHWA, U.S. Fish and Wildlife Service, and National Marine Fisheries Service that are final within the meaning of U.S. Code. The actions relate to a proposed highway project, US Route 101 between Eureka and Arcata in the County of Humboldt, State of California. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(j)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before December 14, 2017. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:**

Dave Tedrick, Senior Environmental Specialist, FHWA, 650 Capitol Mall, Suite 4-100, Sacramento, CA 95814, (916) 498-5025, [david.tedrick@dot.gov](mailto:david.tedrick@dot.gov).  
Rosalind Litzky, Senior Environmental Planner, Caltrans, 1656 Union Street, Eureka, CA 95501, (707) 445-5222, [rosalind.litzky@dot.ca.gov](mailto:rosalind.litzky@dot.ca.gov).  
Jeffery Jahn, N.O.A.A. National Marine Fisheries Service, 1655 Heindon Road, Arcata, California 95521, (707) 825-5173, [Jeffrey.Jahn@NOAA.GOV](mailto:Jeffrey.Jahn@NOAA.GOV).  
Greg Schmidt, U.S. Fish and Wildlife Service, 1655 Heindon Road, Arcata, California 95521, (707) 822-7201, [Gregory\\_Schmidt@fws.gov](mailto:Gregory_Schmidt@fws.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA, Caltrans, U.S. Fish and Wildlife Service, and National Marine Fisheries Service have taken final agency actions subject to 23 U.S.C. 139(j)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The proposed Eureka-Arcata Route 101 Corridor Improvement Project consists of various improvements on Route 101 between the Eureka Slough Bridge and the 11th St. overcrossing in Arcata. Major project features may include closing roadway median crossings, constructing a roadway grade separation at Indianola Cutoff, replacing the southbound Jacoby Creek Bridge, and partially or fully signaling the

Route 101/Airport Road intersection. The purpose of the project is to improve safety; reduce operational conflicts and delay; and rehabilitate roadway to meet current traffic engineering design standards as feasible. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on December 20, 2016, in the FHWA Record of Decision (ROD) issued on July 3, 2017, and in other documents in the FHWA project records. The FEIS, ROD, and other project records are available by contacting Caltrans at the addresses provided above. The FHWA FEIS and ROD can be viewed and downloaded from the project Web site at [http://www.dot.ca.gov/dist1/d1projects/eureka\\_arcata/reports.htm](http://www.dot.ca.gov/dist1/d1projects/eureka_arcata/reports.htm), or viewed at public libraries in the project area.

The U.S. N.O.A.A National Marine Fisheries consultation and Letter of Concurrence are available by contacting U.S. N.O.A.A National Marine Fisheries at the address provided above.

The U.S. Fish and Wildlife Service consultation and Biological Opinion are available by contacting the U.S. Fish and Wildlife Service at the address provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal Aid Highway Act; [23 U.S.C. 109].
2. *Air:* Clean Air Act 42 U.S.C. 7401-7671(q).
3. *Migratory Bird Treaty Act* [16 U.S.C. 703-712].
4. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(aa)-11].
5. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; The Uniform Relocation Assistance Act and Real Property Acquisition Policies Act of 1970, as amended.
6. *Hazardous Materials:* Comprehensive Environmental response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601-9675; Superfund Amendments and Reauthorization Act of 1986 (SARA);
7. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13112 Invasive Species.

8. Endangered Species Act 16 U.S.C. 1531–1543.

9. Clean Water Act 33 U.S.C. 1251–1376.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(l)(1).

**Shawn Oliver,**

*Environmental Team Leader, Federal Highway Administration, Sacramento, California.*

[FR Doc. 2017–14927 Filed 7–14–17; 8:45 am]

**BILLING CODE 4910–RY–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

[Docket No. FHWA–2016–0015]

**Emergency Route Working Group—  
Amended Notice of Public Meetings**

**AGENCY:** Federal Highway Administration (FHWA); DOT.

**ACTION:** Notice of public meetings.

**SUMMARY:** This notice amends the time and date of two pending meetings of the Emergency Route Working Group (ERWG).

**DATES:** The pending public meetings will now be held on:

- Tuesday, August 8, 2017, from 8:30 a.m.–4:30 p.m., and Wednesday, August 9, 2017, from 8:30 a.m.–12:30 p.m.
- Wednesday, September 27, 2017, from 8:30 a.m.–4:30 p.m., and Thursday, September 28, 2017, from 8:30 a.m.–12:30 p.m.

**ADDRESSES:** All sessions of these public meetings will be held at U.S. Department of Transportation, 1200 New Jersey Ave., Conference Center, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Crystal Jones, FHWA Office of Freight Management and Operations, (202) 366–2976, or via email at [Crystal.Jones@dot.gov](mailto:Crystal.Jones@dot.gov) or [erwg@dot.gov](mailto:erwg@dot.gov). For legal questions, contact Seetha Srinivasan, FHWA Office of the Chief Counsel, (202) 366–4099 or via email at [Seetha.Srinivasan@dot.gov](mailto:Seetha.Srinivasan@dot.gov). Office hours for FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

An electronic copy of this notice may be downloaded from the **Federal Register's** home page at: [http://](http://www.archives.gov)

[www.archives.gov](http://www.archives.gov); the Government Publishing Office's database at: <https://www.gpo.gov/fdsys/>; or the specific docket page at: [www.regulations.gov](http://www.regulations.gov).

**Background**

*Amended date and location for two pending ERWG meetings:* Pursuant to the Federal Advisory Committee Act, FHWA's Office of Freight Management and Operations issued a notice for three meetings in the **Federal Register** at 82 FR 27544. The FHWA held the first of these announced public meetings. The latter two meetings were originally scheduled for July 12–13, 2017, and August 9–10, 2017. These meetings have been rescheduled for:

- *Meeting 2:* Tuesday, August 8, 2017, from 8:30 a.m.–4:30 p.m., and Wednesday, August 9, 2017, from 8:30 a.m.–12:30 p.m.
- *Meeting 3:* Wednesday, September 27, 2017, from 8:30 a.m.–4:30 p.m., and Thursday, September 28, 2017, from 8:30 a.m.–12:30 p.m.

All sessions of these pending meetings will be held at the U.S. Department of Transportation Headquarters.

*Minutes and Public Participation:* All ERWG meetings are open to the public. Procedure for public comment is available in the original meeting notice at 82 FR 27544. An electronic copy of the minutes from all ERWG meetings will be available for download within 60 days of each meeting at: <http://ops.fhwa.dot.gov/fastact/erwg/index.htm>.

**Authority:** Section 5502 of Pub. L. 114–94; 5 U.S.C. Appendix 2; 41 CFR 102–3.65; 49 CFR 1.85.

Issued on: July 10, 2017.

**Walter C. Waidelich, Jr.,**

*Acting Deputy Administrator, Federal Highway Administration.*

[FR Doc. 2017–14925 Filed 7–14–17; 8:45 am]

**BILLING CODE 4910–22–P**

**DEPARTMENT OF TRANSPORTATION**

**Maritime Administration**

[Docket No. MARAD–2017–0123]

**Requested Administrative Waiver of the Coastwise Trade Laws: Vessel INSPIRATION 2; Invitation for Public Comments**

**AGENCY:** Maritime Administration.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws

under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before August 16, 2017.

**ADDRESSES:** Comments should refer to docket number MARAD–2017–0123. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel INSPIRATION 2 is:

—*Intended Commercial Use of Vessel:*

“6 pack charters in San Diego Bay. We are estimating one–two charters per month.”

—*Geographic Region:* “California”

The complete application is given in DOT docket MARAD–2017–0123 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from

the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

**Authority:** 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

By Order of the Maritime Administrator.

Dated: July 11, 2017.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2017-14850 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2017-0122]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LOST AT LAST; Invitation for Public Comments

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before August 16, 2017.

**ADDRESSES:** Comments should refer to docket number MARAD-2017-0122. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above

address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel LOST AT LAST is:

—*Intended Commercial Use of Vessel:* captained charters on local trips varying in length from 2 hours to several days. Not to be used for point-to-point transportation, but instead, customized itineraries for sightseeing, day cruises, overnight cruises, sunset cruises, birthday cruises, etc.  
—*Geographic Region:* “California, Oregon, Washington State”

The complete application is given in DOT docket MARAD-2017-0122 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD’s regulations at 46 CFR part 388.

#### Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or

confidential information, please contact the agency for alternate submission instructions.

**Authority:** 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

By Order of the Maritime Administrator.

Dated: July 11, 2017.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2017-14852 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2017-0126]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel STARLIGHT; Invitation for Public Comments

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before August 16, 2017.

**ADDRESSES:** Comments should refer to docket number MARAD-2017-0126. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel STARLIGHT is:

—*Intended Commercial use of Vessel:* “Day Charters and Sailing Vacations for pleasure”

—*Geographic Region:* “New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Maryland”

The complete application is given in DOT docket MARAD–2017–0126 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD’s regulations at 46 CFR part 388.

#### Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL–14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

**Authority:** 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

By Order of the Maritime Administrator.

Dated: July 11, 2017.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2017–14853 Filed 7–14–17; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration.

[Docket No. MARAD–2017–0124]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel CORPSE POUNDER; Invitation for Public Comments

**AGENCY:** Maritime Administration

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before August 16, 2017.

**ADDRESSES:** Comments should refer to docket number MARAD–2017–0124. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel CORPSE POUNDER is:

—*Intended Commercial Use of Vessel:* “sunset and day sails in San Juan Bay carrying 6 or less passengers for hire.”

—*Geographic Region:* “Puerto Rico”

The complete application is given in DOT docket MARAD–2017–0124 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and

MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD’s regulations at 46 CFR part 388.

#### Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL–14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

**Authority:** 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

By Order of the Maritime Administrator.

Dated: July 11, 2017.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2017–14847 Filed 7–14–17; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD–2017–0121]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel GOLD COAST; Invitation for Public Comments

**AGENCY:** Maritime Administration

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief

description of the proposed service, is listed below.

**DATES:** Submit comments on or before August 16, 2017.

**ADDRESSES:** Comments should refer to docket number MARAD-2017-0121. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel GOLD COAST is:

- Intended Commercial Use of Vessel: “six or fewer paying passengers on 1–2 day fishing trips”
- Geographic Region: “California”

The complete application is given in DOT docket MARAD-2017-0121 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD’s regulations at 46 CFR part 388.

**Privacy Act**

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in

the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

**Authority:** 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

By Order of the Maritime Administrator.

Dated: July 11, 2017.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2017-14848 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-81-P**

**DEPARTMENT OF TRANSPORTATION**

**Maritime Administration**

[Docket No. MARAD-2017-0127]

**Requested Administrative Waiver of the Coastwise Trade Laws: Vessel AMELIA; Invitation for Public Comments**

**AGENCY:** Maritime Administration.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before August 16, 2017.

**ADDRESSES:** Comments should refer to docket number MARAD-2017-0127. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents

entered into this docket is available at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel AMELIA is:

- Intended Commercial Use of Vessel: “Chartered cruises up to 12 passengers and bare boat charters”
- Geographic Region: “Washington State”

The complete application is given in DOT docket MARAD-2017-0127 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD’s regulations at 46 CFR part 388.

**Privacy Act**

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

**Authority:** 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

By Order of the Maritime Administrator.

Dated: July 11, 2017.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2017-14846 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2017-0125]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel GONE FISHIN; Invitation for Public Comments

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before August 16, 2017.

**ADDRESSES:** Comments should refer to docket number MARAD-2017-0125. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel GONE FISHIN is:

—Intended Commercial Use of Vessel: “6 person or less passenger vessel”  
—Geographic Region: “Wisconsin”

The complete application is given in DOT docket MARAD-2017-0125 at <http://www.regulations.gov>. Interested

parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD’s regulations at 46 CFR part 388.

#### Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

**Authority:** 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

By Order of the Maritime Administrator.

Dated: July 11, 2017.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2017-14849 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2017-0120]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel INVICTUS; Invitation for Public Comments

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is

authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before August 16, 2017.

**ADDRESSES:** Comments should refer to docket number MARAD-2017-0120. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-9309, Email [Bianca.carr@dot.gov](mailto:Bianca.carr@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel INVICTUS is:

—Intended Commercial Use of Vessel: “Day sport fishing charters”

—Geographic Region: “Alaska including the waters of SE Alaska”

The complete application is given in DOT docket MARAD-2017-0120 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter’s interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD’s regulations at 46 CFR part 388.

**Privacy Act**

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

**Authority:** 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

By Order of the Maritime Administrator.

Dated: July 11, 2017.

**T. Mitchell Hudson, Jr.,**

Secretary, Maritime Administration.

[FR Doc. 2017-14851 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-81-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[U.S. DOT Docket No. NHTSA-2016-0038]

**Reports, Forms, and Record Keeping Requirements**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below will be submitted to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the information collection and its expected burden.

**DATES:** Comments must be received on or before September 15, 2017.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number NHTSA-2016-0038 using any of the following methods:

*Electronic submissions:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

*Mail:* Docket Management Facility, M-30, U.S. Department of Transportation, 1200 New Jersey

Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

*Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Fax: 1-(202) 493-2251.

*Instructions:* Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to <http://www.regulations.gov> including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:**

Amy Berning, Research Psychologist, NHTSA-NPD-130, 1200 New Jersey Avenue SE., W44-237, Washington, DC 20590. Ms. Berning's phone number is 202-366-5587 and her email address is [amy.berning@dot.gov](mailto:amy.berning@dot.gov).

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* None.

*Title:* Crash Risk Associated with Drug and Alcohol Use by Drivers in Fatal and Serious Injury Crashes.

*Form No.:*

*Type of Review:* Regular.

*Respondents:* Participants will include seriously or fatally injured crash-involved drivers ( $n = 2,500$ ) and matched non-crash-involved drivers ( $n = 5,000$ ). Crash-involved drivers will include seriously injured drivers who are transported to a trauma center by emergency medical services and fatally injured drivers who are transported directly to the medical examiner's office. Sampling will occur at three trauma centers and within the roadway catchment area served by the trauma center(s). Non-crash-involved drivers will be matched to injured drivers on crash day of the week, crash time of day, and crash direction of travel.

*Estimated Time per Participant:*

Surveys will be administered to injured patients capable of responding and control participants to collect demographic information, trip information, self-reported drug/alcohol use, and opinions about driving while using alcohol/drugs. Control participants will also be asked to provide a preliminary breath test (PBT) sample. The expected average completion time for the survey, and PBT sample for controls, is 10 minutes. Data collection will include biological samples (*i.e.*, blood) provided by both crash-involved and non-crash-involved drivers. Collection of the biological sample is expected to take approximately 10 minutes for control participants and less than 1 minute for seriously/fatally injured drivers. The

total estimated time per participant is approximately 20 minutes.

*Total Estimated Annual Burden Hours:* 1,250 hours per year; for a total of 2,500 across two years.

*Frequency of Collection:* Each participant will only respond to the survey and biological sample requests a single time during the study period.

*Abstract:* The National Highway Traffic Safety Administration (NHTSA) seeks to examine the risk of being severely injured in a motor vehicle crash when drivers use licit and illicit drugs. This effort will involve studying seriously or fatally injured drivers in crashes and matched non-crash-involved drivers. Participants will include seriously injured drivers who are transported to a trauma center by emergency medical services and fatally injured drivers transported directly to the medical examiner's office. This study will employ a case-control design that matches two drivers not involved in a crash for every crash-involved driver. Control drivers will be selected at or near the location of the crash where a driver was seriously injured or killed. Researchers will match control drivers on crash day of the week, crash time of day, and crash direction of travel. Data collection will include a biological sample (*i.e.*, blood) from both crash-involved and control drivers. Collection of samples from seriously injured drivers will be subject to State and Trauma Center policies regarding collection of fluid samples for research purposes. Samples from fatally injured drivers will be collected in accord with State, Trauma Center, and/or coroner/medical examiner policies. Self-report surveys will be administered to injured patients capable of responding and control participants to collect demographic information, reason for driving trip, self-reported drug/alcohol use, and opinions about driving while using alcohol/drugs. In the event a seriously injured driver is unconscious, the researcher will, if the driver is capable of responding, return later to collect the information. All participating control drivers will be asked to respond to the survey items, provide a preliminary breath test sample, and provide a biological sample.

*Description of the Need for the Information and Proposed Use of the Information:* NHTSA's mission is to save lives, prevent injuries and reduce traffic-related health care and other economic costs. The agency develops, promotes and implements educational, engineering and enforcement programs with the goal of ending preventable tragedies and reducing economic costs associated with vehicle use and

highway travel. In 2010 and 2011, NHTSA conducted the first large-scale carefully controlled study in the U.S. designed to estimate the relative crash risk associated with drug use by drivers. Using a case-control design, researchers collected information from crash-involved and non-crash involved drivers in Virginia Beach, Virginia. That effort focused on acquiring data at crash sites and resulted in very few seriously or fatally injured drivers entering the sample. As such, it was not possible to assess the relationship between drug use and serious crashes. Other studies have examined the prevalence of drugs in seriously and fatally injured drivers, but none has used a case-control design such as the one proposed in the current study that will allow for an estimation of risk associated with drug use by drivers seriously injured or killed in a motor vehicle crash. Using the case-control approach in this manner will complete the relative risk assessment for the full range of injury severities using comparable methodologies.

The large sample of seriously and fatally injured drivers gathered by this project using a case-control methodology will lead to a better understanding of the relative crash risk of drug involved driving. The results of this project will assist NHTSA in determining how different drug classes are related to driver safety which will help the Agency provide guidance to the States and Federal Government as each considers policies related to drugged driving.

**Authority:** 44 U.S.C. Section 3506(c)(2)(A).

Issued in Washington, DC, on July 7, 2017.

**Jeff Michael,**

*Associate Administrator, Research and Program Development.*

[FR Doc. 2017-14916 Filed 7-14-17; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[U.S. DOT Docket No. NHTSA-2017-0052]

#### Reports, Forms, and Record Keeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established

by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections. This document describes the collection of information for which NHTSA intends to seek OMB approval. **DATES:** Comments must be received on or before September 15, 2017.

**ADDRESSES:** You may submit comments identified by DOT Docket Number NHTSA-2017-0052 using any of the following methods:

*Electronic submissions:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Mail:* Docket Management Facility, M-30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

*Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Fax:* 1-202-493-2251.

Each submission must include the agency name and the docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Kathy J. Sifrit, Contracting Officer's Representative, Office of Behavioral Safety Research (NPD-320), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., W46-466, Washington, DC 20590. Dr. Sifrit's phone number is 202-366-0868, and her email address is [kathy.sifrit@dot.gov](mailto:kathy.sifrit@dot.gov).

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) 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;

(ii) 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;

(iii) how to enhance the quality, utility, and clarity of the information to be collected; and

(iv) how 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, *e.g.*, permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

*Title:* Visual Scanning Training for Older Drivers.

*Type of Request:* New information collection.

*OMB Clearance Number:* None.

*Form Number:* NHTSA Forms 1400, 1401 and 1402.

*Requested Expiration Date of Approval:* 3 years from date of approval.

*Summary of the Collection of Information:* The National Highway Traffic Safety Administration (NHTSA) proposes to collect information from licensed older drivers to determine (1) their eligibility to participate in a study of the effectiveness of a visual scanning training protocol to improve driving safety, (2) their attitudes about the training procedures and their perceptions of its benefits, and (3) the driving performance during on-road evaluations to measure training effectiveness.

Study participation will be voluntary and solicited through informational sessions delivered by a research team member to residents of a continuing care retirement community. The administrator of the host facility will post notices describing the presentation. During the presentation, attendees will be invited to join the research study. Those who indicate an interest in participating will be asked their age and four screening questions to determine their eligibility for the study. A research team member will make appointments to answer any questions participants may have about the study, to obtain their signatures on an informed consent agreement approved by an Institutional Review Board (IRB), and to check for color vision and binocular vision limitations.

Consented study participants will be randomly assigned within age and gender categories to either participation in the visual scanning training program (four one-on-one training sessions of one-hour each) or to a control (placebo) activity for the same amount of time. All



participants will also undergo three one-hour on-road evaluations by a Certified Driver Rehabilitation Specialist (CDRS) over the course of the study. The CDRS will provide instructions to the driver about what route to follow and will score driving performance using standard procedures and criteria that are broadly accepted in the profession. Following the second and third evaluations, each study participant will receive a \$100 gift card as compensation for participation for a total value of \$200 per participant.

Audio recordings of the scanning training sessions will be made, and any comments about the training offered by participants will be noted by research staff during review of the recordings. After completing visual scanning training, participants will complete a brief questionnaire to determine whether they believe the training will help them to be a safer driver, whether they would recommend the training to friends or relatives, and what they would pay for such training.

*Description of the Need for the Information and Proposed Use of the Information*—NHTSA was established to reduce the number of deaths, injuries, and economic losses resulting from motor vehicle crashes on the Nation's highways. As part of this statutory mandate, NHTSA is authorized to conduct research as a foundation for the development of traffic safety programs.

Older adults comprise an increasing proportion of the licensed population, and exposure-based analyses of crash risk have consistently shown increased rates of involvement for drivers as they age into their 70's and beyond. Further, these crash risk studies have identified particular situations where older drivers are most at risk. These situations often require significant visual search and attention, such as maneuvers at intersections and in merging situations.

As the effect of this age-related decline in visual search and attention on safe driving abilities has become better understood, researchers have developed different strategies and techniques to ameliorate it. The visual

scanning training protocol that is the focus of this study was designed to be delivered by a generalist occupational therapist (OT). The OT would conduct the one-on-one sessions in a clinical setting, targeting visual field expansion, simultaneous processing of multiple visual stimuli, and ocular skill (visual search routine) exercises. NHTSA's study "Validation of Rehabilitation Training Programs for Older Drivers" (DOT HS 811 749; April 2013) provided a preliminary analysis of the training's effectiveness. While these results were encouraging, the research team concluded that widespread promotion of this intervention would require additional evidence.

Following efforts to refine and streamline the training protocol, a larger sample of healthy older drivers will receive the updated training program. The study will measure effectiveness of the training by comparison of CDRS road test scores to a control group while also gauging drivers' attitudes and perceptions about the training experience. The original training program developer and supporting research team will direct and perform this study.

*Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)*—Respondents will be residents of a continuing care retirement community. Residents interested in participating will be excluded if they have been advised to alter or restrict driving by a physician/health care professional; if they require use of any adaptive vehicle controls (e.g., hand controls or left foot accelerator); if they have color vision problems; or if they do not hold a valid driver's license. We anticipate screening 135 residents to recruit 90 older drivers for the study with 60 between the ages of 70 and 79 and 30 ages 80 or older. A roughly equal distribution of males and females will be sought within each age cohort. Overall, 45 older drivers will be randomly assigned to the treatment group (visual scanning training protocol) and 45 to the control (placebo)

group (internet search strategies for locating information and resources to improve driving safety).

The screening of the estimated 135 respondents will occur once. The response to informed consent and check for vision limitations for the 90 participants occurs just once, but the study requires participation in the subsequent four training sessions and three on-road driving evaluations. The 45 participants who received the training will complete a brief one-time questionnaire about attitudes and beliefs about the training program administered at the end of the training protocol.

*Estimate of the Total Annual Reporting and Record Keeping Burden Resulting from the Collection of Information*—The total estimated burden for this information collection is 689 hours and 15 minutes. The estimated 135 post-presentation sign-up interactions to learn the age of interested candidates and ask the questions about exclusion criteria will average 3 minutes in length for an estimated total burden of 6 hours and 45 minutes. All of the 90 participants will attend a 30-minute meeting to obtain informed consent and check for color and binocular vision limitations, four one-hour training sessions, and three one-hour on-road evaluations for an estimated total burden of 675 hours. The 45 treatment group participants also will be asked to complete a ten-minute questionnaire to collect attitudes and beliefs about the visual scanning training protocol for a total estimated burden of 7 hours and 30 minutes. Participants will incur no costs from the data collection, and participants will incur no record keeping burden and no record keeping cost from the information collection.

**Authority:** 44 U.S.C. Section 3506(c)(2)(A).

Issued in Washington, DC on July 7, 2017.

**Jeff Michael,**

*Associate Administrator, Research and Program Development.*

[FR Doc. 2017-14931 Filed 7-14-17; 8:45 am]

**BILLING CODE P**

# Reader Aids

Federal Register

Vol. 82, No. 135

Monday, July 17, 2017

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General Information, indexes and other finding aids **202-741-6000**

**Laws** **741-6000**

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Executive orders and proclamations **741-6000**

**The United States Government Manual** **741-6000**

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Privacy Act Compilation **741-6050**

Public Laws Update Service (numbers, dates, etc.) **741-6043**

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## FEDERAL REGISTER PAGES AND DATE, JULY

30721-30946.....	3
30947-31240.....	5
31241-31428.....	6
31429-31714.....	7
31715-31886.....	10
31887-32122.....	11
32123-32226.....	12
32227-32446.....	13
32447-32612.....	14
32613-32760.....	17

## CFR PARTS AFFECTED DURING JULY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

<b>2 CFR</b>	930.....	30776
	932.....	30776
<b>Proposed Rules:</b>	1277.....	30776
Ch. VI.....	32493	1282.....31009, 31514
<b>3 CFR</b>		
<b>Executive Orders:</b>		
12675 (Superseded by EO 13803)		
13761 (Amended by 13804).....	32611	
13803.....	31429	
13804.....	32611	
<b>Administrative Orders:</b>		
<b>Memorandums:</b>		
Memorandum of June 29, 2017.....	31237	
Memorandum of June 29, 2017.....	31239	
<b>5 CFR</b>		
1800.....	32447	
<b>Proposed Rules:</b>		
630.....	32263	
<b>6 CFR</b>		
5.....	32613	
<b>7 CFR</b>		
205.....	31241	
956.....	31244	
<b>Proposed Rules:</b>		
Subtitles A.....	32649	
Subtitles B.....	32649	
<b>8 CFR</b>		
103.....	31887	
212.....	31887	
274a.....	31887	
<b>9 CFR</b>		
557.....	30721	
<b>Proposed Rules:</b>		
Ch. I.....	32649	
Ch. II.....	32649	
Ch. III.....	32649	
<b>10 CFR</b>		
72.....	31433	
429.....	31890, 32227	
430.....	32227	
431.....	31808, 31890	
1703.....	30722	
<b>Proposed Rules:</b>		
72.....	31512	
<b>12 CFR</b>		
1024.....	30947	
1026.....	30947	
1101.....	30724	
<b>Proposed Rules:</b>		
704.....	30774	
	930.....	30776
	932.....	30776
	1277.....	30776
	1282.....	31009, 31514
<b>14 CFR</b>		
13.....	31440	
23.....	32614, 32616, 32618	
39.....	30949, 30953, 30955, 30958, 30961, 31245, 31250, 31892, 31899, 31901, 32447, 32620, 32622, 32626, 32629	
71.....	30964, 31440, 32450	
97.....	32228, 32230	
1264.....	32123	
1271.....	32123	
<b>Proposed Rules:</b>		
23.....	30798	
33.....	30800	
39.....	30802, 31535, 32494, 32496, 32498, 32501, 32503, 32507, 32650, 32652, 32654, 32656, 32658	
71.....	31030, 31031, 31033, 31034, 32149, 32151	
73.....	30805	
<b>15 CFR</b>		
742.....	31442	
744.....	31442	
772.....	31442	
774.....	31442	
<b>16 CFR</b>		
1.....	30966	
803.....	32123	
<b>Proposed Rules:</b>		
1245.....	31035	
<b>19 CFR</b>		
4.....	32232	
10.....	32232	
12.....	32452	
18.....	32232	
113.....	32232	
122.....	32232	
123.....	32232	
141.....	32232	
191.....	32232	
192.....	32232	
<b>Proposed Rules:</b>		
24.....	32661	
101.....	30807, 32669	
111.....	32661	
<b>21 CFR</b>		
1.....	30730	
11.....	30730	
73.....	30731	
101.....	30730	
1308.....	32453	
1310.....	32457	

<b>Proposed Rules:</b>	165 .....30736, 30739, 30741,	61 .....32644	<b>46 CFR</b>
1308.....32153	30743, 30745, 30969, 30971,	81.....30976, 31722	Ch. I.....32488
<b>22 CFR</b>	30973, 31255, 31257, 31260,	180 .....30979, 30982, 30987,	<b>Proposed Rules:</b>
<b>Proposed Rules:</b>	31450, 31452, 31454, 31455,	30990, 30993, 31468, 31471,	Ch. I (5 documents).....31545,
Ch. I.....32493	31719, 31903, 31908, 32135,	31722, 32482	31928, 32510, 32511, 32513,
<b>24 CFR</b>	32242, 32244, 32246, 32247,	271.....32249, 32253	32514, 32515
982.....32461, 32463	32465, 32467, 32469, 32472,	300.....31263, 32646	Ch. III.....31545, 31928, 32510,
983.....32461, 32463	32632, 32634	441.....30997	32514, 32515
<b>26 CFR</b>	<b>Proposed Rules:</b>	770.....31267, 31922	<b>47 CFR</b>
<b>Proposed Rules:</b>	Ch. I.....31545, 31928, 32510,	<b>Proposed Rules:</b>	1.....32260
1.....32281	32513, 32514, 32515	52 .....30809, 30812, 30814,	25.....32260
<b>28 CFR</b>	100.....31733	30815, 31546, 31547, 31736,	36.....32489
<b>Proposed Rules:</b>	117.....31036, 32157	31739, 31741, 31931, 32282,	73.....32260
Ch. XI.....32493	<b>34 CFR</b>	32284, 32287, 32294, 32517,	74.....32260
<b>29 CFR</b>	104.....31910	32669, 32671, 32673	90.....31270
1910.....31252	105.....31910	62.....32301	<b>Proposed Rules:</b>
4022.....32463	200.....31690	261.....32519	1.....31282
<b>Proposed Rules:</b>	222.....31910	271 .....32303, 32304, 32305	32.....31282
2509.....31278	299.....31690	300.....31281	64.....31743
2510.....31278	300.....31910	770.....31932	65.....31282
2550.....31278	361.....31910	<b>42 CFR</b>	<b>48 CFR</b>
<b>30 CFR</b>	373.....31910	71 .....31728	<b>Proposed Rules:</b>
938.....31715	385.....31910	405.....32256	6.....32493
<b>31 CFR</b>	668.....30975, 31910	409.....31729, 32256	<b>49 CFR</b>
<b>Proposed Rules:</b>	674.....31910	410.....31729	269.....31476
1010.....31537	<b>38 CFR</b>	418.....31729	578.....32139, 32140
<b>32 CFR</b>	74.....32137	431.....31158, 32256	1152.....30997
706.....30967, 31717	<b>39 CFR</b>	440.....31729	1300.....31271
<b>33 CFR</b>	233.....32474	447.....32256	<b>Proposed Rules:</b>
100 .....31449, 31903, 32135,	3020.....32636	457.....31158	Ch. IV .....31545, 31928, 32510,
32241	<b>Proposed Rules:</b>	482.....32256	32511, 32513, 32514, 32515
117 .....30735, 30736, 30968,	3010.....31736	483.....32256	<b>50 CFR</b>
31253, 31254, 31255, 31906,	3050.....31929, 31930	484.....31729	622.....31489, 31924
31907, 32464	<b>40 CFR</b>	485.....31729, 32256	635.....32490
	52 .....30747, 30749, 30758,	488.....31729, 32256	648.....31491, 32145
	30767, 30770, 30976, 31457,	489.....32256	660.....31494
	31458, 31462, 31464, 31722,	<b>Proposed Rules:</b>	679.....31925, 32262
	31913, 31916, 32474, 32480,	88 .....32312	
	32641, 32644	413.....31190	
	60.....32644	414.....31190	
		<b>43 CFR</b>	
		8360.....31268	

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**LIST OF PUBLIC LAWS**

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**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion

in today's **List of Public Laws**.

Last List June 30, 2017

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