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

BUREAU OF CONSUMER FINANCIAL PROTECTION

5 CFR Part 9401

[Docket No. CFPB–2016–0050]

RIN 3209–AA15

Supplemental Standards of Ethical Conduct for Employees of the Bureau of Consumer Financial Protection

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule.

SUMMARY: The Bureau of Consumer Financial Protection (CFPB or Bureau), with the concurrence of the Office of Government Ethics (OGE), is issuing a final rule amending the Supplemental Standards of Ethical Conduct for Employees of the Bureau of Consumer Financial Protection (CFPB Ethics Regulations) involving: Outside employment for covered employees; Bureau employees' ownership or control of certain securities; restrictions on seeking, obtaining, or renegotiating credit or indebtedness; disqualification requirements based on existing credit or indebtedness; and restrictions on participating in matters involving covered entities. The final rule also clarifies and makes minor revisions to certain definitions.

DATES: This final rule is effective September 1, 2017.

FOR FURTHER INFORMATION CONTACT: Amber Vail, Senior Ethics Counsel, at (202) 435–7305 or Amy Mertz Brown, Alternate Designated Agency Ethics Official, at (202) 435–7256 at the Legal Division, Consumer Financial Protection Bureau.

SUPPLEMENTARY INFORMATION:

I. Background

On January 10, 2017, the Bureau, with OGE's concurrence, published a proposed rule in the **Federal Register**, 82 FR 2921, Jan. 10, 2017, proposing to amend the CFPB Ethics Regulations. The proposed rule provided a 30-day comment period, which ended on February 9, 2017. The Bureau did not receive any comments. The rationale for the proposed rule, which the Bureau is now adopting as final, is explained in the preamble at: *https://www.federalregister.gov/documents/2017/01/10/2016-31596/supplemental-standards-of-ethical-conduct-for-employees-of-the-bureau-of-consumer-financial*.

The Bureau has made six technical changes in the final rule that are not intended to change the substantive meaning of the rule. First, in 5 CFR 9401.102, the Bureau removed the phrase ''on a mortgage'' from the definition of ''indebted to an entity'' to clarify that the term includes any type of servicer to whom payments are made. Second, the Bureau replaced the phrase ''he or she'' with the term ''employee'' in the definition of ''participate'' in 5 CFR 9401.102. Third, the Bureau inserted the phrase ''or indebtedness'' in the section heading of 5 CFR 9401.108 and the subsection heading in § 9401.108(d) to highlight that the restrictions in this section apply to both credit and indebtedness. Fourth, the Bureau added the phrase ''or lenders'' to the section heading of 5 CFR 9401.109 to clarify that the restrictions in this section apply to both creditors and lenders. The Bureau added the phrase to ensure that the language in the section heading is parallel to the substantive language regarding credit or indebtedness in the text of that section. The revision does not change the substance of the rule. Fifth, the Bureau made a grammatical correction by changing the word ''with'' to ''within'' in 5 CFR 9401.111(b)(1). Finally, in several places within the regulation, the Bureau revised the phrase ''is or represents a party'' to read ''is a party or represents a party.'' This revision is intended to clarify that the regulation applies when an entity is a party, as well as when an entity is representing a party in a particular matter involving specific parties.

II. Matters of Regulatory Procedure

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (the RFA), requires each agency to consider the potential impact of its regulations on small entities, including small businesses, small governmental units, and small not-for-profit organizations, unless the head of the agency certifies that the rules will not have a significant economic impact on a substantial number of small entities. The Director of the Bureau so certifies. The rule does not impose any obligations or standards of conduct for purposes of analysis under the RFA, and it therefore does not give rise to a regulatory compliance burden for small entities.

Paperwork Reduction Act

The Bureau has determined that this rule does not impose any new recordkeeping, reporting, or disclosure requirements on members of the public that would be collections of information requiring approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 5 CFR Part 9401

Conflict of interests, Government employees.

Authority and Issuance

For the reasons set forth in the preamble, the Bureau, in concurrence with OGE, is amending part 9401 of title 5 of the Code of Federal Regulations as follows:

PART 9401—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE BUREAU OF CONSUMER FINANCIAL PROTECTION

■ 1. The authority citation for part 9401 is revised to read as follows:

Authority: 5 U.S.C. 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159 (April 12, 1989); 3 CFR, 1898 Comp., p.215, as modified by E.O. 12731, 55 FR 42547 (October 17, 1990); 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.403, 2635.502 and 2635.803.

■ 2. Revise § 9401.102 to read as follows:

§ 9401.102 Definitions.

For purposes of this part:

CFPB Ethics Regulations means the supplemental ethics standards set forth in this part.

Control means the possession, direct or indirect, of the power or authority to manage, direct, or oversee.

Credit has the meaning set forth in 12 U.S.C. 5481(7) and as further defined in

regulations promulgated by the Bureau to implement that statute. A person may have credit without any outstanding balance owed.

Dependent child has the meaning set forth in 5 CFR 2634.105(d). It includes an employee's son, daughter, stepson, or stepdaughter if:

(1) Unmarried, under the age of 21, and living in the employee's household; or

(2) Claimed as a ''dependent'' on the employee's income tax return.

Designated Agency Ethics Official (DAEO) means the official within the Bureau that the Director has appointed to coordinate and manage the ethics program at the Bureau, under 5 CFR 2638.104(a). For purposes of this part, the term ''DAEO'' also includes the Alternate DAEO appointed under 5 CFR 2638.104(d), and a designee of the DAEO or Alternate DAEO unless a particular provision says an authority is reserved to the DAEO.

Director means the Director of the Bureau.

Domestic partner means a person with whom a Bureau employee:

(1) Has a close and committed personal relationship and both parties are at least 18 years of age, are each other's sole domestic partner and intend to remain in the relationship indefinitely, and neither is married to, in a civil union with, or partnered with any other spouse or domestic partner;

(2) Is not related by blood in a manner that would bar marriage under the laws of the jurisdiction in which the employee resides;

(3) Is in a financially interdependent relationship in which both agree to be responsible for each other's common welfare and share in financial obligations; and

(4) Has shared for at least six months the same regular and permanent residence in a committed relationship and both parties intend to do so indefinitely, or would maintain a common residence but for an assignment abroad or other employment-related, financial, or similar obstacle.

Employee means an employee of the Bureau, other than a special Government employee.

Entity supervised by the Bureau means a person that is subject to the Bureau's supervision authority pursuant to 12 U.S.C. 5514(a)(1) or 5515(a) and in regulations promulgated thereunder, as identified on a list to be maintained by the Bureau.

Indebted or *indebtedness* means a legal obligation under which an individual or borrower received money or assets on credit, and currently owes payment.

Indebted to an entity means an obligation to make payments to an entity as a result of an indebtedness, whether originally made with that entity or with another entity. This includes without limitation, a servicer to whom payments are made.

OGE Standards mean the Standards of Ethical Conduct for Employees of the Executive Branch contained in 5 CFR part 2635.

Participate means personal and substantial participation and has the meaning set forth in 5 CFR 2635.402(b)(4). An employee participates when, for example, the employee makes a decision, gives approval or disapproval, renders advice, provides a recommendation, conducts an investigation or examination, or takes an official action in a particular matter, and such involvement is of significance to the matter. It requires more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue.

Particular matter has the meaning set forth in 5 CFR 2635.402(b)(3). The term includes a matter that involves deliberation, decision, or action and is focused upon the interests of specific persons or a discrete and identifiable class of persons. It may include governmental action such as legislation, regulations, or policy-making that is narrowly focused on the interests of a discrete and identifiable class of persons.

Particular matter involving specific parties has the meaning set forth in 5 CFR 2641.201(h). Such a matter typically involves a specific proceeding affecting the legal rights of the parties or an isolatable transaction or related set of transactions between identified parties. The term includes without limitation, a contract, audit, enforcement action, examination, investigation, litigation proceeding, or request for a ruling.

Person has the same meaning set forth in 5 CFR 2635.102(k). It includes without limitation, an individual, corporation and subsidiaries it controls, company, association, firm, partnership, society, joint stock company, or any other organization or institution.

Practice of law means the provision of legal advice or services where there is a client relationship of trust or reliance. One is presumed to be practicing law when engaging in any of the following conduct on behalf of another:

(1) Preparing any legal document, including any deeds, mortgages, assignments, discharges, leases, trust instruments, or any other instruments intended to affect interests in real or personal property, wills, codicils, instruments intended to affect the disposition of property of decedents' estates, other instruments intended to affect or secure legal rights, and contracts except routine agreements incidental to a regular course of business;

(2) Preparing or expressing legal opinions;

(3) Appearing or acting as an attorney in any tribunal;

(4) Preparing any claims, demands or pleadings of any kind, or any written documents containing legal argument or interpretation of law, for filing in any court, administrative agency, or other tribunal;

(5) Providing advice or counsel as to how any of the activities described in paragraphs (1) through (4) of this definition might be done, or whether they were done, in accordance with applicable law; or

(6) Furnishing an attorney or attorneys, or other persons, to render the services described in paragraphs (1) through (5) of this definition.

Security means an interest in debt or equity instruments. The term includes without limitation, secured and unsecured bonds, debentures, notes, securitized assets, commercial papers, and preferred and common stock. The term encompasses both current and contingent ownership interests; a beneficial or legal interest derived from a trust; a right to acquire or dispose of any long or short position in debt or equity interests; interests convertible into debt or equity interests; and options, rights, warrants, puts, calls, straddles, derivatives, and other similar interests. It does not include deposits; credit union shares; a future interest created by someone other than the employee or the employee's spouse or dependent child; or a right as a beneficiary of an estate that has not been settled.

Special Government employee has the meaning set forth in 5 CFR 2635.102(l).

Spouse means an employee's husband or wife by lawful marriage, but does not include an employee's spouse if:

(1) The employee and the employee's spouse are separated;

(2) The employee and the employee's spouse live apart;

(3) There is an intention to end the marriage or separate permanently; and

(4) The employee has no control over the separated spouse's securities.

Vested legal or beneficial interest means a present right or title to property, which carries with it an existing right of alienation, even though the right to possession or enjoyment

may be postponed to some uncertain time in the future. This includes a future interest when one has a right, defeasible or indefeasible, to immediate possession or enjoyment of the property, upon the ceasing of another's interest.

■ 3. Revise § 9401.104 to read as follows:

§ 9401.104 Additional rules concerning outside employment for covered employees.

(a) *Prohibited outside employment with an entity supervised by the Bureau.* A covered employee shall not engage in compensated outside employment for an entity supervised by the Bureau or for an officer, director, or employee of such entity. For purposes of this section, ''employment'' has the same meaning as set forth in § 9401.103(b).

(b) *Use of professional licenses related to real estate.* A covered employee who holds a license related to real estate, mortgage brokerage, property appraisals, or real property insurance is prohibited from using such license for the production of income. The DAEO, in consultation with senior management in the Division in which the employee works, may grant a limited waiver to this prohibition based on a written finding that the specific transaction which requires use of the license will not create an appearance of loss of impartiality or use of public office for private gain.

(c) *Definition of covered employee.* For purposes of this section, ''covered employee'' means:

(1) An employee in the Division of Supervision, Enforcement, and Fair Lending;

(2) An employee serving in an attorney position;

(3) An employee in the Office of Research, serving as a section chief at Bureau pay band 71 or above or as a senior economist in the Compliance Analytics and Policy Section;

(4) An employee serving in the Office of Consumer Response in an investigations position;

(5) An employee required to file a Public Financial Disclosure Report (OGE Form 278e) under 5 CFR part 2634; or

(6) Any other Bureau employee specified in a Bureau order or directive whose duties and responsibilities, as determined by the DAEO, require application of the prohibition on outside employment contained in this section to ensure public confidence that the Bureau's programs are conducted impartially and objectively.

■ 4. Amend § 9401.105 by revising paragraphs (a) introductory text, (a)(1), (b)(1), and (b)(2) to read as follows:

§ 9401.105 Additional rules concerning outside employment for Bureau attorneys.

(a) *Prohibited outside practice of law.* In addition to the prior approval requirements under § 9401.103 and the outside employment restrictions under § 9401.104, an employee serving in an attorney position shall not engage in the practice of law outside the employee's official Bureau duties that might require the attorney to:

(1) Take a position that is or appears to be in conflict with the interests of the Bureau; or

* * * * *

(b) * * *

(1) In those matters in which the attorney has participated personally and substantially as a Government employee; or

(2) In those matters which are the subject of the attorney's official responsibility.

■ 5. Revise § 9401.106 to read as follows:

§ 9401.106 Prohibited financial interests.

(a) *Prohibited interests.* Except as permitted by this section, an employee or an employee's spouse or minor child shall not own or control a security in:

(1) An entity supervised by the Bureau; or

(2) A collective investment fund that has a stated policy of concentrating its investments in the financial services or banking industry. A collective investment fund includes, without limitation, mutual funds, unit investment trusts (UITs), exchange traded funds (ETFs), real estate investment trusts (REITs), and limited partnerships.

(b) *Exceptions.* Interests prohibited in paragraph (a) of this section do not include the ownership or control of a security in:

(1) *Collective investment funds.* A publicly traded or publicly available collective investment fund if:

(i) The fund does not have a stated policy of concentrating its investments in the financial services or banking industry; and

(ii) Neither the employee nor the employee's spouse or minor child exercises or has the ability to exercise control over or selection of the financial interests held by the fund.

(2) *Diversified employee benefit plans.* A pension or other retirement fund, trust, or plan established or maintained by an employer or an employee organization, or both, to provide its participants with medical, disability, death, unemployment, or vacation benefits, training programs, day care centers, scholarship funds, prepaid legal services, deferred income, or retirement income (employee plan), provided:

(i) The employee plan does not have a stated policy of concentrating its investments in any industry, business, single country other than the United States, or bonds of a single State within the United States;

(ii) The investments of the employee plan are administered by an independent trustee;

(iii) The employee plan's trustee has a written policy of varying the plan investments;

(iv) Neither the employee nor the employee's spouse or minor child participates in the selection of the employee plan's investments or designates specific plan investments (except for directing that contributions be divided among several different categories of investments, such as stocks, bonds, or mutual funds, which are available to plan participants); and

(v) The employee plan is not a profit-sharing or stock bonus plan.

(3) *Federal retirement and thrift savings plans.* Funds administered by the Thrift Plan for Employees of the Federal Reserve System, the Retirement Plan for Employees of the Federal Reserve System, the Thrift Savings Plan, or a Federal government agency.

(4) *State pension plans.* A pension plan established or maintained by a State government or any political subdivision of a State government for its employees.

(c) *Reporting and divestiture of prohibited interests*—(1) *New employees.* Within 30 calendar days from the start of employment with the Bureau, an employee must notify the DAEO in writing of a financial interest prohibited under paragraph (a) of this section that the employee or the employee's spouse or minor child acquired prior to the start of the employee's employment with the Bureau. The employee or the employee's spouse or minor child shall divest prohibited securities within 90 days after the start of the employee's employment at the Bureau.

(2) *Newly prohibited interest.* Within 30 days after the Bureau updates and internally publishes a new list of entities supervised by the Bureau, an employee who owns or controls, or whose spouse or minor child owns or controls, a security in an entity newly added to that list must notify the DAEO in writing. The employee or the employee's spouse or minor child shall divest prohibited securities within 90 days after internal publication of the new list.

(3) *Interests acquired without specific intent.* If an employee or an employee's

spouse or minor child acquires a financial interest prohibited under paragraph (a) of this section as a result of marriage, inheritance, or otherwise without specific intent to acquire, the employee must notify the DAEO in writing within 30 days of the acquisition. The employee or the employee's spouse or minor child shall divest prohibited securities within 90 days of the acquisition.

(d) *Disqualification and divestiture*—(1) *Securities in entities supervised by the Bureau.* If an employee or an employee's spouse or minor child owns or controls a security in an entity that is prohibited under paragraph (a)(1) of this section, the employee shall immediately disqualify himself or herself from participating in all particular matters affecting that entity, unless and until the security is divested or the employee is granted a waiver pursuant to paragraph (e) of this section and the waiver includes an authorization allowing the employee to participate in such matters.

(2) *Securities in collective investment funds.* If an employee or an employee's spouse or minor child owns or controls a security in a collective investment fund that is prohibited under paragraph (a)(2) of this section, the employee shall immediately disqualify himself or herself from participating in all particular matters affecting one or more holdings of the collective investment fund if the affected holding is invested in the financial services or banking industry, unless and until the collective investment fund is divested or the employee is granted a waiver pursuant to paragraph (e) of this section and the waiver includes an authorization allowing the employee to participate in such matters.

(e) *Waivers.* Upon request by the employee, the DAEO in the DAEO's sole discretion has the authority to grant an individual waiver under this paragraph. The DAEO's authority to grant an individual waiver under this paragraph may not be delegated to any person except the Alternate DAEO. The DAEO, in consultation with senior management in the Division in which the employee works, may issue a written waiver permitting the employee or the employee's spouse or minor child to own or control a particular security that otherwise would be prohibited by this section, after considering all relevant factors. Relevant factors include, without limitation, whether:

(1) Mitigating circumstances exist due to the way the employee or the employee's spouse or minor child acquired ownership or control of the security. Mitigating circumstances may include without limitation:

(i) The employee or the employee's spouse or minor child acquired the security through inheritance, merger, acquisition, or other change in corporate structure, or otherwise without specific intent on the part of the employee or the employee's spouse or minor child; or

(ii) The employee's spouse received the security as part of a compensation package in connection with employment or prior to marriage to the employee;

(2) The employee makes a prompt and complete written disclosure of the security to the DAEO;

(3) The disqualification of the employee from participating in particular matters pursuant to paragraph (d) of this section, as specified in the written waiver, would not unduly interfere with the full performance of the employee's duties; and

(4) The granting of the waiver would not unduly undermine the public's confidence in the impartiality and objectivity with which:

(i) The employee performs the employee's official Bureau duties; and

(ii) The Division in which the employee works executes its programs and functions.

(f) *Covered third party entities.* Immediately after becoming aware that a covered third party entity owns or controls a security that an employee would be prohibited from owning or controlling under paragraph (a) of this section, the employee shall report the interest in writing to the DAEO. The DAEO may require the employee to terminate the relationship with the covered third party entity, disqualify himself or herself from certain particular matters, or take other action as necessary to avoid a statutory violation, a violation of the OGE Standards, or the CFPB Ethics Regulations, including an appearance of misuse of position or loss of impartiality. For purposes of this paragraph, ''covered third party entity'' includes:

(1) A partnership in which the employee or the employee's spouse or minor child is a general partner;

(2) A partnership or closely held corporation in which the employee or the employee's spouse or minor child individually or jointly holds more than a 10 percent equity interest;

(3) A trust in which the employee or the employee's spouse or minor child has a vested legal or beneficial interest;

(4) An investment club or similar informal investment arrangement between the employee or the employee's spouse or minor child, and others;

(5) A qualified profit sharing, retirement, or similar plan in which the employee or the employee's spouse or minor child has an interest; or

(6) An entity in which the employee or the employee's spouse or minor child individually or jointly holds more than a 25 percent equity interest.

■ 6. Revise § 9401.107 to read as follows:

§ 9401.107 Prohibition on acceptance of credit or indebtedness on preferential terms from an entity supervised by the Bureau.

An employee or the employee's spouse or minor child may not accept credit from, become indebted to, or enter into a financial relationship with an entity supervised by the Bureau, unless the credit, indebtedness, or other financial relationship:

(a) Is offered on terms and conditions no more favorable than those offered to the general public; and

(b) Is not otherwise prohibited by law or inconsistent with the OGE Standards or the CFPB Ethics Regulations.

■ 7. Revise § 9401.108 to read as follows:

§ 9401.108 Restrictions on seeking, obtaining, or renegotiating credit or indebtedness from an entity that is a party or represents a party to a matter to which an employee is assigned or may be assigned.

(a) *General rules regarding seeking, obtaining, or renegotiating credit or indebtedness*—(1) *Prohibition.* While an employee is assigned to participate in a particular matter involving specific parties, the employee or the employee's spouse or minor child shall not seek, obtain, or renegotiate credit or indebtedness with an entity that is a party or represents a party to the matter. This prohibition also applies to a particular matter involving specific parties pending at the Bureau in which the employee is not currently participating but of which the employee is aware and believes it is likely that the employee will participate.

(2) *Cooling off period.* The prohibition in paragraph (a)(1) of this section continues for two years after the employee's participation in the particular matter has ended.

(b) *Rules regarding credit or indebtedness secured by principal residence.* Notwithstanding paragraph (a) of this section, an employee or an employee's spouse or minor child may seek, obtain, or renegotiate credit or indebtedness secured by residential real property with an entity, subject to the following conditions:

(1) The residential real property is or will be the principal residence of the

employee or the employee's spouse or minor child;

(2) A minimum of three months have passed since the end of the employee's participation in each particular matter involving specific parties in which that entity was a party or represented a party;

(3) The employee is disqualified from participating in particular matters involving specific parties in which that entity is a party or represents a party while the employee or the employee's spouse or minor child is seeking, obtaining, or renegotiating the credit or indebtedness;

(4) The employee or the employee's spouse or minor child seeking, obtaining, or negotiating the credit or indebtedness must satisfy all financial requirements generally applicable to all applicants for the same type of credit or indebtedness for residential real property; and

(5) The credit or indebtedness is obtained on terms and conditions no more favorable than those offered to the general public.

(c) *Specific rules for employee's spouse and minor child.* The prohibitions in paragraphs (a) and (b) of this section do not apply when the employee's spouse or minor child is seeking, obtaining, or renegotiating credit or indebtedness and:

(1) The credit or indebtedness is supported only by the income or independent means of the spouse or minor child;

(2) The credit or indebtedness is obtained on terms and conditions no more favorable than those offered to the general public; and

(3) The employee does not participate in the negotiating for the credit or indebtedness or serve as co-maker, endorser or guarantor of the credit or indebtedness.

(d) *Disqualification requirement for credit or indebtedness sought by person related to an employee.* An employee shall disqualify himself or herself from participating in a particular matter involving specific parties as soon as the employee learns that any of the following persons are seeking, obtaining, or renegotiating credit or indebtedness with an entity that is a party or represents a party to the matter:

(1) The employee's spouse, domestic partner, or dependent child;

(2) A partnership in which the employee or the employee's spouse, domestic partner, or dependent child is a general partner;

(3) A partnership or closely held corporation in which the employee or the employee's spouse, domestic partner, or dependent child individually or jointly owns or controls more than a 10 percent equity interest;

(4) A trust in which the employee or the employee's spouse, domestic partner, or dependent child has a vested legal or beneficial interest;

(5) An investment club or similar informal investment arrangement between the employee or the employee's spouse, domestic partner, or dependent child, and others;

(6) A qualified profit sharing, retirement, or similar plan in which the employee or the employee's spouse, domestic partner, or dependent child has an interest; or

(7) An entity in which the employee or the employee's spouse, domestic partner, or dependent child individually or jointly holds more than a 25 percent equity interest.

(e) *Exemptions.* The following forms of credit are exempted from the prohibitions in paragraphs (a) and (b) of this section and the disqualification requirement in paragraph (d) of this section, provided the credit is offered on terms and conditions no more favorable than those offered to the general public:

(1) Revolving consumer credit or charge cards;

(2) Overdraft protection on checking accounts and similar accounts; and

(3) The provision of telephone, cable, gas, electricity, water, or other similar utility services provided on credit (*i.e.,* the service is provided before payment is due such that consumers incur debt as they use the service and receive periodic bills for the services used).

(f) *Waivers.* The DAEO, after consultation with senior management in the Division in which the employee works, may grant a written waiver from the prohibition in paragraphs (a) or (b) of this section or the disqualification requirement in paragraph (d) of this section, based on a determination that participation in matters otherwise prohibited by this section would not be prohibited by law (18 U.S.C. 208) or create an appearance of loss of impartiality or use of public office for private gain, and would not otherwise be inconsistent with the OGE Standards or the CFPB Ethics Regulations.

■ 8. Amend § 9401.109 by revising the section heading, paragraphs (a) introductory text, (a)(5) and (b)(1) through (5) and adding paragraphs (b)(6) and (7) to read as follows:

§ 9401.109 Disqualification of employees from particular matters involving existing creditors or lenders.

(a) *Disqualification required.* Absent an authorization pursuant to paragraph (d) of this section, an employee shall not participate in a particular matter involving specific parties if the employee is aware that any of the following have credit with or are indebted to an entity that is a party or represents a party to the matter:

* * * * *

(5) A trust in which the employee or the employee's spouse, domestic partner, or dependent child has a vested legal or beneficial interest;

* * * * *

(b) * * *

(1) Revolving consumer credit or charge cards;

(2) Overdraft protection on checking accounts and similar accounts;

(3) Amortizing indebtedness on consumer goods (*e.g.,* automobiles);

(4) Automobile leases for primarily personal (consumer) use vehicles;

(5) The provision of telephone, cable, gas, electricity, water, or other similar utility services provided on credit (*i.e.,* the service is provided before payment is due such that consumers incur debt as they use the service and receive periodic bills for the services used);

(6) Educational loans (*e.g.,* student loans; loans taken out by a parent or guardian to pay for a child's education costs); and

(7) Loans on residential homes (*e.g.,* home mortgages; home equity lines of credit).

* * * * *

■ 9. Revise § 9401.110 to read as follows:

§ 9401.110 Prohibited recommendations.

An employee shall not make recommendations or suggestions, directly or indirectly, concerning the acquisition or sale or other divestiture of a security in an entity supervised by the Bureau, or an entity that is a party or represents a party to a particular matter involving specific parties to which the employee is assigned.

■ 10. Revise § 9401.111 to read as follows:

§ 9401.111 Restriction on participating in matters involving covered entities.

(a) *Disqualification required.* Absent an authorization pursuant to paragraph (c) of this section, an employee shall not participate in a particular matter involving specific parties if a covered entity is a party or represents a party to the matter.

(b) ''*Covered entity*'' *defined.* For purposes of this section, a ''covered entity'' includes:

(1) Any person for whom the employee is serving or seeking to serve, or has served within the last year, as officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee; or

(2) Any person for whom the employee is aware the employee's spouse, domestic partner, fiancé, child, parent, sibling, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or member of the employee's household is serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee.

(c) *Waivers.* The DAEO may authorize the employee to participate in a matter that would require disqualification under paragraph (a) of this section, using the authorization process set forth in 5 CFR 2635.502(d) of the OGE Standards. The DAEO will consult with senior management in the Division in which the employee works before issuing such an authorization.

Dated: July 17, 2017.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

Approved:

Walter M. Shaub, Jr.,

Director, Office of Government Ethics.

[FR Doc. 2017–15597 Filed 8–1–17; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0417; Directorate Identifier 2017–CE–008–AD; Amendment 39–18975; AD 2017–15–15]

RIN 2120–AA64

Airworthiness Directives; SOCATA Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2002–19–01 for SOCATA Model TBM 700 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as the flight control wheel traveling beyond normal roll control limits and jamming in a position that could cause loss of control. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective September 6, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of September 6, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of October 29, 2002 (67 FR 59137; September 20, 2002).

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0417; or in person at the 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 service information identified in this AD, contact SOCATA, Direction des services, 65921 Tarbes Cedex 9, France; phone: +33 (0) 5 62 41 73 00; fax: +33 (0) 5 62 41 76 54; email: *info@socata.daher.com;* Internet: *https://www.mysocata.com/login/accueil.php.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for Docket No. FAA–2017–0417.

FOR FURTHER INFORMATION CONTACT: Albert Mercado, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090; email: *albert.mercado@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 SOCATA Model TBM 700 airplanes. That NPRM was published in the **Federal Register** on May 8, 2017 (82 FR 21328), and proposed to supersede AD 2002–19–01, Amendment 39–12881 (67 FR 59137; September 20, 2002) (''AD 2002–19–01'').

The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states that:

> An event occurred in 2001 on an in-service aeroplane where, during a pre-flight check of the flight controls, the pilot control wheel jammed in full nose up and full left position after having exceeded the control stop of roll.
>
> This condition, if not corrected, could lead to reduced control of the aeroplane.
>
> Prompted by these findings, SOCATA issued Service Bulletin (SB) 70–095–27 to provide inspection instructions.
>
> To address this unsafe condition, DGAC France issued AD 2001–582(A) to require repetitive inspections of the flight control system after any maintenance operation on flight controls. That AD was later revised to update the list of affected aeroplane MSN.
>
> Since DGAC France AD 2001–582(A) R1 was issued, SOCATA issued Revision 2 of SB 70–095–27 to provide instructions for replacement of the rivets in the roll primary stops as a terminating action for the repetitive inspections.
>
> For the reasons described above, this [EASA] AD, which supersedes DGAC France AD 2001–582(A) R1, requires replacement of the rivets in the roll primary stops of the flight control wheels at the next maintenance operation on flight controls.

The MCAI can be found in the AD docket on the Internet at: *https://www.regulations.gov/document?D=FAA-2017-0417-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the AD as proposed except for 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.

Related Service Information Under 1 CFR 51

We reviewed DAHER SOCATA Mandatory Service Bulletin SB 70–095, Revision 2, dated October 2016, which describes procedures for replacement of the flight control wheel primary stop rivets. We also reviewed EADS SOCATA Recommended Service Bulletin SB 70–114, dated December 2004, which describes procedures for installation of roll control emergency stops on the flight control wheel. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of the AD.

Differences Between This AD and the Service Information

DAHER SOCATA Mandatory Service Bulletin SB 70–095, Revision 2, dated

October 2016, requires a modification that terminates any repetitive inspections and also gives credit for another modification that may have previously been done. We are retaining the repetitive inspection requirement from AD 2002–19–01 and allowing installation of one of the two different modifications as terminating action for the repetitive inspections.

Costs of Compliance

We estimate that this AD will affect 203 products of U.S. registry.

We estimate that it will take about 1 hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the inspection on U.S. operators to be $17,255, or $85 per product.

In addition, we estimate that any necessary follow-on actions will take about 3 work-hours per product. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this action on U.S. operators to be $255 per product. We have no way of determining the number of products that may need these actions.

For the optional actions to terminate the repetitive inspections, we estimate the following costs. We have no way of determining how many operators may choose to do either of the optional actions. For replacement of the rivets in the roll primary stops, we estimate that it will take about 3.5 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts would cost about $10 per product. Based on these figures, for replacement of the rivets we estimate the cost of this action on U.S. operators to be $307.50 per product.

For the installation of a roll control emergency stop on each control wheel, we estimate that it will take about 19.5 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts would cost about $1,650 per product. Based on these figures, for installation of the roll control emergency stop, we estimate the cost of this action on U.S. operators to be $3,307.50 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0417; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–12881 (67 FR 59137; September 20, 2002) and adding the following new AD:

2017–15–15 SOCATA: Amendment 39–18975; Docket No. FAA–2017–0417; Directorate Identifier 2017–CE–008–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective September 6, 2017.

(b) Affected ADs

This AD supersedes AD 2002–19–01, Amendment 39–12881 (67 FR 59137, September 20, 2002) (''AD 2002–19–01'').

(c) Applicability

This AD applies to SOCATA Model TBM 700 airplanes, serial numbers 1 through 184, 186, 187, 189 through 204, 206, and 207, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as the flight control wheel traveling beyond normal roll control limits. We are issuing this AD to prevent the flight control wheel from becoming jammed and leading to reduced or loss of control.

(f) Actions and Compliance

Unless already done, do the actions in paragraphs (f)(1) and (2) of this AD or paragraph (f)(3) of this AD:

(1) Within the next 100 hours time-in-service (TIS) after October 29, 2002 (the effective date retained from AD 2002–19–01) and repetitively thereafter every time the flight control system undergoes maintenance, perform a test of the pilot and right-hand (RH) station control wheels to determine if either control wheel becomes jammed following SOCATA TBM Aircraft Mandatory Service Bulletin (SB) 70–095 27, dated November 2001.

(2) If any jamming is found during any test required by paragraph (f)(1) of this AD, before further flight, adjust the roll control stops on either the pilot control wheel or the RH station control wheel following SOCATA TBM Aircraft Mandatory SB 70–095 27, dated November 2001.

(3) To terminate the repetitive inspections required in paragraph (f)(1) of this AD either of the following actions may be done:

(i) Replace the rivets in the roll primary stops of both control wheels following the

Accomplishment Instructions in DAHER SOCATA Mandatory SB 70–095, Revision 2, dated October 2016; or

(ii) Install a roll control emergency stop on each control wheel following the Accomplishment Instructions of EADS SOCATA Recommended SB 70–114, dated December 2004.

(g) Credit for Actions Done Following Previous Service Information

If done before September 6, 2017 (the effective date of this AD), this AD allows credit for replacement of the roll primary stop rivets on an airplane as specified in paragraph (f)(3)(i) of this AD following the Accomplishment Instructions of SOCATA TBM Mandatory SB 70–095, original issue or revision 1.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Albert Mercado, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090; email: *albert.mercado@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(i) Related Information

Refer to MCAI EASA AD No.: 2017–0018, dated February 3, 2017. The MCAI can be found in the AD docket on the Internet at: *https://www.regulations.gov/document?D=FAA-2017-0417-0002.*

(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.

(3) The following service information was approved for IBR on September 6, 2017 (the effective date of this AD).

(i) DAHER SOCATA Mandatory Service Bulletin SB 70–095, Revision 2, dated October 2016.

(ii) EADS SOCATA Recommended Service Bulletin SB 70–114, dated December 2004.

(4) The following service information was approved for IBR on October 29, 2002 (67 FR 59137, September 20, 2002).

(i) SOCATA TBM Aircraft Mandatory SB 70–095 27, dated November 2001.

(ii) Reserved.

(5) For SOCATA service information identified in this AD, contact SOCATA, Direction des services, 65921 Tarbes Cedex 9, France; phone: +33 (0) 5 62 41 73 00; fax: +33 (0) 5 62 41 76 54; email: *info@socata.daher.com;* Internet: *https://www.mysocata.com/login/accueil.php.*

(6) You may view this service information at FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148. In addition, you can access this service information on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0417.

(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 Kansas City, Missouri, on July 19, 2017.

Melvin Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–15556 Filed 8–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31144; Amdt. No. 3756]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective August 2, 2017. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 2, 2017.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE., West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further,

airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary.

This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

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

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
17–Aug–17	MS	Greenwood	Greenwood-Leflore	7/0297	6/9/17	VOR RWY 5, Amdt 13A.
17–Aug–17	MS	Greenwood	Greenwood-Leflore	7/0298	6/9/17	ILS OR LOC RWY 18, Amdt 8A.
17–Aug–17	MS	Greenwood	Greenwood-Leflore	7/0299	6/9/17	RNAV (GPS) RWY 5, Amdt 2.
17–Aug–17	MS	Greenwood	Greenwood-Leflore	7/0300	6/9/17	RNAV (GPS) RWY 18, Amdt 2A.
17–Aug–17	MS	Greenwood	Greenwood-Leflore	7/0301	6/9/17	RNAV (GPS) RWY 36, Amdt 1.
17–Aug–17	GA	Lawrenceville	Gwinnett County-Briscoe Field.	7/0630	6/27/17	VOR/DME RWY 7, Amdt 2A.
17–Aug–17	ME	Portland	Portland Intl Jetport	7/0637	6/14/17	RNAV (GPS) RWY 11, Amdt 4.
17–Aug–17	NY	Batavia	Genesee County	7/0660	6/8/17	RNAV (GPS) RWY 10, Orig.
17–Aug–17	NC	Charlotte	Charlotte/Douglas Intl	7/0701	6/21/17	RNAV (GPS) Y RWY 36L, Amdt 1.
17–Aug–17	NC	Charlotte	Charlotte/Douglas Intl	7/0702	6/21/17	RNAV (GPS) Y RWY 36R, Amdt 4.
17–Aug–17	LA	Alexandria	Alexandria Intl	7/0759	6/27/17	RNAV (GPS) RWY 36, Orig-A.
17–Aug–17	TX	Jacksonville	Cherokee County	7/0782	6/8/17	RNAV (GPS) RWY 14, Amdt 1.
17–Aug–17	SC	Georgetown	Georgetown County	7/0981	6/27/17	RNAV (GPS) RWY 23, Amdt 2.
17–Aug–17	KY	Louisville	Louisville Intl-Standiford Field.	7/1220	6/21/17	RNAV (GPS) Y RWY 35L, Amdt 1B.
17–Aug–17	KY	Louisville	Louisville Intl-Standiford Field.	7/1224	6/21/17	RNAV (GPS) Y RWY 17L, Amdt 1C.
17–Aug–17	KY	Louisville	Louisville Intl-Standiford Field.	7/1227	6/21/17	RNAV (GPS) Y RWY 17R, Amdt 1C.
17–Aug–17	NY	Rochester	Greater Rochester Intl	7/1339	6/21/17	RNAV (GPS) RWY 4, Amdt 2A.
17–Aug–17	NY	Buffalo	Buffalo Niagara Intl	7/1340	6/21/17	RNAV (GPS) Y RWY 5, Amdt 2B.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
17–Aug–17	NY	Buffalo	Buffalo Niagara Intl	7/1341	6/21/17	RNAV (GPS) Y RWY 23, Amdt 2B.
17–Aug–17	SC	Greer	Greenville Spartanburg Intl.	7/1472	6/27/17	ILS OR LOC/DME RWY 4, ILS RWY 4 (SA CAT I), ILS RWY 4 (CAT II AND III), Amdt 24.
17–Aug–17	SC	Greer	Greenville Spartanburg Intl.	7/1480	6/27/17	RNAV (GPS) RWY 4, Amdt 2.
17–Aug–17	MN	Minneapolis	Minneapolis-St Paul Intl/Wold-Chamberlain.	7/1588	6/21/17	RNAV (GPS) Z RWY 30L, Amdt 5.
17–Aug–17	MN	Minneapolis	Minneapolis-St Paul Intl/Wold-Chamberlain.	7/1589	6/21/17	RNAV (GPS) Z RWY 35, Amdt 4.
17–Aug–17	MN	Minneapolis	Minneapolis-St Paul Intl/Wold-Chamberlain.	7/1590	6/21/17	RNAV (GPS) Z RWY 12L, Amdt 5.
17–Aug–17	TX	Lufkin	Angelina County	7/1592	6/21/17	VOR RWY 15, Amdt 4.
17–Aug–17	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	7/1606	6/16/17	RNAV (GPS) RWY 17C, Amdt 2A.
17–Aug–17	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	7/1607	6/16/17	RNAV (GPS) RWY 17L, Amdt 5.
17–Aug–17	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	7/1608	6/16/17	RNAV (GPS) RWY 17R, Amdt 2A.
17–Aug–17	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	7/1609	6/16/17	RNAV (GPS) RWY 18L, Amdt 1A.
17–Aug–17	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	7/1612	6/16/17	RNAV (GPS) RWY 18R, Amdt 1A.
17–Aug–17	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	7/1614	6/16/17	RNAV (GPS) RWY 35C, Amdt 3A.
17–Aug–17	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	7/1616	6/16/17	RNAV (GPS) RWY 35L, Amdt 2A.
17–Aug–17	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	7/1619	6/16/17	RNAV (GPS) RWY 35R, Amdt 3A.
17–Aug–17	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	7/1621	6/16/17	RNAV (GPS) RWY 36L, Amdt 3C.
17–Aug–17	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	7/1623	6/16/17	RNAV (GPS) RWY 36R, Amdt 3B.
17–Aug–17	TN	Nashville	Nashville Intl	7/1987	6/21/17	RNAV (GPS) Y RWY 2R, Amdt 2C.
17–Aug–17	TN	Nashville	Nashville Intl	7/1990	6/21/17	RNAV (GPS) Y RWY 2L, Amdt 3.
17–Aug–17	TX	Houston	George Bush Intercontinental/Houston.	7/2031	6/21/17	RNAV (GPS) RWY 15R, Amdt 2A.
17–Aug–17	TX	Houston	George Bush Intercontinental/Houston.	7/2032	6/21/17	RNAV (GPS) Z RWY 8L, Amdt 5B.
17–Aug–17	TX	Houston	George Bush Intercontinental/Houston.	7/2033	6/21/17	RNAV (GPS) Z RWY 8R, Amdt 4B.
17–Aug–17	TX	Houston	George Bush Intercontinental/Houston.	7/2034	6/21/17	RNAV (GPS) Z RWY 26L, Amdt 4A.
17–Aug–17	TX	Houston	George Bush Intercontinental/Houston.	7/2036	6/21/17	RNAV (GPS) Z RWY 26R, Amdt 4A.
17–Aug–17	TX	Houston	George Bush Intercontinental/Houston.	7/2037	6/21/17	RNAV (GPS) Z RWY 27, Amdt 5.
17–Aug–17	MS	Columbus/W Point/ Starkville.	Golden Triangle Rgnl	7/2048	6/9/17	RNAV (GPS) RWY 36, Amdt 1.
17–Aug–17	MO	Kansas City	Kansas City Intl	7/2051	6/19/17	RNAV (GPS) Y RWY 1R, Amdt 2A.
17–Aug–17	MO	Kansas City	Kansas City Intl	7/2073	6/19/17	RNAV (GPS) Y RWY 19R, Amdt 2A.
17–Aug–17	AR	Fayetteville/Springdale/	Northwest Arkansas Rgnl.	7/2074	6/19/17	RNAV (GPS) RWY 34, Amdt 2.
17–Aug–17	AR	Fayetteville/Springdale/	Northwest Arkansas Rgnl.	7/2075	6/19/17	RNAV (GPS) RWY 16, Amdt 4.
17–Aug–17	CO	Grand Junction	Grand Junction Regional.	7/2260	6/21/17	RNAV (GPS) Y RWY 11, Amdt 1B.
17–Aug–17	FL	Pensacola	Pensacola Intl	7/2307	6/21/17	RNAV (GPS) RWY 17, Amdt 2C.
17–Aug–17	NH	Portsmouth	Portsmouth Intl At Pease.	7/2345	6/21/17	RNAV (GPS) RWY 16, Amdt 2.
17–Aug–17	CA	Santa Maria	Santa Maria Pub/Capt G Allan Hancock Fld.	7/2346	6/21/17	RNAV (GPS) RWY 12, Amdt 1A.
17–Aug–17	MI	Detroit	Detroit Metropolitan Wayne County.	7/2347	6/19/17	RNAV (GPS) RWY 3R, Amdt 3.
17–Aug–17	MI	Detroit	Detroit Metropolitan Wayne County.	7/2350	6/19/17	RNAV (GPS) RWY 4R, Amdt 3.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
17–Aug–17	MI	Detroit	Detroit Metropolitan Wayne County.	7/2362	6/19/17	RNAV (GPS) PRM RWY 4R, Orig.
17–Aug–17	VA	Richmond	Richmond Intl	7/2368	6/21/17	RNAV (GPS) Z RWY 34, Amdt 1B.
17–Aug–17	AR	Rogers	Rogers Executive—Carter Field.	7/2644	5/26/17	VOR RWY 2, Amdt 13D.
17–Aug–17	AR	Rogers	Rogers Executive—Carter Field.	7/2645	5/26/17	RNAV (GPS) RWY 20, Amdt 1A.
17–Aug–17	FL	Avon Park	Avon Park Executive	7/2706	6/14/17	RNAV (GPS) RWY 10, Orig-A.
17–Aug–17	FL	Avon Park	Avon Park Executive	7/2707	6/14/17	RNAV (GPS) RWY 5, Orig-A.
17–Aug–17	OH	Wauseon	Fulton County	7/2709	6/8/17	Takeoff Minimums and (Obstacle) DP, Amdt 1.
17–Aug–17	AL	Mobile	Mobile Rgnl	7/2791	6/19/17	RNAV (GPS) RWY 15, Amdt 2A.
17–Aug–17	AL	Mobile	Mobile Rgnl	7/2792	6/19/17	RNAV (GPS) RWY 33, Amdt 2A.
17–Aug–17	NY	Rochester	Greater Rochester Intl	7/2794	6/21/17	RNAV (GPS) RWY 22, Amdt 2A.
17–Aug–17	NY	New York	Long Island Mac Arthur.	7/2795	6/21/17	RNAV (GPS) RWY 6, Amdt 2.
17–Aug–17	NH	Concord	Concord Muni	7/2832	6/21/17	RNAV (GPS) RWY 12, Orig-C.
17–Aug–17	FL	Orlando	Orlando Intl	7/2874	6/19/17	RNAV (GPS) RWY 17L, Amdt 1.
17–Aug–17	FL	Orlando	Orlando Intl	7/2878	6/19/17	RNAV (GPS) RWY 17R, Orig-C.
17–Aug–17	FL	Orlando	Orlando Intl	7/2879	6/19/17	RNAV (GPS) RWY 18R, Amdt 1.
17–Aug–17	FL	Orlando	Orlando Intl	7/2881	6/19/17	RNAV (GPS) RWY 35L, Amdt 1.
17–Aug–17	FL	Orlando	Orlando Intl	7/2885	6/19/17	RNAV (GPS) RWY 35R, Amdt 1.
17–Aug–17	NJ	Newark	Newark Liberty Intl	7/2916	6/27/17	RNAV (GPS) Z RWY 22L, Amdt 2.
17–Aug–17	FL	Orlando	Executive	7/2974	6/21/17	RNAV (GPS) RWY 7, Amdt 2.
17–Aug–17	TX	Houston	Ellington	7/2975	6/21/17	RNAV (GPS) RWY 22, Amdt 2B.
17–Aug–17	FL	Miami	Miami Intl	7/3045	6/21/17	RNAV (GPS) RWY 9, Amdt 1A.
17–Aug–17	FL	Miami	Miami Intl	7/3046	6/21/17	RNAV (GPS) Z RWY 27, Amdt 3.
17–Aug–17	NY	Albany	Albany Intl	7/3084	6/19/17	RNAV (GPS) Y RWY 1, Amdt 1A.
17–Aug–17	MA	Hyannis	Barnstable Muni-Boardman/Polando Field.	7/3261	6/27/17	RNAV (GPS) RWY 15, Orig.
17–Aug–17	AR	Crossett	Z M Jack Stell Field	7/3273	6/8/17	RNAV (GPS) RWY 23, Orig.
17–Aug–17	AR	Crossett	Z M Jack Stell Field	7/3274	6/8/17	VOR/DME–A, Orig-C.
17–Aug–17	CT	Groton (New London)	Groton-New London	7/3373	6/19/17	RNAV (GPS) RWY 5, Orig-D.
17–Aug–17	NC	Raleigh/Durham	Raleigh-Durham Intl	7/3375	6/19/17	RNAV (GPS) Y RWY 23L, Amdt 1A.
17–Aug–17	NC	Raleigh/Durham	Raleigh-Durham Intl	7/3376	6/19/17	RNAV (GPS) Y RWY 23R, Amdt 1A.
17–Aug–17	NJ	Atlantic City	Atlantic City Intl	7/3381	6/19/17	RNAV (GPS) Y RWY 13, Amdt 4.
17–Aug–17	OH	Dayton	James M Cox Dayton Intl.	7/3398	6/19/17	RNAV (GPS) Z RWY 6L, Amdt 1B.
17–Aug–17	FL	Melbourne	Melbourne Intl	7/3480	6/19/17	RNAV (GPS) RWY 9R, Amdt 1A.
17–Aug–17	LA	New Orleans	Louis Armstrong New Orleans Intl.	7/3481	6/21/17	RNAV (GPS) Y RWY 11, Amdt 2A.
17–Aug–17	IA	Sioux City	Sioux Gateway/Col Bud Day Field.	7/3489	6/21/17	RNAV (GPS) RWY 31, Orig-D.
17–Aug–17	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	7/3490	6/21/17	RNAV (GPS) Y RWY 33L, Amdt 4.
17–Aug–17	IA	Cedar Rapids	The Eastern Iowa	7/3503	6/21/17	RNAV (GPS) RWY 9, Amdt 2A.
17–Aug–17	OH	Dayton	James M Cox Dayton Intl.	7/3565	6/21/17	RNAV (GPS) RWY 24L, Amdt 1B.
17–Aug–17	OH	Dayton	James M Cox Dayton Intl.	7/3576	6/21/17	RNAV (GPS) RWY 18, Amdt 1.
17–Aug–17	LA	Shreveport	Shreveport Rgnl	7/3581	6/21/17	RNAV (GPS) RWY 14, Amdt 2.
17–Aug–17	LA	Baton Rouge	Baton Rouge Metropolitan, Ryan Field.	7/3590	6/21/17	RNAV (GPS) RWY 22R, Amdt 3.
17–Aug–17	FL	Miami	Miami Executive	7/3767	6/8/17	ILS OR LOC RWY 9R, Amdt 11B.
17–Aug–17	FL	Miami	Miami Executive	7/3768	6/8/17	RNAV (GPS) RWY 9R, Amdt 2B.
17–Aug–17	FL	Miami	Miami Executive	7/3769	6/8/17	RNAV (GPS) RWY 27L, Amdt 2B.
17–Aug–17	GA	Lawrenceville	Gwinnett County-Briscoe Field.	7/3791	6/8/17	RNAV (GPS) RWY 7, Orig-B.
17–Aug–17	MD	Ridgely	Ridgely Airpark	7/3795	6/9/17	RNAV (GPS) RWY 30, Orig-A.
17–Aug–17	ME	Augusta	Augusta State	7/3797	6/8/17	VOR RWY 35, Amdt 6.
17–Aug–17	ME	Augusta	Augusta State	7/3798	6/8/17	RNAV (GPS) RWY 17, Orig.
17–Aug–17	ME	Augusta	Augusta State	7/3799	6/8/17	ILS OR LOC RWY 17, Amdt 3.
17–Aug–17	MI	Muskegon	Muskegon County	7/3819	6/8/17	ILS OR LOC RWY 32, Amdt 19.
17–Aug–17	MI	Muskegon	Muskegon County	7/3820	6/8/17	LOC BC RWY 14, Amdt 9A.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
17–Aug–17	AZ	Bullhead City	Laughlin/Bullhead Intl	7/3821	6/14/17	RNAV (GPS) RWY 16, Amdt 2A.
17–Aug–17	MS	Columbia	Columbia-Marion County.	7/3834	6/8/17	RNAV (GPS) RWY 5, Orig.
17–Aug–17	MS	Columbia	Columbia-Marion County.	7/3835	6/8/17	RNAV (GPS) RWY 23, Amdt 1.
17–Aug–17	AK	Elim	Elim	7/4069	6/9/17	RNAV (GPS) RWY 1, Orig.
17–Aug–17	AK	Elim	Elim	7/4077	6/9/17	RNAV (GPS) RWY 19, Orig -A.
17–Aug–17	AK	Clarks Point	Clarks Point	7/4095	6/9/17	RNAV (GPS) RWY 36, Orig-A.
17–Aug–17	AK	Clarks Point	Clarks Point	7/4096	6/9/17	RNAV (GPS) RWY 18, Orig-A.
17–Aug–17	AR	Arkadelphia	Dexter B Florence Memorial Field.	7/4207	6/20/17	RNAV (GPS) RWY 22, Orig-A.
17–Aug–17	AR	Malvern	Malvern Muni	7/4209	6/20/17	RNAV (GPS) RWY 22, Orig-A.
17–Aug–17	AR	Manila	Manila Muni	7/4212	6/20/17	RNAV (GPS) RWY 18, Amdt 1A.
17–Aug–17	IA	Maquoketa	Maquoketa Muni	7/4215	6/20/17	RNAV (GPS) RWY 15, Amdt 1A.
17–Aug–17	IL	Lacon	Marshall County	7/4217	6/20/17	RNAV (GPS) RWY 13, Orig-A.
17–Aug–17	IL	Cairo	Cairo Rgnl	7/4219	6/20/17	RNAV (GPS) RWY 14, Orig-A.
17–Aug–17	IL	Carmi	Carmi Muni	7/4221	6/20/17	RNAV (GPS) RWY 36, Orig-B.
17–Aug–17	IL	Savanna	Tri-Township	7/4222	6/20/17	RNAV (GPS) RWY 13, Orig-B.
17–Aug–17	IN	Bedford	Virgil I Grissom Muni	7/4224	6/20/17	RNAV (GPS) RWY 31, Amdt 1B.
17–Aug–17	MI	Lakeview	Lakeview-Griffith Field	7/4226	6/20/17	RNAV (GPS) RWY 10, Orig.
17–Aug–17	MI	Grand Ledge	Abrams Muni	7/4229	6/20/17	RNAV (GPS) RWY 9, Orig-B.
17–Aug–17	MI	East Tawas	Iosco County	7/4232	6/20/17	RNAV (GPS) RWY 8, Orig-A.
17–Aug–17	MI	Bad Axe	Huron County Memorial.	7/4233	6/20/17	RNAV (GPS) RWY 22, Orig-A.
17–Aug–17	MI	Romeo	Romeo State	7/4236	6/20/17	RNAV (GPS) RWY 18, Amdt 1A.
17–Aug–17	MI	Romeo	Romeo State	7/4239	6/20/17	RNAV (GPS) RWY 36, Amdt 1B.
17–Aug–17	MI	Three Rivers	Three Rivers Muni Dr Haines.	7/4244	6/20/17	RNAV (GPS) RWY 27, Orig-B.
17–Aug–17	MI	Houghton Lake	Roscommon County-Blodgett Memorial.	7/4245	6/20/17	RNAV (GPS) RWY 9, Amdt 2C.
17–Aug–17	MI	Houghton Lake	Roscommon County-Blodgett Memorial.	7/4248	6/20/17	RNAV (GPS) RWY 27, Amdt 1B.
17–Aug–17	MI	Ludington	Mason County	7/4249	6/20/17	RNAV (GPS) RWY 8, Orig-B.
17–Aug–17	MI	South Haven	South Haven Area Rgnl.	7/4251	6/20/17	RNAV (GPS) RWY 5, Amdt 1C.
17–Aug–17	MI	South Haven	South Haven Area Rgnl.	7/4252	6/20/17	RNAV (GPS) RWY 23, Amdt 1C.
17–Aug–17	MI	Menominee	Menominee-Marinette Twin County.	7/4253	6/20/17	RNAV (GPS) RWY 32, Amdt 1A.
17–Aug–17	MI	Mason	Mason Jewett Field	7/4254	6/20/17	RNAV (GPS) RWY 10, Orig-B.
17–Aug–17	MI	Mason	Mason Jewett Field	7/4255	6/20/17	RNAV (GPS) RWY 28, Orig-B.
17–Aug–17	MI	Traverse City	Cherry Capital	7/4256	6/20/17	RNAV (GPS) RWY 18, Orig-A.
17–Aug–17	MI	Detroit	Willow Run	7/4257	6/20/17	RNAV (GPS) RWY 5L, Amdt 1A.
17–Aug–17	MN	Waseca	Waseca Muni	7/4258	6/20/17	RNAV (GPS) RWY 33, Orig-A.
17–Aug–17	MN	Minneapolis	Flying Cloud	7/4259	6/20/17	RNAV (GPS) RWY 36, Amdt 2A.
17–Aug–17	MO	Mountain Grove	Mountain Grove Memorial.	7/4260	6/20/17	RNAV (GPS) RWY 8, Orig-A.
17–Aug–17	MO	Mountain Grove	Mountain Grove Memorial.	7/4261	6/20/17	RNAV (GPS) RWY 26, Orig-B.
17–Aug–17	MO	Springfield	Downtown	7/4262	6/20/17	RNAV (GPS)-B, Orig.
17–Aug–17	MO	Excelsior Springs	Excelsior Springs Memorial.	7/4263	6/20/17	RNAV (GPS)-B, Orig.
17–Aug–17	MO	Ava	Ava Bill Martin Memorial.	7/4264	6/20/17	RNAV (GPS) RWY 31, Orig-A.
17–Aug–17	MO	Osage Beach	Grand Glaize-Osage Beach.	7/4267	6/20/17	RNAV (GPS) RWY 14, Amdt 1A.
17–Aug–17	MO	Osage Beach	Grand Glaize-Osage Beach.	7/4269	6/20/17	RNAV (GPS) RWY 32, Amdt 1A.
17–Aug–17	MO	Mountain View	Mountain View	7/4271	6/20/17	RNAV (GPS) RWY 10, Orig-B.
17–Aug–17	MO	Mountain View	Mountain View	7/4273	6/20/17	RNAV (GPS) RWY 28, Orig-B.
17–Aug–17	MO	Stockton	Stockton Muni	7/4275	6/20/17	RNAV (GPS) RWY 1, Orig-A.
17–Aug–17	MO	Stockton	Stockton Muni	7/4277	6/20/17	RNAV (GPS) RWY 19, Orig-B.
17–Aug–17	OH	Millersburg	Holmes County	7/4279	6/20/17	RNAV (GPS) RWY 9, Orig.
17–Aug–17	OH	Woodsfield	Monroe County	7/4281	6/20/17	RNAV (GPS) RWY 25, Orig-A.
17–Aug–17	OH	Middlefield	Geauga County	7/4282	6/20/17	RNAV (GPS) RWY 29, Orig-A.
17–Aug–17	OH	Middlefield	Geauga County	7/4283	6/20/17	RNAV (GPS) RWY 11, Orig-A.
17–Aug–17	OH	Cambridge	Cambridge Muni	7/4285	6/20/17	RNAV (GPS) RWY 22, Orig-B.
17–Aug–17	OH	Cambridge	Cambridge Muni	7/4287	6/20/17	RNAV (GPS) RWY 4, Orig-B.
17–Aug–17	OH	Waverly	Pike County	7/4289	6/20/17	RNAV (GPS) RWY 7, Amdt 1.
17–Aug–17	OK	Prague	Prague Muni	7/4291	6/20/17	RNAV (GPS) RWY 17, Orig-A.
17–Aug–17	TX	Devine	Devine Muni	7/4294	6/20/17	RNAV (GPS) RWY 35, Orig-A.
17–Aug–17	TX	Houston	David Wayne Hooks Memorial.	7/4297	6/20/17	LOC RWY 17R, Amdt 3C.
17–Aug–17	TX	Rocksprings	Edwards County	7/4301	6/20/17	VOR RWY 14, Amdt 5A.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
17–Aug–17	TX	Graford	Possum Kingdom	7/4302	6/20/17	RNAV (GPS) RWY 2, Orig-B.
17–Aug–17	TX	Graford	Possum Kingdom	7/4304	6/20/17	RNAV (GPS) RWY 20, Orig-B.
17–Aug–17	TX	Comanche	Comanche County-City	7/4306	6/20/17	RNAV (GPS) RWY 35, Orig.
17–Aug–17	WI	Burlington	Burlington Muni	7/4313	6/20/17	RNAV (GPS) RWY 29, Amdt 1A.
17–Aug–17	WI	Burlington	Burlington Muni	7/4315	6/20/17	RNAV (GPS) RWY 11, Orig-A.
17–Aug–17	WI	Grantsburg	Grantsburg Muni	7/4316	6/20/17	RNAV (GPS) RWY 30, Orig-A.
17–Aug–17	KY	Mayfield	Mayfield Graves County.	7/4429	6/8/17	RNAV (GPS) Z RWY 1, Orig.
17–Aug–17	KY	Mayfield	Mayfield Graves County.	7/4430	6/8/17	RNAV (GPS) RWY 19, Amdt 1.
17–Aug–17	KY	Mayfield	Mayfield Graves County.	7/4431	6/8/17	RNAV (GPS) Y RWY 1, Amdt 1.
17–Aug–17	PR	San Juan	Luis Munoz Marin Intl	7/4470	6/9/17	ILS OR LOC RWY 10, Amdt 6.
17–Aug–17	PR	San Juan	Luis Munoz Marin Intl	7/4472	6/9/17	VOR OR TACAN RWY 10, Amdt 2.
17–Aug–17	PR	San Juan	Luis Munoz Marin Intl	7/4474	6/9/17	RNAV (GPS) RWY 10, Amdt 2.
17–Aug–17	OH	Cleveland	Burke Lakefront	7/4788	6/9/17	RNAV (GPS) RWY 24R, Orig.
17–Aug–17	TX	Commerce	Commerce Muni	7/4945	6/9/17	RNAV (GPS) RWY 18, Orig-A.
17–Aug–17	TX	Commerce	Commerce Muni	7/4946	6/9/17	VOR/DME–A, Amdt 3A.
17–Aug–17	TX	Commerce	Commerce Muni	7/4947	6/9/17	RNAV (GPS) RWY 36, Orig-A.
17–Aug–17	AK	Kasigluk	Kasigluk	7/5505	6/8/17	RNAV (GPS) RWY 17, Orig-A.
17–Aug–17	AK	Kasigluk	Kasigluk	7/5506	6/8/17	RNAV (GPS) RWY 35, Orig-A.
17–Aug–17	TN	Copperhill	Martin Campbell Field	7/5773	6/8/17	RNAV (GPS) RWY 2, Orig.
17–Aug–17	TN	Copperhill	Martin Campbell Field	7/5775	6/8/17	RNAV (GPS) RWY 20, Orig.
17–Aug–17	NJ	Belmar/Farmingdale	Monmouth Executive	7/5872	6/8/17	RNAV (GPS) RWY 14, Orig-B.
17–Aug–17	NJ	Belmar/Farmingdale	Monmouth Executive	7/5873	6/8/17	RNAV (GPS) RWY 32, Orig-A.
17–Aug–17	OH	Cleveland	Burke Lakefront	7/5992	6/9/17	ILS OR LOC RWY 24R, Amdt 1.
17–Aug–17	TX	Athens	Athens Muni	7/6474	6/27/17	NDB RWY 35, Amdt 4D.
17–Aug–17	TX	Athens	Athens Muni	7/6484	6/27/17	RNAV (GPS) RWY 35, Orig.
17–Aug–17	MS	Batesville	Panola County	7/6489	6/9/17	LOC/DME RWY 19, Amdt 1.
17–Aug–17	MN	Rochester	Rochester Intl	7/6514	6/8/17	VOR/DME RWY 20, Amdt 14.
17–Aug–17	AR	Decatur	Crystal Lake	7/6516	6/8/17	VOR/DME RWY 13, Amdt 9.
17–Aug–17	AR	Decatur	Crystal Lake	7/6517	6/8/17	RNAV (GPS) RWY 13, Orig.
17–Aug–17	AZ	Springerville	Springerville Muni	7/6540	6/27/17	RNAV (GPS) RWY 21, Amdt 1B.
17–Aug–17	FL	West Palm Beach	North Palm Beach County General Aviation.	7/6693	6/14/17	VOR RWY 8R, Amdt 1C.
17–Aug–17	NC	Greensboro	Piedmont Triad Intl	7/6715	6/8/17	ILS OR LOC RWY 23L, ILS RWY 23L (CAT II), Amdt 9B.
17–Aug–17	NY	Glens Falls	Floyd Bennett Memorial.	7/6716	6/8/17	RNAV (GPS) RWY 19, Amdt 1A.
17–Aug–17	CA	Tracy	Tracy Muni	7/6735	6/27/17	RNAV (GPS) RWY 30, Amdt 1.
17–Aug–17	CA	Tracy	Tracy Muni	7/6736	6/27/17	RNAV (GPS) RWY 12, Amdt 2.
17–Aug–17	OH	Columbus	Port Columbus Intl	7/6986	6/27/17	Takeoff Minimums and (Obstacle) DP, Amdt 7.
17–Aug–17	CA	Big Bear City	Big Bear City	7/7099	6/14/17	RNAV (GPS) RWY 26, Amdt 2.
17–Aug–17	CA	Los Angeles	Los Angeles Intl	7/7306	6/14/17	ILS OR LOC RWY 24L, Amdt 27.
17–Aug–17	NE	Gothenburg	Quinn Field	7/7342	6/27/17	Takeoff Minimums and (Obstacle) DP, Amdt 1.
17–Aug–17	MS	Indianola	Indianola Muni	7/7809	6/8/17	RNAV (GPS) RWY 18, Amdt 2.
17–Aug–17	FL	St Petersburg-Clearwater.	St Pete-Clearwater Intl	7/7861	6/14/17	RNAV (GPS) RWY 18, Orig.
17–Aug–17	NJ	Lumberton	Flying W	7/8140	6/19/17	RNAV (GPS) RWY 19, Amdt 1B.
17–Aug–17	NJ	Lumberton	Flying W	7/8146	6/19/17	RNAV (GPS) RWY 1, Amdt 1B.
17–Aug–17	AL	Birmingham	Birmingham-Shuttlesworth Intl.	7/8329	6/14/17	RNAV (GPS) Y RWY 6, Amdt 1A.
17–Aug–17	MA	Nantucket	Nantucket Memorial	7/8388	6/16/17	RNAV (GPS) RWY 24, Amdt 1.
17–Aug–17	AL	Mobile	Mobile Downtown	7/8433	6/14/17	RNAV (GPS) RWY 32, Amdt 2.
17–Aug–17	DC	Washington	Washington Dulles Intl	7/8435	6/14/17	RNAV (GPS) RWY 12, Amdt 1B.
17–Aug–17	FL	Jacksonville	Jacksonville Intl	7/8438	6/14/17	RNAV (GPS) Z RWY 8, Amdt 2A.
17–Aug–17	FL	Jacksonville	Jacksonville Intl	7/8443	6/14/17	RNAV (GPS) Z RWY 26, Amdt 2B.
17–Aug–17	SC	Georgetown	Georgetown County	7/8659	6/8/17	NDB RWY 5, Amdt 6.
17–Aug–17	SC	Georgetown	Georgetown County	7/8660	6/8/17	RNAV (GPS) RWY 5, Orig.
17–Aug–17	TN	Crossville	Crossville Memorial-Whitson Field.	7/9031	6/27/17	ILS Y OR LOC Y RWY 26, Orig-B.
17–Aug–17	TN	Crossville	Crossville Memorial-Whitson Field.	7/9032	6/27/17	ILS Z OR LOC Z RWY 26, Amdt 14B.
17–Aug–17	TN	Crossville	Crossville Memorial-Whitson Field.	7/9033	6/27/17	VOR/DME–A, Amdt 9A.
17–Aug–17	NE	Superior	Superior Muni	7/9182	6/8/17	RNAV (GPS) RWY 32, Orig-A.
17–Aug–17	WA	Pullman/Moscow	Pullman/Moscow Rgnl	7/9607	6/27/17	RNAV (GPS) Y RWY 6, Amdt 2D.

[FR Doc. 2017–16100 Filed 8–1–17; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31143; Amdt. No. 3755]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective August 2, 2017. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 2, 2017.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE., West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial

number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

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

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 17 August 2017

Barrow, AK, Wiley Post-Will Rogers Memorial, ILS OR LOC RWY 7, Amdt 1
Barrow, AK, Wiley Post-Will Rogers Memorial, LOC BC RWY 25, Amdt 1
Barrow, AK, Wiley Post-Will Rogers Memorial, VOR RWY 25, Amdt 1
Dillingham, AK, Dillingham, LOC RWY 19, Amdt 7
Dillingham, AK, Dillingham, RNAV (GPS) RWY 19, Amdt 3
Wainwright, AK, Wainwright, NDB RWY 5, Amdt 1A, CANCELED
Wainwright, AK, Wainwright, NDB RWY 23, Amdt 1, CANCELED
Anniston, AL, Anniston Rgnl, Takeoff Minimums and Obstacle DP, Amdt 7
Corning, AR, Corning Muni, RNAV (GPS) RWY 18, Orig-B
Corning, AR, Corning Muni, RNAV (GPS) RWY 36, Orig-B
Corning, AR, Corning Muni, VOR–A, Amdt 2B
Magnolia, AR, Ralph C Weiser Field, RNAV (GPS) RWY 18, Orig-A
Magnolia, AR, Ralph C Weiser Field, RNAV (GPS) RWY 36, Amdt 1A
Arcata/Eureka, CA, California Redwood Coast—Humboldt County, Takeoff Minimums and Obstacle DP, Amdt 8
Ontario, CA, Ontario Intl, ILS OR LOC RWY 26L, ILS RWY 26L (CAT II), ILS RWY 26L (CAT III), Amdt 8
Ontario, CA, Ontario Intl, ILS OR LOC RWY 26R, Amdt 5
Vacaville, CA, Nut Tree, Takeoff Minimums and Obstacle DP, Amdt 5
Immokalee, FL, Immokalee Rgnl, RNAV (GPS) RWY 9, Amdt 1
Immokalee, FL, Immokalee Rgnl, RNAV (GPS) RWY 18, Amdt 1
Immokalee, FL, Immokalee Rgnl, RNAV (GPS) RWY 27, Amdt 1
Immokalee, FL, Immokalee Rgnl, RNAV (GPS) RWY 36, Amdt 1
Immokalee, FL, Immokalee Rgnl, Takeoff Minimums and Obstacle DP, Amdt 2
Immokalee, FL, Immokalee Rgnl, VOR RWY 18, Amdt 7
West Palm Beach, FL, Palm Beach Intl, RNAV (GPS) X RWY 28R, Orig-A
Fort Stewart (Hinesville), GA, Wright AAF (Fort Stewart)/Midcoast Rgnl, RNAV (GPS) RWY 33R, Amdt 1
Macon, GA, Middle Georgia Rgnl, ILS OR LOC RWY 5, ILS RWY 5 (SA CAT I), ILS RWY 5 (SA CAT II), Amdt 3
Macon, GA, Middle Georgia Rgnl, RNAV (GPS) RWY 5, Amdt 3
Caldwell, ID, Caldwell Industrial, NDB RWY 30, Amdt 1B, CANCELED
Mc Call, ID, Mc Call Muni, PEPUC TWO, Graphic DP
Peoria, IL, General Downing—Peoria Intl, ILS OR LOC RWY 4, ILS RWY 4 (SA CAT I), ILS RWY 4 (SA CAT II), Amdt 3
Indianapolis, IN, Indianapolis Rgnl, ILS OR LOC RWY 25, Amdt 3
Gonzales, LA, Louisiana Rgnl, RNAV (GPS) RWY 35, Orig
Gaithersburg, MD, Montgomery County Airpark, VOR RWY 14, Amdt 3A, CANCELED
Indian Head, MD, Maryland, RNAV (GPS) RWY 2, Amdt 1A
Berrien Springs, MI, Andrews University Airpark, RNAV (GPS) RWY 13, Orig
Berrien Springs, MI, Andrews University Airpark, RNAV (GPS) RWY 31, Orig
Berrien Springs, MI, Andrews University Airpark, VOR–A, Orig, CANCELED
Minneapolis, MN, Anoka County-Blaine (Janes Field), ILS OR LOC RWY 27, Orig-B
Minneapolis, MN, Anoka County-Blaine (Janes Field), RNAV (GPS) RWY 9, Orig-E
Minneapolis, MN, Anoka County-Blaine (Janes Field), RNAV (GPS) RWY 18, Orig-E
Minneapolis, MN, Anoka County-Blaine (Janes Field), RNAV (GPS) RWY 27, Orig-C
Minneapolis, MN, Anoka County-Blaine (Janes Field), Takeoff Minimums and Obstacle DP, Amdt 5B
Minneapolis, MN, Anoka County-Blaine (Janes Field), VOR RWY 9, Amdt 12C
Walker, MN, Walker Muni, RNAV (GPS) RWY 15, Amdt 2
Walker, MN, Walker Muni, RNAV (GPS) RWY 33, Amdt 2
Kansas City, MO, Charles B Wheeler Downtown, ILS OR LOC RWY 3, Amdt 5
Kansas City, MO, Charles B Wheeler Downtown, ILS OR LOC RWY 19, Amdt 24
Kansas City, MO, Charles B Wheeler Downtown, RNAV (GPS) RWY 3, Amdt 3
Kansas City, MO, Charles B Wheeler Downtown, RNAV (GPS) RWY 19, Amdt 1
Kansas City, MO, Charles B Wheeler Downtown, RNAV (GPS) RWY 21, Amdt 2
Kansas City, MO, Charles B Wheeler Downtown, Takeoff Minimums and Obstacle DP, Amdt 4
St Louis, MO, St Louis Lambert Intl, ILS OR LOC RWY 6, Amdt 1F
St Louis, MO, St Louis Lambert Intl, ILS OR LOC RWY 11, ILS RWY 11 (CAT II), ILS RWY 11 (CAT III), Orig-D
St Louis, MO, St Louis Lambert Intl, ILS OR LOC RWY 12L, ILS RWY 12L (CAT II), ILS RWY 12L (CAT III), Amdt 6B
St Louis, MO, St Louis Lambert Intl, ILS OR LOC RWY 24, Amdt 46B
St Louis, MO, St Louis Lambert Intl, ILS OR LOC RWY 29, Amdt 1D
St Louis, MO, St Louis Lambert Intl, ILS OR LOC RWY 30R, ILS RWY 30R (CAT II), ILS RWY 30R (CAT III), Amdt 10C
St Louis, MO, St Louis Lambert Intl, RNAV (GPS) RWY 6, Amdt 1C
St Louis, MO, St Louis Lambert Intl, RNAV (GPS) RWY 24, Amdt 1C
St Louis, MO, St Louis Lambert Intl, RNAV (GPS) Y RWY 11, Orig-C
St Louis, MO, St Louis Lambert Intl, RNAV (GPS) Y RWY 12L, Amdt 2C
St Louis, MO, St Louis Lambert Intl, RNAV (GPS) Y RWY 29, Orig-D
St Louis, MO, St Louis Lambert Intl, RNAV (GPS) Y RWY 30R, Amdt 1E
St Louis, MO, St Louis Lambert Intl, RNAV (RNP) Z RWY 11, Orig-B
St Louis, MO, St Louis Lambert Intl, RNAV (RNP) Z RWY 12L, Orig-B
St Louis, MO, St Louis Lambert Intl, RNAV (RNP) Z RWY 29, Orig-B
St Louis, MO, St Louis Lambert Intl, RNAV (RNP) Z RWY 30R, Orig-B
Wilmington, NC, Wilmington Intl, ILS Y OR LOC RWY 6, Amdt 2B
Wilmington, NC, Wilmington Intl, ILS Y OR LOC RWY 24, ILS Y RWY 24 (SA CAT I), ILS Y RWY 24 (SA CAT II), Amdt 2
Wilmington, NC, Wilmington Intl, ILS Y OR LOC RWY 35, Amdt 22C
Wilmington, NC, Wilmington Intl, ILS Z RWY 6, Orig-B

Wilmington, NC, Wilmington Intl, ILS Z RWY 24, Amdt 1

Wilmington, NC, Wilmington Intl, ILS Z RWY 35, Orig-B

Wilmington, NC, Wilmington Intl, RADAR–1, Amdt 7A

Wilmington, NC, Wilmington Intl, RNAV (GPS) RWY 6, AMDT 3B

Wilmington, NC, Wilmington Intl, RNAV (GPS) RWY 17, Amdt 4A

Wilmington, NC, Wilmington Intl, RNAV (GPS) RWY 24, Amdt 3

Wilmington, NC, Wilmington Intl, RNAV (GPS) RWY 35, Amdt 3C

Manchester, NH, Manchester, Takeoff Minimums and Obstacle DP, Amdt 10A

Cushing, OK, Cushing Muni, RNAV (GPS) RWY 18, Orig

Cushing, OK, Cushing Muni, RNAV (GPS) RWY 36, Amdt 2

Orangeburg, SC, Orangeburg Muni, RNAV (GPS) RWY 35, Amdt 1B

Beeville, TX, Chase Field Industrial, RNAV (GPS) RWY 13, Orig

Beeville, TX, Chase Field Industrial, RNAV (GPS) RWY 31, Orig

Beeville, TX, Chase Field Industrial, Takeoff Minimums and Obstacle DP, Orig

Falfurrias, TX, Brooks County, RNAV (GPS) RWY 17, Amdt 1

Falfurrias, TX, Brooks County, RNAV (GPS) RWY 35, Amdt 1

Houston, TX, George Bush Intercontinental/Houston, ILS OR LOC RWY 8L, ILS RWY 8L (CAT II), ILS RWY 8L (CAT III), ILS RWY 8L (SA CAT I), Amdt 4C

Tangier, VA, Tangier Island, VOR/DME–A, Orig, SUSPENDED

Morrisville, VT, Morrisville-Stowe State, RNAV (GPS)–A, Orig

Fairmont, WV, Fairmont Muni-Frankman Field, RNAV (GPS) RWY 23, Amdt 1B

Fairmont, WV, Fairmont Muni-Frankman Field, VOR–A, Amdt 1A

Wheeling, WV, Wheeling Ohio Co, ILS OR LOC RWY 3, Amdt 23

Wheeling, WV, Wheeling Ohio Co, RNAV (GPS) RWY 3, Amdt 1

Wheeling, WV, Wheeling Ohio Co, RNAV (GPS) RWY 16, Amdt 1

Wheeling, WV, Wheeling Ohio Co, RNAV (GPS) RWY 21, Amdt 1

Wheeling, WV, Wheeling Ohio Co, RNAV (GPS) RWY 34, Amdt 1

Wheeling, WV, Wheeling Ohio Co, VOR RWY 21, Amdt 16

[FR Doc. 2017–16104 Filed 8–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy (DoN) is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined that USS MANCHESTER (LCS 14) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: This rule is effective August 2, 2017 and is applicable beginning July 25, 2017.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Kyle Fralick, JAGC, U.S. Navy, Admiralty Attorney, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave. SE., Suite 3000, Washington Navy Yard, DC 20374–5066, telephone number: 202–685–5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS MANCHESTER (LCS 14) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I paragraph 2(a)(i), pertaining to the height of the forward masthead light above the hull; Annex I, paragraph 2(f)(i), pertaining to the placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and the horizontal distance between the forward and after masthead light; Annex I, paragraph 3(c), pertaining to the task light's horizontal distance from the fore and aft centerline of the vessel in the athwartship direction; Rule 21(a) and Annex I, paragraph 9(b), pertaining to the visibility of tasks lights (restricted maneuverability) obstructions; Rule 27(b)(i) and Annex I, paragraph 9(b)(i), pertaining to the arc of visibility of middle tasks lights. The DAJAG (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

For the reasons set forth in the preamble, the DoN amends part 706 of title 32 of the Code of Federal Regulations as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

■ 2. Section 706.2 is amended:

■ a. In Table One, by adding in alpha numerical order by vessel number, an entry for USS MANCHESTER (LCS 14);

■ b. In Table Four, under paragraph 15, by adding in alpha numerical order by vessel number, an entry for USS MANCHESTER (LCS 14);

■ c. In Table Four, under paragraph 16, by adding in alpha numerical order by vessel number, an entry for USS MANCHESTER (LCS 14);

■ d. In Table Four, under paragraph 27, by adding in alpha numerical order by vessel number, an entry for USS MANCHESTER (LCS 14); and

■ e. In Table Five, by adding in alpha numerical order by vessel number, an entry for USS MANCHESTER (LCS 14).

The additions read as follows:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE ONE

Vessel	No.	Distance in meters of forward masthead light below minimum required height. § 2(a)(i), Annex I
* * * * *	*	*
USS MANCHESTER	LCS 14	4.3
* * * * *	*	*

* * * * *

TABLE FOUR

* * * * *	*	*

* * * * * 15. * * *

Vessel	No.	Horizontal distances from the fore and aft centerline of the vessel in the athwartship direction
* * * * *	*	*
USS MANCHESTER	LCS 14	Upper—0.16 meters. Middle—1.27 meters. Lower—1.24 meters.
* * * * *	*	*

16. * * *

Vessel	No.	Obstruction angle relative ship's headings
* * * * *	*	*
USS MANCHESTER	LCS 14	72° thru 74°. 286° thru 288°.
* * * * *	*	*

27. On the following ships, the arc of visibility of the middle task light (restricted maneuverability), required by the rule 27(b)(i) and Annex I, paragraph 9(b)(i), may be obstructed at the following angles relative to ship's heading;

Vessel	No.	Obstruction angle relative ship heading
USS MANCHESTER	LCS 14	47° thru 59°. 301° thru 313°.

* * * * *

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
* *	*	*	*	*	*
USS MANCHESTER	LCS 14		X	X	14.5
* *	*	*	*	*	*

Approved: July 25, 2017.

A.S. Janin,

Captain, USN, JAGC, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).

Dated: July 27, 2017.

B.D. Corcoran,

Lieutenant, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 2017–16257 Filed 8–1–17; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2011–0228]

Safety Zone, Brandon Road Lock and Dam to Lake Michigan Including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a segment of the Safety Zone; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, Calumet-Saganashkee Channel on all waters of the Chicago Sanitary and Ship Canal between Mile Marker 296.1 to Mile Marker 296.7 at specified times from July 31, 2017 until September 1, 2017. This action is necessary to protect the waterway and vessels from the potential hazards associated with barge entrainment mitigation trials conducted by the U.S. Fish and Wildlife Service at the U.S. Army Corps of Engineer's electric dispersal barrier.

DATES: The regulations in 33 Code of Federal Regulations (CFR) 165.930 will be enforced from August 2, 2017, through 6 p.m. on September 1, 2017. For purposes of enforcement, actual notice will be used from 8 a.m. on July 31, 2017, through August 2, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT John Ramos Waterways Management Division, Marine Safety Unit Chicago, U.S. Coast Guard; telephone 630–986–2155; email address *D09-DG-MSUChicago-Waterways@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a segment of the Safety Zone; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, Calumet-Saganashkee Channel, Chicago, IL, listed in 33 CFR 165.930. Specifically, the Coast Guard will enforce this safety zone on all waters of the Chicago Sanitary and Ship Canal between Mile Marker 296.1 to Mile Marker 296.7. Enforcement will occur on each Monday through Friday from 8 a.m. until 6 p.m., from July 31, 2017 through September 1, 2017. During the enforcement period, no vessel may transit this regulated area without approval from the Captain of the Port Lake Michigan or a Captain of the Port Lake Michigan designated representative. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port Lake Michigan, or his or her on-scene representative.

This notice of enforcement is issued under the authority of 33 CFR 165.930 and 5 U.S.C. 552(a). In addition to this publication in the **Federal Register**, the Captain of the Port Lake Michigan will also provide notice through other means, which will include Broadcast Notice to Mariners, Local Notice to Mariners, distribution in leaflet form, and on-scene oral notice. Additionally, the Captain of the Port Lake Michigan may notify representatives from the maritime industry through telephonic and email notifications. If the Captain of the Port or a designated representative determines that the regulated area need not be enforced for the full duration stated in this notice of enforcement, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area. The Captain of the Port Lake Michigan or a designated on-scene representative may be contacted via Channel 16, VHF–FM or at (414) 747–7182.

Dated: July 27, 2017.

Thomas J. Stuhlreyer,

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

[FR Doc. 2017–16248 Filed 8–1–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0702]

RIN 1625–AA00

Safety Zone; South Branch of the Chicago River, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the South Branch of the Chicago River, 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 the filming of a scene for a television series, where objects will be thrown off a bridge. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Lake Michigan.

DATES: This rule is effective from 8 p.m. to 11:59 p.m. on August 4, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0702 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.*

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. Thus, 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 the filming of a scene for a television series, where objects will be thrown off a bridge on August 4, 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; 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.

On August 4, 2017, the filming of a scene for a television series, where objects will be thrown off a bridge will take place on the South Branch of the Chicago River on the Cermak Road Bridge. The Captain of the Port Lake Michigan has determined that objects being thrown off the bridge will pose a significant risk to public safety and property. Such hazards include falling television props and collisions among passing vessels.

IV. Discussion of the Rule

With the aforementioned hazards in mind, the Captain of the Port Lake Michigan has determined that this temporary safety zone is necessary to ensure the safety of the public during the filming of a scene for a television series, where objects will be thrown off the Cermak Road Bridge on the South Branch of the Chicago River. This safety zone will be enforced intermittently from 8 p.m. to 11:59 on August 4, 2017. This zone will encompass all waters of the South Branch of the Chicago River within a 300 foot radius of the Cermak Road Bridge in Chicago, IL.

Entry into, transiting, or anchoring within the safety zone 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 or at (414) 747–7182.

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 safety zone created by this rule will be relatively small and enforced intermittently on August 4, 2017 from 8 p.m. to 11:59 p.m. 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.

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 the South Branch of the Chicago River on August 4, 2017 from 8 p.m. to 11:59 p.m.

This safety zone 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 zone, 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.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that 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 a safety zone for the filming of a scene for a television series, where objects will be thrown off the bridge on the South Branch of the Chicago River 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.T09–0702 to read as follows:

§ 165.T09–0702 Safety Zone; South Branch of the Chicago River, Chicago, IL.

(a) *Location.* All U.S. navigable waters of the South Branch of the Chicago River, within a 300 foot radius of the Cermak Road Bridge in Chicago, IL.

(b) *Enforcement period.* This rule will be enforced on August 4, 2017 from 8 p.m. to 11:59 p.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 Lake Michigan or a 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 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 zone 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 or at (414) 747–7182. 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 Lake Michigan, or an on-scene representative.

Dated: July 27, 2017.

Thomas J. Stuhlreyer,

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

[FR Doc. 2017–16253 Filed 8–1–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900–AP32

Loan Guaranty: Vendee Loan Fees

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document adopts as final a proposed rule of the Department of

Veterans Affairs (VA) Loan Guaranty Service to amend its regulations to establish reasonable fees that VA may charge in connection with the origination and servicing of vendee loans made by VA. Fees mentioned in this rulemaking are consistent with those charged in the private mortgage industry, and such fees will help VA to ensure the sustainability of this vendee loan program. The loans that will be subject to the fees are not veterans' benefits. This rule will also ensure that all direct and vendee loans made by the Secretary are safe harbor qualified mortgages.

DATES: *Effective Date:* This rule is effective September 1, 2017.

FOR FURTHER INFORMATION CONTACT: Andrew Trevayne, Assistant Director for Loan and Property Management (261), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420, (202) 632–8795 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On October 26, 2016, VA published a proposed rule in the **Federal Register**, at 81 FR 74382, to amend VA regulations to establish reasonable fees in connection with loans made by VA, commonly referred to as vendee loans. The fees associated with vendee loans are standard in the mortgage industry. The vendee loans that are subject to the fees are not veterans' benefits and are available to any purchasers, including investors, who qualify for the loan. Specifically, this rulemaking will permit VA to establish a fee to help cover costs associated with loan origination. The rule will also permit certain reasonable fees to be charged following loan origination, during loan servicing. Pursuant to this rulemaking, VA will begin charging fees for ad-hoc services performed at the borrower's request or for the borrower's benefit, as well as standard fees specified in loan instruments. Lastly, third-party fees, those not charged by VA, are included in this rule solely to clarify for borrowers the various costs that a borrower may incur when obtaining a vendee loan.

The public comment period for the proposed rule closed on December 27, 2016. VA received one comment. For the reasons explained below, VA adopts, with a change, the proposed rule that revises VA's authority to charge reasonable fees associated with vendee loans at 38 CFR 36.4500, 36.4501, 36.4528, 36.4529, and 36.4530.

VA received one comment on the proposed rule from an individual. The commenter was unclear regarding whether or not VA will use discretion in determining fees. The commenter questioned whether fees will be waived under the following circumstances: When a veteran is purchasing a home from another veteran, including circumstances where the purchaser is a disabled veteran in receipt of compensation; when a non-profit or non-veteran purchaser seeks a vendee loan to house homeless veterans; or when an individual in receipt of VA Family Caregiver Program benefits seeks to purchase a repossessed home to provide care for a veteran with a serious injury. The commenter also expressed concern that this was not a veterans' benefit program intended to keep a veteran in his or her home and that the Secretary's focus should essentially be on retention options. Lastly, the commenter requested veterans' benefits not be used to fund this program.

In its proposed rule, VA discussed that the Secretary has the discretion to negotiate fees on a case-by-case basis (81 FR 74382, 74383). The very nature of the Secretary's discretion might permit the waiver of fees in unique situations. Additionally, as stated in the preamble to the proposed rule, VA states that the Secretary may make vendee loans to certain entities pursuant to 38 U.S.C. 2041 for the purpose of assisting homeless veterans and their families in acquiring shelter (81 FR 74382). Specifically, 38 U.S.C. 2041(b)(2)(C) states that the Secretary may use discretion when determining whether or not to waive fees if appropriate in situations regarding homeless veterans.

In regard to the commenter's concern regarding purchasers who are disabled veterans in receipt of compensation, VA notes that 38 U.S.C. 3729(c) prohibits VA from charging a loan fee to ''a veteran who is receiving compensation (or who, but for the receipt of retirement pay or active service pay, would be entitled to receive compensation) or [to] a surviving spouse of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability.'' In proposed § 36.4528, VA stated that the Secretary may charge a loan origination fee ''[i]n addition to the loan fee required pursuant to 38 U.S.C. 3729.'' VA understands that this language may be interpreted as VA attempting to charge a loan fee to those veterans or surviving spouses who Congress exempted from loan fees in 38 U.S.C. 3729(c). In order to clarify that VA is not charging a fee prohibited by statute, VA is adding ''if any'' following ''[i]n addition to the loan fee required pursuant to 38 U.S.C. 3729'' to clarify that not all loans will carry the loan fee described in section 3729.

In regard to the commenter's concern that the vendee loan program is not a home retention option, VA notes that, prior to a holder foreclosing a VA-guaranteed loan, there are specific required actions the holder must take that emphasize loss mitigation and retention options for borrowers. All participating VA servicers adhere to these regulations prior to initiating foreclosure sales. VA also notes that the principal and interest resulting from the repayment of vendee loans are deposited into the Veterans Housing Benefit Program Fund (VHBPF) to help offset the housing operation costs of the Home Loan Guaranty Program. Lastly, in response to the commenter's statement asking VA not to use veterans' benefits to fund this program, VA notes that vendee loans are not classified as veterans' benefits and are available to any purchaser VA determines creditworthy and whose offer is awarded a sales contract. Vendee loans enable VA to sell more of its properties and to sell them at a faster rate, and as previously stated, the proceeds are deposited into the VHBPF. The fees are consistent with the private mortgage industry and will ensure the sustainability of the vendee loan program.

Therefore, this rule finalizes the proposed rule with the change noted above.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action'' requiring review by the Office of Management and Budget (OMB), unless OMB waives such review, as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local,

or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published from FY 2004 Through Fiscal Year to Date.''

Unfunded Mandates

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

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

This final rule will affect individuals and small businesses who choose to obtain a vendee loan from VA to finance the purchase of a VA-owned property rather than alternate financing. A party who wants to purchase a VA-owned property may choose whatever source of financing he wishes. Presumably the purchaser would select the least expensive financing option available, which may or may not be a VA vendee loan. VA does not believe that this final rule will impose any significant economic impact for the following reasons. Should the purchaser decide that the VA vendee program was not the most economically advantageous to the purchaser then the purchaser would obtain alternate financing. Parties would have to choose to be subject to the impact, if any, imposed by this rule.

Accordingly, the Secretary certifies that the adoption of this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, under 5 U.S.C. 605(b), this rulemaking is exempt from the final regulatory flexibility analysis requirements of section 604.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number and title for the program affected by this document is 64.114, Veterans Housing—Guaranteed and Insured Loans.

List of Subjects in 38 CFR Part 36

Condominiums, Flood insurance, Housing, Indians, Individuals with disabilities, Loan programs—housing and community development, Loan programs—Indians, Loan programs—veterans, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Veterans.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on July 25, 2017, for publication.

Dated: July 26, 2017.

Michael Shores,

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

For the reasons set out in the preamble, VA amends 38 CFR part 36, subpart D, as set forth below:

PART 36—LOAN GUARANTY

■ 1. The authority citation for part 36 continues to read as follows:

Authority: 38 U.S.C. 501 and 3720.

Subpart D—Direct Loans

■ 2. Amend § 36.4500 by:
■ a. Revising paragraph (c)(2).
■ b. Removing the authority citation following paragraph (c)(2).
■ c. Adding paragraph (e).
■ d. Adding an authority citation at the end of the section.

The revision and additions read as follows:

§ 36.4500 Applicability and qualified mortgage status.

* * * * *

(c) * * *

(2) *Applicability of safe harbor qualified mortgage.* Any VA direct loan made by the Secretary pursuant to chapter 20 or 37 of title 38, U.S.C., is a safe harbor qualified mortgage.

* * * * *

(e) Sections 36.4528, 36.4529, and 36.4530, which concern vendee loans, shall be applicable to all vendee loans.

(Authority: 15 U.S.C. 1639C(b)(3)(B)(ii), 38 U.S.C. 2041, 3710, 3711, 3720, 3733, and 3761)

■ 3. Amend § 36.4501 by:
■ a. Adding in alphabetical order a definition for ''Safe harbor qualified mortgage.''
■ b. Revising the definition ''Vendee loan.''
■ c. Removing the authority citation following the definition ''Vendee loan.''

The addition and revision read as follows:

§ 36.4501 Definitions.

* * * * *

Safe harbor qualified mortgage means a mortgage that meets the Ability-to-Repay requirements of sections 129B and 129C of the Truth-in-Lending Act (TILA) regardless of whether the loan might be considered a high cost mortgage transaction as defined by section 103bb of TILA (15 U.S.C. 1602bb).

* * * * *

Vendee loan means a loan made by the Secretary for the purpose of financing the purchase of a property acquired pursuant to chapter 37 of title 38, United States Code. The terms of a vendee loan (*e.g.,* amount of down payment; amortization term; whether to escrow taxes, insurance premiums, or homeowners' association dues; fees, etc.) are negotiated between the Secretary and the borrower on a case-by-case basis, subject to the requirements of 38 U.S.C. 2041 or 3733. Terms related to allowable fees are also subject to §§ 36.4528 through 36.4530.

* * * * *

■ 4. Add §§ 36.4528, 36.4529, and 36.4530 to read as follows:

§ 36.4528 Vendee loan origination fee.

(a) In addition to the loan fee required pursuant to 38 U.S.C. 3729, if any, the Secretary may, in connection with the origination of a vendee loan, charge a borrower a loan origination fee not to exceed one-and-a-half percent of the loan amount.

(b) All or part of such fee may be paid in cash at loan closing or all or part may

be included in the loan. The Secretary will not increase the loan origination fee because the borrower chooses to include such fee in the loan amount financed.

(c) In no event may the total fee agreed upon between the Secretary and the borrower result in an amount that will cause the loan to be designated as a high-cost mortgage as defined in 15 U.S.C. 1602(bb) and 12 CFR part 1026.

(Authority: 38 U.S.C. 2041, 3720, 3733)

§ 36.4529 Vendee loan post-origination fees.

(a) The Secretary may charge a borrower the following reasonable fees, per use, following origination, in connection with the servicing of any vendee loan:

(1) Processing assumption fee for the transfer of legal liability of repaying the mortgage when the individual assuming the loan is approved. Such fee will not exceed $300, plus the actual cost of the credit report. If the assumption is denied, the fee will not exceed the actual cost of the credit report;

(2) Processing subordination fee, not to exceed $350, to ensure that a modified vendee loan retains its first lien position;

(3) Processing partial release fee, not to exceed $350, to exclude collateral from the mortgage contract once a certain amount of the mortgage loan has been paid;

(4) Processing release of lien fee, not to exceed $15, for the release of an obligor from a mortgage loan in connection with a division of real property;

(5) Processing payoff statement fee, not to exceed $30, for a payoff statement showing the itemized amount due to satisfy a mortgage loan as of a specific date;

(6) Processing payment by phone fee, not to exceed $12, when a payment is made by phone and handled by a servicing representative; and

(7) Processing payment by phone fee, not to exceed $10, when a payment is made by phone and handled through an interactive voice response system, without contacting a servicing representative.

(b) The specific fees to be charged on each account may be negotiated between the Secretary and the borrower. The Secretary will review the maximum fees under paragraph (a) of this section bi-annually to determine that they remain reasonable.

(c) The Secretary may charge a borrower reasonable fees established in the loan instrument, including but not limited to the following:

(1) Property inspection fees;

(2) Property preservation fees;

(3) Appraisal fees;

(4) Attorneys' fees;

(5) Returned-check fees;

(6) Late fees; and

(7) Any other fee the Secretary determines reasonably necessary for the protection of the Secretary's investment.

(d) Any fee included in the loan instrument and permitted under paragraph (c) of this section would be based on the amount customarily charged in the industry for the performance of the service in the particular area, the status of the loan, and the characteristics of the affected property.

(Authority: 38 U.S.C. 2041, 3720, 3733)

§ 36.4530 Vendee loan other fees.

(a) In addition to the fees that may be charged pursuant to §§ 36.4528 and 36.4529 and the statutory loan fee charged pursuant to 38 U.S.C. 3729, the borrower may be required to pay third-party fees for services performed in connection with a vendee loan.

(b) Examples of the third party fees that may be charged in connection with a vendee loan include, but are not limited to:

(1) Termite inspections;

(2) Hazard insurance premiums;

(3) Force-placed insurance premiums;

(4) Courier fees;

(5) Tax certificates; and

(6) Recorder's fees.

(Authority: 38 U.S.C. 2041, 3720, 3733)

[FR Doc. 2017–16106 Filed 8–1–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 60

RIN 2900–AP45

Fisher Houses and Other Temporary Lodging; Correction

AGENCY: Department of Veterans Affairs.

ACTION: Correcting amendments.

SUMMARY: The Department of Veterans Affairs is correcting a final rule that eliminated the use of VA Form 10–0408A when veterans receiving treatment or care seek temporary lodging at a VA Fisher House for their relatives, close friends, or caregivers that was published in the **Federal Register** (82 FR 26592) on June 8, 2017.

DATES: The correction is effective August 2, 2017.

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

SUPPLEMENTARY INFORMATION: On June 8, 2017, at 82 FR 26592, VA amended what had been the § 60.15 series of 38 CFR part 60 to eliminate use of VA Form 10–0408A, found at 38 CFR 60.15. VA amended the section heading and heading for paragraph (b) in the § 60.15 series to reflect the June 8, 2017, amendment. At the time of the amendments, VA inadvertently failed to include the accompanying instruction amending the section and paragraph headings. The rule became effective on July 10, 2017; however, the **Federal Register** could not revise the section and corresponding paragraph (b) heading without the missing amendatory instruction.

Consequently, the Electronic Code of Federal Regulations, published by the Government Printing Office, could not implement the change, noting an ''inaccurate amendatory instruction'' at 38 CFR 60.15. With this notice, VA is amending § 60.15 to correct the accompanying instruction amending the section and paragraph headings in the regulation.

List of Subjects in 38 CFR Part 60

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

Correcting Amendments

For the reasons discussed in the preamble, VA is correcting 38 CFR part 60 with the following amendments:

PART 60—FISHER HOUSES AND OTHER TEMPORARY HOUSING

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

Authority: 38 U.S.C. 501, 1708.

■ 2. In § 60.15, revise the section heading and the paragraph (b) heading are revised to read as follows:

§ 60.15 Process for requesting Fisher House or other temporary lodging.

* * * * *

(b) *Processing requests.* * * *

* * * * *

Dated: July 27, 2017.

Michael Shores,

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

[FR Doc. 2017–16196 Filed 8–1–17; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R08–OAR–2017–0171; FRL–9965–11–Region 8]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming; Negative Declarations; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency (EPA) is correcting a direct final rule that appeared in the **Federal Register** on June 5, 2017. The document approved a total of 20 negative declarations from all EPA Region 8 states declaring an absence of existing designated facilities, of certain incinerator classes, regulated under one of the Emissions Guidelines for solid waste incineration units. An approved and promulgated negative declaration exempts a state from certain implementation plan development requirements of Clean Air Act sections 111 and 129. An error in the proposed regulatory text amending 40 CFR part 62 is identified and corrected in this action.

DATES: This correction is effective on August 4, 2017.

FOR FURTHER INFORMATION CONTACT: Gregory Lohrke, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6396, *lohrke.gregory@epa.gov.*

SUPPLEMENTARY INFORMATION: In FR Doc. 2017–11576 appearing on page 25734 in the **Federal Register** of Monday, June 5, 2017, the following correction is made:

§ 62.12620 [Corrected]

■ 1. On page 25738, in the third column, in § 62.12620, in the sole paragraph under this section, in the sixth line, the reference to ''Utah'' is corrected to read ''Wyoming.''

Dated: July 14, 2017.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

[FR Doc. 2017–16278 Filed 8–1–17; 8:45 am]

BILLING CODE 6560–50–P

SURFACE TRANSPORTATION BOARD

49 CFR Part 1002

[Docket No. EP 542 (Sub-No. 25)]

Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2017 Update

AGENCY: Surface Transportation Board.

ACTION: Final rules.

SUMMARY: The Board updates for 2017 the fees that the public must pay to file certain cases and pleadings with the Board. Pursuant to this update, 83 of the Board's 133 fees will be increased, while 50 fees will be maintained at their current levels.

DATES: These rules are effective September 1, 2017.

FOR FURTHER INFORMATION CONTACT: David T. Groves, (202) 245–0327, or Andrea Pope-Matheson (202) 245–0363. [TDD for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: The Board's regulations at 49 CFR 1002.3 provide for an annual update of the Board's entire user-fee schedule. Fees are generally revised based on the cost study formula set forth at 49 CFR 1002.3(d), which looks to changes in salary costs, publication costs, and Board overhead cost factors. Applying that formula, 83 of the Board's 133 fees will be increased, while 50 will remain at their current levels.

Additional information is contained in the Board's decision. To obtain a free copy of the full decision, visit the Board's Web site at *http://www.stb.gov* or call (202) 245–0245. [Assistance for the hearing impaired is available through Federal Information Relay Services (FIRS): (800) 877–8339.]

List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Common carriers, and Freedom of information.

Decided: July 27, 2017.

By the Board, Board Members Begeman, Elliott, and Miller.

Marline Simeon,

Clearance Clerk.

For the reasons set forth in the preamble, title 49, chapter X, part 1002, of the Code of Federal Regulations is amended as follows:

PART 1002—FEES

■ 1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701 and 49 U.S.C. 1321(a). Section 1002.1(g)(11) is also issued under 5 U.S.C. 5514 and 31 U.S.C. 3717.

■ 2. Section 1002.1 is amended by revising paragraphs (a) through (c), (f)(1), and (g)(6) to read as follows:

§ 1002.1 Fees for records search, review, copying, certification, and related services.

* * * * *

(a) Certificate of the Records Officer, $19.00.

(b) Services involved in examination of tariffs or schedules for preparation of certified copies of tariffs or schedules or extracts therefrom at the rate of $43.00 per hour.

(c) Services involved in checking records to be certified to determine authenticity, including clerical work, etc. identical thereto, at the rate of $30.00 per hour.

* * * * *

(f) * * *

(1) A fee of $76.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

* * * * *

(g) * * *

(6) The search and review hourly fees will be based upon employee grade levels in order to recoup the full, allowable direct costs attributable to their performance of these functions. They are as follows:

Grade	Rate	Grade	Rate
GS–1	$12.78	GS–9	$29.85
GS–2	13.92	GS–10	32.88
GS–3	15.69	GS–11	36.12
GS–4	17.61	GS–12	43.29
GS–5	19.70	GS–13	51.48
GS–6	21.96	GS–14	60.83
GS–7	24.41	GS–15 and over	71.56
GS–8	27.03		

* * * * *

■ 3. In 1002.2, paragraph (f) is revised to read as follows:

§ 1002.2 Filing fees.

* * * * *

(f) *Schedule of filing fees.*

Type of proceeding	Fee
PART I: Non-Rail Applications or Proceedings to Enter Into a Particular Financial Transaction or Joint Arrangement:	
(1) An application for the pooling or division of traffic	$5,100.
(2) (i) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier of passengers under 49 U.S.C. 14303.	$2,300.
(ii) A petition for exemption under 49 U.S.C. 13541 (other than a rulemaking) filed by a non-rail carrier not otherwise covered.	$3,600.
(iii) A petition to revoke an exemption filed under 49 U.S.C. 13541(d)	$3,000.
(3) An application for approval of a non-rail rate association agreement. 49 U.S.C. 13703	$31,800.
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment	$5,200.
(ii) Minor amendment	$100.
(5) An application for temporary authority to operate a motor carrier of passengers. 49 U.S.C. 14303(i)	$550.
(6) A notice of exemption for transaction within a motor passenger corporate family that does not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with motor passenger carriers outside the corporate family.	$1,900.
(7)–(10) [Reserved]	
PART II: Rail Licensing Proceedings other than Abandonment or Discontinuance Proceedings:	
(11) (i) An application for a certificate authorizing the extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901.	$8,300.
(ii) Notice of exemption under 49 CFR 1150.31–1150.35	$2,000.
(iii) Petition for exemption under 49 U.S.C. 10502	$14,400.
(12) (i) An application involving the construction of a rail line	$85,900.
(ii) A notice of exemption involving construction of a rail line under 49 CFR 1150.36	$2,000.
(iii) A petition for exemption under 49 U.S.C. 10502 involving construction of a rail line	$85,900.
(iv) A request for determination of a dispute involving a rail construction that crosses the line of another carrier under 49 U.S.C. 10902(d).	$300.
(13) A Feeder Line Development Program application filed under 49 U.S.C. 10907(b)(1)(A)(i) or 10907(b)(1)(A)(ii)	$2,600.
(14) (i) An application of a class II or class III carrier to acquire an extended or additional rail line under 49 U.S.C. 10902.	$7,100.
(ii) Notice of exemption under 49 CFR 1150.41–1150.45	$2,000.
(iii) Petition for exemption under 49 U.S.C. 10502 relating to an exemption from the provisions of 49 U.S.C. 10902.	$7,600.
(15) A notice of a modified certificate of public convenience and necessity under 49 CFR 1150.21–1150.24	$1,900.
(16) An application for a land-use-exemption permit for a facility existing as of October 16, 2008 under 49 U.S.C. 10909.	$6,900.
(17) An application for a land-use-exemption permit for a facility not existing as of October 16, 2008 under 49 U.S.C. 10909.	$24,300.
(18)–(20) [Reserved]	
PART III: Rail Abandonment or Discontinuance of Transportation Services Proceedings:	
(21) (i) An application for authority to abandon all or a portion of a line of railroad or discontinue operation thereof filed by a railroad (except applications filed by Consolidated Rail Corporation pursuant to the Northeast Rail Service Act [Subtitle E of Title XI of Pub. L. 97–35], bankrupt railroads, or exempt abandonments).	$25,500.
(ii) Notice of an exempt abandonment or discontinuance under 49 CFR 1152.50	$4,100.
(iii) A petition for exemption under 49 U.S.C. 10502	$7,200.
(22) An application for authority to abandon all or a portion of a line of a railroad or operation thereof filed by Consolidated Rail Corporation pursuant to Northeast Rail Service Act.	$500.
(23) Abandonments filed by bankrupt railroads	$2,100.
(24) A request for waiver of filing requirements for abandonment application proceedings	$2,000.
(25) An offer of financial assistance under 49 U.S.C. 10904 relating to the purchase of or subsidy for a rail line proposed for abandonment.	$1,800.
(26) A request to set terms and conditions for the sale of or subsidy for a rail line proposed to be abandoned	$26,100.
(27) (i) A request for a trail use condition in an abandonment proceeding under 16 U.S.C.1247(d)	$300.
(ii) A request to extend the period to negotiate a trail use agreement	$500.
(28)–(35) [Reserved]	
PART IV: Rail Applications to Enter Into a Particular Financial Transaction or Joint Arrangement:	
(36) An application for use of terminal facilities or other applications under 49 U.S.C. 11102	$21,800.
(37) An application for the pooling or division of traffic. 49 U.S.C. 11322	$11,700.
(38) An application for two or more carriers to consolidate or merge their properties or franchises (or a part thereof) into one corporation for ownership, management, and operation of the properties previously in separate ownership. 49 U.S.C. 11324:	
(i) Major transaction	$1,716,200.
(ii) Significant transaction	$343,200.
(iii) Minor transaction	$8,400.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	$1,900.
(v) Responsive application	$8,400.
(vi) Petition for exemption under 49 U.S.C. 10502	$10,700.
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a).	$6,300.

Type of proceeding	Fee
(39) An application of a non-carrier to acquire control of two or more carriers through ownership of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	$1,716,200.
(ii) Significant transaction	$343,200.
(iii) Minor transaction	$8,400.
(iv) A notice of an exempt transaction under 49 CFR 1180.2(d)	$1,400.
(v) Responsive application	$8,400.
(vi) Petition for exemption under 49 U.S.C. 10502	$10,700.
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a).	$6,300.
(40) An application to acquire trackage rights over, joint ownership in, or joint use of any railroad lines owned and operated by any other carrier and terminals incidental thereto. 49 U.S.C. 11324:	
(i) Major transaction	$1,716,200.
(ii) Significant transaction	$343,200.
(iii) Minor transaction	$8,400.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	$1,300.
(v) Responsive application	$8,400.
(vi) Petition for exemption under 49 U.S.C. 10502	$10,700.
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a).	$6,300.
(41) An application of a carrier or carriers to purchase, lease, or contract to operate the properties of another, or to acquire control of another by purchase of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	$1,716,200.
(ii) Significant transaction	$343,200.
(iii) Minor transaction	$8,400.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	$1,500.
(v) Responsive application	$8,400.
(vi) Petition for exemption under 49 U.S.C. 10502	$7,600.
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a).	$6,300.
(42) Notice of a joint project involving relocation of a rail line under 49 CFR 1180.2(d)(5)	$2,700.
(43) An application for approval of a rail rate association agreement. 49 U.S.C. 10706	$80,300.
(44) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706:	
(i) Significant amendment	$14,800.
(ii) Minor amendment	$100.
(45) An application for authority to hold a position as officer or director under 49 U.S.C. 11328	$900.
(46) A petition for exemption under 49 U.S.C. 10502 (other than a rulemaking) filed by rail carrier not otherwise covered.	$9,200.
(47) National Railroad Passenger Corporation (Amtrak) conveyance proceeding under 45 U.S.C. 562	$300.
(48) National Railroad Passenger Corporation (Amtrak) compensation proceeding under Section 402(a) of the Rail Passenger Service Act.	$300.
(49)–(55) [Reserved]	
PART V: Formal Proceedings:	
(56) A formal complaint alleging unlawful rates or practices of carriers:	
(i) A formal complaint filed under the coal rate guidelines (Stand-Alone Cost Methodology) alleging unlawful rates and/or practices of rail carriers under 49 U.S.C. 10704(c)(1).	$350.
(ii) A formal complaint involving rail maximum rates filed under the Simplified-SAC methodology	$350.
(iii) A formal complaint involving rail maximum rates filed under the Three Benchmark methodology	$150.
(iv) All other formal complaints (except competitive access complaints)	$350.
(v) Competitive access complaints	$150.
(vi) A request for an order compelling a rail carrier to establish a common carrier rate	$300.
(57) A complaint seeking or a petition requesting institution of an investigation seeking the prescription or division of joint rates or charges. 49 U.S.C. 10705.	$10,200.
(58) A petition for declaratory order:	
(i) A petition for declaratory order involving a dispute over an existing rate or practice which is comparable to a complaint proceeding.	$1,000.
(ii) All other petitions for declaratory order	$1,400.
(59) An application for shipper antitrust immunity. 49 U.S.C. 10706(a)(5)(A)	$8,000.
(60) Labor arbitration proceedings	$300.
(61) (i) An appeal of a Surface Transportation Board decision on the merits or petition to revoke an exemption pursuant to 49 U.S.C. 10502(d).	$300.
(ii) An appeal of a Surface Transportation Board decision on procedural matters except discovery rulings	$400.
(62) Motor carrier undercharge proceedings	$300.
(63) (i) Expedited relief for service inadequacies: A request for expedited relief under 49 U.S.C. 11123 and 49 CFR part 1146 for service emergency.	$300.
(ii) Expedited relief for service inadequacies: A request for temporary relief under 49 U.S.C. 10705 and 11102, and 49 CFR part 1147 for service inadequacy.	$300.
(64) A request for waiver or clarification of regulations except one filed in an abandonment or discontinuance proceeding, or in a major financial proceeding as defined at 49 CFR 1180.2(a).	$650.
(65)–(75) [Reserved]	
PART VI: Informal Proceedings:	
(76) An application for authority to establish released value rates or ratings for motor carriers and freight forwarders of household goods under 49 U.S.C. 14706.	$1,400.
(77) An application for special permission for short notice or the waiver of other tariff publishing requirements	$150.

Type of proceeding	Fee
(78) The filing of tariffs, including supplements, or contract summaries	$1 per page. ($28 min. charge.)
(79) Special docket applications from rail and water carriers:	
(i) Applications involving $25,000 or less	$75.
(ii) Applications involving over $25,000	$150.
(80) Informal complaint about rail rate applications	$700.
(81) Tariff reconciliation petitions from motor common carriers:	
(i) Petitions involving $25,000 or less	$75.
(ii) Petitions involving over $25,000	$150.
(82) Request for a determination of the applicability or reasonableness of motor carrier rates under 49 U.S.C. 13710(a)(2) and (3).	$250.
(83) Filing of documents for recordation. 49 U.S.C. 11301 and 49 CFR 1177.3(c)	$47 per document.
(84) Informal opinions about rate applications (all modes)	$300.
(85) A railroad accounting interpretation	$1,300.
(86) (i) A request for an informal opinion not otherwise covered	$1,700.
(ii) A proposal to use on a voting trust agreement pursuant to 49 CFR 1013 and 49 CFR 1180.4(b)(4)(iv) in connection with a major control proceeding as defined at 49 CFR 1180.2(a).	$5,900.
(iii) A request for an informal opinion on a voting trust agreement pursuant to 49 CFR 1013.3(a) not otherwise covered.	$600.
(87) Arbitration of Certain Disputes Subject to the Statutory Jurisdiction of the Surface Transportation Board under 49 CFR 1108:	
(i) Complaint	$75.
(ii) Answer (per defendant), Unless Declining to Submit to Any Arbitration	$75.
(iii) Third Party Complaint	$75.
(iv) Third Party Answer (per defendant), Unless Declining to Submit to Any Arbitration	$75.
(v) Appeals of Arbitration Decisions or Petitions to Modify or Vacate an Arbitration Award	$150.
(88) Basic fee for STB adjudicatory services not otherwise covered	$300.
(89)–(95) [Reserved]	
PART VII: Services:	
(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent	$37 per delivery.
(97) Request for service or pleading list for proceedings	$28 per list.
(98) Processing the paperwork related to a request for the Carload Waybill Sample to be used in an STB or State proceeding that:	
(i) Annual request does not require a **Federal Register** notice:	
(A) Set cost portion	$150.
(B) Sliding cost portion	$54 per party.
(ii) Annual request does require a FR notice.	
(A) Set cost portion	$450.
(B) Sliding cost portion	$54 per party.
(iii) Quarterly request does not require a FR notice:	
(A) Set cost portion	$46.
(B) Sliding cost portion	$13 per party.
(iv) Quarterly request does require a FR notice:	
(A) Set cost portion	$230.
(B) Sliding cost portion	$13 per party.
(v) Monthly request does not require a FR notice:	
(A) Set cost portion	$15.
(B) Sliding cost portion	$4 per party.
(vi) Monthly request does require a FR notice:	
(A) Set cost portion	$180.
(B) Sliding cost portion	$4 per party.
(99) (i) Application fee for the STB's Practitioners' Exam	$200.
(ii) Practitioners' Exam Information Package	$25.
(100) Carload Waybill Sample data:	
(i) Requests for Public Use File for all years prior to the most current year Carload Waybill Sample data available, provided on CD–R.	$250 per year.
(ii) Specialized programming for Waybill requests to the Board	$119 per hour.

* * * * *

[FR Doc. 2017–16280 Filed 8–1–17; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF576

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Aleutian Islands District of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod, including for the Community Development Quota program (CDQ), in the Western Aleutian Islands district of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the Western Aleutian Islands district Pacific cod harvest limit of the 2017 total allowable catch (TAC) in the Aleutian Islands subarea of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 29, 2017, through 2400 hrs, A.l.t., December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

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

The Western Aleutian Islands district Pacific cod harvest limit of the 2017 TAC in the Aleutian Islands subarea of the BSAI is 4,018 metric tons (mt) as established by the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017). In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS, has determined that the Area 543 Pacific cod harvest limit of the 2017 Pacific cod TAC in the Aleutian Islands subarea of the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,818 mt, and is setting aside the remaining 1,200 mt as incidental catch in directed fishing for other species. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod in the Western Aleutian Islands district of the BSAI.

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

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific cod in the Western Aleutian Islands district of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 27, 2017.

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

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

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

Dated: July 27, 2017.

Jennifer M. Wallace,

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

[FR Doc. 2017–16187 Filed 7–28–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 147
Wednesday, August 2, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0714; Directorate Identifier 2017–NM–042–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2012–21–04, which applies to all Airbus Model A300 series airplanes; Model A310 series airplanes; and Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). AD 2012–21–04 currently requires repetitive inspections for, and replacement of, any cracked hood halves of fuel pump canisters. Since we issued AD 2012–21–04, we allowed inspections of the outer tank and trim tank fuel pump canister hood halves to be terminated. However, we have received reports of new in-service events of outer tank fuel pump canister hood cracking. This proposed AD would retain the requirements of AD 2012–21–04, reinstate the terminated inspections, and add optional terminating actions. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by September 18, 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 Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* Internet: *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0714; 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–2125; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0714; Directorate Identifier 2017–NM–042–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

On October 25, 2012, we issued AD 2012–21–04, Amendment 39–17220 (77 FR 64701, October 23, 2012) (''AD 2012–21–04''), for all Airbus Model A300 series airplanes; Model A310 series airplanes; and Model A300 B4–600, B4–600R, and Model A300–600 series airplanes. AD 2012–21–04 was prompted by reports of cracked fuel pump canister hoods located in fuel tanks. AD 2012–21–04 requires repetitive inspections for, and replacement of, any cracked hood halves of fuel pump canisters. We issued AD 2012–21–04 to prevent any detached canister hood fragments/debris from being ingested into the fuel feed system, and becoming a potential source of ignition with consequent fire or explosion.

Since we issued AD 2012–21–04 (which corresponds to European Aviation Safety Agency (EASA) AD 2011–0124, dated June 30, 2011), EASA has issued EASA AD 2011–0124R1, dated September 5, 2014. That EASA AD introduced optional terminating action for the wing inner and center fuel tanks, and cancelled the repetitive inspections of the fuel pump canister hood halves in outer wing and trim tanks, for which no cracks had been reported following the initial inspection. The FAA provided a global alternative method of compliance (AMOC) to AD 2012–21–04 providing relief to operators from conducting the inspection for the fuel pump canister hoods in the outer wing and trim tanks. Since the FAA provided the global AMOC, we have received reports of new in-service events of outer tank fuel pump canister hood cracking.

EASA has issued AD 2017–0051, dated March 23, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 series airplanes; Model A310 series airplanes;

and Model A300–600 series airplanes. The MCAI states:

> Reports were received of finding cracked fuel pump canister hoods located in fuel tanks on in-service aeroplanes. Initial analyses, laboratory testing and examinations suggested that vibration-induced fatigue could have caused these cracks. However, initial data could not exclude some other potential contributing factors.
>
> This condition, if not detected and corrected, could lead to detached canister hood fragments or debris being ingested into the fuel feed system. In addition, metallic debris inside the fuel tank could result in a potential source of fuel vapour ignition, possibly resulting in a fire or fuel tank explosion and consequent loss of the aeroplane.
>
> To address this potential unsafe condition, EASA issued AD 2011–0124 (later revised) [FAA AD 2012–21–04 corresponds to EASA AD 2011–0124] to require repetitive inspections of the canister hood halves installed on all fuel pump canisters and, if any damage was found, replacement. EASA AD 2011–0124R1 introduced an optional terminating action for the wing inner and centre fuel tanks, and cancelled the repetitive inspections of the fuel pump canister hoods in outer wing and trim tanks, for which no cracks had been reported following the initial inspection.
>
> Since that [EASA] AD was issued, new in service events of outer tank fuel pump canister hood cracking have been reported. Consequently, the canister hoods of the outer tank fuel pumps and trim tank fuel pumps will need to be inspected.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2011–0124R1, which is superseded, retaining the repetitive inspections of fuel pump canister hoods in wing inner and centre tanks, and reintroduces repetitive detailed inspections (DET) for outer tank and trim tank fuel pump canister hoods. This [EASA] AD also retains the existing optional terminating action for the repetitive DET of wing inner and centre tank fuel pump canister hoods, and introduces a new optional terminating action for the repetitive DET of the outer and trim tank fuel pump canister hoods required by this [EASA] AD.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0714.

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information.

- Airbus Mandatory Service Bulletin A300–28–0089, Revision 03, dated December 16, 2016. This service information describes procedures for repetitive detailed inspections of all fuel pump locations (center, wing-inner, and wing-outer tank), and replacing any cracked hood halves of fuel pump canisters.
- Airbus Service Bulletin A300–28–0092, Revision 01, dated August 29, 2014; Airbus Service Bulletin A300–28–6110, Revision 01, dated August 29, 2014; and Airbus Service Bulletin A310–28–2175, Revision 01, dated August 29, 2014. This service information describes procedures for replacement of the hood halves of the fuel pump canisters with newer design hood halves for the wing-inner tank and the center tank fuel pumps. These documents are distinct since they apply to different airplane models.
- Airbus Service Bulletin A300–28–0094, Revision 00, dated January 9, 2017. This service information describes procedures for replacement of the hood halves of the fuel pump canisters with newer design hood halves for the wing-outer tank.
- Airbus Mandatory Service Bulletin A300–28–6106, Revision 03, dated December 16, 2016; and Airbus Mandatory Service Bulletin A310–28–2173, Revision 03, dated December 16, 2016. This service information describes procedures for repetitive detailed inspections of all fuel pump locations (center, wing-inner, wing-outer, and trim tank), and replacing any cracked hood halves of fuel pump canisters. These documents are distinct since they apply to different airplane models.
- Airbus Service Bulletin A300–28–6114, Revision 00, dated January 9, 2017; and Airbus Service Bulletin A310–28–2178, Revision 00, January 9, 2017. This service information describes procedures for replacement of the hood halves of the fuel pump canisters with newer design hood halves for the wing-outer tank and the trim tank fuel pumps. 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 these same type designs.

Costs of Compliance

We estimate that this proposed AD affects 168 airplanes of U.S. registry.

The actions required by AD 2012–21–04, and retained in this proposed AD take about 12 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 2012–21–04 is $1,020 per product.

We also estimate that it would take about 9 work-hours per product to comply with the new basic requirements of this proposed AD, at an average labor rate of $85 per work-hour. Based on these figures, we estimate the cost of the new basic requirements of this proposed AD on U.S. operators to be $128,520, or $765 per product.

In addition, we estimate that the optional terminating actions would take about 1 work-hour and require parts costing $255, for a cost of $340 per product. We have no way of determining the number of aircraft that might need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–21–04, Amendment 39–17220 (77 FR 64701, October 23, 2012), and adding the following new AD:

Airbus: Docket No. FAA–2017–0714; Directorate Identifier 2017–NM–042–AD.

(a) Comments Due Date

We must receive comments by September 18, 2017.

(b) Affected ADs

This AD replaces AD 2012–21–04, Amendment 39–17220 (77 FR 64701, October 23, 2012) (''AD 2012–21–04'').

(c) Applicability

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

(1) Airbus Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes.

(3) Airbus Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes, Model A300 B4–605R and B4–622R airplanes, Model A300 F4–605R and F4–622R airplanes, and Model A300 C4–605R Variant F airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracked fuel pump canister hoods located in fuel tanks and new in-service events of outer tank fuel pump canister hood cracking. We are issuing this AD to prevent any detached canister hood fragments/debris from being ingested into the fuel feed system, and becoming a potential source of ignition with consequent fire or explosion.

(f) Compliance

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

(g) Retained Initial Inspection and Replacement, With Revised Requirements and Service Information

This paragraph restates the requirements of paragraph (g) of AD 2012–21–04, with revised service information. Within 30 months after November 27, 2012 (the effective date of AD 2012–21–04), do a detailed inspection for cracking of the fuel pump canister hood halves installed on all wing center and inner tank fuel pump canisters having part numbers (P/N) 2052C11, 2052C12, and C93R51–601, in accordance with the Accomplishment Instructions of the service bulletin specified in paragraph (g)(1), (g)(2), or (g)(3) of this AD, as applicable. If any crack is found on any fuel pump canister hood half during any inspection, before further flight, replace the fuel pump canister hood half, in accordance with the Accomplishment Instructions of the service bulletin specified in paragraph (g)(1), (g)(2), or (g)(3) of this AD, as applicable.

(1) For Model A300 series airplanes: Airbus Mandatory Service Bulletin A300–28–0089, Revision 01, including Inspection Findings—Reporting Sheet, dated April 15, 2011; or Airbus Service Bulletin A300–28–0089, Revision 03, dated December 16, 2016. As of the effective date of this AD, only use Airbus Service Bulletin A300–28–0089, Revision 03, dated December 16, 2016.

(2) For Model A300–600 series airplanes: Airbus Mandatory Service Bulletin A300–28–6106, Revision 01, including Inspection Findings—Reporting Sheet, dated April 15, 2011; or Airbus Service Bulletin A300–28–6106, Revision 03, dated December 16, 2016. As of the effective date of this AD, only use Airbus Service Bulletin A300–28–6106, Revision 03, dated December 16, 2016.

(3) For Model A310 series airplanes: Airbus Mandatory Service Bulletin A310–28–2173, Revision 01, including Inspection Findings—Reporting Sheet, dated April 15, 2011; or Airbus Service Bulletin A310–28–2173, Revision 03, dated December 16, 2016. As of the effective date of this AD, only use Airbus Service Bulletin A310–28–2173, Revision 03, dated December 16, 2016.

(h) Retained Repetitive Inspections, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2012–21–04, with no changes. Within 30 months after accomplishing the actions specified in paragraph (g) of this AD, and thereafter at intervals not to exceed 30 months, repeat the detailed inspection specified in paragraph (g) of this AD.

(i) New Repetitive Inspections and Replacement of the Outer Tank and Trim Tank Fuel Pump Canister Hood Halves

Within 30 months after the effective date of this AD, do a detailed inspection for cracking of the outer tank and trim tank, as applicable, fuel pump canister hood halves installed on all fuel pump canisters having part numbers (P/N) 2052C11, 2052C12, and C93R51–601, in accordance with the Accomplishment Instructions of the service bulletin specified in paragraph (i)(1), (i)(2), or (i)(3) of this AD, as applicable. Repeat the inspection thereafter at intervals not to exceed 30 months. If any crack is found on any fuel pump canister hood half during any inspection, before further flight, replace the fuel pump canister hood half, in accordance with the Accomplishment Instructions of the service bulletin specified in paragraph (i)(1), (i)(2), or (i)(3) of this AD, as applicable.

(1) For Model A300 series airplanes: Airbus Service Bulletin A300–28–0089, Revision 03, dated December 16, 2016.

(2) For Model A300–600 series airplanes: Airbus Service Bulletin A300–28–6106, Revision 03, dated December 16, 2016.

(3) For Model A310 series airplanes: Airbus Service Bulletin A310–28–2173, Revision 03, dated December 16, 2016.

(j) New Optional Terminating Actions

Replacement of the fuel pump canister hood halves installed on all fuel pump canisters having P/Ns 2052C11, 2052C12, and C93R51–601, constitutes terminating action for the inspections required by paragraphs (g) and (h) of this AD. The replacement of the fuel pump canister hood halves must be done in accordance with the Accomplishment Instructions of the service information specified in paragraph (j)(1), (j)(2), or (j)(3) of this AD, as applicable.

(1) For Model A300 series airplanes: Airbus Service Bulletin A300–28–0092, Revision 01, dated August 29, 2014 (for wing center and inner tank fuel pump canister hood halves); and Airbus Service Bulletin A300–28–0094, Revision 00, dated January 9, 2017 (for outer tank fuel pump canister hood halves).

(2) For Model A300–600 series airplanes: Airbus Service Bulletin A300–28–6110, Revision 01, dated August 29, 2014 (for wing center and inner tank fuel pump canister hood halves); and Airbus Service Bulletin A300–28–6114, Revision 00, dated January 9, 2017 (for outer tank and trim tank fuel pump canister hood halves).

(3) For Model A310 series airplanes: Airbus Service Bulletin A310–28–2175, Revision 01, dated August 29, 2014 (for wing center and inner tank fuel pump canister hood halves); and Airbus Service Bulletin A310–28–2178, Revision 00, January 9, 2017 (for outer tank and trim tank fuel pump canister hood halves).

(k) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraph (k)(1)(i), (k)(1)(ii), or (k)(1)(iii) of this AD.

(i) Airbus Service Bulletin A300–28–0089, dated January 13, 2011; or Airbus Service

Bulletin A300–28–0089, Revision 02, dated April 25, 2014.

(ii) Airbus Service Bulletin A300–28–6106, dated January 13, 2011; or Airbus Service Bulletin A300–28–6106, Revision 02, dated April 25, 2014.

(iii) Airbus Service Bulletin A310–28–2173, dated January 13, 2011; or Airbus Mandatory Service Bulletin A310–28–2173, Revision 02, dated April 25, 2014.

(2) This paragraph provides credit for the actions 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 paragraph (k)(2)(i), (k)(2)(ii), or (k)(2)(iii) of this AD.

(i) Airbus Service Bulletin A300–28–0089, dated January 13, 2011; Airbus Service Bulletin A300–28–0089, Revision 01, dated April 15, 2011; or Airbus Service Bulletin A300–28–0089, Revision 02, dated April 25, 2014.

(ii) Airbus Service Bulletin A300–28–6106, dated January 13, 2011; Airbus Service Bulletin A300–28–6106, Revision 01, dated April 15, 2011; or Airbus Service Bulletin A300–28–6106, Revision 02, dated April 25, 2014.

(iii) Airbus Service Bulletin A310–28–2173, dated January 13, 2011; Airbus Service Bulletin A310–28–2173, Revision 01, dated April 15, 2011; or Airbus Service Bulletin A310–28–2173, Revision 02, dated April 25, 2014.

(3) This paragraph provides credit for the actions specified in paragraph (j) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–28–6110, Revision 00, dated November 28, 2013.

(l) Other FAA AD Provisions

(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 (m)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

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

(ii) AMOCs approved previously for AD 2012–21–04, Amendment 39–17220 (77 FR 64701, October 23, 2012), are not approved as AMOCs with this AD.

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

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0051, dated March 23, 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–2017–0714.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–2125; fax: 425–227–1149.

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

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–16052 Filed 8–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0020; Directorate Identifier 2016–NE–33–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Honeywell International Inc. AS907 series turbofan engines. This proposed AD was prompted by two loss-of-thrust-control events, and two in-flight shutdowns (IFSDs) of new production, low-time engines attributed to water intrusion of the engine electronic control unit (ECU). This proposed AD would require applying sealant to identified areas of the ECU and requires inserting a copy of certain airplane operating procedures into the applicable flight manuals. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by September 18, 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 Honeywell International Inc., 111 S. 34th Street, Phoenix, AZ 85034–2802; phone: 800–601–3099; Internet: *https://myaerospace.honeywell.com/wps/portal/!ut/.* You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0020; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; phone: 562–627–5246; fax: 562–627–5210; email: *joseph.costa@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this NPRM. Send your comments to an address listed under the **ADDRESSES**

section. Include ''Docket No. FAA–2017–0020; Directorate Identifier 2016–NE–33 AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM 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 NPRM.

Discussion

We received reports of two loss-of-thrust-control events and two IFSDs of new production, low-time AS907–2–1A engines, attributed to water intrusion into the ECU at the ECU cover-to-body splitline, cover screws and cavities, leading to internal board electrical faults. Similar events have occurred on AS907–1–1A engines when rainwater dripped through the ECU and T2 engine access panels at 10 and 2 o'clock locations onto the ECU and harnesses while the airplane was on the ground. This proposed AD would require application of sealant to identified areas of the ECU and requires inserting a copy of certain airplane operating procedures into the applicable flight manuals. These procedures describe interim actions for not dispatching the airplane under certain engine electronic fault conditions. This condition, if not corrected, could result in dual engine power loss, loss of thrust control, and damage to the engine and airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Honeywell Service Bulletin (SB); SB AS907–76–9021, Revision 1, dated April 20, 2017; Operating Information Letter (OIL) OIAS907–0001R00, dated March 14, 2017; Component Maintenance Manual (CMM) 2119576, Temporary Revision (TR) No. 76–1, Section 76–10–15, dated September 6, 2016; and CMM 2119576, TR No. 76–1, Section 76–10–29, dated August 2, 2016.

In combination, the SB and TRs describe procedures for applying sealant to identified areas of the ECU to prevent water from entering the ECU on AS907 series engines. The OIL provides instructions for interrogating the onboard Maintenance Data Computer to clear engine electronic fault conditions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require applying sealant to identified areas of the ECU.

Differences Between This Proposed AD and the Service Information

Honeywell SB AS907–76–9021, Revision 1, dated April 20, 2017 recommends complying after 400 engine operating hours, not to exceed 18 months from the date of issuance of the SB. This NPRM proposes complying within 200 engine operating hours or 9 months after the effective date of the AD, whichever occurs first.

Interim Action

We consider this proposed AD interim action. Honeywell is developing design changes that will eliminate the need to apply sealant to the ECU.

Costs of Compliance

We estimate that this ECU sealing affects 477 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inserting Figure into AFM	2 work-hours × $85 per hour = $170.00	$0	$170.00	$81,090.00
Application of sealant, on-wing	5.5 work-hours × $85 per hour = $467.50	50.00	517.50	246,847.50

We estimate the following costs to do any necessary fault checks of the Maintenance Data Computer (MDC)/Onboard Messaging System (OMS). We estimate that 20 engines will need this fault check.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Fault Check of Maintenance Data Computer	5 work-hours × $85 per hour = $425.00	$0	$425.00

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, 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):

Honeywell International Inc.: Docket No. FAA–2017–0020; Directorate Identifier 2016–NE–33–AD.

(a) Comments Due Date

We must receive comments by September 18, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Honeywell International Inc. AS907–1–1A, –2–1A, –2–1G, and –3–1E model turbofan engines, with engine serial numbers (S/Ns) listed in Table 3 of Honeywell Service Bulletin (SB) AS907–76–9021 Revision 1, dated April 20, 2017; or with engine electronic control unit (ECU), part numbers (P/Ns) 2119576–1001 through –1011, with no Mod Record or with a Mod Record 1 through 5 (for the AS907–1–1A engine); or with ECU, P/N 2119576–1102, with no Mod Record (for the AS907–2–1A engine); or with ECU, P/Ns 2119576–3002 and –3102, with no Mod Record (for the AS907–2–1G engine); or with ECU, P/Ns 2119576–4102 and –4103, with no Mod Record (for the AS907–3–1E), installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7600, Engine Controls Section.

(e) Unsafe Condition

This AD was prompted by two low-time loss-of-thrust-control events and two in-flight shut downs (IFSDs) attributed to water intrusion of the engine ECU. We are issuing this AD to prevent a dual engine power loss, and loss of thrust control and damage to the engine and airplane.

(f) Compliance

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

(g) Required Actions

(1) For applicable engines, apply sealant to both ECUs within 200 engine operating hours, or 9 months after the effective date of this AD whichever occurs first, using Accomplishment Instructions, paragraph 3.C. of Honeywell SB AS907–76–9021, Revision 1, dated April 20, 2017.

(2) If the ECU sealant is removed or becomes defective, re-apply sealant using Accomplishment Instructions, paragraph 3.C. of Honeywell SB AS907–76–9021, Revision 1, dated April 20, 2017; or Component Maintenance Manual (CMM) 2119576, Temporary Revision (TR) No. 76–1, Section 76–10–15, dated September 6, 2016; or CMM 2119576, TR No. 76–1, Section 76–10–29, dated August 2, 2016.

(3) Within 60 days after the effective date of this AD, for all airplanes that have an affected engine installed with an ECU not in compliance with paragraph (g)(1) or (g)(2) of this AD, insert a copy of Figure 1, 2, or 3 to paragraph (g) of this AD, as applicable to your airplane, into the Emergency Procedures Section of the Airplane Flight Manual (AFM).

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Figure 1 to Paragraph (g) – Airplane Operating Procedures for Bombardier Airplanes

NOTE

Procedures in dotted line boxes are actions to be performed by the pilot / flight crew.

WARNING

IF A CYAN "L ENGINE MINOR FAULT" OR "R ENGINE MINOR FAULT" IS ANNOUNCED AT ANY TIME BEFORE TAKEOFF, DO NOT FLY THE AIRPLANE. CONTACT MAINTENANCE PERSONNEL.

Figure 2 to Paragraph (g) - Airplane Operating Procedures for Gulfstream Airplanes

NOTE

Procedures in dotted line boxes are actions to be performed by the pilot / flight crew.

WARNING

IF A CYAN "L ENGINE MINOR FAULT" OR "R ENGINE MINOR FAULT" IS ANNOUNCED AT ANY TIME BEFORE TAKEOFF, DO NOT FLY THE AIRPLANE. CONTACT MAINTENANCE PERSONNEL.

Figure 3 to Paragraph (g) – Airplane Operating Procedures for Embraer Airplanes

NOTE

Procedures in dotted line boxes are actions to be performed by the pilot / flight crew.

WARNING

IF A CYAN "ENGINE SHORT DISPATCH" IS ANNOUNCED AT ANY TIME BEFORE TAKEOFF, DO NOT FLY THE AIRPLANE. CONTACT MAINTENANCE PERSONNEL.

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(4) If a cyan warning is announced, before next flight, check the current fault messages in the Maintenance Data Computer (MDC)/ Onboard Messaging System (OMS) for any of the following:

(i) FADEC ECU A
(ii) FADEC ECU B
(iii) THROTTLE LEVER 1A
(iv) THROTTLE LEVER 1B
(v) THROTTLE RIGGING 1A
(vi) THROTTLE RIGGING 1B

(5) Replace the ECU if any of the fault messages listed in paragraph (g)(4) of this AD are in the MDC OMS. Refer to Operating Information Letter (OIL) OIAS907–0001R00, dated March 14, 2017 for information on returning and replacing the ECU.

(6) Continued flight is permitted if none of the fault messages listed in paragraph (g)(4) of this AD are in the MDC OMS, or if paragraph (g)(5) of this AD was accomplished.

(h) Installation Prohibition

(i) Do not install an ECU if any of the fault messages listed in paragraph (g)(4) of this AD are in the MDC OMS.

(ii) Do not install an ECU that has a P/N and Mod Record listed in paragraph (c) of this AD unless it was either sealed as specified in paragraph (g)(1) of this AD or if the ECU is not affected by this AD.

(i) Terminating Action

Remove from the AFM, Figure 1, 2, or 3 to paragraph (g) of this AD, after paragraph (g)(1) or (g)(2) of this AD is accomplished.

(j) Credit for Previous Actions

You may take credit for the actions required by paragraphs (g)(1) or (g)(2) of this AD, if you performed those actions before the effective date of this AD using Honeywell SB AS907–76–9021, Revision 0, dated May 13, 2016.

(k) Alternative Methods of Compliance (AMOCs)

The Manager, Los Angeles Aircraft Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(l) Related Information

(1) For more information about this AD, contact Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; phone: 562–627–5246; fax: 562–627–5210; email: *joseph.costa@faa.gov.*

(2) Honeywell SB AS907–76–9021, Revision 1, dated April 20, 2017; OIL OIAS907–0001R00, dated March 14, 2017; CMM 2119576, TR No. 76–1, Section 76–10–15, dated September 6, 2016; and CMM 2119576, TR No. 76–1, Section 76–10–29, dated August 2, 2016, can be obtained from Honeywell International using the contact information in paragraph (l)(3) of this AD.

(3) For service information identified in this AD, contact Honeywell International Inc., 111 S. 34th Street, Phoenix, AZ 85034–2802; phone: 800–601–3099; Internet: *https://myaerospace.honeywell.com/wps/portal/!ut/.*

(4) You may view this service information at the FAA, Engine & Propeller Directorate,

1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on June 21, 2017.

Thomas A. Boudreau,

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

[FR Doc. 2017–16148 Filed 8–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9555; Airspace Docket No. 16–AGL–2]

Proposed Modification and Revocation of Multiple Air Traffic Service (ATS) Routes; Northcentral United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: This action proposes to amend and remove multiple VHF Omnidirectional Range (VOR) Federal airways in northcentral United States to reflect additional amendments to several Federal airways impacted by the decommissioning of the Tiverton, OH, VOR/Distance Measuring Equipment (VOR/DME) navigation aid. The route changes would be made as part of the FAA's Next Generation Air Transportation System (NextGen) efforts to safely improve the overall efficiency of the National Airspace System (NAS).

DATES: Comments must be received on or before September 18, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1 (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2016–9555 and Airspace Docket No. 16–AGL–2 at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1 (800) 647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the NAS route structure as necessary to preserve the safe and efficient flow of air traffic within the NAS.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2016–9555 and Airspace Docket No. 16–AGL–2) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2016–9555 and Airspace Docket No. 16–AGL–2.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Blvd., Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas,

air traffic service routes, and reporting points.

Background

On February 27, 2017, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) proposing to amend and remove multiple VOR Federal airways in northcentral United States to reflect and accommodate route changes being made as part of the FAA's Cleveland/Detroit Metroplex Project airspace redesign effort (82 FR 11859). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Subsequent to publication, the FAA initiated a project for decommissioning the Tiverton, OH, VOR/DME due to the land-lease for the navigation aid expiring September 30, 2018, and not being renewed. With the planned decommissioning of the Tiverton VOR/DME occurring, several of the Federal airways proposed for amendment in the NPRM are impacted and will require additional amendment. Based on the timing of the NPRM and the planned Tiverton VOR/DME decommissioning project, and that several airways are affected by both actions, the FAA decided to incorporate both activities into this airspace docket action. By merging the planned Tiverton VOR/DME decommissioning activity with this action, additional proposed amendments to V–92, V–133, and V–210 are necessary. Additionally, NAV CANADA has amended V–43 within Canada's airspace that requires the FAA to adjust the proposed amendment to V–43. The remaining Federal airways associated with the Tiverton VOR/DME (V–443, V–523, and V–525) require no additional proposed amendments beyond those proposed in the NPRM.

Additionally, the FAA reviewed the airway amendments proposed in the NPRM and the Cleveland/Detroit Metroplex project redesign and has now determined the two activities are in fact independent of each other and not connected. The FAA mischaracterized the connection between the redesign and the airway changes in the NPRM. The airway amendments proposed in the NPRM support the FAA's NextGen efforts to safely improve the overall efficiency of the NAS.

Since several airway amendments proposed in the NPRM require further amendment, and the NPRM characterization requires clarification that the airway amendments proposed in the NPRM support the FAA's NextGen efforts independent from the FAA's Cleveland/Detroit Metroplex project activities, the FAA has determined it is necessary to reopen the comment period to provide additional opportunity for public comment.

The FAA is undertaking this action in support of its NextGen goal to safely improve the overall efficiency of the NAS by increasing efficiencies in the enroute structure and areas with complex air traffic flows. More specifically, the proposed changes would enhance the way aircraft navigate the enroute airspace, improve airport access, and make flight routes more efficient by optimizing the operations and procedures based on satellite-based navigation.

Lastly, the FAA plans to continue NextGen modernization efforts of the Cleveland and Detroit terminal radar approach control (TRACON) airspace areas, at a later date, by working with the facilities to establish RNAV T-routes designed to enhance the flow of traffic through their busy terminal airspace areas. Any new RNAV T-routes that result from that process will be proposed in a separate airspace docket action.

Differences From NPRM

The legal description to V–2 is revised to reflect the proposed amendment.

The proposed amendment to V–43 is revised to include removing the airway segment between the Erie, PA, VORTAC and the Buffalo, NY, VOR/DME.

The proposed amendment to V–92 is revised to include removing the airway segments between the intersection of the Chicago Heights, IL, VORTAC 358° and Chicago O'Hare, IL, VOR/DME 127° radials (BEBEE fix) and the Chicago Heights, IL, VORTAC; between the Goshen, IN, VORTAC and the intersection of the Goshen, IN, VORTAC 092°(T)/092°(M) and Fort Wayne, IN, VORTAC 016°(T)/016°(M) radials (ILTON fix); and between the Tiverton, OH, VOR/DME and the Newcomerstown, OH, VOR/DME.

The proposed amendment to V–133 is revised to include removing the airway segment between the Zanesville, OH, VOR/DME and the Tiverton, OH, VOR/DME.

The proposed amendment to V–210 is revised to include removing the airway segment between the Rosewood, OH, VORTAC and the Tiverton, OH, VOR/DME.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify VOR Federal airways V–43, V–92, V–133, and V–210. Those airway amendments are outlined below.

V–2: The proposed amendment is unchanged, the FAA identified a typographical error in the regulatory text of the V–2 description. The description inadvertently included '', 259° radials; Buffalo'' after ''From Buffalo, NY'' in describing the airway segment between the Buffalo, NY, VOR/DME and the Gardner, MA, VOR/DME. The regulatory text for the V–2 airway segment between the Buffalo, NY, VOR/DME and the Gardner, MA, VOR/DME is corrected in this SNPRM to read, ''From Buffalo, NY; Rochester, NY; Syracuse, NY; Utica, NY; Albany, NY; INT Albany 084° and Gardner, MA, 284° radials; to Gardner.''

V–43: V–43 currently extends between the Appleton, OH, VORTAC and the Buffalo, NY, VOR/DME. The FAA proposes to remove the airway segment between the Appleton, OH, VORTAC and the Youngstown, OH, VORTAC; and between the Erie, PA, VORTAC and the Buffalo, NY, VOR/DME. Additionally, this proposal removes the previously proposed addition of an exclusion statement for the airspace within Canada. The unaffected portion of the existing airway would remain unchanged.

V–92: V–92 currently extends between the intersection of the Chicago Heights, IL, VORTAC 358° and Chicago O'Hare, IL, VOR/DME 127° radials (BEBEE fix) and the Armel, VA, VOR/DME. The FAA proposes to remove the airway segments between the intersection of the Chicago Heights, IL, VORTAC 358° and Chicago O'Hare, IL, VOR/DME 127° radials (BEBEE fix) and the Chicago Heights, IL, VORTAC; and between the Goshen, IN, VORTAC and the Newcomerstown, OH, VOR/DME. The unaffected portions of the existing airway would remain unchanged.

V–133: V–133 currently extends between the intersection of the Charlotte, NC, VOR/DME 305° and Barretts Mountain, NC, VOR/DME 197° radials (LINCO fix) and the Mansfield, OH, VORTAC; and between the Salem, MI, VORTAC and the Red Lake, ON, Canada, VOR/DME; excluding the airspace within Canada. The FAA proposes to remove the airway segment between the Zanesville, OH, VOR/DME and the Mansfield, OH, VORTAC; and between the Salem, MI, VORTAC and the Saginaw, MI, VOR/DME. The unaffected portions of the existing airway and the exclusion statement for the airspace within Canada would remain unchanged.

V–210: V–210 currently extends between the Los Angeles, CA, VORTAC and the Okmulgee, OK, VOR/DME; and between the Brickyard, IN, VORTAC and the Yardley, PA, VOR/DME. The

FAA proposes to remove the airway segment between the Rosewood, OH, VORTAC and the Revloc, PA, VOR/DME. The unaffected portions of the existing airway would remain unchanged.

The remaining VOR Federal airway amendments and removals proposed in the NPRM published in the **Federal Register** (82 FR 11859, February 27, 2017) are unchanged.

All radials in the route descriptions below are unchanged and stated in True degrees.

VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document would be subsequently published in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016 and effective September 15, 2016, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–2 [Amended]

From Seattle, WA; Ellensburg, WA; Moses Lake, WA; Spokane, WA; Mullan Pass, ID; Missoula, MT; Helena, MT; INT Helena 119° and Livingston, MT, 322° radials; Livingston; Billings, MT; Miles City, MT; 24 miles, 90 miles, 55 MSL, Dickinson, ND; 10 miles, 60 miles, 38 MSL, Bismarck, ND; 14 miles, 62 miles, 34 MSL, Jamestown, ND; Fargo, ND; Alexandria, MN; Gopher, MN; Nodine, MN; Lone Rock, WI; Madison, WI; Badger, WI; Muskegon, MI; to Lansing, MI. From Buffalo, NY; Rochester, NY; Syracuse, NY; Utica, NY; Albany, NY; INT Albany 084° and Gardner, MA, 284° radials; to Gardner.

* * * * *

V–43 [Amended]

From Youngstown, OH; to Erie, PA.

* * * * *

V–92 [Amended]

From Chicago Heights, IL; to Goshen, IN. From Newcomerstown, OH; Bellaire, OH; INT Bellaire 107° and Grantsville, MD, 285° radials; Grantsville; INT Grantsville 124° and Armel, VA, 292° radials; to Armel.

* * * * *

V–133 [Amended]

From INT Charlotte, NC, 305° and Barretts Mountain, NC, 197° radials; Barretts Mountain; Charleston, WV; to Zanesville, OH. From Saginaw, MI; Traverse City, MI; Escanaba, MI; Sawyer, MI; Houghton, MI; Thunder Bay, ON, Canada; International Falls, MN; to Red Lake, ON, Canada. The airspace within Canada is excluded.

* * * * *

V–210 [Amended]

From Los Angeles, CA, INT Los Angeles 083° and Pomona, CA, 240° radials; Pomona; INT Daggett, CA, 229° and Hector, CA, 263° radials; Hector; Goffs, CA; 13 miles, 23 miles 71 MSL, 85 MSL, Peach Springs, AZ; Grand Canyon, AZ; Tuba City, AZ; 10 miles 90 MSL, 91 miles 105 MSL, Rattlesnake, NM; Alamosa, CO; INT Alamosa 074° and Lamar, CO, 250° radials; 40 miles, 51 miles, 65 MSL, Lamar; 13 miles, 79 miles, 55 MSL, Liberal, KS; INT Liberal 137° and Will Rogers, OK, 284° radials; Will Rogers; INT Will Rogers 113° and Okmulgee, OK, 238° radials; Okmulgee. From Brickyard, IN, Muncie, IN; to Rosewood, OH. From Revloc, PA; INT Revloc 096° and Harrisburg, PA, 285° radials; Harrisburg; Lancaster, PA; INT Lancaster 095° and Yardley, PA, 255° radials; to Yardley.

* * * * *

Issued in Washington, DC, on July 26, 2017.

Rodger A. Dean, Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2017–16174 Filed 8–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA–2015–3304; Notice No. 15–07]

RIN 2120–AK66

Temporary Flight Restrictions in the Proximity of Launch and Reentry Operations; Withdrawal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); withdrawal.

SUMMARY: The FAA is withdrawing a previously published NPRM that proposed to revise the temporary flight restriction (TFR) provision for space flight operations to make the restrictions applicable to all aircraft including non-U.S. registered aircraft, instead of only U.S. registered aircraft or aircraft flown by pilots using a FAA pilot certificate. The NPRM also proposed to amend language for consistency with other TFR provisions and commercial space regulations and definitions by replacing ''space flight operations'' with ''launch, reentry, or amateur rocket operations.'' The intended effect of the proposed action was to further enhance the safety in the affected airspace and improve the readability of the TFR requirements. After further review of this action and the changing technology and scope of new flight operations, the FAA determined that a better assessment of TFRs in the National Air Space (NAS) is needed to address present day operations; therefore, it is withdrawing this NPRM.

DATES: The FAA is withdrawing the NPRM published on September 2, 2015 (80 FR 53033) as of August 2, 2017.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this

action, contact Patrick Moorman, Airspace Regulations Team, AJV–113, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8745; email *patrick.moorman@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Overview of Notice 15–07 (NPRM)

Section 91.143 of Title 14 of the Code of Federal Regulations (CFR) authorizes the FAA to issue a Notice to Airmen (NOTAM) prohibiting a person from operating any aircraft of U.S. registry or piloting an aircraft under the authority of an airman certificate issued by the FAA in areas designated in the NOTAM for space flight operations. By restricting non-essential aircraft from the designated recovery area, the FAA ensures the safe recovery of spacecraft while mitigating the risk of an aircraft collision.

On September 2, 2015, the FAA published an NPRM, Notice No. 15–07, proposing to amend § 91.143 [80 FR 53033] to ensure that all aircraft—not only U.S. registered aircraft or aircraft flown by pilots using an FAA pilot certificate—are restricted from operating in airspace designated for launch, reentry, or amateur rocket operations. The FAA also proposed amending the provision to update and clarify that the FAA issues NOTAMs that designate a TFR under § 91.143 for launch, reentry, or Class 2 or 3 amateur rocket operations, when the FAA determines a TFR is necessary to maintain safety because technological changes have resulted in an increased growth of larger amateur rockets with greater power. The NPRM would also amend the language of § 91.143 to align with the terminology used in 51 U.S.C. Chapter 509 and the FAA space transportation regulations and definitions by replacing ''space flight operations'' with ''launch, reentry, or amateur rocket operations.'' The FAA intended to strengthen the understandability of these requirements and enhance safety in the affected airspace.

II. Discussion of Comments Received on the NPRM

The 60-day comment period closed on November 2, 2015. The FAA received two comments from individuals regarding: (1) The use of ambiguous language in the proposed regulation that does not address the uniqueness of unmanned aircraft operations and (2) a recommendation to limit the length of a TFR to a narrow window of time.

One commenter suggested that the FAA limit the length of the TFR to a narrow window of time not to exceed 24 hours and recommended that a 48-hour notice be provided via NOTAM. The individual commented that any TFR longer than 24 hours is not temporary and should be established as a restricted area by rulemaking under the Administrative Procedures Act. This comment is outside the scope of this rulemaking because time limits were not proposed in the NPRM and are not addressed in the existing rule. The FAA notes, however, that TFRs issued under § 91.143 are established within the airspace and over a period of time necessary to contain the activity and ensure the safety of the NAS.

Another commenter suggested that the use of the proposed language: ''No person may operate an aircraft within an area . . .'' presents an undesirable level of ambiguity when considering unmanned aircraft and drones—particularly autonomously guided or preprogrammed aircraft that follow GPS coordinates or are otherwise not under the direct control of a person.

The FAA defines the term ''operate'' broadly. Under the definition in § 1.1, ''operate with respect to aircraft, means use, cause to use or authorize to use aircraft, for the purpose (except as provided in § 91.13) of air navigation including the piloting of aircraft, with or without the right of legal control (as owner, lessee, or otherwise).'' Therefore, the term ''operate'' captures persons who operate the aircraft directly and those who cause an aircraft to be operated, whether manned or unmanned. Additionally, ''within'' as used in the phrase ''within an area designated for launch, reentry, or amateur rocket operations'' refers to the location of the aircraft, not the location of the operator.

III. Reason for Withdrawal

The FAA has decided to withdraw this rulemaking because it has determined that this regulatory course of action requires further study of the changing environment of flight operations, including new technologies and new types of commercially viable operations. The proposed rule references launch, reentry, and amateur rocket operations, replacing the reference to ''space operations,'' which encompasses both launch and reentry; however, narrowing TFRs to launch, reentry, and amateur rockets operations without understanding the complete scope of all space operations could unknowingly narrow the applicability of TFRs. A greater understanding of current flight operations will serve to enhance the effectiveness of the TFRs. From an efficiency standpoint, the FAA strives to integrate all operations in the NAS, and because TFRs are necessary to provide the highest level of safety, the FAA is withdrawing this NPRM to better assess the scope of TFR regulations in the NAS. The FAA will continue to include launches, reentries, and amateur rocket operations under ''space operations'' in § 91.143.

IV. Conclusion

The FAA has determined that this regulatory course of action requires further study and that withdrawal of this NPRM is necessary. Withdrawal of Notice No. 15–07 does not preclude the FAA from issuing another notice on the subject matter in the future or commit the agency to any future course of action. The Agency will make any future necessary changes to the Code of Federal Regulations through an NPRM with opportunity for public comment.

Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, directs that, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed. In addition, any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs. Only those rules deemed significant under section 3(f) of Executive Order 12866, Regulatory Planning and Review, are subject to these requirements.

The FAA has evaluated this withdrawal based on the requirements of Executive Order 13771. Because the FAA determined that the NPRM was not a significant regulatory action under Executive Order 12866, the withdrawal of the NPRM does not constitute an Executive Order 13771 deregulatory action. In addition, the FAA also finds that there are no quantifiable costs or benefits associated with this withdrawal, and may therefore publish this action without identifying two offsetting deregulatory actions. The FAA, therefore, is withdrawing Notice No. 15–07, published in 80 FR 53033 on September 2, 2015.

Issued under authority provided by 49 U.S.C. 106(f) and § 40103(b) in Washington, DC, on July 21, 2017.

Gary A. Norek,

Acting Director, Airspace Services.

[FR Doc. 2017–16198 Filed 8–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 61

RIN 2900–AP54

VA Homeless Providers Grant and Per Diem Program; Correction

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule; corrections.

SUMMARY: The Department of Veterans Affairs (VA) Affairs is correcting a proposed rule that proposes to amend its regulations concerning the VA Homeless Providers Grant and Per Diem (GPD) Program that was published in the **Federal Register** on July 25, 2017. These corrections address technical errors in the proposed rule.

DATES: The correction is effective August 2, 2017.

ADDRESSES: Written comments may be submitted through *www.regulations.gov;* by mail or hand-delivery to the Director, Regulations Management (00REG), Department of Veterans Affairs, 810 Vermont Ave NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AP54—VA Homeless Providers Grant and Per Diem Program.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Guy Liedke, Program Analyst, Grant/Per Diem Program, (673/GPD), VA National Grant and Per Diem Program Office, 10770 N. 46th Street, Suite C–200, Tampa, FL 33617, (877) 332–0334, *guy.liedke@va.gov.* (This is a toll-free number.)

SUPPLEMENTARY INFORMATION: VA is correcting its proposed rule that proposes to amend its regulations concerning the VA Homeless Providers Grant and Per Diem (GPD) Program.

In FR Doc. 17–15338 appearing on page 34457 in the **Federal Register** of Tuesday, July 25, 2017, the following corrections are made:

On page 34459, in the first column, in the second full paragraph, add a new first sentence, ''VA makes no changes to paragraphs (b) and (c) and merely restates them.'' Immediately preceding the sentence, ''Proposed paragraphs (d), (f), and (h) restate, without substantive change, material that currently appears at § 61.33(e), (g), and (i).''

§ 61.33 [Corrected]

On page 34463, in the first column, amend § 61.33(2)(A) by removing ''(A)'' and replacing it with ''(i)'', and in § 61.33(2)(B) by removing ''(B)'' and replacing it with ''(ii)''.

On page 34463, in the second column, amend § 61.33(c) by removing ''118'' and replacing it with ''1/8''.

Janet J. Coleman,

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

[FR Doc. 2017–16179 Filed 8–1–17; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0411; FRL–9965–51–Region 9]

Approval and Promulgation of Implementation Plans; Enhanced Monitoring; California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of California on November 10, 1993. This SIP revision concerns the establishment of a Photochemical Assessment Monitoring System (PAMS) network in six ozone nonattainment areas within California. The EPA is proposing this action under the Clean Air Act based on the conclusion that all applicable statutory and regulatory requirements related to PAMS SIP revisions have been met.

DATES: Any comments must arrive by September 1, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2017–0411 at *http://www.regulations.gov,* or via email to *lo.doris@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, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Doris Lo, EPA Region IX, (415) 972–3959, *lo.doris@epa.gov*.

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

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I. Background Information
II. Analysis of State Submission
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I. Background Information

The Clean Air Act (CAA or ''Act'') requires the EPA to establish National Ambient Air Quality Standards (NAAQS or ''standards'') for certain widespread pollutants, such as ozone, that cause or contribute to air pollution that is reasonably anticipated to endanger public health or welfare.[1] In 1979, we promulgated an ozone NAAQS of 0.12 parts per million (ppm), one-hour average (''1-hour ozone standard'').[2]

The Act, as amended in 1990, required the EPA to designate as nonattainment any ozone areas that were still designated nonattainment under the 1977 Act Amendments, and any other areas violating the 1-hour ozone standard, generally based on air quality monitoring data from the 1987 through 1989 period.[3] The 1990 CAA Amendments further classified these areas, based on the severity of their nonattainment problem, as Marginal, Moderate, Serious, Severe or Extreme.

The control requirements and date by which attainment of the one-hour ozone

[1] *See* sections 108 and 109 of the Act.

[2] *See* 44 FR 8202, February 8, 1979.

[3] *See* section 107(d)(4) of the Act. *See* also 56 FR 56694, November 6, 1991.

standard was to be achieved varied with an area's classification. Marginal areas were subject to the fewest mandated control requirements and had the earliest attainment date while higher classified areas were subject to more stringent planning requirements and were provided more time to attain the standard.

In 1991, we published the initial ozone classifications for nonattainment areas within each state, and within California, we classified six ozone nonattainment areas as Serious, Severe, or Extreme: Los Angeles-South Coast Air Basin (''South Coast''), Sacramento Metro, San Diego County, San Joaquin Valley, Southeast Desert Modified AQMA (''Southeast Desert'') and Ventura County.[4] Such areas were subject to many requirements, including those related to enhanced monitoring in CAA section 182(c)(1).

Section 182(c)(1) of the CAA requires that the EPA promulgate rules for enhanced monitoring of ozone, oxides of nitrogen (NO_X), and volatile organic compounds (VOC) no later than 18 months after the date of the enactment of the 1990 CAA Amendments. These rules are intended to provide a mechanism for obtaining more comprehensive and representative data on ozone air pollution in areas designated nonattainment and classified as Serious, Severe or Extreme.

The final PAMS rule was promulgated by the EPA on February 12, 1993 (58 FR 8452). Section 58.40(a) of the revised rule requires the State to submit a PAMS network description, including a schedule for implementation, to the Administrator within six months after promulgation or by August 12, 1993.[5]

On August 12, 1993, the California Air Resources Board (CARB) submitted proposed PAMS network plans to the EPA that included a schedule for implementation for each of the six subject areas in California. This submittal was reviewed and approved in stages for the different areas.[6] In each case, the EPA concluded that the submitted network plans satisfy the requirements of 40 CFR 58.40(a). Since network descriptions may change annually, they are not part of the SIP as recommended by the document, ''Guideline for the Implementation of the Ambient Air Monitoring Regulations, 40 CFR part 58.'' However, the network description is negotiated and approved during the annual review via the grant process under section 105 of the Act, as required by 40 CFR 58.20(d), 58.25, 58.36, and 58.46.

Section 182(c)(1) also requires that the SIP be revised to contain measures to improve the ambient monitoring of ozone, NO_X, and VOC in ozone nonattainment areas classified as Serious, Severe or Extreme. The final PAMS rule requires that SIP revisions under section 182(c)(1) provide for the establishment and maintenance of a PAMS network.

On November 10, 1993, CARB submitted to the EPA a SIP revision for PAMS in California (''California PAMS SIP revision''). The California PAMS SIP revision consists of PAMS commitments from five California air districts with jurisdiction within the six relevant ozone nonattainment areas: the South Coast Air Quality Management District(for South Coast and Southeast Desert areas); Sacramento Metro AQMD (for the Sacramento Metro area); San Diego County Air Pollution Control District (for the San Diego County area); San Joaquin Valley Unified APCD (for the San Joaquin Valley area), and Ventura County APCD (for the Ventura County area), as well as CARB Executive Orders approving the commitments, and public process documentation. The California PAMS SIP revision is intended to meet the requirements of section 182(c)(1) of the Act and affect compliance with the PAMS regulations, codified at 40 CFR part 58, as promulgated on February 12, 1993.

II. Analysis of State Submission

The criteria used to review the SIP revision submittal are derived from the CAA, and include: The General Preamble;[7] the PAMS regulations, codified at 40 CFR part 58; ''Guideline for the Implementation of the Ambient Air Monitoring Regulations: 40 CFR part 58—Guideline Series'' (EPA–450/4–78–038, Office of Air Quality Planning and Standards, November 1979); and the September 2, 1993, memorandum from G.T. Helms titled, ''Final Boilerplate Language for the PAMS SIP Submittal.''

The September 2, 1993, Helms boilerplate memorandum stipulates that the PAMS SIP, at a minimum, must: Provide for monitoring of criteria pollutants, such as ozone and nitrogen dioxide and non-criteria pollutants, such as nitrogen oxides, speciated VOCs, including carbonyls, as well as meteorological parameters; provide a copy of the approved (or proposed) PAMS network description, including the phase-in schedule, for public inspection during the public notice and/or comment period provided for in the SIP revision or, alternatively, provide information to the public upon request concerning the State's plans for implementing the rules; make reference to the fact that PAMS will become a part of the State or local air monitoring stations (SLAMS) network; and provide a statement that SLAMS will employ federal reference or equivalent methods (FRMs or FEMs) while most PAMS sampling will be conducted using methods that are not FRMs or FEMs but approved by the EPA.

The California PAMS SIP revision provides that each of the five relevant air districts will implement PAMS as required in 40 CFR part 58, as amended February 12, 1993. Each district will amend its SLAMS and its National Air Monitoring Stations monitoring systems to include the PAMS requirements. Each district will develop its PAMS network design and establish monitoring sites pursuant to 40 CFR part 58 in accordance with an approved network description and as negotiated with the EPA through the CAA section 105 grant process on an annual basis. Each district also provided the public with an opportunity to inspect the proposed network description during the public review process for the proposed SIP revision prior to

[4] *See* 56 FR 56694, November 6, 1991.

[5] Since 1993, EPA has significantly amended and re-organized the monitoring network requirements in 40 CFR part 58. For the purposes of this action, the citations to part 58 refer to the July 1, 1993 version of 40 CFR part 58, not the current version because the California PAMS network description submitted in 1993 was intended to address the regulatory requirements that applied at the time.

[6] *See, e.g.,* memorandum from William F. Hunt, Jr., Director, Emissions, Monitoring, and Analysis Division, EPA Office of Air Quality Planning and Standards (OAQPS) to David P. Howekamp, Director, Air and Toxics Division, EPA Region IX, dated September 22, 1995 (reference to approval in part of the PAMS Network Plan for the South Coast and Southeast Desert); memorandum from William F. Hunt, Jr., Director, Emissions, Monitoring, and Analysis Division, EPA OAQPS to David Howekamp, Director, Air and Toxics Division, EPA Region IX, dated August 15, 1995 (reference to approval in part of the PAMS Network Plan for Sacramento County); letter from David P. Howekamp, Air Division Director, EPA Region IX, to Richard J. Sommerville, Air Pollution Control Officer (APCO), San Diego County Air Pollution Control District (APCD), March 9, 1994 (approval in part of the PAMS Network Plan for San Diego County); memorandum from William F. Hunt, Jr., Director, Emissions, Monitoring, and Analysis Division, EPA OAQPS to David Howekamp, Director, Air and Toxics Division, EPA Region IX, dated August 16, 1995 (reference to approval in part of the PAMS Network Plan for San Joaquin Valley); and letter from David P. Howekamp, Air Division Director, EPA Region IX, to Richard H. Baldwin, APCO, Ventura County APCD, March 9, 1994 (approval in part of the PAMS Network Plan for Ventura County).

[7] EPA, General preamble for future proposed rulemakings, State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, 57 FR 13498 (April 16, 1992) (''General Preamble''). The enhanced monitoring requirement in CAA section 182(c)(1) is addressed on page 13515 of the General Preamble.

forwarding the adopted version to CARB for approval and submittal to the EPA as a revision to the California SIP.

The five California air districts have implemented their PAMS networks as required in 40 CFR part 58. Each relevant air district also includes a provision to meet quality assurance requirements as contained in 40 CFR part 58, appendix A and a provision to assure that the PAMS monitors will meet monitoring methodology requirements contained in 40 CFR part 58, appendix C. Lastly, the air districts provided assurance that the PAMS network within their respective jurisdictions will be phased in over a period of not more than five years as required in 40 CFR 58.44.

As such, we conclude that the PAMS SIP revision submitted by CARB on November 10, 1993, meets the relevant statutory and regulatory requirements, and we propose to approve it as part of the California SIP.

III. Proposed Action and Request for Public Comment

Under CAA section 110(k)(3) and for the reasons discussed above, the EPA proposes to approve the California PAMS SIP revision submitted on November 10, 1993, for six ozone nonattainment areas in California. We will accept comments from the public on the proposed approval for the next 30 days.

IV. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed action 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, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: July 14, 2017.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2017–16276 Filed 8–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 192

[EPA–HQ–OAR–2012–0788; FRL–9965–50–OAR]

RIN 2060–AP43

Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing a reopening of the public comment period for the Notice of Proposed Rulemaking (NPRM) requesting public comment and information on revisions to the EPA's ''Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings.''

DATES: The comment period for the NPRM, published January 19, 2017 (82 FR 4408), is reopened. Written comments must be received on or before October 16, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2012–0788, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ingrid Rosencrantz, EPA Office of Radiation and Indoor Air, (202) 343–9286, *rosencrantz.ingrid@epa.gov.*

SUPPLEMENTARY INFORMATION: The EPA published the NPRM on January 19,

2017, in the **Federal Register** (82 FR 7400), which included a request for comments on or before July 18, 2017. The purpose of this document is to reopen that comment period.

A. What should I consider as I prepare my comments for the EPA?

1. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number, subject heading, **Federal Register** date and page number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow it to be reproduced.
- Illustrate your concerns with specific examples and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

B. How can I get copies of this document, the proposed rule and other related information?

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2012–0788. The EPA has also developed a Web site for the NPRM at: *https://www.epa.gov/radiation/40-cfr-part-192-proposed-rulemaking-and-background-documents.* Please refer to the original **Federal Register** NPRM for detailed information on accessing information related to the document.

In response to requests for an extension, we are reopening the public comment period for this NPRM through October 16, 2017. This action will provide the public additional time to provide comment on updating this standard.

Dated: July 26, 2017.

Jonathan D. Edwards,

Director, Office of Radiation and Indoor Air.

[FR Doc. 2017–16170 Filed 8–1–17; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 82, No. 147
Wednesday, August 2, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Document Number AMS–SC–17–0015]

Fruit and Vegetable Industry Advisory Committee (FVIAC): Notice of Intent To Renew Charter and Call for Nominations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice: intent to renew charter and call for nominations.

SUMMARY: The Fruit and Vegetable Industry Advisory Committee (FVIAC) was established to examine the full spectrum of fruit and vegetable issues and provide recommendations and ideas to the Secretary of Agriculture on how the U.S. Department of Agriculture (USDA) can tailor programs to better meet the needs of the fruit and vegetable industry. Through this Notice, USDA is announcing the following: Its intent to renew the Charter of the FVIAC, which expires on July 28, 2017; its call for nominations to fill ten (10) upcoming vacancies for appointments in 2017, and its call for nominations for a pool of candidates to fill future unexpected vacancies in any of the position categories should that occur.

DATES: The current FVIAC Charter expires on July 28, 2017. Written nominations must be postmarked on or before September 1, 2017.

ADDRESSES: Nomination applications can be sent via email to Marlene Betts at *Marlene.Betts@ams.usda.gov,* or mailed to: USDA–AMS–SCP, 1400 Independence Avenue SW., Room 2077–S., Stop 0235, Washington, DC 20250–0235. Electronic submittals are preferred.

FOR FURTHER INFORMATION CONTACT: Marlene Betts, (202) 720–5057; Email: *Marlene.Betts@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), notice is hereby given that the Secretary of Agriculture intends to renew the Fruit and Vegetable Industry Advisory Committee (FVIAC) for two years. The purpose of the FVIAC is to examine the full spectrum of issues faced by the fruit and vegetable industry and provide suggestions and ideas to the Secretary on how USDA can tailor its programs to better meet the fruit and vegetable industry's needs.

The Deputy Administrator of the Agricultural Marketing Service's Specialty Crops Program will serve as the FVIAC Executive Secretary. Representatives from USDA mission areas and agencies affecting the fruit and vegetable industry will be called upon to participate in the FVIAC's meetings as determined by the FVIAC Executive Secretary and the FVIAC.

Industry members are appointed by the Secretary of Agriculture and serve 2-year terms, with a maximum of three 2-year terms. Membership consists of 25 members who represent the fruit and vegetable industry and will include individuals representing fruit and vegetable growers/shippers, fruit and vegetable wholesalers/distributors, brokers, retailers/restaurant representatives, fresh-cut and other fruit and vegetable processors, and foodservice suppliers. It should also include individuals representing farmers markets and food hubs, organic and non-organic fruit and vegetable representatives, and representatives from state departments of agriculture, farmer organizations, and produce trade associations. Through this Notice, the USDA seeks to fulfill two goals. Firstly, it is seeking nominations to fill ten (10) upcoming vacancies. The Secretary of Agriculture will appoint one person to each of these ten positions to serve a 2-year term of office beginning August 1, 2017, and ending July 31, 2019. Secondly, the USDA is seeking nominations to fill future unexpected vacancies in any of the position categories. These nominations will be held as a pool of candidates that the Secretary of Agriculture can draw upon as replacement appointees if unexpected vacancies occur. A person appointed to fill a vacancy will serve for the remainder of the 2-year term of the vacant position.

The Secretary of Agriculture invites those individuals, organizations, and groups affiliated with the categories listed above to nominate individuals or themselves for membership on the FVIAC. Nominations should describe and document the proposed member's fruit and vegetable industry qualifications for membership to the FVIAC. The Secretary of Agriculture seeks a diverse group of members representing a broad spectrum of persons interested in providing suggestions and ideas on how USDA can tailor its programs to meet the fruit and vegetable industry's needs.

To nominate yourself or someone else, please submit the following: A resume (required), Form AD–755 (required), which can be accessed at: *https://www.ams.usda.gov/about-ams/facas-advisory-councils/fviac/nominations,* a cover letter, and a list of endorsements or letters of recommendation (optional). Resumes must be no longer than 5 pages, and should include a summary of the following information: Current and past organization affiliations; areas of expertise; education; career positions held; any other notable positions held.

Equal opportunity practices will be followed in all appointments to the FVIAC in accordance with USDA policies. To ensure that FVIAC recommendations take into account the needs of the diverse groups served by USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, person with disabilities and limited resource agriculture producers.

The information collection requirements concerning the nomination process have been previously cleared by the Office of Management and Budget (OMB) under OMB Control No. 0505–0001.

Dated: July 27, 2017.

Bruce Summers,

Acting Administrator.

[FR Doc. 2017–16202 Filed 8–1–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

Solicitation of Input From Stakeholder and Public Listening Session Regarding: Capacity Building Grants for Non-Land-Grant Colleges of Agriculture (NLGCA); The Secondary Education, Two-Year Postsecondary Education and Agriculture in the K–12 Classroom Challenge Grants Program (SPECA); The Women and Minorities in Science, Technology, Engineering, and Mathematics Fields Program (WAMS); The Higher Education Challenge Grants Program (HEC)

AGENCY: National Institute of Food and Agriculture, USDA.

ACTION: Notice of web-based listening session and request for stakeholder input.

SUMMARY: As part of the National Institute of Food and Agriculture's (NIFA) strategy to successfully meet the needs of its stakeholders, NIFA will host a virtual listening session. The focus of the listening session is to gather stakeholder input regarding capacity building grants for Non-Land-Grant Colleges of Agriculture (NLGCA); The Secondary Education, Two-Year Postsecondary Education and Agriculture in the K–12 Classroom Challenge Grants Program (SPECA); The Women and Minorities in Science, Technology, Engineering, and Mathematics Fields Program (WAMS); The Higher Education Challenge Grants Program (HEC). NIFA is particularly interested in achieving the most impact and identifying suggested priorities in these programs.

DATES: The listening session will be held on Tuesday, August 15, 2017 from 1:30 p.m. to 3:30 p.m., Eastern Daylight Time (EDT). All written comments must be received by 5 p.m. EDT on August 15, 2017.

ADDRESSES: The web-based listening session will be hosted using Adobe Connect and audio conference call. On August 15th, please access the following Web site, *https://zoom.us/j/735656274*. The audio conference call capabilities can be accessed at 1–888–844–9904, participant code 7923533#.

Registration: You may submit comments, identified by NIFA–2017–0003, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments. Include NIFA–2017–0003 in the subject line of the message.

Mail: Paper, disk or CD–ROM submissions should be submitted to Dr. Joyce Parker, Division of Community and Education; Institute of Youth, Family and Community (IYFC), National Institute of Food and Agriculture, U.S. Department of Agriculture, STOP 2201, 1400 Independence Avenue SW., Washington, DC 20250–2220.

Instructions: All submissions received must include the agency name and reference to NIFA–2017–0003. All comments received will be posted to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Dr. Joyce Parker, Program Specialist, NIFA at (202) 401–4512 or by email at *joyce.parker@nifa.usda.gov*.

SUPPLEMENTARY INFORMATION: Persons wishing to present during the web-based listening session on Tuesday, August 15, 2017, are requested to pre-register by contacting Dr. Joyce Parker at *joyce.parker@nifa.usda.gov.* Participants may reserve one 5-minute comment period. More time may be available, depending on the number of people wishing to make a presentation. Reservations will be confirmed on a first-come, first-served basis. All other participants may provide comments during the listening session if time permits, or by the listed means.

Background and Purpose: Capacity Building Grants for Non-Land-Grant Colleges of Agriculture (NLGCA)

The purpose of this program is to assist the NLGCA Institutions in maintaining and expanding their capacity to conduct education, research, and outreach activities relating to agriculture, renewable resources, and other similar disciplines. NLGCA Institutions may use the funds to maintain and expand capacity: (A) To successfully compete for funds from Federal grants and other sources to carry out educational, research, and outreach activities that address priority concerns of national, regional, State, and local interest; (B) to disseminate information relating to priority concerns to—(i) interested members of the agriculture, renewable resources, and other relevant communities; (ii) the public; and (iii) any other interested entity; (C) to encourage members of the agriculture, renewable resources, and other relevant communities to participate in priority education, research, and outreach activities by providing matching funding to leverage grant funds; and, (D) through (i) the purchase or other acquisition of equipment and other infrastructure (not including alteration, repair, renovation, or construction of buildings); (ii) the professional growth and development of the faculty of the NLGCA Institution; and (iii) the development of graduate assistantships.

Secondary Education, Two-Year Postsecondary Education, and Agriculture in the K–12 Classroom Challenge Grants Program (SPECA)

The SPECA Challenge Grants Program is a NIFA-administered competitive grants program focused on improving formal, K–14 food, agricultural, natural resource, and human (FANH) sciences education. SPECA-funded projects ensure a competent and qualified workforce will exist to serve the FANH sciences system. At the same time, SPECA-funded projects improve the economic health and viability of communities through the development of degree programs emphasizing new and emerging employment opportunities. Finally, SPECA projects address the national challenge to increase the number and diversity of students entering the food, agricultural, natural resource, and human (FANH) sciences (*i.e.,* having a FANH sciences workforce representative of the Nation's population).

Women and Minorities in Science, Technology, Engineering, and Mathematics Fields Program (WAMS)

The purpose of this program is to support research and extension projects that increase participation by women and underrepresented minorities from rural areas in STEM. NIFA intends this program to address educational needs, as determined by each institution, within broadly defined areas of food and agricultural sciences and related disciplines. Applications recommended for funding must highlight and emphasize a competent and qualified workforce to guide the food and agricultural sciences system. WAMS-funded projects should improve the economic health and viability of rural communities by developing research and extension initiatives that focus on new and emerging employment opportunities in STEM occupations. Hence, the goal of WAMS projects is to meet the national challenge to increase the number and diversity of students entering food and agriculture-related STEM disciplines (*i.e.* having a food and agricultural sciences workforce representative of the nation's population). Projects that contribute to the economic viability of rural communities are also encouraged.

Higher Education Challenge Grants Program (HEC)

The Higher Education Challenge Grants Program (HEC) is a NIFA-administered competitive grants program focused on improving formal, baccalaureate or master's degree level food, agricultural, natural resources, and human sciences (FANH) education and first professional degree-level education in veterinary medicine (DVM). HEC projects provide funding to eligible applicants to help ensure a competent, qualified and diverse workforce will exist to serve the FANH sciences system. At the same time, HEC-funded projects improve the economic health and viability of communities through the development of degree programs emphasizing new and emerging employment opportunities. Finally, HEC projects address the national challenge to increase the number and diversity of students entering the FANH sciences (*i.e.,* having a FANH sciences workforce representative of the Nation's population).

Implementation Plans

All comments and the official transcript of the listening session, once available, may be reviewed on the NIFA Web page, *https://nifa.usda.gov/stakeholder-feedback-education*. NIFA plans to consider stakeholder input received from this listening session as well as other written comments in developing the Fiscal Year 2018–19 solicitations for these programs.

Done at Washington, DC this 26th day of July, 2017.

Sonny Ramaswamy,

Director, National Institute of Food and Agriculture.

[FR Doc. 2017–16262 Filed 8–1–17; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

Solicitation of Input From Stakeholders Regarding the Higher Education Multicultural Scholars Program (MSP) and the National Needs Graduate and Postgraduate Fellowship (NNF) Grants Program: Stakeholder and Public Listening Session

AGENCY: National Institute of Food and Agriculture, USDA.

ACTION: Notice of web-based listening session and request for stakeholder input.

SUMMARY: As part of the National Institute of Food and Agriculture's (NIFA) strategy to successfully meet the needs of its stakeholders, NIFA will host a virtual listening session. The focus of the listening session is to gather stakeholder input for the Higher Education Multicultural Scholars Program (MSP) and the National Needs Graduate and Postgraduate Fellowship (NNF) Grants Program Request for Applications (RFA) in Fiscal Year (FY) 2018. NIFA is particularly interested achieving the most impact and identifying suggested priorities in these workforce development programs.

DATES: The listening session will be held on Thursday, August 24, 2017 from 1:30 p.m. to 3:30 p.m., Eastern Daylight Time (EDT). Anyone interested may submit written comments. All written comments must be submitted to Dr. Joyce Parker at *joyce.parker@nifa.usda.gov* by 5 p.m. EDT on August 24, 2017.

ADDRESSES: The web-based listening session will be hosted using Adobe Connect and audio conference call. On August 24th, please access the following Web site, *https://zoom.us/j/261558898.* The audio conference call capabilities can be accessed at 1–888–844–9904, participant code 7923533#.

Registration: Persons wishing to present during the web-based listening session on Thursday, August 24, 2017, are requested to pre-register by contacting Dr. Joyce Parker at *joyce.parker@nifa.usda.gov.* Participants may reserve one 5-minute comment period. More time may be available, depending on the number of people wishing to make a presentation. Reservations will be confirmed on a first-come, first-served basis. All other participants may provide comments during the listening session if time permits, or by the listed means. You may submit comments, identified by NIFA–2017–0004, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email:

For the MSP program email—*MSP@nifa.usda.gov.*

For the NNF program email—*NNF@nifa.usda.gov.*

Include NIFA–2017–0004 in the subject line of the message.

Mail: Paper, disk or CD–ROM submissions should be submitted to Dr. Joyce Parker, Division of Community and Education; Institute of Youth, Family and Community (IYFC), National Institute of Food and Agriculture, U.S. Department of Agriculture, STOP 2201, 1400 Independence Avenue SW., Washington, DC 20250–2220.

Instructions: All submissions received must include the agency name and reference to NIFA–2017–0004. All comments received will be posted to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Dr. Joyce Parker, Program Specialist, NIFA at (202) 401–4512 or by email at *joyce.parker@nifa.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background and Purpose: Higher Education Multicultural Scholars Program (MSP)—The purpose of the MSP is to provide scholarships to support recruiting, engaging, retaining, mentoring, and training committed, eligible multicultural scholars, resulting in either baccalaureate degrees within the food and agricultural sciences disciplines or a Doctor of Veterinary Medicine (D.V.M.) degree. The scholarships are intended to encourage outstanding students from groups that are historically underrepresented and underserved to pursue and complete baccalaureate degrees in the Food, Agricultural, Natural Resources, and Human Sciences, or achieve a D.V.M., that would lead to a diverse and highly skilled work force.

Through these scholarships, the goal of the MSP is to increase the participation of any group historically underrepresented in USDA mission areas and prepare them for the professional and scientific workforce in these areas. Underrepresented/underserved groups are those whose representation among food and agricultural professionals is disproportionately less than their proportion in the general population as indicated in standard statistical references, or as documented on a case-by-case basis by national survey data (*e.g.* the U.S. Department of Education's Digest of Education Statistics, U.S. Department of Agriculture's Food and Agricultural Education Information Systems, etc.).

National Needs Graduate and Postgraduate Fellowship Grants Program (NNF)—The purpose of the NNF Grants Program is to provide funding to support students' training and completion of master's and/or doctoral degree programs in identified national need areas within the Food, Agricultural, Natural Resources, and Human Sciences. Awards made under NNF are specifically intended to support traineeship programs that engage outstanding students to pursue and complete their degrees in areas where there is a national need for the development of scientific and professional expertise in the food and

agricultural sciences. NNF awards invest in graduate training and relevant international experiential learning for a cadre of diverse individuals who demonstrate their potential to successfully complete graduate degree programs in disciplines relevant to the mission of the USDA.

Implementation Plans

All comments and the official transcript of the listening session, once available, may be reviewed on the NIFA Web page, *https://nifa.usda.gov/stakeholder-feedback-education.* NIFA plans to consider stakeholder input received from this listening session as well as other written comments in developing the Fiscal Year 2018 solicitations for these programs.

Done at Washington, DC, this 26 day of July, 2017.

Sonny Ramaswamy,

Director, National Institute of Food and Agriculture.

[FR Doc. 2017–16259 Filed 8–1–17; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Business-Cooperative Service's (RBS) intention to revise a currently approved information collection in support of the program for the Annual Survey of Farmer Cooperatives, as authorized in the Cooperative Marketing Act of 1926.

DATES: Comments on this notice must be received by October 2, 2017 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit comments regarding this revision. Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: James Wadsworth, Policy and Research Branch, RBS, U.S. Department of Agriculture, STOP 3254, 1400 Independence Avenue SW., Washington, DC 20250–3254, (202) 720–7395 (this is not a toll-free number) or email *james.wadsworth@wdc.usda.gov* for a copy of the information collection or other available information.

FOR FURTHER INFORMATION CONTACT: James Wadsworth, Policy and Research Branch, RBS, U.S. Department of Agriculture, STOP 3254, 1400 Independence Avenue SW., Washington, DC 20250–3254, Telephone (202) 720–7395 (this is not a toll-free number) or send an email message to: *james.wadsworth@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Annual Survey of Farmer Cooperatives.

OMB Number: 0570–0007.

Expiration Date of Approval: November 30, 2017.

Type of Request: Revision of a currently approved information collection.

Abstract: A primary objective of Rural Business-Cooperative Service (RBS) is to promote understanding, use and development of the cooperative form of business as a viable option for enhancing the income of agricultural producers and other rural residents. RBS direct role is providing knowledge to improve the effectiveness and performance of farmer cooperative businesses through technical assistance, research, information, and education. The annual survey of farmer cooperatives collects basic statistics on cooperative business volume, net income, members, financial status, employees, and other selected information to support RBS' objective and role. Cooperative statistics are published in various reports and used by the U.S. Department of Agriculture, cooperative management and members, educators and researchers, and others in planning and in promoting the cooperative form of business.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1 hour or less per response.

Respondents: Farmer cooperatives.

Estimated Number of Respondents: 1,175.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 1,175.

Estimated Total Annual Burden on Respondents: 1,160 Hours.

Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of RBS, including whether the information will have practical utility; (2) the accuracy of the RBS' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or forms of information technology. Comments may be sent to Jeanne Jacobs, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, Stop 0742, 1400 Independence Ave. SW., Washington, DC 20250. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record.

Dated: July 25, 2017.

Chad Parker,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2017–16183 Filed 8–1–17; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture, From the People's Republic of China; Partial Rescission of Antidumping Duty Administrative Review

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

SUMMARY: On March 15, 2017, the Department of Commerce (the Department) published a notice of initiation of an administrative review of the antidumping duty order on wooden bedroom furniture from the People's Republic of China (PRC). Based on the timely withdrawal of the requests for review of certain companies, we are now rescinding this administrative review for the period January 1, 2016, through December 31, 2016, with respect to 67 companies.

DATES: Effective August 2, 2017.

FOR FURTHER INFORMATION CONTACT: Patrick O'Connor, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–0989.

SUPPLEMENTARY INFORMATION:

Background

On January 4, 2005, the Department published in the **Federal Register** the antidumping duty order on wooden bedroom furniture from the PRC.[1] On January 10, 2017, the Department published a notice of opportunity to request an administrative review of the *Order*.[2] The Department received multiple timely requests for an administrative review of the *Order*.[3] On March 15, 2017, in accordance with section 751(a) of Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(c)(1)(i), the Department published in the **Federal Register** a notice of the initiation of an administrative review of the *Order*.[4] The administrative review was initiated with respect to 80 companies or groups of companies, and covers the period from January 1, 2016, through December 31, 2016.[5] The requesting parties have subsequently timely withdrawn all review requests for 67 of the 80 companies or groups of companies for which the Department initiated a review, as discussed below.

Rescission of Review, in Part

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if a party that requested the review withdraws its request within 90 days of the date of publication of the notice of initiation of the requested review. All requesting parties withdrew their respective requests for an administrative review of the companies or groups of companies listed in the Appendix to this notice within 90 days of the date of publication of the *Initiation Notice.* Accordingly, the Department is rescinding this review, in part, with respect to these companies for which all review requests were withdrawn, in accordance with our practice[6] and 19 CFR 351.213(d)(1).[7] The administrative review will continue with respect to all other firms for which a review was requested and initiated.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as the only reminder to importers whose entries will be liquidated as a result of this rescission notice, of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's assumption that the reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: July 27, 2017.

James Maeder,

Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

- Beautter Furniture Mfg. Co.
- Best Beauty Furniture Co. Ltd.
- C.F. Kent Co., Inc.
- C.F. Kent Hospitality, Inc.
- Century Distribution Systems, Inc.
- Clearwise Co., Ltd.
- Dongguan Chengcheng Furniture Co., Ltd.
- Dongguan Fortune Furniture Ltd.
- Dongguan Jinfeng Creative Furniture
- Dongguan Kingstone Furniture Co., Ltd.; Kingstone Furniture Co., Ltd.
- Dongguan Nova Furniture Co., Ltd.
- Dongguan Singways Furniture Co., Ltd.
- Dongguan Zhisheng Furniture Co., Ltd.
- Dorbest Ltd.; Rui Feng Woodwork Co., Ltd. aka Rui Feng Woodwork (Dongguan) Co., Ltd.; Rui Feng Lumber Development Co., Ltd. aka Rui Feng Lumber Development (Shenzhen) Co., Ltd.
- Evergo Furniture Manufacturing Co., Ltd.
- Fine Furniture (Shanghai) Ltd.
- Fleetwood Fine Furniture LP
- Fortune Furniture Ltd.,
- Foshan Bailan Imp. & Exp. Ltd.
- Foshan Shunde Longjiang Zhishang Furniture Factory
- Fujian Lianfu Forestry Co., Ltd. (aka Fujian Wonder Pacific Inc.)
- Guangzhou Maria Yee Furnishings Ltd., Pyla HK Ltd., Maria Yee, Inc.
- Haining Kareno Furniture Co., Ltd.
- Hang Hai Woodcrafts Art Factory

[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture From the People's Republic of China,* 70 FR 329 (January 4, 2005) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 82 FR 2951 (January 10, 2017).

[3] *See* letter from Decca Furniture Limited, re: ''Wooden Bedroom Furniture from the People's Republic of China: Decca Furniture Limited's Request for Administrative Review,'' dated January 11, 2017; *see* letter from Fine Furniture (Shanghai) Limited, re: ''Administrative Review of the Antidumping Duty Order on Wooden Bedroom Furniture from the People's Republic of China: Request for Review and Request for Voluntary Respondent Treatment,'' dated January 18, 2017; *see* letter from Guangzhou Maria Yee Furnishings Ltd., PYLA HK LIMITED, and MARIA YEE, INC., re: ''Wooden Bedroom Furniture from the People's Republic of China; Request for Administrative Review and Request for Voluntary Respondent Treatment,'' dated January 25, 2017; *see* letter from the American Furniture Manufacturers Committee for Legal Trade and Vaughan-Bassett Furniture Company, Inc., re: ''Wooden Bedroom Furniture from the People's Republic of China: Request for Initiation of Administrative Review,'' dated January 31, 2017; *see* letter from Kimball International, Inc., Kimball Furniture Group, Inc., and Kimball Hospitality Inc., re: '' Wooden Bedroom Furniture from the People's Republic of China: Request for Initiation of Antidumping Duty Administrative Review,'' dated January 31, 2017; *see* letter from Xiamen Yongquan Sci-Tech Development Co., Ltd., re: ''Request for Twelfth Administrative Review of the Antidumping Duty Order on Wooden Bedroom Furniture from the People's Republic of China,'' dated January 31, 2017; and *see* letter from Ningbo Furniture Industries Limited, Ningbo Hengrun Furniture Co., Ltd. and Techniwood Industries Limited, re: ''Request for Twelfth Administrative Review of the Antidumping Duty Order on Wooden Bedroom Furniture from the People's Republic of China,'' dated January 31, 2017.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 13795 (March 15, 2017) (*Initiation Notice*).

[5] *Id.*

[6] *See, e.g., Certain Lined Paper Products from India: Notice of Partial Rescission of Countervailing Duty Administrative Review; 2014,* 81 FR 7082 (February 10, 2016).

[7] *See* Appendix. As stated in *Change in Practice in NME Reviews,* the Department will no longer consider the non-market economy (NME) entity as an exporter conditionally subject to administrative reviews. *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013) (*Change in Practice in NME Reviews*). The PRC-wide entity is not subject to this administrative review because no interested party requested a review of the entity. *See Initiation Notice.*

- Hangzhou Cadman Trading Co., Ltd. (Exporter) Haining Changbei Furniture Co., Ltd. (Producer)
- Hualing Furniture (China) Co., Ltd.; Tony House Manufacture (China) Co., Ltd.; Buysell Investments Ltd.; Tony House Industries Co., Ltd.
- Jiangmen Kinwai Furniture Decoration Co., Ltd.
- Jiangmen Kinwai International Furniture Co., Ltd.
- Jiangsu Dare Furniture Co., Ltd.
- Jiangsu Xiangsheng Bedtime Furniture Co., Ltd.
- Jiangsu Yuexing Furniture Group Co., Ltd.
- Jiant Furniture Co. Ltd.
- Jiashan Zhenxuan Furniture Co., Ltd
- K Wee & Co., Ltd
- Kunshan Summit Furniture Co., Ltd.
- Nantong Wangzhuang Furniture Co. Ltd.
- Nantong Yangzi Furniture Co., Ltd.
- Nathan International Ltd.; Nathan Rattan Factory
- Orient International Holding Shanghai Foreign Trade Co., Ltd.
- Passwell Corporation; Pleasant Wave Ltd.
- Perfect Line Furniture Co., Ltd.
- PuTian Jinggong Furniture Co., Ltd.
- Qingdao Liangmu Co., Ltd.
- Restonic (Dongguan) Furniture Ltd.; Restonic Far East (Samoa) Ltd.
- Shanghai Jian Pu Export & Import Co., Ltd.
- Shenzhen Diamond Furniture Co., Ltd.
- Shenzhen Forest Furniture Co., Ltd.
- Shenzhen Jiafa High Grade Furniture Co., Ltd.; Golden Lion International Trading Ltd.
- Shenzhen New Fudu Furniture Co., Ltd.
- Shenzhen Wonderful Furniture Co., Ltd.
- Shenzhen Xingli Furniture Co., Ltd.
- Shing Mark Enterprise Co., Ltd.; Carven Industries Limited (BVI); Carven Industries Limited (HK); Dongguan Zhenxin Furniture Co., Ltd.; Dongguan Yongpeng Furniture Co., Ltd.
- Sunforce Furniture (Hui-Yang) Co., Ltd.; Sun Fung Wooden Factory; Sun Fung Co.; Shin Feng Furniture Co., Ltd.; Stupendous International Co., Ltd.
- Superwood Co., Ltd.; Lianjiang Zongyu Art Products Co., Ltd.
- Techniwood Industries Ltd.; Ningbo Furniture Industries Ltd.; Ningbo Hengrun Furniture Co., Ltd.
- Tradewinds Furniture Ltd. (Successor-In-Interest To Nanhai Jiantai Woodwork Co. Ltd.); Fortune Glory Industrial Ltd. (H.K. Ltd.)
- Weimei Furniture Co., Ltd.
- Wuxi Yushea Furniture Co., Ltd.
- Xiamen Yongquan Sci-Tech Development Co., Ltd.
- Yihua Timber Industry Co., Ltd.; Guangdong Yihua Timber Industry Co., Ltd.
- Zhangjiagang Daye Hotel Furniture Co., Ltd.
- Zhangzhou Guohui Industrial & Trade Co., Ltd.
- Zhejiang Tianyi Scientific & Educational Equipment Co., Ltd.
- Zhong Shun Wood Art Co.
- Zhongshan Fookyik Furniture Co., Ltd.
- Zhongshan Golden King Furniture Industrial Co., Ltd.
- Zhoushan For-Strong Wood Co., Ltd.

[FR Doc. 2017–16261 Filed 8–1–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 170707635–7635–01]

RIN 0693–XC075

National Cybersecurity Center of Excellence (NCCoE) Secure Inter-Domain Routing Building Block

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) invites organizations to provide products and technical expertise to support and demonstrate security platforms for the Secure Inter-Domain Routing Building Block. This notice is the initial step for the National Cybersecurity Center of Excellence (NCCoE) in collaborating with technology companies to address cybersecurity challenges identified under the Secure Inter-Domain Routing Building Block. Participation in the building block is open to all interested organizations.

DATES: Interested parties must contact NIST to request a letter of interest template to be completed and submitted to NIST. Letters of interest will be accepted on a first come, first served basis. Collaborative activities will commence as soon as enough completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than September 1, 2017. When the building block has been completed, NIST will post a notice on the NCCoE Secure Inter-Domain Routing Building Block Web site at: *https://nccoe.nist.gov/projects/building-blocks/secure-inter-domain-routing,* announcing the completion of the building block and informing the public that it will no longer accept letters of interest for this building block.

ADDRESSES: The NCCoE is located at 9700 Great Seneca Highway, Rockville, MD 20850. Letters of interest must be submitted to *sidr-nccoe@nist.gov* or via hardcopy to National Institute of Standards and Technology, NCCoE; 9700 Great Seneca Highway, Rockville, MD 20850. Organizations whose letters of interest are accepted in accordance with the process set forth in the **SUPPLEMENTARY INFORMATION** section of this notice will be asked to sign a consortium Cooperative Research and Development Agreement (CRADA) with NIST. An NCCoE consortium CRADA template can be found at: *http://nccoe.nist.gov/node/138.*

FOR FURTHER INFORMATION CONTACT: William Haag, Jr. via email to *sidr-nccoe@nist.gov;* by telephone 301–975–0239; or by mail to National Institute of Standards and Technology, NCCoE; 9700 Great Seneca Highway, Rockville, MD 20850. Additional details about the Secure Inter-Domain Routing Building Block are available at: *https://nccoe.nist.gov/projects/building-blocks/secure-inter-domain-routing.*

SUPPLEMENTARY INFORMATION:

Background: The NCCoE, part of NIST, is a public-private collaboration for accelerating the widespread adoption of integrated cybersecurity tools and technologies. The NCCoE brings together experts from industry, government, and academia under one roof to develop practical, interoperable cybersecurity approaches that address the real-world needs of complex Information Technology (IT) systems. By accelerating dissemination and use of these integrated tools and technologies for protecting IT assets, the NCCoE will enhance trust in U.S. IT communications, data, and storage systems; reduce risk for companies and individuals using IT systems; and encourage development of innovative, job-creating cybersecurity products and services.

Process: NIST is soliciting responses from all sources of relevant security capabilities (see below) to enter into a Cooperative Research and Development Agreement (CRADA) to provide products and technical expertise to support and demonstrate security platforms for the Secure Inter-Domain Routing Building Block. The full building block can be viewed at: *https://nccoe.nist.gov/projects/building-blocks/secure-inter-domain-routing.* Interested parties should contact NIST using the information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice. NIST will then provide each interested party with a letter of interest template, which the party must complete, certify that it is accurate, and submit to NIST. NIST will contact interested parties if there are questions regarding the responsiveness of the letters of interest to the building block objective or requirements identified below. NIST will select participants who have submitted complete letters of interest on a first come, first served basis within each category of product

components or capabilities listed below up to the number of participants in each category necessary to carry out this building block. However, there may be continuing opportunity to participate even after initial activity commences. Selected participants will be required to enter into a consortium CRADA with NIST (for reference, see **ADDRESSES** section above). NIST published a notice in the **Federal Register** on October 19, 2012 (77 FR 64314) inviting U.S. companies to enter into National Cybersecurity Excellence Partnerships (NCEPs) in furtherance of the NCCoE. For this demonstration project, NCEP partners will not be given priority for participation.

Building Block Objective: The building block objective is to demonstrate means for improving inter-domain routing security. This project will result in a NIST Cybersecurity Practice Guide—a publicly available description of the solution and practical steps needed to implement practices that effectively demonstrate the security and functionality of Route Origin Validation (ROV). A detailed description of the Secure Inter-Domain Routing Building Block is available at: *https://nccoe.nist.gov/projects/building-blocks/secure-inter-domain-routing.*

Requirements: Each responding organization's letter of interest should identify which security platform component(s) or capability(ies) it is offering. Letters of interest should not include company proprietary information, and all components and capabilities must be commercially available. Components are listed in section 3 of the Secure Inter-Domain Routing Building Block (for reference, please see the link in the Process section above) and include, but are not limited to:

- Routers with software that supports BGP, RPKI–ROV, and RPKI-Router protocol.
- RPKI Validator Cache (or RPKI VC)
- ROA data
- Operations monitoring and validation tools
- RIR RPKI repository
- Data storage for operations monitoring and validation
- BGP updates (minimum routes received by lab routers)

Each responding organization's letter of interest should identify how their products address one or more of the following desired solution characteristics in section 3 of the Secure Inter-Domain Routing Building Block (for reference, please see the link in the *Process* section above):

1. Network

- Enterprise-grade network supporting servers and security tools
- Router
  - eBGP enabled
  - Support for RPKI-Router protocol to communicate with RPKI VC
  - Minimum carrier grade router requirements
  - Support for IPv4/IPv6 routes
  - Internet feed to ISP router
- Switches
- Servers
- Internet link from ISP
- Government related requirements (Managed Trusted Internet Protocol Services (MTIPS) required or Trusted Internet Connection (TIC))
- Firewalls

2. RPKI

- Design supports RPKI specifications described in RFCs 6480–6492
- RPKI VC
  - System requirements: Refer to the document of the specific RPKI VC
  - Rsync, RRDP and RPKI-Router capabilities
  - Minimal performance requirements (as specified by RPKI VC application vendor)
- Hosted RPKI support from RIR

3. Tools

- Monitoring and management tools for RPKI–ROV
  - Functionality monitoring of routers and RPKI VC
  - Performance of ROA affecting routers
  - Additional tools for securing ROV

Responding organizations need to understand and, in their letters of interest, commit to provide:

1. Access for all participants' project teams to component interfaces and the organization's experts necessary to make functional connections among security platform components.

2. Support for development and demonstration of the Secure Inter-Domain Routing Building Block in NCCoE facilities which will be conducted in a manner consistent with the following standards and guidance: FIPS 200; FIPS 201; OMB Circular A–130; FIPS 140–2; SP 800–37 Rev. 1; SP 800–53 Rev. 4; SP 800–54; SP 800–57 Part 1; SP 800–130; SP 800–152; SP 800–160; NIST Framework for Improving Critical Infrastructure Cybersecurity; and RFCs 793, 3882, 4012 5280, 5575, 6092, 6472, 6480, 6481–6493, 6811, 7115, 7318, 7454, 7674, 7908, 7909, *and 8097* . The project will also be informed by an in-progress draft 800-series NIST Special Publication (*Secure Interdomain Traffic Exchange)* and two internet draft BGP RFCs (*BGPsec Protocol Specification* and *BGPsec Operational Considerations*).

Additional details about the Secure Inter-Domain Routing Building Block are available at: *https://nccoe.nist.gov/projects/building-blocks/secure-inter-domain-routing.*

NIST cannot guarantee that all the products proposed by respondents will be used in the demonstration. Each prospective participant will be expected to work collaboratively with NIST staff and other project participants under the terms of the consortium CRADA in the development of the Secure Inter-Domain Routing Building Block. Prospective participants' contribution to the collaborative effort will include assistance in establishing the necessary interface functionality, connection and set-up capabilities and procedures, demonstration harnesses, environmental and safety conditions for use, integrated platform user instructions, and demonstration plans and scripts necessary to demonstrate the desired capabilities. Each participant will train NIST personnel, as necessary, to operate its product in capability demonstrations. Following successful demonstrations, NIST will publish a description of the security platform and its performance characteristics sufficient to permit other organizations to develop and deploy security platforms that meet the security objectives of the Secure Inter-Domain Routing Building Block. These descriptions will be public information.

Under the terms of the consortium CRADA, NIST will support development of interfaces among participants' products by providing IT infrastructure, laboratory facilities, office facilities, collaboration facilities, and staff support to component composition, security platform documentation, and demonstration activities.

The dates of the demonstration of the Secure Inter-Domain Routing, Building Block capability will be announced on the NCCoE Web site at least two weeks in advance at *http://nccoe.nist.gov/.* The expected outcome of the demonstration is to improve Secure Inter-Domain Routing within the enterprise. Participating organizations will gain from the knowledge that their products are interoperable with other participants' offerings.

For additional information on the NCCoE governance, business processes, and NCCoE operational structure, visit

the NCCoE Web site *http://nccoe.nist.gov/.*

Phillip A. Singerman,

Associate Director for Innovation and Industry Services.

[FR Doc. 2017–16219 Filed 8–1–17; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Atlantic Highly Migratory Species (HMS) Individual Bluefin Tuna Quota Tracking

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 October 2, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Margo Schulze-Haugen, (301) 427–8503 or *Margo.Schulze-Haugen@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Amendment 7 to the 2006 Consolidated HMS Fishery Management Plan (79 FR 71510, December 2, 2014) implemented individual bluefin tuna quota (IBQ) shares and allocations for vessels permitted in the Atlantic Tunas Longline Category and Atlantic Tunas Purse Seine Category. IBQs are intended to fairly and effectively allocate limited quota for incidental capture of bluefin tuna among vessels in the Longline category, while minimizing dead discards and discouraging interactions with bluefin tuna, and better utilizing the Purse seine category quota. An on-line system developed by the NOAA National Marine Fisheries Service (NMFS) tracks allocations and allocation leases, and reconciles leases with bluefin tuna catches for quota monitoring. The extension of this collection of information will allow NMFS to continue to account for the reporting burden associated with allocation and lease tracking. There are no new requirements.

First-time vessel permit holders in the affected categories must obtain and set up an IBQ account in the online ''Catch Shares Online System'' in order to be issued IBQ shares and resultant allocation, and to lease IBQ. To use the electronic IBQ System, first-time participants will need to request an account and set their account up with background information. The information collected during account issuance and set-up will be used by NMFS to verify the identity of the individual/business and whether they qualify for IBQ allocation leasing.

The lease monitoring information collected by the online system will be used by each permit holder to keep track of their individual IBQ allocation, and document allocation leases with other IBQ participants. NMFS will use these data to ensure proper accounting of allocations among participants, and to track use of quota allocations and reconcile allocation usage with bluefin tuna catch and landings.

Atlantic HMS fisheries are managed under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Atlantic Tunas Convention Act (ATCA). Under the MSA, management measures must be consistent with ten National Standards, and fisheries must be managed to maintain optimum yield, rebuild overfished fisheries, and prevent overfishing. Under ATCA, the Secretary of Commerce shall promulgate regulations, as necessary and appropriate, to implement measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT).

II. Method of Collection

Information will be collected on line using the electronic IBQ System.

III. Data

OMB Control Number: 0648–0677.

Form Number(s): None.

Type of Review: Regular (extension of a current information collection).

Affected Public: Businesses or other for-profit organizations; individuals or households; and State, Local, or Tribal government.

Estimated Number of Respondents: 120.

Estimated Time per Response: 10 minutes for initial application for IBQ account; 15 minutes per IBQ allocation lease.

Estimated Total Annual Burden Hours: 29.

Estimated Total Annual Cost to Public: $1,100 in recordkeeping/reporting costs (total annualized expense for 5% of respondents who may not have a computer and choose to purchase one).

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 27, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–16193 Filed 8–1–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF532

Northwest Atlantic Fisheries Organization Consultative Committee Nominations and Meeting Announcement

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

ACTION: Notice calling for nominations and announcing meeting.

SUMMARY: NOAA is soliciting nominations for individuals to serve as members of the Northwest Atlantic Fisheries Organization (NAFO) Consultative Committee. This action is

necessary to ensure that the interests of U.S. stakeholders in the fisheries of the Northwest Atlantic Ocean are adequately represented in NAFO. NOAA is also announcing a meeting of the NAFO Consultative Committee.

DATES: The NAFO Consultative Committee Meeting will be held on August 30, 2017.

ADDRESSES: Nominations for NAFO Consultative Committee members should be made in writing to Mr. Patrick E. Moran, Office of International Affairs, National Marine Fisheries Service, at 1315 East-West Highway, Silver Spring, MD 20910. Nominations and questions about the NAFO Consultative Committee meeting may also be sent via email (*Pat.Moran@noaa.gov*).

FOR FURTHER INFORMATION CONTACT: Mr. Patrick E. Moran, (301) 427–8370.

SUPPLEMENTARY INFORMATION:

Background

NAFO is a regional fisheries management organization that coordinates scientific study and cooperative management of the fisheries resources of the Northwest Atlantic Ocean, excluding salmon, tunas/marlins, whales and sedentary species (*e.g.,* shellfish). NAFO was established in 1979 by the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries. The United States acceded to the Convention in 1995, and has participated actively in NAFO since that time. In 2005, NAFO launched a reform effort to amend the Convention in order bring the Organization more in line with the principles of modern fisheries management. As a result of these efforts, the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries entered into force in May 2017. NAFO currently has 12 Contracting Parties, including Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Norway, Republic of Korea, Russian Federation, Ukraine and the United States.

As outlined in 16 U.S.C. 5607 provides that the Secretaries of Commerce and State shall jointly establish a NAFO Consultative Committee (NCC) to advise the Secretaries on issues related to the NAFO Convention. Membership in the NCC is open to representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean. Members shall be appointed to a 2-year term and are eligible for reappointment. The NCC is exempted from the Federal Advisory Committee Act. NCC members are invited to attend all non-executive meetings of the U.S. Commissioners and at such meetings are given an opportunity to examine and to be heard on all proposed programs of study and investigation, reports, recommendations, and regulations of issues relating to the Act and proceedings of NAFO. In addition, NCC members may attend all public meetings of the NAFO Commission and any other meetings to which they are invited.

Nominations

Nominations to the NCC will be accepted at any time and should document an individual's qualifications based on those outlined in 16 U.S.C. 5607 (see above). Résumés and/or curriculum vitae will be requested from nominees. Self-nominations are acceptable, and current and former NCC members are eligible for reappointment. Nominations will be evaluated by officials in the Department of Commerce who are familiar with the duties and responsibilities of NCC membership. All nominees will be notified of their status and any need for further information once the nomination process is complete.

Meeting

A meeting of the NCC will be held 1:30–3 p.m. on August 30, 2017, at the NMFS Greater Atlantic Regional Fisheries Office at 55 Great Republic Drive, Gloucester, MA 01930. All members of the public with an interest in the fisheries of the Northwest Atlantic Ocean are welcome to attend.

Dated: July 27, 2017.

Steven Wilson,

Acting Director, Office of International Affairs, National Marine Fisheries Service.

[FR Doc. 2017–16245 Filed 8–1–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Northeast Region Dealer Purchase Reports

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 October 2, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to David Ulmer, (757) 723–0303 or *David.Ulmer@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

Federally permitted dealers, and any individual acting in the capacity of a dealer, must submit to the Regional Administrator or to the official designee a detailed report of all fish purchased or received for a commercial purpose, other than solely for transport on land, by one of the available electronic reporting mechanisms approved by National Marine Fisheries Service (NMFS). The information obtained is used by economists, biologists, and managers in the management of the fisheries. The data collection parameters are consistent with the current requirements for Federal dealers under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. This is an extension request of the current approval.

II. Method of Collection

Dealers submit purchase information through an electronic process by one of the following: The web based system as administered by the Atlantic Coast Cooperative Statistics Program, the computer based trip ticket program issued by the NMFS or through a NMFS approved proprietary mechanism.

III. Data

OMB Control Number: 0648–0229.

Form Number(s): None.

Type of Review: Regular submission (request for extension of a currently approved information collection).

Affected Public: Business or other for profit organizations, individuals or households.

Estimated Number of Respondents: 715.

Estimated Time per Response: 4 minutes per fishing trip.

Estimated Total Annual Burden Hours: 30,980.

Estimated Total Annual Cost to Public: $23,235 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 27, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–16194 Filed 8–1–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Day 8 to 10 Forecast Focus Groups, Interviews and Survey.

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 775.

Average Hours per Response: Focus groups, 2 hours; interviews, 1 hour; survey, 30 minutes.

Burden Hours: 485.

Needs and Uses: The objective of the web-based focus groups, phone interviews, and online survey is to collect information on the current use of NOAA's National Weather Service (NWS) Weather Prediction Center (WPC) products, including probabilistic forecasts focusing on the 8 to 10 day timeframe, as well as forecast needs. The web-based focus groups and phone interviews will ask participants to explain their survey responses. This information will help create better 8 to 10 day weather forecast products used by the National Weather Service (NWS) to protect lives and property.

Affected Public: Individuals or households; business or other for-profit organizations.

Frequency: One time.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: July 27, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–16189 Filed 8–1–17; 8:45 am]

BILLING CODE 3510–KE–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Telecommunications and Information Administration (NTIA).

Title: Submission of proposed information collection; Computer and Internet Use Supplement to the Census Bureau's Current Population Survey (CPS).

OMB Control Number: 0660–0021.

Form Number(s): None.

Type of Request: Regular submission (Revision of a currently approved collection).

Estimated Number of Respondents: 54,000 households.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 9,000.

Estimated Total Annual Cost to Public: $0.

Needs and Uses: As the next installment of a decades-long series of data collections, NTIA proposes to add 66 questions to the U.S. Census Bureau's (''Bureau'') November 2017 CPS to gather reliable data on computer and broadband (also known as high-speed Internet) use by U.S. households. President Trump has expressed support for broadband expansion in the United States, particularly in rural communities, stating an intention to include broadband in the $1 trillion infrastructure plan the Administration is developing.[1] In addition, Secretary of Commerce Wilbur Ross has noted broadband's importance to the nation's future and its economic policy, including at his confirmation hearing in January 2017.[2]

To aid the Administration's plan to incorporate broadband in the upcoming infrastructure initiative and ensure the digital preparedness of the nation's current and future workforce, NTIA data will reveal consumers' changing demand for broadband, as well as their online activities. The information may inform decisions about the scope and scale of the needed infrastructure, particularly in remote and sparsely populated areas where broadband deployment may be difficult and costly. It may also shed light on opportunities to increase digital literacy and use among Americans who currently use the Internet sparingly, if at all. NTIA works with Congress, the Federal Communications Commission (FCC), and other stakeholders to develop and advance economic and regulatory policies that foster broadband deployment and adoption. Current, systematic, and comprehensive data on broadband use and non-use by U.S. households are critical to allow policymakers not only to gauge progress made to date, but also to identify problem areas with a specificity that

[1] *See* Remarks by President Trump on Agricultural Innovation in Cedar Rapids, IA (June 21, 2017) at *https://www.whitehouse.gov/the-press-office/2017/06/22/remarks-president-trump-agricultural-innovation-cedar-rapids-ia. See also* Remarks by President Trump in Listening Session with Members of Congress (Feb. 16, 2017) at *https://www.whitehouse.gov/the-press-office/2017/02/16/remarks-president-trump-listening-session-members-congress.*

[2] *See* Amir Nasr, *Here's What Ross Said About Tech Policy During His Confirmation Hearing,* Morning Consult (Jan. 18, 2017) at *https://morningconsult.com/2017/01/18/heres-ross-said-tech-policy-confirmation-hearing/.*

permits carefully targeted and cost effective responses.

The U.S. government's critical need for comprehensive broadband data continues to increase as high-speed Internet access and the skills to use the technology are becoming essential to Americans' daily lives and to the nation's economy. The U.S. Government Accountability Office, NTIA, and the FCC have all issued reports noting the importance of useful broadband adoption data for policymakers. Congress sought to address the paucity of such information in the Broadband Data Improvement Act in 2008 and the American Recovery and Reinvestment Act in 2009, and recent congressional action has highlighted the need for more accurate broadband data.[3] Modifying the November 2017 CPS to include NTIA's requested information collection will enable the Commerce Department and NTIA to advance the Administration's infrastructure initiative, as well as to respond to congressional concerns and directives.

Since 1994, NTIA has sponsored 13 supplements to the CPS on the Internet and the shifting technologies consumers use for online access. The Census Bureau enjoys an outstanding reputation for data gathering and analysis based on its centuries of experience and its scientific methods. Coordinating NTIA's requested information collection on broadband usage with the Bureau's scheduled November 2017 CPS will significantly reduce the potential burdens on that agency and on surveyed households. The 66 questions to be added to the November 2017 CPS are comparable to the 61 questions that NTIA added to the July 2015 CPS.

Affected Public: Individuals and households.

Frequency: Once.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or faxed to (202) 395–5806.

Sheleen Dumas,

Department al PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–16255 Filed 8–1–17; 8:45 am]

BILLING CODE 3510–60–P

[3] *See e.g.,* Dean Heller, U.S. Senator for Nevada, Heller, Manchin Introduce Bill to Expand Access to Rural Broadband (June 15, 2017) at *https://www.heller.senate.gov/public/index.cfm/pressreleases?ID=D1AC86C9-DAC4-43F1-B72D-E6CE577C3925;* U.S. House Energy and Commerce Committee, #SubCommTech Examines Further Challenges and Opportunities to Achieve Nationwide Broadband Coverage (June 21, 2017) at *https://energycommerce.house.gov/news-center/press-releases/subcommtech-examines-further-challenges-and-opportunities-achieve.*

BUREAU OF CONSUMER FINANCIAL PROTECTION

Compliance Bulletin 2017–01: Phone Pay Fees

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Compliance bulletin.

SUMMARY: The Consumer Financial Protection Bureau (CFPB or Bureau) issues this Compliance Bulletin to provide guidance to covered persons and service providers regarding fee assessments for pay-by-phone services (phone pay fees) and the potential for violations of sections 1031 and 1036 of the Dodd-Frank Wall Street Reform and Consumer Protection Act's (Dodd-Frank Act) prohibition on engaging in unfair, deceptive, or abusive acts or practices (collectively, UDAAPs) when assessing phone pay fees. This Bulletin also provides guidance to debt collectors about compliance with the Fair Debt Collection Practices Act (FDCPA) when assessing phone pay fees.

This Bulletin summarizes the current law, highlighting relevant examples of conduct observed during supervisory examinations and enforcement investigations that may violate Federal consumer financial law. Whether conduct similar to the conduct described in this Bulletin violates these laws may depend on additional facts and analysis. The Bureau will closely review conduct related to phone pay fees for potential violations of Federal consumer financial laws.

DATES: The Bureau released this Compliance Bulletin on its Web site on July 27, 2017.

FOR FURTHER INFORMATION CONTACT: Chantal Hernandez, Attorney-Advisor, Office of Supervision Policy, 1700 G Street NW., 20552, (202) 435–7084.

SUPPLEMENTARY INFORMATION:

[1]. Compliance Bulletin

Across various consumer financial products and services, many entities provide consumers multiple payment options. For instance, many provide consumers the option of making payments over the phone by using an automated system or speaking with a live representative. Many entities also provide consumers the option to make phone payments by using a credit card, debit card, or electronic check, or to have their payment expedited. A number of entities also use third-party service providers to handle and process the payments. State and Federal laws may restrict fees related to phone payments.[1] Entities are advised to review applicable laws to determine whether they may charge phone pay fees. In the course of its Supervision and Enforcement activities, the Bureau has identified conduct that may violate or risks violating Federal consumer financial laws relating to phone pay fee practices.

Report of Supervisory or Enforcement Findings

Examples of Conduct That May Violate or Risk Violating the Prohibition on UDAAPs

Under the Dodd-Frank Act, all covered persons or service providers are legally required to refrain from committing unfair, deceptive, or abusive acts or practices in violation of the Act. An act or practice is unfair when (i) it causes or is likely to cause substantial injury to consumers; (ii) the injury is not reasonably avoidable by consumers; and (iii) the injury is not outweighed by countervailing benefits to consumers or to competition.[2] An act or practice is deceptive when (i) the act or practice misleads or is likely to mislead the consumer; (ii) the consumer's interpretation is reasonable under the circumstances; and (iii) the misleading act or practice is material.[3]

Depending on the facts and circumstances, the following non-exhaustive list of examples of conduct related to phone pay fees may constitute UDAAPs or contribute to the risk of committing UDAAPs.[4] Accordingly, the

[1] For example, as implemented by Regulation Z, a Credit CARD Act amendment to the Truth In Lending Act provides that for credit card accounts under an open-end consumer credit plan, a creditor (including a third party that collects, receives, or processes payments on behalf of a creditor) may not impose a separate fee to allow consumers to make a payment by any method (including telephone payments) unless the payment method involves an expedited service by a service representative of the creditor. *See* 15 U.S.C. 1637(l); 12 CFR 1026.10(e).

[2] Dodd-Frank Act §§ 1031, 1036, 12 U.S.C. 5531, 5536.

[3] *See* CFPB Exam Manual at UDAAP 5 (noting that the standard for ''deceptive'' practices in the Dodd-Frank Act is informed by the standards for the same terms under Section 5 of the FTC Act).

[4] The Bureau will also review whether phone pay fee conduct may violate the Dodd-Frank Act's prohibition on abusive acts or practices. An act or practice is abusive when it materially interferes with the ability of a consumer to understand a term or condition of a consumer financial product or service; or takes unreasonable advantage of (i) a consumer's lack of understanding of the material

Bureau will be watching these practices closely.

Failing To Disclose the Prices of All Available Phone Pay Fees When Different Phone Pay Options Carry Materially Different Fees

Many entities charge different phone pay fees depending on the payment method used by the consumer. Prior to charging such fees, entities sometimes send periodic billing statements or other documentation that discloses that ''transaction fees may apply'' to various payment methods, but that do not disclose the relevant fees to be charged for those methods.[5] In some of these instances, entities may depend solely on phone representatives to disclose the relevant fees to consumers before the charge is imposed. Yet, the phone representatives may potentially only reveal the higher-cost options or fail to inform consumers of the material price difference between available options. This conduct poses a risk of an unfair practice: It may cause substantial harm to consumers, who are pushed into materially higher-cost options; this harm may not be reasonably avoidable if consumers are unable to select lower-cost alternatives because they do not have the necessary information to know that such options are available; and countervailing benefits to consumers or competition may not warrant the entity's failure to disclose the materially different prices of the available phone pay options to its consumers.

Misrepresenting the Available Payments Options or That a Fee Is Required To Pay by Phone

Entities sometimes charge a fee for expedited phone payments, but also offer consumers no-fee phone pay options that post after a processing delay. Some entities in turn offer their fee-based expedited payment option as their default pay-by-phone option. In such cases, disclosures in connection with the default option may risk misleading consumers into believing that a fee is required under all circumstances to make any payment by phone.

For example, in a public enforcement action, the Bureau alleged that an entity and its service provider engaged in deceptive acts or practices when it gave delinquent credit card holders the false impression that they had to pay $14.95 to make payment by phone when, in fact, the sole purpose of that fee was to expedite phone payments. Specifically, the Bureau alleged that the entity or its service provider: (i) Misrepresented in credit card agreements that the fee's purpose was to allow payment by phone, when its purpose was solely to ensure payment posted the same day it was made; (ii) failed to disclose during collection calls that the fee's purpose was solely to expedite payment, and in certain circumstances misrepresented that the fee was a ''processing fee''; (iii) volunteered that consumers could make payment using a checking account and triggered the fee by setting such payments to post immediately by default; and (iv) failed to disclose the existence of no-cost payment alternatives, including free next-day payment.[6]

In another public enforcement action, the Bureau alleged that a mortgage servicer engaged in a deceptive practice by misrepresenting to consumers, both expressly and by implication, that a particular pay-by-phone option was the only available payment method, or that consumers must use the particular pay-by-phone option in order to avoid negative consequences, including incurring a late fee or even facing foreclosure. In fact, the servicer accepted several payment options free of charge. In many instances, consumers could have used these other payment methods to make timely payments and avoid late fees.[7]

Failing To Disclose That a Phone Pay Fee Would Be Added to a Consumer's Payment Could Create the Misimpression That There Was No Service Fee

An entity may risk engaging in a deceptive act or practice when it fails to disclose that a phone pay fee will be charged in addition to a consumer's otherwise applicable payment amount and indicates to that consumer that only the otherwise applicable payment amount will be charged.[8] This conduct may leave the misimpression that there is no service fee, when in fact the entity does charge the consumer a fee. This potential misrepresentation may be material to consumers because a consumer who knows about the fee may inquire whether there is an alternative payment option with a lower fee or may choose a payment method that requires no fee.

Lack of Employee Monitoring or Service Provider Oversight May Lead to Misrepresentations or Failure To Disclose Available Options and Fees

A number of entities have policies and procedures in place requiring phone representatives to disclose all available phone pay options and fees to consumers, including requiring the use of detailed phone scripts. But deviations from call scripts may potentially cause phone representatives to misrepresent the available phone payment options and fees resulting in a consumer being charged a higher fee than otherwise would have been applicable. Entities can reduce the risk of misrepresentations through adequate monitoring.

In November 2016 the Bureau issued a separate bulletin on detecting and preventing consumer harm from production incentives.[9] Companies may wish to consult that bulletin when considering incentive programs for employees that process phone pay fees. Companies should also consider the impact that incentives created by contracts and agreements with service providers might have on compliance risk relating to potential UDAAPs associated with phone pay fees.

Examples of Conduct That May Violate or Risk Violating the FDCPA

Under the FDCPA, a person defined as a ''debt collector'' is prohibited from charging fees, including phone pay fees, in certain instances.[10] Under Section 808(1) of the FDCPA, a debt collector may not collect any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly

risks, costs, or conditions of the product or service; (ii) a consumer's inability to protect his or her interest in selecting or using a consumer financial product or service; or (iii) a consumer's reasonable reliance on a covered person to act in his or her interests. Dodd-Frank Act § 1031(d), 12 U.S.C. 5531(d). *See* CFPB Bulletin 2013–07: Prohibition of Unfair, Deceptive, or Abusive Acts or Practices in the collection of Consumer Debts, *available at http://files.consumerfinance.gov/f/201307_cfpb_bulletin_unfair-deceptive-abusive-practices.pdf* for additional guidance on UDAAPs.

[5] Where applicable, 12 CFR 1026.7(a)(6)(ii) and 1026.7(b)(6)(iii) of Regulation Z will require disclosure in subsequent periodic billing statements of the amount of such fees paid in connection with prior billing periods.

[6] *See In re Citibank, N.A. et al.,* No. 2015–CFPB–0015 (July 21, 2015).

[7] *See FTC and CFPB* v *Green Tree Servicing, LLC.*, No. 15–cv–02064 (April 23, 2015).

[8] An example would be as follows: A consumer owes a payment of $250. The consumer calls and tells the customer service representative that she will pay by phone. The customer service representative confirms that the borrower authorizes a payment of $250. In fact, the consumer's bank account is debited $265 . . . $250 for the otherwise applicable payment amount and $15 for a pay-by-phone fee.

[9] CFPB Compliance Bulletin 2016–03 (Nov. 28, 2016), *available at https://www.consumerfinance.gov/policy-compliance/guidance/implementation-guidance/cfpb-compliance-bulletin-2016-03-detecting-and-preventing-consumer-harm-from-production-incentives/.*

[10] Debt collectors sometimes charge ''convenience fees'' or fees for processing consumer payments through a particular channel.

authorized by the agreement creating the debt or permitted by law.[11]

Supervision has found that one or more mortgage servicers that met the definition of ''debt collector'' under the FDCPA violated the Act when they charged fees for taking mortgage payments over the phone to borrowers whose mortgage instruments did not expressly authorize collecting such fees and who reside in states where applicable law does not expressly permit collecting such fees. Supervision directed one or more servicers to review mortgage notes and applicable state law, and to only collect pay-by-phone fees where expressly authorized by contract or state law.[12]

The Bureau's Expectations

The Bureau expects entities to review their practices on charging phone pay fees for potential risks of committing UDAAPs or violating the FDCPA. While the Bureau does not mandate any particular method for informing consumers about the available phone pay options and fees, entities should consider the following suggestions in assessing whether their practices may present a risk of constituting a UDAAP or FDCPA violation:

- Review applicable State and Federal laws, including the FDCPA, to confirm whether entities are permitted to charge phone pay fees.
- Review underlying debt agreements to determine whether such fees are authorized by the contract.
- Review internal and service providers' policies and procedures on phone pay fees, including call scripts and employee training materials, and revise policies and procedures to address any concerns identified during the review, as appropriate.[13]
- Review whether information on phone pay fees is shared in account disclosures, loan agreements, periodic statements, payment coupon books, on the company's Web site, over the phone, or through other mechanisms.
- Incorporate pay-by-phone issues in regular monitoring or audits of calls with consumers.
- Review consumer complaints regarding phone pay fees.
- Perform regular reviews of service providers as to their pertinent practices.[14]
- Review that the entity has a corrective action program to address any violations identified and to reimburse consumers when appropriate.

Entities should also consider reviewing employee and service provider production incentive programs to see if there are incentives to steer borrowers to certain payment types or to avoid disclosures. As discussed in more detail in CFPB Compliance Bulletin 2016–03,[15] the Bureau acknowledges that production incentives have been common across many economic sectors and can affect a wide range of outcomes for employees or service providers, from their compensation levels to whether they will continue to be employed or retained at all. The Bureau has also highlighted the risks posed to consumers by production incentive programs, especially when they create an unrealistic culture of high-pressure targets or when the activities of employees or service providers are not adequately monitored for compliance with the law.

In the context of phone pay fees, production incentives may enhance the potential risk of entities engaging in UDAAPs. Production incentives that reward employees or service providers based on consumers using a higher-cost phone pay option may potentially lead entities to steer consumers to a higher-cost option despite the availability of lower-cost alternatives. Similarly, incentive programs that reward representatives who complete a large number of daily calls may potentially cause these representatives to spend less time discussing the available phone pay options and fees resulting in the consumer paying a higher fee because the consumer is not informed of the lower-cost alternatives. Entities should review these programs accordingly.

The Bureau will continue to review closely the practices of entities assessing phone pay fees for potential UDAAPs and FDCPA violations, including the practices described above. The Bureau will use all appropriate tools to assess whether supervisory, enforcement, or other actions may be necessary.

[2]. Regulatory Requirements

This Compliance Bulletin is a non-binding general statement of policy articulating considerations relevant to the Bureau's exercise of its supervisory and enforcement authority. It is therefore exempt from notice and comment rulemaking requirements under the Administrative Procedure Act pursuant to 5 U.S.C. 553(b). Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis. 5 U.S.C. 603(a), 604(a). The Bureau has determined that this Compliance Bulletin does not impose any new or revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring OMB approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Dated: July 25, 2017.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2017–16188 Filed 8–1–17; 8:45 am]

BILLING CODE 4810–AM–P

[11] 15 U.S.C. 1692f(1).

[12] *See* Supervisory Highlights, Fall 2015 edition at pp. 20–21.

[13] Entities should refer to CFPB Compliance Bulletin and Policy Guidance; 2016–02, Service Providers (Oct. 31, 2016), *available at https://www.consumerfinance.gov/documents/1385/102016_cfpb_OfficialGuidanceServiceProviderBulletin.pdf.*

[14] *Id.*

[15] *See* CFPB Bulletin 2016–03, Detecting and Preventing Consumer Harm from Production Incentives (Nov. 28, 2016), *available at https://www.consumerfinance.gov/documents/1537/201611_cfpb_Production_Incentives_Bulletin.pdf.*

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Saturday, August 19, 2017, 9:00 a.m. to 2:30 p.m.

ADDRESSES: Tremont Lodge, 7726 East Lamar Alexander Parkway, Townsend, Tennessee 37882.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Alternate Deputy Designated Federal Officer, U.S. Department of Energy, Oak Ridge Office of Environmental Management, P.O. Box 2001, EM–942, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 241–6932; Email: *Melyssa.Noe@orem.doe.gov.* Or visit the Web site at *https://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

- Welcome, Opening Remarks and Introductions

- Comments from the Deputy Designated Federal Officer (DDFO)
- Board Mission and Accomplishments
- Board Operations
  - Results of Member Survey
- Break
- Work Plan Topics
  - Process
  - Presentations by DOE, Environmental Protection Agency and Tennessee Department of Environment and Conservation Liaisons
  - Suggestions from Board Members
  - Plan for Issue Group Sign-up
- Summary of Morning Discussions
- Board Business
  - Presentation of Candidates for Fiscal Year 2018 Officers
  - Recommendations on the Fiscal Year 2019 Oak Ridge EM Budget Priorities
- Public Comment Period
- Remarks by Board Chair and Alternate DDFO
- Lunch Break
- Follow-on Discussion
- Adjourn

Public Participation: The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following Web site: *https://energy.gov/orem/listings/oak-ridge-site-specific-advisory-board-meetings.*

Issued at Washington, DC, on July 27, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–16236 Filed 8–1–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, August 17, 2017, 6:00 p.m.

ADDRESSES: Barkley Centre, 111 Memorial Drive, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: Jennifer Woodard, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6825.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda:

- Call to Order, Introductions, Review of Agenda
- Administrative Issues
- Public Comments (15 minutes)
- Adjourn

Breaks Taken As Appropriate

Public Participation: The EM SSAB, Paducah, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Jennifer Woodard as soon as possible in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Jennifer Woodard at the telephone number listed above. Requests must be received as soon as possible prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. The EM SSAB, Paducah, will hear public comments pertaining to its scope (clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long-term stewardship; risk assessment and management; and clean-up science and technology activities). Comments outside of the scope may be submitted via written statement as directed above.

Minutes: Minutes will be available by writing or calling Jennifer Woodard at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.pgdpcab.energy.gov/2017_meetings.htm.*

Issued at Washington, DC on July 27, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–16235 Filed 8–1–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Biomass Research and Development Technical Advisory Committee

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

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee. The Federal Advisory Committee requires that agencies publish these notices in the **Federal Register** to allow for public participation.

DATES: August 15, 2017, 1:00 p.m.–5:30 p.m., August 16, 2017, 8:30 a.m.–5:30 p.m.

ADDRESSES: Los Angeles Airport Marriott, 5855 West Century Blvd., Los Angeles, CA 90045.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Elless, Designated Federal Officer for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; Email: *Mark.Elless@ee.doe.gov* and Roy Tiley at (410) 997–7778 ext. 220; Email: *rtiley@bcs-hq.com.*

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To develop advice and guidance that promotes research and development leading to the production of biobased fuels and biobased products.

Tentative Agenda: Agenda will include the following:

- Update on USDA Biomass R&D Activities
- Update on DOE Biomass R&D Activities
- Presentations on biomass interface with fossil fuels. Topics include gasification, refineries, CO_2 utilization, and current activities by the State of California.

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, you must contact Dr. Mark Elless at; Email: *Mark.Elless@ee.doe.gov* and Roy Tiley at (410) 997–7778 ext. 220; Email: *rtiley@bcs-hq.com at least 5 business days* prior to the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Co-chairs of the Committee will make every effort to hear the views of all interested parties. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. The Co-chairs will conduct the meeting to facilitate the orderly conduct of business.

Minutes: The summary of the meeting will be available for public review and copying at *http://biomassboard.gov/committee/meetings.html.*

Issued at Washington, DC, on July 27, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–16234 Filed 8–1–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–904–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 07/19/17 Negotiated Rates—Consolidated Edison Energy Inc. H–2275–89 to be effective 7/19/2017.

Filed Date: 07/19/2017.

Accession Number: 20170719–5076.

Comment Date: 5:00 p.m. Eastern Time on Monday, July 31, 2017.

Docket Numbers: RP17–905–000.

Applicants: Rockies Express Pipeline LLC.

Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Neg Rate 2017–07–20 Encana, Ascent to be effective 7/22/2017.

Filed Date: 07/20/2017.

Accession Number: 20170720–5046.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, August 01, 2017.

Docket Numbers: RP17–906–000.

Applicants: Northern Natural Gas Company.

Description: Northern Natural Gas Company submits tariff filing per 154.204: 20170720 FDD EG Filing to be effective 9/1/2017.

Filed Date: 07/20/2017.

Accession Number: 20170720–5098.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, August 01, 2017.

Docket Numbers: RP17–907–000.

Applicants: Venice Gathering System, L.L.C.

Description: Venice Gathering System, L.L.C. submits tariff filing per 154.204: Filing to Update Contact Information to be effective 8/21/2017.

Filed Date: 07/20/2017.

Accession Number: 20170720–5118.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, August 01, 2017.

Docket Numbers: RP17–908–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: East Tennessee Natural Gas, LLC submits tariff filing per 154.204: July 2017 Negotiated Rate Cleanup Filing to be effective 8/21/2017.

Filed Date: 07/21/2017.

Accession Number: 20170721–5006.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, August 02, 2017.

Docket Numbers: RP17–909–000.

Applicants: Saltville Gas Storage Company L.L.C.

Description: Saltville Gas Storage Company L.L.C. submits tariff filing per 154.204: SGSC July 2017 Cleanup Filing to be effective 8/21/2017.

Filed Date: 07/21/2017.

Accession Number: 20170721–5007.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, August 02, 2017.

Docket Numbers: RP17–910–000.

Applicants: Cabot Oil & Gas Corporation,Carbon West Virginia Company, LLC.

Description: Joint Petition of Cabot Oil & Gas Corporation and Carbon West Virginia Company, LLC For Limited Waiver and Request for Expedited Action and Shortened Comment Period.

Filed Date: 07/20/2017.

Accession Number: 20170720–5179.

Comment Date: 5:00 p.m. Eastern Time on Thursday, July 27, 2017.

Docket Numbers: RP17–911–000.

Applicants: Egan Hub Storage, LLC.

Description: Egan Hub Storage, LLC submits tariff filing per 154.204: Egan July 2017 Cleanup Filing to be effective 8/21/2017.

Filed Date: 07/21/2017.

Accession Number: 20170721–5008.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, August 02, 2017.

Docket Numbers: RP17–797–001.

Applicants: Colorado Interstate Gas Company, L.L.C.

Description: Colorado Interstate Gas Company, L.L.C. submits tariff filing per 154.203: Errata to Quarterly LUF True-up Filing.

Filed Date: 07/21/2017.

Accession Number: 20170721–5091.

Comment Date: 5:00 p.m. Eastern Time on Friday, July 28, 2017.

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 24, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–16240 Filed 8–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1775–001.

Applicants: Arizona Public Service Company.

Description: Tariff Amendment: Revision—Rate Schedule No. 265,

Amendment No. 1 to be effective 8/8/2017.

Filed Date: 7/26/17.

Accession Number: 20170726–5153.

Comments Due: 5 p.m. ET 8/16/17.

Docket Numbers: ER17–2151–000.

Applicants: New York Independent System Operator, Inc., Long Island Lighting Company.

Description: § 205(d) Rate Filing: Section 205 SA No. 2344, among NYISO, LIPA and Shoreham to be effective 7/11/2017.

Filed Date: 7/26/17.

Accession Number: 20170726–5104.

Comments Due: 5 p.m. ET 8/16/17.

Docket Numbers: ER17–2152–000.

Applicants: Cottonwood Wind Project, LLC.

Description: Baseline eTariff Filing: Cottonwood Wind Project, LLC Application for Market-Based Rates to be effective 10/1/2017.

Filed Date: 7/26/17.

Accession Number: 20170726–5154.

Comments Due: 5 p.m. ET 8/16/17.

Docket Numbers: ER17–2154–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: Transmission Owner Rate Case 2018 (TO19) to be effective 10/1/2017.

Filed Date: 7/27/17.

Accession Number: 20170727–5008.

Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2155–000.

Applicants: Otter Tail Power Company.

Description: Notice of Termination of the Baker Electric Cooperative Agreement (Rate Schedule No. 149) of Otter Tail Power Company.

Filed Date: 7/26/17.

Accession Number: 20170726–5177.

Comments Due: 5 p.m. ET 8/16/17.

Docket Numbers: ER17–2156–000.

Applicants: NorthWestern Corporation.

Description: § 205(d) Rate Filing: SA 822—Utilities Agreement with Montana DOT re Milk River-North to be effective 9/26/2017.

Filed Date: 7/27/17.

Accession Number: 20170727–5033.

Comments Due: 5 p.m. ET 8/17/17.

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 27, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–16224 Filed 8–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2142–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization: Great Valley Solar 2, LLC

This is a supplemental notice in the above-referenced proceeding of Great Valley Solar 2, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 15, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 26, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–16223 Filed 8–1–17; 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: EC17–141–000.

Applicants: Tucson Electric Power Company.

Description: Application under FPA Section 203 of Tucson Electric Power Company.

Filed Date: 7/25/17.

Accession Number: 20170725–5107.

Comments Due: 5 p.m. ET 8/15/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2759–006; ER10–2631–006; ER10–2732–012; ER10–2733–012; ER10–2734–012; ER10–2736–012; ER10–2737–012; ER10–2741–012; ER10–2749–012; ER10–2752–012; ER12–2492–008; ER12–2493–008; ER12–2494–008; ER12–2495–008; ER12–2496–008; ER13–815–004; ER14–264–003; ER16–2455–002; ER16–2456–002; ER16–2457–002; ER16–2458–002; ER16–2459–002.

Applicants: Bridgeport Energy LLC, Emera Energy Services, Inc., Emera Energy U.S. Subsidiary No. 1, Inc., Emera Energy U.S. Subsidiary No. 2, Inc., Emera Energy Services Subsidiary No. 1 LLC, Emera Energy Services

Subsidiary No. 2 LLC, Emera Energy Services Subsidiary No. 3 LLC, Emera Energy Services Subsidiary No. 4 LLC, Emera Energy Services Subsidiary No. 5 LLC, Emera Energy Services Subsidiary No. 6 LLC, Emera Energy Services Subsidiary No. 7 LLC, Emera Energy Services Subsidiary No. 8 LLC, Emera Energy Services Subsidiary No. 9 LLC, Emera Energy Services Subsidiary No. 10 LLC, Emera Energy Services Subsidiary No. 11 LLC, Emera Energy Services Subsidiary No. 12 LLC, Emera Energy Services Subsidiary No. 13 LLC, Emera Energy Services Subsidiary No. 14 LLC, Emera Energy Services Subsidiary No. 15 LLC, Emera Maine, Rumford Power Inc., Tiverton Power LLC.

Description: Supplement to December 21, 2016 Triennial Update for the Northeast Region of Bridgeport Energy LLC, et al.

Filed Date: 7/25/17.

Accession Number: 20170725–5114.

Comments Due: 5 p.m. ET 8/15/17.

Docket Numbers: ER17–1504–001.

Applicants: Midcontinent Independent System Operator, Inc., WPPI Energy.

Description: Compliance filing: 2017–07–26_Compliance filing to include depreciation rates for WPPI Attachment O to be effective 7/1/2017.

Filed Date: 7/26/17.

Accession Number: 20170726–5040.

Comments Due: 5 p.m. ET 8/16/17.

Docket Numbers: ER17–2145–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Interconnection Service Agreement No. 2150; Queue No. AA2–076 to be effective 6/29/2017.

Filed Date: 7/26/17.

Accession Number: 20170726–5015.

Comments Due: 5 p.m. ET 8/16/17.

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 26, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–16220 Filed 8–1–17; 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: ER17–1794–002.

Applicants: Innovative Solar 42, LLC.

Description: Tariff Amendment: Revision to Market Base Rate Tariff to be effective 6/10/2017.

Filed Date: 7/26/17.

Accession Number: 20170726–5049.

Comments Due: 5 p.m. ET 8/16/17.

Docket Numbers: ER17–2146–000.

Applicants: NorthWestern Corporation.

Description: § 205(d) Rate Filing: SA 780 4th Rev—NITSA with Project Spokane, LLC to be effective 7/27/2017.

Filed Date: 7/26/17.

Accession Number: 20170726–5054.

Comments Due: 5 p.m. ET 8/16/17.

Docket Numbers: ER17–2147–000.

Applicants: San Diego Gas & Electric Company.

Description: Initial rate filing: Palo Verde North Gila Line ANPP High Voltage Switchyard Interconnection Agreemen to be effective 7/26/2017.

Filed Date: 7/26/17.

Accession Number: 20170726–5076.

Comments Due: 5 p.m. ET 8/16/17.

Docket Numbers: ER17–2148–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–07–26_Prairie Power Attachment O Clean-Up Filing to be effective 9/25/2017.

Filed Date: 7/26/17.

Accession Number: 20170726–5077.

Comments Due: 5 p.m. ET 8/16/17.

Docket Numbers: ER17–2149–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: Notice of Cancellation of the Alternative Transmission Service Agreement (Rate Schedule No. 521) of Northern States Power Company, a Minnesota corporation.

Filed Date: 7/26/17.

Accession Number: 20170726–5078.

Comments Due: 5 p.m. ET 8/16/17.

Docket Numbers: ER17–2150–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Cost Responsibility Agreement SA No. 4733, Queue Position #NQ147 to be effective 7/19/2017.

Filed Date: 7/26/17.

Accession Number: 20170726–5080.

Comments Due: 5 p.m. ET 8/16/17.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES17–42–000.

Applicants: AEP Generating Company, Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, Wheeling Power Company.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of AEP Generating Company et al.

Filed Date: 7/26/17.

Accession Number: 20170726–5081.

Comments Due: 5 p.m. ET 8/16/17.

Docket Numbers: ES17–43–000.

Applicants: Southwestern Electric Power Company.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Southwestern Electric Power Company.

Filed Date: 7/26/17.

Accession Number: 20170726–5082.

Comments Due: 5 p.m. ET 8/16/17.

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 26, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–16221 Filed 8–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2141–000]

Great Valley Solar 1, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Great Valley Solar 1, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure

(18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 15, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 26, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–16222 Filed 8–1–17; 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: ER17–1594–002.
Applicants: Archer Energy, LLC.
Description: Tariff Amendment: Second Amendment to Application for Market Based Rate Authority to be effective 8/15/2017.
Filed Date: 7/27/17.
Accession Number: 20170727–5084.
Comments Due: 5 p.m. ET 8/10/17.

Docket Numbers: ER17–1731–001.
Applicants: Entergy Texas, Inc., Entergy Louisiana, LLC.
Description: Tariff Amendment: ELL–ETI Big Cajun II Supplemental Reactive to be effective 8/1/2017.
Filed Date: 7/27/17.
Accession Number: 20170727–5093.
Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2032–002.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: 2198R22 Kansas Power Pool NITSA NOA to be effective 6/1/2017.
Filed Date: 7/27/17.
Accession Number: 20170727–5119.
Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2093–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Errata to Resubmit Original SA No. 4753—NITSA among PJM and Buckeye to be effective 6/1/2014.
Filed Date: 7/27/17.
Accession Number: 20170727–5113.
Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2157–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original Serv. Agmt. Nos. 4746, 4747, 4748; Queue Nos. AC1–060, AC1–061, AC1–062 to be effective 6/27/2017.
Filed Date: 7/27/17.
Accession Number: 20170727–5060.
Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2158–000.
Applicants: Alcoa Power Generating Inc.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 9/26/2017.
Filed Date: 7/27/17.
Accession Number: 20170727–5077.
Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2159–000.
Applicants: Alcoa Power Marketing LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 9/26/2017.
Filed Date: 7/27/17.
Accession Number: 20170727–5078.
Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2160–000.
Applicants: NorthWestern Corporation.
Description: Tariff Cancellation: Notice of Cancellation: SA 798, Agreement with Upper Missouri G&T Electric Co-op to be effective 7/28/2017.
Filed Date: 7/27/17.
Accession Number: 20170727–5082.
Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2161–000.
Applicants: Michigan Electric Transmission Company, LLC.
Description: § 205(d) Rate Filing: Filing of a De-Energization Agreement to be effective 9/25/2017.
Filed Date: 7/27/17.
Accession Number: 20170727–5096.
Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2162–000.
Applicants: SunE Beacon Site 2 LLC.
Description: Baseline eTariff Filing: Application for Market Based Rate to be effective 8/31/2017.
Filed Date: 7/27/17.
Accession Number: 20170727–5109.
Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2163–000.
Applicants: SunE Beacon Site 5 LLC.
Description: Baseline eTariff Filing: Application for Market Based Rate to be effective 8/31/2017.
Filed Date: 7/27/17.
Accession Number: 20170727–5112.
Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2164–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: Revisions to Implement Full Integration of Demand Response to be effective 6/1/2018.
Filed Date: 7/27/17.
Accession Number: 20170727–5116.
Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2165–000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: First Revised Service Agreement No. 2848, Queue No. AC1–063 to be effective 6/27/2017.

Filed Date: 7/27/17.

Accession Number: 20170727–5118.

Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2166–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Interconnection Service Agreement No. 2005, Queue No. AA2–140 to be effective 6/29/2017.

Filed Date: 7/27/17.

Accession Number: 20170727–5122.

Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2167–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Amended LA Stanton Energy Reliability Center BESS Project SA No. 968 to be effective 7/11/2017.

Filed Date: 7/27/17.

Accession Number: 20170727–5134.

Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2168–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Wholesale Market Participation Agreement No. 4760; Queue AC1–147 to be effective 7/24/2017.

Filed Date: 7/27/17.

Accession Number: 20170727–5136.

Comments Due: 5 p.m. ET 8/17/17.

Docket Numbers: ER17–2169–000.

Applicants: PacifiCorp.

Description: Notice of Termination of the Long-Term Power Sale Agreement (Rate Schedule No. 433) of PacifiCorp.

Filed Date: 7/27/17.

Accession Number: 20170727–5137.

Comments Due: 5 p.m. ET 8/17/17.

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 27, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–16225 Filed 8–1–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0141; FRL–9963–30]

Certain New Chemicals or Significant New Uses; Statements of Findings for April 2017

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(g) of the Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of TSCA section 5(a) notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA section 5. This document presents statements of findings made by EPA on TSCA section 5(a) notices during the period from April 1, 2017 to April 30, 2017.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Greg Schweer, Chemical Control Divison (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8469; email address: *schweer.greg@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0141, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from April 1, 2017 to April 30, 2017.

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

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;
- The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or
- The chemical substance or significant new use is not likely to

present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term ''conditions of use'' is defined in TSCA section 3 to mean ''the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.''

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

- EPA case number assigned to the TSCA section 5(a) notice.
- Chemical identity (generic name, if the specific name is claimed as CBI).
- Web site link to EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C).

EPA Case Number: J–17–0007; *Chemical identity:* Biofuel producing Saccharomyces cerevisiae modified, genetically stable (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-54.*

EPA Case Number: P–17–0227; *Chemical identity:* 2-Alkenoic acid, 2-alkyl-, alkyl ester, polymer with 2-alkyl 2-propenoate and -(2-alkyl-1-oxo-2-alken-1-yl—alkoxypoly(oxy-1,2-alkanediyl), ester with -2-alken-1-yl—hydroxypoly(oxy-1,2-alkanediyl); polymer exemption flag (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-53.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: June 8, 2017.

Greg Schweer,

Chief, New Chemicals Management Branch, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–16275 Filed 8–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[Petitions IV–2016–06 and –07; FRL–9965–57–Region 4]

Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permits for Duke Energy, LLC—Asheville Steam Electric Plant (Buncombe County, North Carolina) and Roxboro Steam Electric Plant (Person County, North Carolina)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final orders on petitions to object to state operating permits.

SUMMARY: The EPA Administrator signed two Orders, dated June 30, 2017, granting the petitions submitted by Sierra Club (Petitioner) objecting to proposed Clean Air Act (CAA) title V operating permits issued to Duke Energy, LLC. One Order responds to a June 17, 2016, petition objecting to a proposed title V permit issued by the Western North Carolina Regional Air Quality Agency to the Asheville Steam Electric Plant located in Arden, Buncombe County, North Carolina. The other Order responds to a June 23, 2016, petition objecting to a proposed title V permit issued by the North Carolina Department of Environmental Quality to the Roxboro Steam Electric Plant located near Semora, in Person County, North Carolina. Each Order constitutes a final action on the petition addressed therein.

ADDRESSES: Copies of the Orders, the petitions, and all pertinent information relating thereto are on file at the following location: EPA Region 4; Air, Pesticides and Toxics Management Division; 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. The Orders are also available electronically at the following addresses: *https://www.epa.gov/sites/production/files/2017–7/documents/duke_asheville_response2016.pdf, https://www.epa.gov/sites/production/files/2017-07/documents/duke_roxboro_response2016_0.pdf.*

FOR FURTHER INFORMATION CONTACT: Art Hofmeister, Air Permits Section, EPA Region 4, at (404) 562–9115 or *hofmeister.art@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords the EPA a 45-day period to review and, as appropriate, the authority to object to operating permits proposed by state permitting authorities under title V of the CAA, 42 U.S.C. 7661–7661f. Section 505(b)(2) of the CAA and 40 CFR 70.8(d) authorize any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of the EPA's 45-day review period if EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period. Pursuant to sections 307(b) and 505(b)(2) of the CAA, a petition for judicial review of those parts of the Order that deny issues in the petition may be filed in the United States Court of Appeals for the appropriate circuit within 60 days from the date this notice is published in the **Federal Register.**

Petitioner submitted a petition requesting that EPA object to the proposed CAA title V operating permit #11–628–15 issued to the Asheville Steam Electric Plant and a separate petition requesting that EPA object to the proposed title V operating permit #01001T49 issued to the Roxboro Steam Electric Plant. Petitioner claims generally that each permit must contain stricter, modeling-based numerical emission limits for sulfur dioxide (SO_2) to prevent exceedances of the 2010 1-

hour SO_2 National Ambient Air Quality Standard (NAAQS) and must contain a compliance schedule because, according to Petitioner, each facility has violated its current permit by causing violations of the 2010 1-hour SO_2 NAAQS. On June 30, 2017, the Administrator issued Orders granting the petitions. The Orders explain EPA's basis for granting the petitions.

Dated: July 19, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

[FR Doc. 2017–16277 Filed 8–1–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. A copy of the agreement is available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202)-523–5793 or *tradeanalysis@fmc.gov*.

Agreement No.: 012067–019.

Title: U.S. Supplemental Agreement to the HLC Agreement.

Parties: BBC Chartering Carriers GmbH & Co. KG and BBC Chartering & Logistic GmbH & Co. KG (acting as a single party); Chipolbrok (Chinese-Polish Joint Stock Shipping Company); Hanssy Shipping Pte. Ltd.; Industrial Maritime Carriers, L.L.C; and Rickmers-Linie GmbH & Cie. KG.

Filing Party: Wade S. Hooker, Esq.; 211 Central Park W.; New York, NY 10024.

Synopsis: The amendment deletes Peter Dohle Schiffahrts KG as a party to the HLC Agreement attached to the U.S. Supplemental Agreement.\

Agreement No.: 012301–003.

Title: Siem Car Carrier AS/ Volkswagen Logistics Konzernlogistik GMBH & Co. OHG Space Charter Agreement.

Parties: Siem Car Carrier Pacific AS and Volkswagen Konzernlogistik GmBH & Co. OHG.

Filing Party: Ashley W. Craig, Esq. and Elizabeth K. Lowe, Esq.; Venable LLP; 575 Seventh Street NW., Washington, DC 20004.

Synopsis: The amendment expands the geographic scope of the Agreement to include all ports and points in the U.S. and all ports and points worldwide.

Agreement No.: 012488.

Title: THE Alliance/OOCL Vessel Sharing Agreement.

Parties: Hapag Lloyd AG, Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, and Yang Ming Marine Transport Corp (acting as a single party); and Orient Overseas Container Line Limited.

Filing Party: David Smith and Joshua Stein; Cozen O'Connor; 1200 19th Street NW.; Washington, DC 20036.

Synopsis: The Agreement authorizes the Parties to charter and exchange space on their respective vessels in the trade between the U.S. Pacific Coast and Japan, and to enter into cooperative working arrangements in connection therewith.

By Order of the Federal Maritime Commission.

Dated: July 28, 2017.

JoAnne D. O'Bryant,

Program Analyst.

[FR Doc. 2017–16264 Filed 8–1–17; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL MARITIME COMMISSION

Controlled Carriers Under the Shipping Act of 1984

AGENCY: Federal Maritime Commission.

ACTION: Notice.

SUMMARY: The Federal Maritime Commission is publishing an updated list of controlled carriers, *i.e.,* ocean common carriers operating in U.S.-foreign trades that are owned or controlled by foreign governments. Such carriers are subject to special regulatory oversight by the Commission under the Shipping Act of 1984.

FOR FURTHER INFORMATION CONTACT: Tyler J. Wood, General Counsel, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573 (202) 523–5740.

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission is publishing an updated list of controlled carriers. Section 3(8) of the Shipping Act of 1984 (46 U.S.C. 40102(8)), defines a ''controlled carrier'' as:

> an ocean common carrier that is, or whose operating assets are, directly or indirectly, owned or controlled by a government, with ownership or control by a government being deemed to exist for a carrier if—
>
> (A) a majority of the interest in the carrier is owned or controlled in any manner by that government, an agency of that government, or a public or private person controlled by that government; or
>
> (B) that government has the right to appoint or disapprove the appointment of a majority of the directors, the chief operating officer, or the chief executive officer of the carrier.

As required by the Shipping Act, controlled carriers are subject to special oversight by the Commission. Section 9(a) of the Shipping Act (46 U.S.C. 40701(b)), states:

> The Federal Maritime Commission, at any time after notice and opportunity for a hearing, may prohibit the publication or use of a rate, charge, classification, rule, or regulation that a controlled carrier has failed to demonstrate is just and reasonable.

Congress enacted these protections to ensure that controlled carries, whose marketplace decision-making can be influenced by foreign governmental priorities or by their access to non-market sources of capital, do not engage in unreasonable below-market pricing practices which could disrupt trade or harm privately-owned shipping companies.

The controlled carrier list is not a comprehensive list of foreign-owned or -controlled ships or ship owners; rather, it is only a list of ocean common carriers that are controlled by governments. *See* 46 U.S.C. 40102(8). Thus, ocean common carriers owned by foreign individuals are not included, nor are tramp operators, other non-common carriers, or non-vessel-operating common carriers, regardless of their ownership or control.

Since the last publication of this list on July 2, 2015 (80 FR 43427), there has been a reduction in the number of controlled carriers, due in part to the spate of consolidation activity that has occurred over the last two years. These changes are described below.

Pursuant to 46 CFR 501.23, COSCO SHIPPING Lines (Europe) GmbH (formerly COSCO Container Lines Europe GmbH) was classified as a controlled carrier on November 9, 2015. *See Petition of COSCO Container Lines Europe GmbH for an Exemption from 46 U.S.C. 40703,* Docket No. P3–15 (Nov. 9, 2015). All tariffs for this carrier were cancelled effective May 24, 2017. As a result, COSCO SHIPPING Lines (Europe) GmbH will not be added to this republished controlled carrier list.

Two previously classified controlled carriers, China Shipping Container Lines, Co., Ltd. and COSCO Container Lines Company, Limited, have formed a single controlled carrier now known as COSCO SHIPPING Lines Co., Ltd.

Hainan P O Shipping Co., Ltd. is being removed from the list as it no longer operates as a common carrier. All Hainan P O Shipping Co., Ltd. tariffs in the U.S.-foreign trades were cancelled effective November 29, 2012.

American President Lines, Ltd. and APL Co., Pte. are being removed from this list because they are now 100% owned by CMA CGM S.A., a privately owned company. *See Petition of APL Co. Pte. Ltd. for an Exemption from Commission Regulations,* 34 S.R.R.211 (FMC 2016).

United Arab Shipping Company Ltd. (formerly United Arab Shipping Company (S.A.G.)) is being removed from this list because it is now 100% owned by Hapag-Lloyd pursuant to the recently finalized purchase of United Arab Shipping by Hapag-Lloyd on May 24, 2017. The foreign government entities that formerly held an ownership stake in United Arab Shipping acquired minority stakes in Hapag-Lloyd as part of the transaction; no State is majority owner.

It is requested that any other information regarding possible omissions or inaccuracies in this list be provided to the Commission's Office of General Counsel. *See* 46 CFR 501.23. The amended list of currently classified controlled carriers and their corresponding Commission-issued Registered Persons Index numbers is set forth below:

(1) COSCO SHIPPING Lines Co., Ltd. (RPI No. 02034)—People's Republic of China;

(2) CNAN Nord SPA (RPI No. 021980)—People's Democratic Republic of Algeria.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017–16227 Filed 8–1–17; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Reporting, Recordkeeping, and Disclosure Requirements Associated with Proprietary Trading and Certain Interests in and Relationships with Covered Funds (Regulation VV) (FR VV; OMB No. 7100–0360).

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

DATES: Comments must be submitted on or before October 2, 2017.

ADDRESSES: You may submit comments, identified by *FR VV,* by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.), Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposed revisions prior to giving final approval.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Report

Report title: Reporting, Recordkeeping, and Disclosure Requirements Associated with Proprietary Trading and Certain Interests in and Relationships with Covered Funds (Regulation VV).

Agency form number: FR VV.

OMB control number: 7100–0360.

Frequency: Annual, monthly, quarterly, and on occasion.

Respondents: State member banks, bank holding companies, savings and loan holding companies, foreign banking organizations, U.S. State branches or agencies of foreign banks, and other holding companies that

control an insured depository institution and any subsidiary of the foregoing other than a subsidiary for which the OCC, FDIC, CFTC, or SEC is the primary financial regulatory agency. The Board will take burden for all institutions under a holding company including:

- OCC-supervised institutions,
- FDIC-supervised institutions,
- Banking entities for which the CFTC is the primary financial regulatory agency, as defined in section 2(12)(C) of the Dodd-Frank Act, and
- Banking entities for which the SEC is the primary financial regulatory agency, as defined in section 2(12)(B) of the Dodd-Frank Act.

Estimated number of respondents: 5,027.

Estimated average hours per response:

Reporting Burden

§ _.12(e)—20 hours (Initial setup 50 hours).

§ _.20(d) (entities with $50 billion or greater in trading assets and liabilities)—2 hours (Initial setup 6 hours).

§ _.20(d) (entities with at least $10 billion and less than $50 billion in trading assets and liabilities)—2 hours (Initial setup 6 hours).

Recordkeeping Burden

§ _.3(d)(3)—1 hour (Initial setup 3 hours).

§ _.4(b)(3)(i)(A)—2 hours.

§ _.5(c)—100 hours (Initial setup 50 hours).

§ _.11(a)(2)—10 hours.

§ _.20(b)—265 hours (Initial setup 795 hours).

§ _.20(c)—1,200 hours (Initial setup 3,600 hours).

§ _.20(d)—(entities with $50 billion or more in trading assets and liabilities) 440 hours.

§ _.20(d)—(entities with at least $10 billion and less than $50 billion in trading assets and liabilities) 350 hours.

§ _.20(e)—200 hours.

§ _.20(f)(1)—8 hours.

§ _.20(f)(2)—40 hours (Initial setup 100 hours).

Disclosure Burden

§ _.11(a)(8)(i)—0.1 hours.

Estimated annual burden hours: 1,085,690 hours (718,388 hours for initial setup and 367,302 hours for ongoing compliance).

General Description of Report: The Board, the Office of the Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation (FDIC), the Commodity Futures Trading Commission (CFTC), and the Securities and Exchange Commission (SEC) (collectively, the agencies) adopted a final rule that implemented section 13 of the Bank Holding Company Act of 1956 (BHC Act), which was added by section 619 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). Section 13 contains certain prohibitions and restrictions on the ability of a banking entity supervised by the agencies to engage in proprietary trading and have certain interests in, or relationships with, a hedge fund or private equity fund. Section 248.20 and Appendix A of Regulation VV require certain of the largest banking entities engaged in significant trading activities to collect, evaluate, and furnish data regarding covered trading activities as an indicator of areas meriting additional attention by the banking entity and the Board.[1]

The reporting requirements are found in sections 248.12(e) and 248.20(d); the recordkeeping requirements are found in sections 248.3(d)(3), 248.4(b)(3)(i)(A), 248.5(c), 248.11(a)(2), and 248.20(b)–(f); and the disclosure requirements are found in section 248.11(a)(8)(i). The recordkeeping burden for sections 248.4(a)(2)(iii), 248.4(b)(2)(iii), 248.5(b)(1), 248.5(b)(2)(i), 248.5(b)(2)(iv), 248.13(a)(2)(i), and 248.13(a)(2)(ii)(A) is accounted for in section 248.20(b); the recordkeeping burden for Appendix B is accounted for in section 248.20(c); the reporting and recordkeeping burden for Appendix A is accounted for in section 248.20(d); and the recordkeeping burden for sections 248.10(c)(12)(i) and 248.10(c)(12)(iii) is accounted for in section 248.20(e). These information collection requirements for the Board implemented section 13 of the BHC Act for banking entities for which the Board is authorized to issue regulations under section 13(b)(2) of the BHC Act and take actions under section 13(e) of that Act. These banking entities include any state bank that is a member of the Federal Reserve System, any company that controls an insured depository institution (including a bank holding company and savings and loan holding company), any company that is treated as a bank holding company for purposes of section 8 of the International Banking Act, and any subsidiary of the foregoing other than a subsidiary for which the OCC, FDIC, CFTC, or SEC is the primary financial regulatory agency. The Board takes burden for all institutions under a holding company including OCC-supervised institutions, FDIC-supervised institutions, banking entities for which the CFTC is the primary financial regulatory agency, and banking entities for which the SEC is the primary financial regulatory agency. Compliance with the information collection is required for covered entities to obtain the benefit of engaging in certain types of proprietary trading or investing in, sponsoring, or having certain relationships with a hedge fund or private equity fund. No other federal law mandates these reporting, recordkeeping, and disclosure requirements. At this time, there are no required reporting forms associated with this information collection.

Reporting Requirements

Section 248.12(e) states that, upon application by a banking entity, the Board may extend the period of time to meet the requirements on ownership limitations in Regulation VV for up to two additional years, if the Board finds that an extension would be consistent with safety and soundness and not detrimental to the public interest. An application for extension must (1) be submitted to the Board at least 90 days prior to expiration of the applicable time period, (2) provide the reasons for application including information that addresses the factors in paragraph (e)(2) of section 248.12, and (3) explain the banking entity's plan for reducing the permitted investment in a covered fund through redemption, sale, dilution, or other methods.

Section 248.20(d) provides that a banking entity engaged in proprietary trading activity must comply with the reporting requirements described in Appendix A, if (1) the banking entity has, together with its affiliates and subsidiaries, trading assets and liabilities (excluding trading assets and liabilities involving obligations of or guaranteed by the United States or any agency of the United States) the average gross sum of which over the previous consecutive four quarters, as measured as of the last day of each of the four prior calendar quarters, equals or exceeds the established threshold; (2) in the case of a foreign banking entity, the average gross sum of the trading assets and liabilities of the combined U.S. operations of the foreign banking entity (including all subsidiaries, affiliates, branches and agencies of the foreign banking entity operating, located or organized in the United States and excluding trading assets and liabilities involving obligations of or guaranteed by the United States or any agency of the United States) over the previous

[1] As announced in the joint implementing rules, the agencies are currently in the process of conducting a review of the reported data on covered trading activities collected through September 30, 2015, and, based on this review, are considering whether to modify, retain, or replace the reported data.

consecutive four quarters, as measured as of the last day of each of the four prior calendar quarters, equals or exceeds the established threshold; or (3) the Board notifies the banking entity in writing that it must satisfy the reporting requirements contained in Appendix A. The threshold for reporting is $50 billion beginning on June 30, 2014; $25 billion beginning on April 30, 2016; and $10 billion beginning on December 31, 2016. Unless the appropriate agency notifies the banking entity in writing that it must report on a different basis, a banking entity with $50 billion or more in trading assets and liabilities must report the information required by Appendix A for each calendar month within 30 days of the end of the relevant calendar month. Beginning with information for the month of January 2015, such information must be reported within 10 days of the end of that calendar month. Any other banking entity subject to Appendix A must report the information required by Appendix A for each calendar quarter within 30 days of the end of that calendar quarter unless the appropriate agency notifies the banking entity in writing that it must report on a different basis. Appendix A requires banking entities to furnish the following quantitative measurements for each trading desk of the banking entity: (1) Risk and position limits and usage; (2) risk factor sensitivities; (3) Value-at-Risk and stress Value-at-Risk; (4) comprehensive profit and loss attribution; (5) inventory turnover; (6) inventory aging; and (7) customer facing trade ratio.

Risk and position limits are the constraints that define the amount of risk that a trading desk is permitted to take at a point in time, as defined by the banking entity for a specific trading desk. Usage represents the portion of the trading desk's limits that are accounted for by the current activity of the desk. Risk and position limits must be reported in the format used by the banking entity for the purposes of risk management of each trading desk. Risk and position limits are often expressed in terms of risk measures, such as Value-at-Risk (VaR) and risk factor sensitivities, but may also be expressed in terms of other observable criteria, such as net open positions. When criteria other than VaR or risk factor sensitivities are used to define the risk and position limits, both the value of the risk and position limits and the value of the variables used to assess whether these limits have been reached must be reported. The calculation period is one trading day and the measurement frequency is daily.

Risk factor sensitivities are changes in a trading desk's comprehensive profit and loss that are expected to occur in the event of a change in one or more underlying variables that are significant sources of the trading desk's profitability and risk. A banking entity must report the risk factor sensitivities that are monitored and managed as part of the trading desk's overall risk management policy. The underlying data and methods used to compute a trading desk's risk factor sensitivities will depend on the specific function of the trading desk and the internal risk management models employed. The number and type of risk factor sensitivities that are monitored and managed by a trading desk, and furnished to the appropriate agency, will depend on the explicit risks assumed by the trading desk. In general, however, reported risk factor sensitivities must be sufficiently granular to account for a preponderance of the expected price variation in the trading desk's holdings. Trading desks must take into account any relevant factors in calculating risk factor sensitivities, including, for example, the following with respect to particular asset classes: Commodity derivative positions, credit positions, credit-related derivative positions, equity derivative positions, equity positions, foreign exchange derivative positions, and interest rate positions, including interest rate derivative positions. The methods used by a banking entity to calculate sensitivities to a common factor shared by multiple trading desks, such as an equity price factor, must be applied consistently across its trading desks so that the sensitivities can be compared from one trading desk to another. The calculation period is one trading day and the measurement frequency is daily.

VaR is the commonly used percentile measurement of the risk of future financial loss in the value of a given set of aggregated positions over a specified period of time, based on current market conditions. Stress VaR is the percentile measurement of the risk of future financial loss in the value of a given set of aggregated positions over a specified period of time, based on market conditions during a period of significant financial stress. Banking entities must compute and report VaR and stress VaR by employing generally accepted standards and methods of calculation. VaR should reflect a loss in a trading desk that is expected to be exceeded less than one percent of the time over a one-day period. For those banking entities that are subject to regulatory capital requirements imposed by a Federal banking agency, VaR and stress VaR must be computed and reported in a manner that is consistent with such regulatory capital requirements. In cases where a trading desk does not have a standalone VaR or stress VaR calculation but is part of a larger aggregation of positions for which a VaR or stress VaR calculation is performed, a VaR or stress VaR calculation that includes only the trading desk's holdings must be performed consistent with the VaR or stress VaR model and methodology used for the larger aggregation of positions. The calculation period is one trading day and the measurement frequency is daily.

Comprehensive profit and loss attribution is an analysis that attributes the daily fluctuation in the value of a trading desk's positions to various sources. First, the daily profit and loss of the aggregated positions is divided into three categories: (1) Profit and loss attributable to a trading desk's existing positions that were also positions held by the trading desk as of the end of the prior day (existing positions); (2) profit and loss attributable to new positions resulting from the current day's trading activity (new positions); and (3) residual profit and loss that cannot be specifically attributed to existing positions or new positions. The sum of (1), (2), and (3) must equal the trading desk's comprehensive profit and loss at each point in time. In addition, profit and loss measurements must calculate volatility of comprehensive profit and loss (*i.e.,* the standard deviation of the trading desk's one-day profit and loss, in dollar terms) for the reporting period for at least a 30-, 60-, and 90-day lag period, from the end of the reporting period, and any other period that the banking entity deems necessary to meet the requirements of the rule. The specific categories used by a trading desk in the comprehensive profit and loss attribution analysis and amount of detail for the analysis should be tailored to the type and amount of trading activities undertaken by the trading desk. The new position attribution must be computed by calculating the difference between the prices at which instruments were bought and/or sold and the prices at which those instruments are marked to market at the close of business on that day multiplied by the notional or principal amount of each purchase or sale. Any fees, commissions, or other payments received (paid) that are associated with transactions executed on that day must be added (subtracted) from such difference. These factors must be

measured consistently over time to facilitate historical comparisons. The calculation period is one trading day and the measurement frequency is daily.

Inventory turnover is a ratio that measures the turnover of a trading desk's inventory. The numerator of the ratio is the absolute value of all transactions over the reporting period. The denominator of the ratio is the value of the trading desk's inventory at the beginning of the reporting period. For derivatives other than options and interest rate derivatives, value means gross notional value. For options, value means delta adjusted notional value. For interest rate derivatives, value means 10-year bond equivalent value. The calculation period is 30 days, 60 days, and 90 days and the measurement frequency is daily.

Inventory aging generally describes a schedule of the trading desk's aggregate assets and liabilities and the amount of time that those assets and liabilities have been held. Inventory aging should measure the age profile of the trading desk's assets and liabilities. In general, inventory aging must be computed using a trading desk's trading activity data and must identify the value of a trading desk's aggregate assets and liabilities. Inventory aging must include two schedules, an asset-aging schedule and a liability-aging schedule. Each schedule must record the value of assets or liabilities held over all holding periods. For derivatives other than options and interest rate derivatives, value means gross notional value. For options, value means delta adjusted notional value. For interest rate derivatives, value means 10-year bond equivalent value. The calculation period is one trading day and the measurement frequency is daily.

The customer-facing trade ratio is a ratio comparing (1) the transactions involving a counterparty that is a customer of the trading desk to (2) the transactions involving a counterparty that is not a customer of the trading desk. A trade count based ratio must be computed that records the number of transactions involving a counterparty that is a customer of the trading desk and the number of transactions involving a counterparty that is not a customer of the trading desk. A value based ratio must be computed that records the value of transactions involving a counterparty that is a customer of the trading desk and the value of transactions involving a counterparty that is not a customer of the trading desk. For purposes of calculating the customer-facing trade ratio, a counterparty is considered to be a customer of the trading desk if the counterparty is a market participant that makes use of the banking entity's market making-related services by obtaining such services, responding to quotations, or entering into a continuing relationship with respect to such services. However, a trading desk or other organizational unit of another banking entity would not be a client, customer, or counterparty of the trading desk if the other entity has trading assets and liabilities of $50 billion or more as measured in accordance with section 248.20(d)(1) unless the trading desk documents how and why a particular trading desk or other organizational unit of the entity should be treated as a client, customer, or counterparty of the trading desk. Transactions conducted anonymously on an exchange or similar trading facility that permits trading on behalf of a broad range of market participants would be considered transactions with customers of the trading desk. For derivatives other than options and interest rate derivatives, value means gross notional value. For options, value means delta adjusted notional value. For interest rate derivatives, value means 10-year bond equivalent value. The calculation period is 30 days, 60 days, and 90 days and the measurement frequency is daily.

Recordkeeping Requirements

Section 248.3(d)(3) specifies that proprietary trading does not include any purchase or sale of a security by a banking entity for the purpose of liquidity management in accordance with a documented liquidity management plan of the banking entity that (1) specifically contemplates and authorizes the particular securities to be used for liquidity management purposes, the amount, types, and risks of these securities that are consistent with liquidity management, and the liquidity circumstances in which the particular securities may or must be used; (2) requires that any purchase or sale of securities contemplated and authorized by the plan be principally for the purpose of managing the liquidity of the banking entity, and not for the purpose of short-term resale, benefitting from actual or expected short-term price movements, realizing short-term arbitrage profits, or hedging a position taken for such short-term purposes; (3) requires that any securities purchased or sold for liquidity management purposes be highly liquid and limited to securities the market, credit and other risks of which the banking entity does not reasonably expect to give rise to appreciable profits or losses as a result of short-term price movements; (4) limits any securities purchased or sold for liquidity management purposes, together with any other instruments purchased or sold for such purposes, to an amount that is consistent with the banking entity's near-term funding needs, including deviations from normal operations of the banking entity or any affiliate thereof, as estimated and documented pursuant to methods specified in the plan; (5) includes written policies and procedures, internal controls, analysis and independent testing to ensure that the purchase and sale of securities that are not permitted under section 248.6(a) or (b) are for the purpose of liquidity management and in accordance with the liquidity management plan described in this paragraph; and (6) is consistent with the appropriate agency's supervisory requirements, guidance, and expectations regarding liquidity management.

Section 248.4(b)(3)(i)(A) provides that a trading desk or other organizational unit of another banking entity with more than $50 billion in trading assets and liabilities is not a client, customer, or counterparty unless the trading desk documents how and why a particular trading desk or other organizational unit of the entity should be treated as a client, customer, or counterparty of the trading desk for purposes of section 248.4(b).

Section 248.5(c) requires documentation for certain purchases or sales of a financial instrument for risk-mitigating hedging purposes that is: (1) Not established by the specific trading desk establishing the underlying positions, contracts, or other holdings the risks of which the hedging activity is designed to reduce; (2) established by the specific trading desk establishing or responsible for the underlying positions, contracts, or other holdings but that is not specifically identified in the trading desk's written policies and procedures; or (3) established to hedge aggregated positions across two or more trading desks. In connection with any purchase or sale that meets these specified circumstances, a banking entity must, at a minimum and contemporaneously with the purchase or sale, document (1) the specific, identifiable risk(s) of the identified positions, contracts, or other holdings of the banking entity that the purchase or sale is designed to reduce; (2) the specific risk-mitigating strategy that the purchase or sale is designed to fulfill; and (3) the trading desk or other business unit that is establishing and responsible for the hedge. The banking entity must also create and retain records sufficient to demonstrate compliance with this section for at least

five years in a form that allows the banking entity to promptly produce such records to the appropriate agency on request, or such longer period as required under other law or this part.

Section 248.11(a)(2) requires that a banking entity must create a written plan or similar documentation in order to acquire or retain an ownership interest in a covered fund that is organized and offered by the banking entity pursuant to that exemption. The covered fund must be organized and offered only in connection with the provision of bona fide trust, fiduciary, investment advisory, or commodity trading advisory services and only to persons that are customers of such services of the banking entity. The written plan or similar documentation must outline how the banking entity intends to provide advisory or other similar services to its customers through organizing and offering the covered fund.

Section 248.20(a) requires each banking entity to develop a compliance program reasonably designed to ensure and monitor compliance with the prohibitions and restrictions on proprietary trading and covered fund activities and investments set forth in section 13 of the BHC Act. For a banking entity with total consolidated assets over $10 billion, the compliance program from section 248.20(b) must include: (1) Written policies and procedures reasonably designed to document, describe, monitor and limit trading activities, including setting and monitoring required limits set out in sections 248.4 and 248.5 and activities and investments with respect to a covered fund (including those permitted under sections 248.3 through 248.6 or sections 248.11 through 248.14) to ensure that all activities and investments conducted by the banking entity that are subject to section 13 of the BHC Act and Subpart D of Regulation VV comply with section 13 of the BHC Act and applicable regulations; (2) a system of internal controls reasonably designed to monitor compliance with section 13 of the BHC Act and Subpart D of Regulation VV and to prevent the occurrence of activities or investments that are prohibited by section 13 of the BHC Act and applicable regulations; (3) a management framework that clearly delineates responsibility and accountability for compliance with section 13 of the BHC Act and Subpart D of Regulation VV and includes appropriate management review of trading limits, strategies, hedging activities, investments, incentive compensation, and other matters identified in this part or by management as requiring attention; (4) independent testing and audit of the effectiveness of the compliance program conducted periodically by qualified personnel of the banking entity or by a qualified outside party; (5) training for trading personnel and managers, as well as other appropriate personnel, to effectively implement and enforce the compliance program; and (6) records sufficient to demonstrate compliance with section 13 of the BHC Act and applicable regulations, which a banking entity must promptly provide to the Board upon request and retain for a period of no less than five years or such longer period as required by the Board.

Section 248.20(c) specifies that the compliance program of a banking entity must satisfy the requirements and other standards contained in Appendix B, if (1) the banking entity engages in proprietary trading permitted under subpart B and is required to comply with the reporting requirements of section 248.20(d); (2) the banking entity has reported total consolidated assets as of the previous calendar year end of $50 billion or more or, in the case of a foreign banking entity, has total U.S. assets as of the previous calendar year end of $50 billion or more (including all subsidiaries, affiliates, branches and agencies of the foreign banking entity operating, located or organized in the United States); or (3) the Board notifies the banking entity in writing that it must satisfy the requirements and other standards contained in Appendix B. Appendix B provides enhanced minimum standards for compliance programs for banking entities that meet the thresholds in section 248.20(c) as described above. These include the establishment, maintenance, and enforcement of the enhanced compliance program and meeting the minimum written policies and procedures, internal controls, management framework, independent testing, training, and recordkeeping. The program must: (1) Be reasonably designed to identify, document, monitor, and report the permitted trading and covered fund activities and investments; identify, monitor, and promptly address the risk of these covered activities and investments and potential areas of noncompliance; and prevent activities or investments prohibited by, or that do not comply with, section 13 of the BHC Act and this part; (2) establish and enforce appropriate limits on covered activities and investments, including limits on size, scope, complexity, and risks of individual activities or investments consistent with the requirements of section 13 of the BHC Act and this part; (3) subject the effectiveness of the compliance program to periodic independent review and testing, and ensure that internal audit, corporate compliance, and internal control functions involved in review and testing are effective and independent; (4) make senior management and others accountable for effective implementation of compliance program and ensure that board of directors and chief executive officer (or equivalent) of the banking entity review effectiveness of the compliance program; and (5) facilitate supervision and examination by the relevant agencies of permitted trading and covered fund activities and investments.

Section 248.20(d) provides that certain banking entities engaged in certain proprietary trading activities must comply with the reporting requirements described in Appendix A. A banking entity subject to these requirements must also, for any quantitative measurement furnished to the appropriate agency pursuant to section 248.20(d) and Appendix A, create and maintain records documenting the preparation and content of these reports, as well as such information as is necessary to permit the appropriate agency to verify the accuracy of such reports, for a period of five years from the end of the calendar year for which the measurement was taken.

Section 248.20(e) specifies additional recordkeeping requirements for covered funds. Any banking entity that has more than $10 billion in total consolidated assets as reported on December 31 of the previous two calendar years must maintain records that include: (1) Documentation of the exclusions or exemptions other than sections 3(c)(1) and 3(c)(7) of the Investment Company Act of 1940 relied on by each fund sponsored by the banking entity (including all subsidiaries and affiliates) in determining that such fund is not a covered fund; (2) for each fund sponsored by the banking entity (including all subsidiaries and affiliates) for which the banking entity relies on one or more of the exclusions from the definition of covered fund provided by sections 248.10(c)(1), 248.10(c)(5), 248.10(c)(8), 248.10(c)(9), or 248.10(c)(10) of subpart C of the final rule, documentation supporting the banking entity's determination that the fund is not a covered fund pursuant to one or more of those exclusions; (3) for each seeding vehicle described in sections 248.10(c)(12)(i) or 248.10(c)(12)(iii) of subpart C that will

become a registered investment company or SEC-regulated business development company, a written plan documenting the banking entity's determination that the seeding vehicle will become a registered investment company or SEC-regulated business development company, the period of time during which the vehicle will operate as a seeding vehicle, and the banking entity's plan to market the vehicle to third-party investors and convert it into a registered investment company or SEC-regulated business development company within the time period specified in section 248.12(a)(2)(i)(B) of subpart C; and (4) for any banking entity that is, or is controlled directly or indirectly by a banking entity that is, located in or organized under the laws of the United States or of any State, if the aggregate amount of ownership interests in foreign public funds that are described in section 248.10(c)(1) of subpart C owned by such banking entity (including ownership interests owned by any affiliate that is controlled directly or indirectly by a banking entity that is located in or organized under the laws of the United States or of any State) exceeds $50 million at the end of two or more consecutive calendar quarters, beginning with the next succeeding calendar quarter, documentation of the value of the ownership interests owned by the banking entity (and such affiliates) in each foreign public fund and each jurisdiction in which any such foreign public fund is organized, calculated as of the end of each calendar quarter, which documentation must continue until the banking entity's aggregate amount of ownership interests in foreign public funds is below $50 million for two consecutive calendar quarters.

Pursuant to section 248.20(f)(1), a banking entity that does not engage in activities or investments pursuant to subpart B or subpart C (other than trading activities permitted pursuant to section 248.6(a) of subpart B) may satisfy the requirements of section 248.20 by establishing the required compliance program prior to becoming engaged in such activities or making such investments (other than trading activities permitted pursuant to section 248.6(a) of subpart B).

Pursuant to section 248.20(f)(2) a banking entity with total consolidated assets of $10 billion or less as reported on December 31 of the previous two calendar years that engages in activities or investments pursuant to subpart B or subpart C (other than trading activities permitted under section 248.6(a)) may satisfy the requirements of section 248.20 by including in its existing compliance policies and procedures appropriate references to the requirements of section 13 and this part and adjustments as appropriate given the activities, size, scope, and complexity of the banking entity.

Disclosure Requirements

Section 248.11(a)(8)(i) requires that a banking entity must clearly and conspicuously disclose, in writing, to any prospective and actual investor in the covered fund (such as through disclosure in the covered fund's offering documents) (1) that ''any losses in [such covered fund] will be borne solely by investors in [the covered fund] and not by [the banking entity]; therefore, [the banking entity's] losses in [such covered fund] will be limited to losses attributable to the ownership interests in the covered fund held by [the banking entity] in its capacity as investor in the [covered fund] or as beneficiary of a carried interest held by [the banking entity]''; (2) that such investor should read the fund offering documents before investing in the covered fund; (3) that the ''ownership interests in the covered fund are not insured by the FDIC, and are not deposits, obligations of, or endorsed or guaranteed in any way, by any banking entity'' (unless that happens to be the case); and (4) the role of the banking entity and its affiliates and employees in sponsoring or providing any services to the covered fund.

Legal authorization and confidentiality: The Board's Legal Division has determined that section 13 of the Bank Holding Company Act (BHC Act) authorizes the Board and the other agencies to issue rules to carry out the purposes of the section (12 U.S.C. 1851(b)(2)). In addition, section 13 requires the agencies to issue regulations regarding internal controls and recordkeeping to ensure compliance with section 13 (12 U.S.C. 1851(e)(1)). The information collection is required in order for covered entities to obtain the benefit of engaging in certain types of proprietary trading or investing in, sponsoring, or having certain relationships with a hedge fund or private equity fund, under the restrictions set forth in section 13 and the final rule.

As required information, the information submitted under sections 248.12(e) and 248.20(d) of the rule can be withheld under exemption 4 of the Freedom of Information Act (FOIA) if disclosure would result in substantial competitive harm (5 U.S.C. 552(b)(4)). The information required to be submitted meets this test, as detailed below. In addition, the information is ''contained in or related to examination, operating, or condition reports prepared . . . for the use of'' the Board, and thus may be withheld under exemption 8 of FOIA (5 U.S.C. 552(b)(8)). Under section 248.12(e), the banking entity, as part of any request to extend the period to divest ownership of a covered fund, must provide to the agency (among other information): The total exposure of the banking entity to the covered fund and its materiality to the institution; the risks and costs of disposing of, or maintaining the fund, within the applicable period; and the contractual terms governing the banking entity's interest in the covered fund. Among the types of information required to be submitted under section 248.20(d) and Appendix A are (1) risk and position limits and usage; (2) risk factor sensitivities; (3) Value-at-Risk and stress Value-at-Risk; (4) comprehensive profit and loss attribution; (5) inventory turnover; (6) inventory aging; and (7) customer facing trade ratio. Disclosure of this type of internal proprietary business information would clearly cause substantial competitive harm.

Regarding the information contained in the rule subject to recordkeeping requirements only, no issues of confidentiality normally would arise. If such information were gathered by the Federal Reserve during the course of supervisory examinations and inspections, however, such information normally would be deemed exempt under exemption 8 of FOIA (5 U.S.C. 552(b)(8)). The information collected in response to these recordkeeping requirements would be confidential commercial and financial information of the type normally exempt from disclosure under exemption 4 of FOIA, if gathered by the Federal Reserve (5 U.S.C. 552(b)(4)). Such information includes: The banking entity's liquidity management plan to qualify for certain regulatory exclusions under section 248.3(d)(3); documentation requirements for certain hedging transactions or exemptions under sections 248.5(c) and 248.11(a)(2); and a detailed compliance program (or equivalent trading policies and procedures) under sections 248.20(b)–(f).

Board of Governors of the Federal Reserve System, July 28, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–16239 Filed 8–1–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0014; Docket 2017–0053; Sequence 8]

Information Collection; Statement and Acknowledgment (Standard Form 1413)

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning statement and acknowledgment Standard Form (SF) 1413.

DATES: Submit comments on or before October 2, 2017.

ADDRESSES: Submit comments identified by Information Collection 9000–0014 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0014. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0014, Statement and Acknowledgment (SF 1413)''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0014, Statement and Acknowledgment (SF 1413)'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Sosa/IC 9000–0014, Statement and Acknowledgment (SF 1413).

Instructions: Please submit comments only and cite Information Collection 9000–0014, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Zenaida Delgado, Procurement Analyst, via telephone 202–969–7207 or via email to *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

SF 1413, Statement and Acknowledgment, is used by all executive agencies, including the Department of Defense, to obtain a statement from contractors that the proper clauses have been included in subcontracts. The form is used by the prime contractor to identify and report all applicable subcontracts (all tiers) awarded under the prime contract, identify specific scopes of work the subcontractors will be performing, subcontract award date, and subcontract number, and provide formal notification to the applicable subcontractors of the labor laws and associated clauses they are responsible for complying with.

B. Annual Reporting Burden

Respondents: 30,500.
Responses per Respondent: 2.
Total Responses: 61,000.
Hours per Response: .05.
Total Burden Hours: 3,050.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Federal Acquisition Regulation (FAR), and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control No. 9000–0014, Statement and Acknowledgment (SF 1413), in all correspondence.

Dated: July 27, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2017–16274 Filed 8–1–17; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Procedural Justice Informed Alternatives to Contempt (PJAC).

OMB No.: 0970–NEW.

Description: The Office of Child Support Enforcement (OCSE) within the Administration for Children and Families (ACF) is proposing data collection activity as part of the Procedural Justice Informed Alternatives to Contempt Demonstration (PJAC). In September 2016, OCSE issued grants to six child support agencies to provide alternative approaches to the contempt process with the goal of increasing parents' compliance with child support orders by building trust and confidence in the child support agency and its processes. PJAC is a five-year project (the first year of which is dedicated to planning) that will allow grantees to learn whether incorporating principles of procedural justice into child support business practices increases reliable child support payments. In addition to increasing reliable payments, the PJAC intervention aims to reduce arrears, minimize the need for continued enforcement actions and sanctions, and reduce the inefficient use of contempt proceedings.

The PJAC evaluation will yield information about the efficacy of applying procedural justice principles via a set of alternative services to the current contempt process. It will generate extensive knowledge regarding how PJAC programs operate, the effects the programs have, and whether their benefits exceed their costs. The information gathered will be critical to informing future policy decisions related to contempt.

The PJAC evaluation will include the following three interconnected components or ''studies'':

1. Implementation Study. The goal of the implementation study is to provide a detailed description of the PJAC programs—how they are implemented,

their participants, the contexts in which they are operated, and their promising practices. The implementation study will also assess whether the PJAC interventions are implemented as intended (implementation fidelity) as well as how the treatment implemented differed from the status quo (treatment contrast). The detailed descriptions will assist in interpreting program impacts and identifying program features and conditions necessary for effective program replication or improvement. Key activities of the implementation study will include: (1) A Management Information System (MIS) for collection and analysis of program participation data to track participant engagement in PJAC activities; (2) semi-structured interviews with program staff and staff from selected community partner organizations; (3) semi-structured interviews with program participants to learn about their experiences in PJAC; and (4) a staff questionnaire to gather broader quantitative information on program implementation and staff experiences.

2. *Impact Study:* The goal of the impact study is to provide rigorous estimates of the effectiveness of the six programs using an experimental research design. Program applicants who are eligible for PJAC services will be randomly assigned to either a program group that is offered program services or to a control group that is not offered those services. The random assignment process will require child support program staff to complete a brief data entry protocol. The impact study will rely on administrative data from state and county child support systems, court records, criminal justice records, and data from the National Directory of New Hires. Administrative records data will be used to estimate impacts on child support payments, enforcement actions, contempt proceedings, jail stays, and employment and earnings. The impact study will also include a follow-up survey of participants that will be administered approximately 12 months after random assignment to a subset of the sample. The survey will gather information on participant experiences with the child support program and family court, family relationships, parenting and co-parenting, informal child support payments, and job characteristics. In an effort to enhance response rates, the PJAC survey firm will attempt to track survey sample members at a few points over the 12-month follow-up period in order to stay in touch with them and gather updated contact information from them.

3. *Benefit-Cost Study:* The benefit-cost study will estimate the costs and benefits associated with the implementation and impact of the PJAC interventions. The study will examine the costs and benefits from the perspective of the government, noncustodial parents, custodial parents and their children, and society. Once measured, particular impacts or expenditures will constitute benefits or costs, depending on which analytical perspective is considered. For each of the perspectives, pertinent benefits and costs will be added together to determine the net value of the program. Key hypothesized benefits and costs to be assessed include increased PJAC intervention costs, reduced costs for contempt actions, increased payments from non-custodial parents, reduced court costs, and reduced jail time, among others. The benefit-cost study will rely on the results of the impact study, analysis of participation data from the MIS, and results of a staff time study in order to quantify various PJAC-related costs and benefits.

This 30-Day Notice covers the following data collection activities: (1) Staff data entry for random assignment; (2) Study MIS to track program participation; (3) Staff and community partner interview topic guide; (4) Participant interview topic guide; and (5) Participant survey tracking letter.

Respondents: Respondents for the first information collection phase include study participants and grantee staff and community partners. Specific respondents per instrument are noted in the burden table below.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours	Total annual burden hours
Staff data entry for random assignment	120	150	0.05	900	300
Study MIS to track program participation	120	150	1.00	18,000	6,000
Staff and community partner interview topic guide	150	2	1.00	300	100
Participant interview topic guide	180	1	1.00	180	60
Participant survey tracking letter	3,000	3	0.10	900	300

Estimated Total Annual Burden Hours: 6,760.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attention: Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–16254 Filed 8–1–17; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–4281]

Food Safety Modernization Act Domestic and Foreign Facility Reinspection, Recall, and Importer Reinspection Fee Rates for Fiscal Year 2018

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the fiscal year (FY) 2018 fee rates for certain

domestic and foreign facility reinspections, failures to comply with a recall order, and importer reinspections that are authorized by the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the FDA Food Safety Modernization Act (FSMA). These fees are effective on October 1, 2017, and will remain in effect through September 30, 2018.

FOR FURTHER INFORMATION CONTACT: Jason Lewis, Office of Management, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., Rm. 2046, Rockville, MD 20857, 301–796–5957, email: *Jason.Lewis@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 107 of FSMA (Pub. L. 111–353) added section 743 to the FD&C Act (21 U.S.C. 379j–31) to provide FDA with the authority to assess and collect fees from, in part: (1) The responsible party for each domestic facility and the U.S. agent for each foreign facility subject to a reinspection, to cover reinspection-related costs; (2) the responsible party for a domestic facility and an importer who does not comply with a recall order, to cover food [1] recall activities associated with such order; and (3) each importer subject to a reinspection to cover reinspection-related costs (sections 743(a)(1)(A), (B), and (D) of the FD&C Act). Section 743 of the FD&C Act directs FDA to establish fees for each of these activities based on an estimate of 100 percent of the costs of each activity for each year (sections 743(b)(2)(A)(i), (ii), and (iv)), and these fees must be made available solely to pay for the costs of each activity for which the fee was incurred (section 743(b)(3)). These fees are effective on October 1, 2017, and will remain in effect through September 30, 2018. Section 743(b)(2)(B)(iii) of the FD&C Act directs FDA to develop a proposed set of guidelines in consideration of the burden of fee amounts on small businesses. As a first step in developing these guidelines, FDA invited public comment on the potential impact of the fees authorized by section 743 of the FD&C Act on small businesses (76 FR 45818, August 1, 2011). The comment period for this request ended November 30, 2011. As stated in FDA's September 2011 ''Guidance for Industry: Implementation of the Fee Provisions of Section 107 of the FDA Food Safety Modernization Act,'' (*http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocuments RegulatoryInformation/FoodDefense/ucm274176.htm*), because FDA recognizes that for small businesses the full cost recovery of FDA reinspection or recall oversight could impose severe economic hardship, FDA intends to consider reducing certain fees for those firms. FDA does not intend to issue invoices for reinspection or recall order fees until FDA publishes a guidance document outlining the process through which firms may request a reduction in fees.

In addition, as stated in the September 2011 Guidance, FDA is in the process of considering various issues associated with the assessment and collection of importer reinspection fees. The fee rates set forth in this notice will be used to determine any importer reinspection fees assessed in FY 2018.

II. Estimating the Average Cost of a Supported Direct FDA Work Hour for FY 2018

FDA is required to estimate 100 percent of its costs for each activity in order to establish fee rates for FY 2018. In each year, the costs of salary (or personnel compensation) and benefits for FDA employees account for between 50 and 60 percent of the funds available to, and used by, FDA. Almost all of the remaining funds (operating funds) available to FDA are used to support FDA employees for paying rent, travel, utility, information technology (IT), and other operating costs.

A. Estimating the Full Cost per Direct Work Hour in FY 2018

Full-time equivalent (FTE) reflects the total number of regular straight-time hours—not including overtime or holiday hours—worked by employees, divided by the number of compensable hours applicable to each fiscal year. Annual leave, sick leave, compensatory time off, and other approved leave categories are considered ''hours worked'' for purposes of defining FTE employment.

In general, the starting point for estimating the full cost per direct work hour is to estimate the cost of an FTE or paid staff year. Calculating an Agency-wide total cost per FTE requires three primary cost elements: Payroll, non-payroll, and rent.

The FY 2018 FDA-wide average cost for payroll (salaries and benefits) is $154,638; non-payroll—including equipment, supplies, IT, general and administrative overhead—is $89,224; and rent, including cost allocation analysis and adjustments for other rent and rent-related costs, is $23,922 per paid staff year, excluding travel costs.

Summing the average cost of an FTE for payroll, non-payroll, and rent, brings the FY 2018 average fully supported cost to $267,783 per FTE, excluding travel costs. FDA will use this base unit fee in determining the hourly fee rate for reinspection and recall order fees for FY 2018 prior to including domestic or foreign travel costs as applicable for the activity.

To calculate an hourly rate, FDA must divide the FY 2018 average fully supported cost of $267,783 per FTE by the average number of supported direct FDA work hours in FY 2016—the last FY for which data are available. See Table 1.

TABLE 1—SUPPORTED DIRECT FDA WORK HOURS IN A PAID STAFF YEAR IN FY 2016

Total number of hours in a paid staff year	2,080
Less:	
10 paid holidays	−80
20 days of annual leave	−160
10 days of sick leave	−80
12.5 days of training	−100
26.5 days of general administration	−184
26.5 days of travel	−212
2 hours of meetings per week	−104
Net Supported Direct FDA Work Hours Available for Assignments	= 1,160

Dividing the full-time equivalent in FY 2018 ($267,783) by the total number of supported direct work hours available for assignment in FY 2016 (1,160) results in an average fully supported cost of $231 (rounded to the nearest dollar), excluding inspection travel costs, per supported direct work hour in FY 2016.

B. Adjusting FY 2016 Travel Costs for Inflation To Estimate FY 2018 Travel Costs

To adjust the hourly rate for FY 2018, FDA must estimate the cost of inflation in each year for FY 2017 and FY 2018. FDA uses the method prescribed for estimating inflationary costs under the Prescription Drug User Fee Act (PDUFA) provisions of the FD&C Act (section 736(c)(1) (21 U.S.C. 379h(c)(1)), the statutory method for inflation adjustment in the FD&C Act that FDA has used consistently. FDA previously determined the FY 2017 inflation rate to be 1.5468 percent; this rate was published in the FY 2017 PDUFA user fee rates notice in the **Federal Register**

[1] The term ''food'' for purposes of this document has the same meaning as such term in section 201(f) of the FD&C Act (21 U.S.C. 321(f)).

(July 28, 2016, 81 FR 49674). Utilizing the method set forth in section 736(c)(1) of the FD&C Act, FDA has calculated an inflation rate of 1.5468 percent for 2017 and 1.6868 percent for 2018, and FDA intends to use these inflation rates to make inflation adjustments for FY 2018 for several of its user fee programs; the derivation of this rate will be published in the **Federal Register** in the FY 2018 notice for the PDUFA user fee rates.

In FY 2016, FDA's Office of Regulatory Affairs (ORA) spent a total of $5,185,331 for domestic regulatory inspection travel costs and General Services Administration Vehicle costs related to FDA's Center for Food Safety and Applied Nutrition (CFSAN) and Center for Veterinary Medicine (CVM) field activities programs. The total ORA domestic travel costs spent is then divided by the 9,755 CFSAN and CVM domestic inspections, which averages a total of $532 per inspection. These inspections average 33.61 hours per inspection. Dividing $532 per inspection by 33.61 hours per inspection results in a total and an additional cost of $16 (rounded to the nearest dollar) per hour spent for domestic inspection travel costs in FY 2016. To adjust for the $16 per hour additional domestic cost inflation increases for FY 2017 and FY 2018, FDA must multiply the FY 2017 PDUFA inflation rate adjustor (1.015468) times the FY 2018 PDUFA inflation rate adjustor (1.016868) times the $16 additional domestic cost, which results in an estimated cost of $17 (rounded to the nearest dollar) per paid hour in addition to $231 for a total of $248 per paid hour ($231 plus $17) for each direct hour of work requiring domestic inspection travel. FDA will use these rates in charging fees in FY 2018 when domestic travel is required.

In FY 2016, ORA spent a total of $2,166,592 on 344.31 foreign inspection trips related to FDA's CFSAN and CVM field activities programs, which averaged a total of $6,293 per foreign inspection trip. These trips averaged 3 weeks (or 120 paid hours) per trip. Dividing $6,293 per trip by 120 hours per trip results in a total and an additional cost of $52 (rounded to the nearest dollar) per paid hour spent for foreign inspection travel costs in FY 2016. To adjust $52 for inflationary increases in FY 2017 and FY 2018, FDA must multiply it by the same inflation factors mentioned previously in this document (1.015468, 1.016868), which results in an estimated cost of $54 (rounded to the nearest dollar) per paid hour in addition to $231 for a total of $285 per paid hour ($231 plus $54) for each direct hour of work requiring foreign inspection travel. FDA will use these rates in charging fees in FY 2018 when foreign travel is required.

TABLE 2—FSMA FEE SCHEDULE FOR FY 2018

Fee category	Fee rates for FY 2018 ($)
Hourly rate if domestic travel is required	$248
Hourly rate if foreign travel is required	285

III. Fees for Reinspections of Domestic or Foreign Facilities Under Section 743(a)(1)(A)

A. What will cause this fee to be assessed?

The fee will be assessed for a reinspection conducted under section 704 of the FD&C Act (21 U.S.C. 374) to determine whether corrective actions have been implemented and are effective and compliance has been achieved to the Secretary of Health and Human Services' (the Secretary) (and, by delegation, FDA's) satisfaction at a facility that manufactures, processes, packs, or holds food for consumption necessitated as a result of a previous inspection (also conducted under section 704) of this facility, which had a final classification of Official Action Indicated (OAI) conducted by or on behalf of FDA, when FDA determined the non-compliance was materially related to food safety requirements of the FD&C Act. FDA considers such non-compliance to include non-compliance with a statutory or regulatory requirement under section 402 of the FD&C Act (21 U.S.C. 342) and section 403(w) of the FD&C Act (21 U.S.C. 343(w)). However, FDA does not consider non-compliance that is materially related to a food safety requirement to include circumstances where the non-compliance is of a technical nature and not food safety related (*e.g.,* failure to comply with a food standard or incorrect font size on a food label). Determining when non-compliance, other than under sections 402 and 403(w) of the FD&C Act, is materially related to a food safety requirement of the FD&C Act may depend on the facts of a particular situation. FDA intends to issue guidance to provide additional information about the circumstances under which FDA would consider non-compliance to be materially related to a food safety requirement of the FD&C Act.

Under section 743(a)(1)(A) of the FD&C Act, FDA is directed to assess and collect fees from ''the responsible party for each domestic facility (as defined in section 415(b) (21 U.S.C. 350d(b))) and the United States agent for each foreign facility subject to a reinspection'' to cover reinspection-related costs.

Section 743(a)(2)(A)(i) of the FD&C Act defines the term ''reinspection'' with respect to domestic facilities as ''1 or more inspections conducted under section 704 subsequent to an inspection conducted under such provision which identified non-compliance materially related to a food safety requirement of th[e] Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction.''

The FD&C Act does not contain a definition of ''reinspection'' specific to foreign facilities. In order to give meaning to the language in section 743(a)(1)(A) of the FD&C Act to collect fees from the U.S. agent of a foreign facility subject to a reinspection, the Agency is using the following definition of ''reinspection'' for purposes of assessing and collecting fees under section 743(a)(1)(A), with respect to a foreign facility, ''1 or more inspections conducted by officers or employees duly designated by the Secretary subsequent to such an inspection which identified non-compliance materially related to a food safety requirement of the FD&C Act, specifically to determine whether compliance has been achieved to the Secretary's (and, by delegation, FDA's) satisfaction.''

This definition allows FDA to fulfill the mandate to assess and collect fees from the U.S. agent of a foreign facility in the event that an inspection reveals non-compliance materially related to a food safety requirement of the FD&C Act, causing one or more subsequent inspections to determine whether compliance has been achieved to the Secretary's (and, by delegation, FDA's) satisfaction. By requiring the initial inspection to be conducted by officers or employees duly designated by the Secretary, the definition ensures that a foreign facility would be subject to fees only in the event that FDA, or an entity designated to act on its behalf, has made the requisite identification at an initial inspection of non-compliance materially related to a food safety requirement of the FD&C Act. The definition of ''reinspection-related costs'' in section 743(a)(2)(B) of the FD&C Act relates to both a domestic facility reinspection and a foreign facility reinspection, as described in section 743(a)(1)(A).

B. Who will be responsible for paying this fee?

The FD&C Act states that this fee is to be paid by the responsible party for each

domestic facility (as defined in section 415(b) of the FD&C Act) and by the U.S. agent for each foreign facility (section 743(a)(1)(A) of the FD&C Act). This is the party to whom FDA will send the invoice for any fees that are assessed under this section.

C. How much will this fee be?

The fee is based on the number of direct hours spent on such reinspections, including time spent conducting the physical surveillance and/or compliance reinspection at the facility, or whatever components of such an inspection are deemed necessary, making preparations and arrangements for the reinspection, traveling to and from the facility, preparing any reports, analyzing any samples or examining any labels if required, and performing other activities as part of the OAI reinspection until the facility is again determined to be in compliance. The direct hours spent on each such reinspection will be billed at the appropriate hourly rate shown in table 2.

IV. Fees for Non-Compliance With a Recall Order Under Section 743(a)(1)(B)

A. What will cause this fee to be assessed?

The fee will be assessed for not complying with a recall order under section 423(d) (21 U.S.C. 350l(d)) or section 412(f) of the FD&C Act (21 U.S.C. 350a(f)) to cover food recall activities associated with such order performed by the Secretary (and by delegation, FDA) (section 743(a)(1)(B) of the FD&C Act). Non-compliance may include the following: (1) Not initiating a recall as ordered by FDA; (2) not conducting the recall in the manner specified by FDA in the recall order; or (3) not providing FDA with requested information regarding the recall, as ordered by FDA.

B. Who will be responsible for paying this fee?

Section 743(a)(1)(B) of the FD&C Act states that the fee is to be paid by the responsible party for a domestic facility (as defined in section 415(b) of the FD&C Act) and an importer who does not comply with a recall order under section 423 or under section 412(f) of the FD&C Act. In other words, the party paying the fee would be the party that received the recall order.

C. How much will this fee be?

The fee is based on the number of direct hours spent on taking action in response to the firm's failure to comply with a recall order. Types of activities could include conducting recall audit checks, reviewing periodic status reports, analyzing the status reports and the results of the audit checks, conducting inspections, traveling to and from locations, and monitoring product disposition. The direct hours spent on each such recall will be billed at the appropriate hourly rate shown in table 2.

V. How must the fees be paid?

An invoice will be sent to the responsible party for paying the fee after FDA completes the work on which the invoice is based. Payment must be made within 90 days of the invoice date in U.S. currency by check, bank draft, or U.S. postal money order payable to the order of the Food and Drug Administration. Detailed payment information will be included with the invoice when it is issued.

VI. What are the consequences of not paying these fees?

Under section 743(e)(2) of the FD&C Act, any fee that is not paid within 30 days after it is due shall be treated as a claim of the U.S. Government subject to provisions of subchapter II of chapter 37 of title 31, United States Code.

Dated: July 25, 2017.

Leslie Kux,

Associate Commissioner for Policy.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0007]

Animal Generic Drug User Fee Rates and Payment Procedures for Fiscal Year 2018

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the fee rates and payment procedures for fiscal year (FY) 2018 generic new animal drug user fees. The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Animal Generic Drug User Fee Amendments of 2013 (AGDUFA II), authorizes FDA to collect user fees for certain abbreviated applications for generic new animal drugs, for certain generic new animal drug products, and for certain sponsors of such abbreviated applications for generic new animal drugs and/or investigational submissions for generic new animal drugs. This notice establishes the fee rates for FY 2018.

FOR FURTHER INFORMATION CONTACT: Visit FDA's Web site at *https://www.fda.gov/ForIndustry/UserFees/AnimalGenericDrugUserFeeActAGDUFA/default.htm,* or contact Lisa Kable, Center for Veterinary Medicine (HFV–10), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–6888. For general questions, you may also email the Center for Veterinary Medicine (CVM) at *cvmagdufa@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 741 of the FD&C Act (21 U.S.C. 379j–21) establishes three different types of user fees: (1) Fees for certain types of abbreviated applications for generic new animal drugs; (2) annual fees for certain generic new animal drug products; and (3) annual fees for certain sponsors of abbreviated applications for generic new animal drugs and/or investigational submissions for generic new animal drugs (21 U.S.C. 379j–21(a)). When certain conditions are met, FDA will waive or reduce fees for generic new animal drugs intended solely to provide for a minor use or minor species indication (21 U.S.C. 379j–21(d)).

For FY 2014 through FY 2018, the FD&C Act establishes aggregate yearly base revenue amounts for each of these fee categories (21 U.S.C. 379j–21(b)). Base revenue amounts established for fiscal years after FY 2014 are subject to adjustment for workload (21 U.S.C. 379j–21(c)). The target revenue amounts for each fee category for FY 2018, after the adjustment for workload, are as follows: For application fees, the target revenue amount is $2,355,000; for product fees, the target revenue amount is $3,532,000; and for sponsor fees, the target revenue amount is $3,532,000.

For FY 2018, the generic new animal drug user fee rates are: $193,000 for each abbreviated application for a generic new animal drug other than those subject to the criteria in section 512(d)(4) of the FD&C Act (21 U.S.C. 360b(d)(4)); $96,500 for each abbreviated application for a generic new animal drug subject to the criteria in section 512(d)(4); $8,195 for each generic new animal drug product; $76,250 for each generic new animal drug sponsor paying 100 percent of the sponsor fee; $57,188 for each generic new animal drug sponsor paying 75 percent of the sponsor fee; and $38,125 for each generic new animal drug sponsor paying 50 percent of the sponsor fee. FDA will issue invoices for

FY 2018 product and sponsor fees by December 31, 2017. These fees will be due by January 31, 2018. The application fee rates are effective for all abbreviated applications for a generic new animal drug submitted on or after October 1, 2017, and will remain in effect through September 30, 2018. Applications will not be accepted for review until FDA has received full payment of related application fees and any other fees owed under the Animal Generic Drug User Fee program (AGDUFA program).

II. Revenue Amount for FY 2018

A. Statutory Fee Revenue Amounts

AGDUFA II, Title II of Public Law 113–14, specifies that the aggregate revenue amount for FY 2018 for abbreviated application fees is $2,117,000 and each of the other two generic new animal drug user fee categories, annual product fees and annual sponsor fees, is $3,175,000 each (see 21 U.S.C. 379j–21(b)).

B. Inflation Adjustment to Fee Revenue Amount

The amounts established in AGDUFA II for each year for FY 2014 through FY 2018 include an inflation adjustment; therefore, no further inflation adjustment is required.

C. Workload Adjustment Fee Revenue Amount

For each FY beginning after FY 2014, AGDUFA II provides that statutory fee revenue amounts shall be further adjusted to reflect changes in review workload. (See 21 U.S.C. 379j–21(c)(2).)

FDA calculated the average number of each of the four types of applications and submissions specified in the workload adjustment provision (abbreviated applications for generic new animal drugs, manufacturing supplemental abbreviated applications for generic new animal drugs, investigational generic new animal drug study submissions, and investigational generic new animal drug protocol submissions) received over the 5-year period that ended on September 30, 2013 (the base years), and the average number of each of these types of applications and submissions over the most recent 5-year period that ended on June 30, 2017.

The results of these calculations are presented in the first two columns in table 1. Column 3 reflects the percent change in workload over the two 5-year periods. Column 4 shows the weighting factor for each type of application, reflecting how much of the total FDA generic new animal drug review workload was accounted for by each type of application or submission in the table during the most recent 5 years. Column 5 is the weighted percent change in each category of workload and was derived by multiplying the weighting factor in each line in column 4 by the percent change from the base years in column 3. At the bottom right of table 1, the sum of the values in column 5 is calculated, reflecting a total change in workload of 51.4457 percent for FY 2018. This is the workload adjuster for FY 2018.

TABLE 1—WORKLOAD ADJUSTER CALCULATION

Application Type	Column 1 5-Year average (base years)	Column 2 Latest 5-Year average	Column 3 Percent change	Column 4 Weighting factor	Column 5 Weighted percent change
Abbreviated New Animal Drug Applications (ANADAs)	25.0	28.00	12.0	0.342876	4.1145
Manufacturing Supplements ANADAs	128.0	155.40	21.4	0.275337	5.8939
Generic Investigational Study Submissions	23.0	51.40	123.5	0.238287	29.4233
Generic Investigational Protocol Submissions	17.2	31.60	83.7	0.143501	12.0140
FY 2018 AGDUFA II Workload Adjuster					51.4457

Over the last year FDA has continued to see more sponsors getting involved in the generic animal drug approval process, including pioneer sponsors. This has contributed to sustained increases in the number of ANADAs, manufacturing supplements, and protocols submitted. Additionally, more sponsors continue to pursue drug approvals that do not qualify for a waiver from the requirement to conduct an in vivo bioequivalence study. For this reason we are seeing a large sustained increase in the number of generic investigational new animal drug study submissions.

As a result, the statutory revenue amount for each category of fees for FY 2018 ($2,117,000 for application fees and $3,175,000 for both product and sponsor fees) must now be increased by 51.4457 percent, for a total fee revenue target in FY 2018 of $12,822,907 for fees from all three categories before the offset for excess collections through FY 2018. The target for application fee revenue before the offset is $2,117,000 × 151.4457 percent, for a total of $3,206,105, rounded to the nearest dollar. The target for product fee revenue before the offset is $3,175,000 × 151.4457 percent, for a total of $4,808,401, rounded to the nearest dollar, and the target for sponsor fee revenue before the offset is the same as for product fees ($4,808,401, rounded to the nearest dollar).

D. Offset for Excess Collections Through FY 2017

Under the provisions of the FD&C Act, if the sum of the cumulative amount of the fees collected for FY 2014 through FY 2016, and the amount of fees estimated to be collected for FY 2017, exceeds the cumulative amount appropriated for fees for FY 2014 through FY 2017, the excess shall be credited to FDA's appropriation account and subtracted from the amount of fees that FDA would otherwise be authorized to collect for FY 2018 (see section 741(g)(4) of the FD&C Act).

Table 2 shows the amounts specified in appropriation acts for each year from FY 2014 through FY 2017, and the amounts FDA has collected for FY 2014, FY 2015, FY 2016, and FY 2017 as of June 30, 2017, and an additional $11,810,000 (rounded to the nearest thousand dollars) that FDA estimates it will collect in FY 2017 based on historical data. Table 2 shows the estimated cumulative difference between AGDUFA II fee amounts specified in appropriation acts for FY 2014 through FY 2017 and AGDUFA II fee amounts collected.

TABLE 2—OFFSETS TO BE TAKEN FOR AGDUFA II

Fiscal year	Collections realized	Collection amount specified in appropriation acts	Amount in excess of collection amount specified in appropriation acts
2014	$8,388,928	$7,328,000	$1,060,928
2015	9,982,041	6,944,000	3,038,041
2016	8,541,304	9,705,000	−1,163,696
2017	11,810,000	11,341,000	469,000
Net Balance to be Offset When Fees are Set for FY 2018	.....	.....	3,404,273

Note: FY 2017 ''Collections Realized'' is the amount FDA estimates it will collect in FY 2017 based on historical data.

The cumulative fees collected for FY 2014 through FY 2017 are estimated to be $3,404,273 greater than the cumulative fee amounts specified in appropriation acts during this same period. Reducing the workload adjusted amount of $12,822,907 by the AGDUFA II offset of $3,404,273 results in an amount of $9,419,000 (rounded to the nearest thousand dollars), before the final year adjustment.

Reducing the fees to achieve the offset-adjusted target revenue (as a percentage of workload-adjusted target revenue) yields the following revenue by fee type: The target for application fee revenue after the offset is $9,419,000 × 25 percent, for a total of $2,355,000, rounded to the nearest thousand. The target for product fee revenue after the offset is $9,419,000 × 37.5 percent, for a total of $3,532,000, rounded to the nearest thousand, and the target for sponsor fee revenue after the offset is the same as for product fees ($3,532,000, rounded to the nearest thousand).

E. Final Year Adjustment

Under the provisions of the FD&C Act, for FY 2018 the Secretary of Health and Human Services may, in addition to the workload adjustment, further increase the fees if such an adjustment is necessary to provide for not more than 3 months of operating reserves of carryover user fees for the process for the review of abbreviated applications for generic new animal drugs for the first 3 months of FY 2019. If such an adjustment is necessary, the rationale for the amount of this increase shall be contained in the annual notice establishing fees for FY 2018 (see section 741(c)(3) of the FD&C Act).

After calculating the operating reserves and estimating the balance as of the beginning of FY 2019, FDA estimates that the AGDUFA program will have sufficient funds for the operating reserves; thus, FDA will not be performing a final year adjustment for FY 2019 because FDA has determined such an adjustment to be unnecessary.

III. Abbreviated Application Fee Calculations for FY 2018

A. Application Fee Revenues and Numbers of Fee-Paying Applications

Each person that submits an abbreviated application for a generic new animal drug shall be subject to an application fee, with limited exceptions (21 U.S.C. 379j–21(a)(1)). The term ''abbreviated application for a generic new animal drug'' means an abbreviated application for the approval of any generic new animal drug submitted under section 512(b)(2) (21 U.S.C. 379j–21(k)(1)). The application fees are to be set so that they will generate $2,355,000 in fee revenue for FY 2018.

To set fees for abbreviated applications for generic new animal drugs to realize $2,355,000, FDA must first make some assumptions about the number of fee-paying abbreviated applications it will receive during FY 2018.

The Agency knows the number of applications that have been submitted in previous years. That number fluctuates from year to year. FDA is making estimates and applying different assumptions for two types of full fee submissions: Original submissions of abbreviated applications for generic new animal drugs and ''reactivated'' submissions of abbreviated applications for generic new animal drugs. Any original submissions of abbreviated applications for generic new animal drugs that were received by FDA before July 1, 2008, were not assessed fees (21 U.S.C. 379j–21(a)(1)(A)). Some of these non-fee-paying submissions were later resubmitted on or after July 1 because the initial submission was not approved by FDA (*i.e.,* FDA marked the submission as incomplete and requested additional non-administrative information) or because the original submission was withdrawn by the sponsor. Abbreviated applications for generic new animal drugs resubmitted on or after July 1, 2008, are subject to user fees. In this notice, FDA refers to these resubmitted applications as ''reactivated'' applications.

Also, under AGDUFA II, an abbreviated application for an animal generic drug subject to the criteria in section 512(d)(4) of the FD&C Act and submitted on or after October 1, 2013, shall be subject to 50 percent of the fee applicable to all other abbreviated applications for a generic new animal drug (21 U.S.C. 379j–21(a)(1)(C)(ii)).

Regarding original submissions of abbreviated applications for generic new animal drugs, FDA is assuming that the number of applications that will pay fees in FY 2018 will equal the average number of submissions over the 5 most recently completed years of the AGDUFA program (FY 2012–FY 2016). FDA believes that this is a reasonable approach after 8 complete years of experience with this program.

The average number of original submissions of abbreviated applications for generic new animal drugs over the 5 most recently completed years is 10 applications not subject to the criteria in section 512(d)(4) of the FD&C Act and 4.4 submissions subject to the criteria in section 512(d)(4). Each of the submissions described under section 512(d)(4) of the FD&C Act pays 50 percent of the fee paid by the other applications and will be counted as one half of a fee. Adding all of the applications not subject to the criteria in section 512(d)(4) of the FD&C Act and 50 percent of the number that are subject to such criteria results in a total of 12.2 anticipated full fees.

In prior years, FDA had estimated the number of reactivations of abbreviated applications for generic new animal drugs that had been originally submitted prior to July 1, 2008. Over the years, that number has decreased to the point that

FDA no longer expects to receive any reactivations of applications initially submitted prior to July 1, 2008, and will include no provision for them in its fee estimates. Should such a submission be made, the submitter will be expected to pay the appropriate fee.

Based on the previous assumptions, FDA is estimating that it will receive a total of 12.2 fee-paying generic new animal drug applications in FY 2018 (10 original applications paying a full fee and 4.4 applications paying a half fee).

B. Application Fee Rates for FY 2018

FDA must set the fee rates for FY 2018 so that the estimated 12.2 abbreviated applications that pay the fee will generate a total of $2,355,000. To generate this amount, the fee for a generic new animal drug application, rounded to the nearest hundred dollars, will have to be $193,000, and for those applications that are subject to the criteria set forth in section 512(d)(4) of the FD&C Act, 50 percent of that amount, or $96,500.

IV. Generic New Animal Drug Product Fee Calculations for FY 2018

A. Product Fee Revenues and Numbers of Fee-Paying Products

The generic new animal drug product fee (also referred to as the product fee) must be paid annually by the person named as the applicant in an abbreviated application or supplemental abbreviated application for a generic new animal drug product submitted for listing under section 510 of the FD&C Act (21 U.S.C. 360), and who had an abbreviated application or supplemental abbreviated application for a generic new animal drug product pending at FDA after September 1, 2008 (see 21 U.S.C. 379j–21(a)(2)). The term ''generic new animal drug product'' means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is uniquely identified by the labeler code and product code portions of the national drug code, and for which an abbreviated application for a generic new animal drug or supplemental abbreviated application for a generic new animal drug has been approved (21 U.S.C. 379j–21(k)(6)). The product fees are to be set so that they will generate $3,532,000 in fee revenue for FY 2018.

To set generic new animal drug product fees to realize $3,532,000, FDA must make some assumptions about the number of products for which these fees will be paid in FY 2018. FDA gathered data on all generic new animal drug products that have been submitted for listing under section 510 of the FD&C Act and matched this to the list of all persons who FDA estimated would have an abbreviated new animal drug application or supplemental abbreviated application pending after September 1, 2008. As of June 2017, FDA estimates a total of 431 products submitted for listing by persons who had an abbreviated application for a generic new animal drug or supplemental abbreviated application for a generic new animal drug pending after September 1, 2008. Based on this, FDA believes that a total of 431 products will be subject to this fee in FY 2018.

In estimating the fee revenue to be generated by generic new animal drug product fees in FY 2018, FDA is assuming that less than two products invoiced will qualify for minor use/minor species fee waiver (see 21 U.S.C. 379j–21(d)). FDA has kept this estimate at zero percent this year, based on historical data over the past 5 completed years of the AGDUFA program.

Accordingly, the Agency estimates that a total of 431 products will be subject to product fees in FY 2018.

B. Product Fee Rates for FY 2018

FDA must set the fee rates for FY 2018 so that the estimated 431 products that pay fees will generate a total of $3,532,000. To generate this amount will require the fee for a generic new animal drug product, rounded to the nearest $5, to be $8,195.

V. Generic New Animal Drug Sponsor Fee Calculations for FY 2018

A. Sponsor Fee Revenues and Numbers of Fee-Paying Sponsors

The generic new animal drug sponsor fee (also referred to as the sponsor fee) must be paid annually by each person who: (1) Is named as the applicant in an abbreviated application for a generic new animal drug, except for an approved application for which all subject products have been removed from listing under section 510 of the FD&C Act, or has submitted an investigational submission for a generic new animal drug that has not been terminated or otherwise rendered inactive and (2) had an abbreviated application for a generic new animal drug, supplemental abbreviated application for a generic new animal drug, or investigational submission for a generic new animal drug pending at FDA after September 1, 2008 (see 21 U.S.C. 379j–21(k)(7) and 379j–21(a)(3), respectively). A generic new animal drug sponsor is subject to only one such fee each fiscal year (see 21 U.S.C. 379j–21(a)(3)(C)). Applicants with more than six approved abbreviated applications will pay 100 percent of the sponsor fee; applicants with more than one and fewer than seven approved abbreviated applications will pay 75 percent of the sponsor fee; and applicants with one or fewer approved abbreviated applications will pay 50 percent of the sponsor fee (see 21 U.S.C. 379j–21(a)(3)(C)). The sponsor fees are to be set so that they will generate $3,532,000 in fee revenue for FY 2018.

To set generic new animal drug sponsor fees to realize $3,532,000, FDA must make some assumptions about the number of sponsors who will pay these fees in FY 2018. FDA now has 8 complete years of experience collecting these sponsor fees. Based on the number of firms that meet this definition and the average number of firms paying fees at each level over the 5 most recently completed years of the AGDUFA program (FY 2012 through FY 2016), FDA estimates that in FY 2018, 14 sponsors will pay 100 percent fees, 17 sponsors will pay 75 percent fees, and 42 sponsors will pay 50 percent fees. That totals the equivalent of 47.75 full sponsor fees (14×100 percent or 14, plus 17×75 percent or 12.75, plus 42×50 percent or 21).

FDA estimates that about 3 percent of all of these sponsors, or 1.43, may qualify for a minor use/minor species fee waiver (see 21 U.S.C. 379j–21(d)). FDA has kept the estimate of the percentage of sponsors that will not pay fees at 3 percent this year, based on historical data over the past 5 completed years of the AGDUFA program.

Accordingly, the Agency estimates that the equivalent of 46.32 full sponsor fees (47.75 minus 1.43) are likely to be paid in FY 2018.

B. Sponsor Fee Rates for FY 2018

FDA must set the fee rates for FY 2018 so that the estimated equivalent of 46.32 full sponsor fees will generate a total of $3,532,000. To generate this amount will require the 100 percent fee for a generic new animal drug sponsor, rounded to the nearest $50, to be $76,250. Accordingly, the fee for those paying 75 percent of the full sponsor fee will be $57,188, and the fee for those paying 50 percent of the full sponsor fee will be $38,125.

VI. Fee Schedule for FY 2018

The fee rates for FY 2018 are summarized in table 3.

TABLE 3—FY 2018 FEE RATES

Generic new animal drug user fee category	Fee rate for FY 2018
Abbreviated Application Fee for Generic New Animal Drug except those subject to the criteria in section 512(d)(4)	$193,000
Abbreviated Application Fee for Generic New Animal Drug subject to the criteria in section 512(d)(4)	96,500
Generic New Animal Drug Product Fee	8,195
100 Percent Generic New Animal Drug Sponsor Fee [1]	76,250
75 Percent Generic New Animal Drug Sponsor Fee [1]	57,188
50 Percent Generic New Animal Drug Sponsor Fee [1]	38,125

[1] An animal drug sponsor is subject to only one fee each fiscal year.

VII. Procedures for Paying FY 2018 Generic New Animal Drug User Fees

A. Abbreviated Application Fees and Payment Instructions

The FY 2018 fee established in the new fee schedule must be paid for an abbreviated new animal drug application subject to fees under AGDUFA II that is submitted on or after October 1, 2017. The payment must be made in U.S. currency from a U.S. bank by one of the following methods: Wire transfer, electronically, check, bank draft, or U.S. postal money order made payable to the Food and Drug Administration. The preferred payment method is online using an electronic check (Automated Clearing House (ACH), also known as eCheck) or credit card (Discover, VISA, MasterCard, American Express). Secure electronic payments can be submitted using the User Fees Payment Portal at *https://userfees.fda.gov/pay* or the *Pay.gov* payment option is available to you after you submit a cover sheet. (**Note:** Only full payments are accepted. No partial payments can be made online.) Once you have found your invoice, select ''Pay Now'' to be redirected to *Pay.gov*. Electronic payment options are based on the balance due. Payment by credit card is available only for balances less than $25,000. If the balance exceeds this amount, only the ACH option is available. Payments must be made using U.S. bank accounts as well as U.S. credit cards.

When paying by check, bank draft, or U.S. postal money order, please write your application's unique Payment Identification Number, beginning with the letters ''AG'', on the upper right-hand corner of your completed Animal Generic Drug User Fee Cover Sheet. Also write the FDA post office box number (P.O. Box 979033) on the enclosed check, bank draft, or money order. Mail the payment and a copy of the completed Animal Generic Drug User Fee Cover Sheet to: Food and Drug Administration, P.O. Box 979033, St. Louis, MO 63197–9000.

When paying by wire transfer, it is required that the invoice number is included; without the invoice number the payment may not be applied. If the payment amount is not applied, the invoice amount would be referred to collections. The originating financial institution may charge a wire transfer fee. If the financial institution charges a wire transfer fee, it is required to add that amount to the payment to ensure that the invoice is paid in full. Use the following account information when sending a wire transfer: U.S. Department of the Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Account Name: Food and Drug Administration, Account No.: 75060099, Routing No.: 021030004, Swift No.: FRNYUS33, Beneficiary: FDA, 8455 Colesville Rd., 14th Floor, Silver Spring, MD 20993–0002.

To send a check by a courier such as Federal Express, the courier must deliver the check and printed copy of the cover sheet to: U.S. Bank, Attn: Government Lockbox 979033, 1005 Convention Plaza, St. Louis, MO 63101. (**Note:** This address is for courier delivery only. If you have any questions concerning courier delivery, contact U.S. Bank at 314–418–4013. This phone number is only for questions about courier delivery.)

It is important that the fee arrives at the bank at least a day or two before the abbreviated application arrives at FDA's Center for Veterinary Medicine (CVM). FDA records the official abbreviated application receipt date as the later of the following: The date the application was received by CVM, or the date U.S. Bank notifies FDA that your payment in the full amount has been received, or when the U.S. Department of the Treasury notifies FDA of payment. U.S. Bank and the United States Treasury are required to notify FDA within 1 working day, using the Payment Identification Number described previously.

The tax identification number of FDA is 53–0196965. (**Note:** In no case should the payment for the fee be submitted to FDA with the application.)

B. Application Cover Sheet Procedures

Step One—Create a user account and password. Log onto the AGDUFA Web site at *http://www.fda.gov/ForIndustry/UserFees/AnimalGenericDrugUserFeeActAGDUFA/ucm137049.htm* and scroll down the page until you find the link ''Create AGDUFA User Fee Cover Sheet.'' Select that link and follow the directions. For security reasons, each firm submitting an application will be assigned an organization identification number, and each user will also be required to set up a user account and password the first time you use this site. Online instructions will walk you through this process.

Step Two—Create an Animal Generic Drug User Fee Cover Sheet, transmit it to FDA, and print a copy. After logging into your account with your user name and password, complete the steps required to create an Animal Generic Drug User Fee Cover Sheet. One cover sheet is needed for each abbreviated animal drug application. Once you are satisfied that the data on the cover sheet is accurate and you have finalized the cover sheet, you will be able to transmit it electronically to FDA and you will be able to print a copy of your cover sheet showing your unique Payment Identification Number.

Step Three—Send the payment for your application as described in section VII.A of this document.

Step Four—Please submit your application and a copy of the completed Animal Generic Drug User Fee Cover Sheet to the following address: Food and Drug Administration, Center for Veterinary Medicine, Document Control Unit (HFV–199), 7500 Standish Pl., Rockville, MD 20855.

C. Product and Sponsor Fees

By December 31, 2017, FDA will issue invoices and payment instructions for product and sponsor fees for FY 2018 using this fee schedule. Fees will be due by January 31, 2018. FDA will issue invoices in November 2018 for any products and sponsors subject to fees for

FY 2018 that qualify for fees after the December 2017 billing.

Dated: July 26, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–16181 Filed 8–1–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0007]

Outsourcing Facility Fee Rates for Fiscal Year 2018

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the fiscal year (FY) 2018 rates for the establishment and re-inspection fees related to entities that compound human drugs and elect to register as outsourcing facilities under the Federal Food, Drug, and Cosmetic Act (the FD&C Act). The FD&C Act authorizes FDA to assess and collect an annual establishment fee from outsourcing facilities, as well as a re-inspection fee for each re-inspection of an outsourcing facility. This document establishes the FY 2018 rates for the small business establishment fee ($5,364), the non-small business establishment fee ($17,364), and the re-inspection fee ($16,093) for outsourcing facilities; provides information on how the fees for FY 2018 were determined; and describes the payment procedures outsourcing facilities should follow. These fee rates are effective October 1, 2017, and will remain in effect through September 30, 2018.

FOR FURTHER INFORMATION CONTACT: For more information on human drug compounding and outsourcing facility fees, visit FDA's Web site at: *http://www.fda.gov/Drugs/GuidanceCompliance RegulatoryInformation/PharmacyCompounding/default.htm.*

For questions relating to this notice: Rachel Richter, Office of Financial Management, Food and Drug Administration, 8455 Colesville Rd., COLE–14216, Silver Spring, MD 20993–0002, 301–796–7111.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Quality and Security Act (DQSA) contains important provisions relating to the oversight of compounding human drugs. Title I of this law, the Compounding Quality Act, created a new section 503B in the FD&C Act (21 U.S.C. 353b). Under section 503B of the FD&C Act, a human drug compounder can become an ''outsourcing facility.''

Outsourcing facilities, as defined in section 503B(d)(4) of the FD&C Act, are facilities that meet all of the conditions described in section 503B(a), including registering with FDA as an outsourcing facility and paying an annual establishment fee. If the conditions of section 503B are met, a drug compounded by or under the direct supervision of a licensed pharmacist in an outsourcing facility is exempt from three sections of the FD&C Act: (1) Section 502(f)(1) (21 U.S.C. 352(f)(1)) concerning the labeling of drugs with adequate directions for use; (2) section 505 (21 U.S.C. 355) concerning the approval of human drug products under new drug applications (NDAs) or abbreviated new drug applications (ANDAs); and (3) section 582 (21 U.S.C. 360eee-1) concerning drug supply chain security requirements. Drugs compounded in outsourcing facilities are not exempt from the requirements of section 501(a)(2)(B) of the FD&C Act (21 U.S.C. 351(a)(2)(B)) concerning current good manufacturing practice requirements for drugs.

Section 744K of the FD&C Act (21 U.S.C. 379j–62) authorizes FDA to assess and collect the following fees associated with outsourcing facilities: (1) An annual establishment fee from each outsourcing facility and (2) a re-inspection fee from each outsourcing facility subject to a re-inspection (see section 744K(a)(1) of the FD&C Act). Under statutorily defined conditions, a qualified applicant may pay a reduced small business establishment fee (see section 744K(c)(4) of the FD&C Act).

FDA announced in the **Federal Register** of November 24, 2014 (79 FR 69856), the availability of a final guidance for industry entitled ''Fees for Human Drug Compounding Outsourcing Facilities Under Sections 503B and 744K of the FD&C Act.'' The guidance provides additional information on the annual fees for outsourcing facilities and adjustments required by law, re-inspection fees, how to submit payment, the effect of failure to pay fees, and how to qualify as a small business to obtain a reduction of the annual establishment fee. This guidance can be accessed on FDA's Web site at: *https://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM391102.pdf.*

II. Fees for FY 2018

A. Methodology for Calculating FY 2018 Adjustment Factors

1. Inflation Adjustment Factor

Section 744K(c)(2) of the FD&C Act specifies the annual inflation adjustment for outsourcing facility fees. The inflation adjustment has two components: One based on FDA's payroll costs and one based on FDA's non-payroll costs for the first 3 of the 4 previous fiscal years. The payroll component of the annual inflation adjustment is calculated by taking the average change in FDA's per-full time equivalent (FTE) personnel compensation and benefits (PC&B) in the first 3 of the 4 previous fiscal years (see section 744K(c)(2)(A)(ii) of the FD&C Act). FDA's total annual spending on PC&B is divided by the total number of FTEs per fiscal year to determine the average PC&B per FTE.

Table 1 summarizes the actual cost and FTE data for the specified fiscal years, and provides the percent change from the previous fiscal year and the average percent change over the first 3 of the 4 fiscal years preceding FY 2018. The 3-year average is 2.2354 percent.

TABLE 1—FDA PC&BS EACH YEAR AND PERCENT CHANGE

Fiscal year	2014	2015	2016	3-Year average
Total PC&B	$2,054,937,000	$2,232,304,000	$2,414,728,159	.....
Total FTE	14,555	15,484	16,381	.....
PC&B per FTE	$141,184	$144,168	$147,408	.....
Percent change from previous year	2.3451%	2.1136%	2.2474%	2.2354%

Section 744K(c)(2)(A)(ii) of the FD&C Act specifies that this 2.2354 percent should be multiplied by the proportion of PC&B to total costs of an average FDA FTE for the same 3 fiscal years.

TABLE 2—FDA PC&BS AS A PERCENT OF FDA TOTAL COSTS OF AN AVERAGE FTE

Fiscal year	2014	2015	2016	3-Year average
Total PC&B	$2,054,937,000	$2,232,304,000	$2,414,728,159	.....
Total Costs	$4,298,476,000	$4,510,565,000	$4,666,236,000	.....
PC&B Percent	47.8062%	49.4906%	51.7490%	49.6819%

The payroll adjustment is 2.2354 percent multiplied by 49.6819 percent, or 1.1106 percent.

Section 744K(c)(2)(A)(iii) of the FD&C Act specifies that the portion of the inflation adjustment for non-payroll costs for FY 2018 is equal to the average annual percent change in the Consumer Price Index (CPI) for urban consumers (U.S. City Average; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data, multiplied by the proportion of all non-PC&B costs to total costs of an average FDA FTE for the same period.

Table 2 provides the summary data for the percent change in the specified CPI for U.S. cities. These data are published by the Bureau of Labor Statistics and can be found on its Web site: *http://data.bls.gov/cgi-bin/surveymost?cu. The data can be viewed* by checking the box marked ''U.S. All items, 1982–84 = 100—CUUR0000SA0'' and then selecting ''Retrieve Data''.

TABLE 3—ANNUAL AND 3-YEAR AVERAGE PERCENT CHANGE IN U.S. CITY AVERAGE CPI

Year	2014	2015	2016	3-Year average
Annual CPI	236.736	237.017	240.007	.....
Annual Percent Change	1.6222%	0.1187%	1.2615%	1.0008%

Section 744K(c)(2)(A)(iii) of the FD&C Act specifies that this 1.0008 percent should be multiplied by the proportion of all non-PC&B costs to total costs of an average FTE for the same 3 fiscal years. The proportion of all non-PC&B costs to total costs of an average FDA FTE for FYs 2014 to 2016 is 50.3181 percent (100 percent − 49.6819 percent = 50.3181 percent). Therefore, the non-pay adjustment is 1.0008 percent times 50.3181 percent, or 0.5036 percent.

The PC&B component (1.1106 percent) is added to the non-PC&B component (0.5036 percent), for a total inflation adjustment of 1.6142 percent (rounded). Section 744K(c)(2)(A)(i) of the FD&C Act specifies that one is added to that figure, making the inflation adjustment 1.016142.

Section 744K(c)(2)(B) of the FD&C Act provides for this inflation adjustment to be compounded after FY 2015. This factor for FY 2018 (1.6142 percent) is compounded by adding one to it, and then multiplying it by one plus the inflation adjustment factor for FY 2017 (5.5792 percent), as published in the **Federal Register** of August 1, 2016 (81 FR 50528 at 50529). The result of this multiplication of the inflation factors for the 3 years since FY 2015 (1.016142 × 1.055792) becomes the inflation adjustment for FY 2018. For FY 2018, the inflation adjustment is 7.2835 percent (rounded). We then add one, making the FY 2018 inflation adjustment factor 1.072835.

2. Small Business Adjustment Factor

Section 744K(c)(3) of the FD&C Act specifies that in addition to the inflation adjustment factor, the establishment fee for non-small businesses is to be further adjusted for a small business adjustment factor. Section 744K(c)(3)(B) of the FD&C Act provides that the small business adjustment factor is the adjustment to the establishment fee for non-small businesses that is necessary to achieve total fees equaling the amount that FDA would have collected if no entity qualified for the small business exception in section 744K(c)(4) of the FD&C Act. Additionally, section 744K(c)(5)(A) states that in establishing the small business adjustment factor for a fiscal year, FDA shall provide for the crediting of fees from the previous year to the next year if FDA overestimated the amount of the small business adjustment factor for such previous fiscal year.

Therefore, to calculate the small business adjustment to the establishment fee for non-small businesses for FY 2018, FDA must estimate: (1) The number of outsourcing facilities that will pay the reduced fee for small businesses for FY 2018 and (2) the total fee revenue it would have collected if no entity had qualified for the small business exception (*i.e.,* if each entity that registers as an outsourcing facility for FY 2018 were to pay the inflation-adjusted fee amount of $16,093).

With respect to (1), FDA estimates that 12 entities will qualify for small business exceptions and will pay the reduced fee for FY 2018. With respect to (2), to estimate the total number of entities that will register as outsourcing facilities for FY 2018, FDA used data submitted by outsourcing facilities through the voluntary registration process, which began in December 2013. Accordingly, FDA estimates that 76 outsourcing facilities, including 12 small businesses, will be registered with FDA in FY 2018.

If the projected 76 outsourcing facilities paid the full inflation-adjusted fee of $16,093, this would result in total revenue of $1,223,068 in FY 2018 ($16,093 × 76). However, 12 of the entities that are expected to register as outsourcing facilities for FY 2018 are projected to qualify for the small business exception and to pay one-third of the full fee ($5,364 × 12), totaling $64,368 instead of paying the full fee ($16,093 × 12), which would total $193,116. This would leave a potential shortfall of $128,748 ($193,116 − $64,368).

Additionally, section 744K(c)(5)(A) of the FD&C Act states that in establishing the small business adjustment factor for a fiscal year, FDA shall provide for the crediting of fees from the previous year to the next year if FDA overestimated the amount of the small business adjustment factor for such previous fiscal year. FDA has determined that it is appropriate to credit excess fees collected from the last completed fiscal year, due to the inability to conclusively determine the amount of excess fees from the fiscal year that is in progress at the time this calculation is made. This crediting is done by comparing the small business adjustment factor for the last completed fiscal year, FY 2016 ($1,771), to what would have been the small business adjustment factor for FY

2016 ($1,007) if FDA had estimated perfectly.

The calculation for what the small business adjustment would have been if FDA had estimated perfectly begins by determining the total target collections (15,000 × [inflation adjustment factor] × [number of registrants]). For the most recent complete fiscal year, FY 2016, this was $1,061,480 ($15,610 × 68). The actual FY 2016 revenue from the 68 total registrants (*i.e.,* 62 registrants paying FY 2016 non-small business establishment fee and six small business registrants) paying establishment fees is $999,038. $999,038 is calculated as follows: [FY 2016 Non-Small Business Establishment Fee adjusted for inflation only] × [total number of registrants in FY 2016 paying Non-Small Business Establishment Fee] + [FY 2016 Small Business Establishment Fee] × [total number of small business registrants in FY 2016 paying Small Business Establishment Fee]. $15,610 × 62 + $5,203 × 6 = $999,038. This left a shortfall of $62,442 from the estimated total target collection amount ($1,061,480 − $999,038). $62,442 divided by the total number of registrants in FY 2016 paying Standard Establishment Fee (62) equals $1,007.

The difference between the small business adjustment factor used in FY 2016 and the small business adjustment factor that would have been used had FDA estimated perfectly, is $764 ($1,771 − $1,007). The $764 is then multiplied by the number of actual registrants who paid the standard fee for FY 2016 (62), which provides us a total excess collection of $47,385 in FY 2016.[1]

Therefore, to calculate the small business adjustment factor for FY 2018, FDA subtracts $47,385 from the projected shortfall of $128,748 for FY 2018 to arrive at the numerator for the small business adjustment amount, which equals $81,363. This number divided by 64 (the number of expected non-small businesses for FY 2018) is the small business adjustment amount for FY 2018, which is $1,271.

B. FY 2018 Rates for Small Business Establishment Fee, Non-Small Business Establishment Fee, and Re-Inspection Fee

1. Establishment Fee for Qualified Small Businesses [2]

The amount of the establishment fee for a qualified small business is equal to $15,000 multiplied by the inflation adjustment factor for that fiscal year, divided by three (see section 744K(c)(4)(A) and (c)(1)(A) of the FD&C Act). The inflation adjustment factor for FY 2018 is 1.072835. See section II.A.1 for the methodology used to calculate the FY 2018 inflation adjustment factor. Therefore, the establishment fee for a qualified small business for FY 2018 is one third of $16,093, which equals $5,364 (rounded to the nearest dollar).

2. Establishment Fee for Non-Small Businesses

Under section 744K(c) of the FD&C Act, the amount of the establishment fee for a non-small business is equal to $15,000 multiplied by the inflation adjustment factor for that fiscal year, plus the small business adjustment factor for that fiscal year, and plus or minus an adjustment factor to account for over- or under-collections due to the small business adjustment factor in the prior year. The inflation adjustment factor for FY 2018 is 1.072835. The small business adjustment amount for FY 2018 is $1,271. See section II.A.2 for the methodology used to calculate the small business adjustment factor for FY 2018. Therefore, the establishment fee for a non-small business for FY 2018 is $15,000 multiplied by 1.072835 plus $1,271, which equals $17,364 (rounded to the nearest dollar).

3. Re-Inspection Fee

Section 744K(c)(1)(B) of the FD&C Act provides that the amount of the FY 2018 re-inspection fee is equal to $15,000, multiplied by the inflation adjustment factor for that fiscal year. The inflation adjustment factor for FY 2018 is 1.072835. Therefore, the re-inspection fee for FY 2018 is $15,000 multiplied by 1.072835, which equals $16,093 (rounded to the nearest dollar). There is no reduction in this fee for small businesses.

C. Summary of FY 2018 Fee Rates

TABLE 4—OUTSOURCING FACILITY FEES

Qualified Small Business Establishment Fee	$5,364
Non-Small Business Establishment Fee	17,364
Re-inspection Fee	16,093

III. Fee Payment Options and Procedures

A. Establishment Fee

Once an entity submits registration information and FDA has determined that the information is complete, the entity will incur the annual establishment fee. FDA will send an invoice to the entity, via email to the email address indicated in the registration file, or via regular mail if email is not an option. The invoice will contain information regarding the obligation incurred, the amount owed, and payment procedures. A facility will not be registered as an outsourcing facility until it has paid the annual establishment fee under section 744K of the FD&C Act. Accordingly, it is important that facilities seeking to operate as outsourcing facilities pay all fees immediately upon receiving an invoice. If an entity does not pay the full invoiced amount within 15 calendar days after FDA issues the invoice, FDA will consider the submission of registration information to have been withdrawn and adjust the invoice to reflect that no fee is due.

Outsourcing facilities that registered in FY 2017 and wish to maintain their status as an outsourcing facility in FY 2018 must register during the annual registration period that lasts from October 1, 2017, to December 31, 2017. Failure to register and complete payment by December 31, 2017, will result in a loss of status as an outsourcing facility on January 1, 2018. Entities should submit their registration information no later than December 10, 2017, to allow enough time for review of the registration information, invoicing, and payment of fees before the end of the registration period.

B. Re-Inspection Fee

FDA will issue invoices for each re-inspection after the conclusion of the re-inspection, via email to the email address indicated in the registration file or via regular mail if email is not an option. Invoices must be paid within 30 days.

[1] The small business adjustment credit in place for FY 2017 fee setting is not relevant to setting fees for FY 2018 due to having more complete collection information.

[2] To qualify for a small business reduction of the FY 2018 establishment fee, entities had to submit their exception requests by April 30, 2017. See section 744K(c)(4)(B) of the FD&C Act. Although the time for requesting a small business exception for FY 2018 has now passed, an entity that wishes to request a small business exception for FY 2019 should consult section 744K(c)(4) of the FD&C Act and section III.D of FDA's guidance for industry entitled ''Fees for Human Drug Compounding Outsourcing Facilities Under Sections 503B and 744K of the FD&C Act,'' which can be accessed on FDA's Web site at *https://www.fda.gov/downloads/drugs/guidancecomplianceregulatoryinformation/guidances/ucm391102.pdf*.

C. Fee Payment Procedures

1. The preferred payment method is online using electronic check (Automated Clearing House (ACH) also known as eCheck) or credit card (Discover, VISA, MasterCard, American Express). Secure electronic payments can be submitted using the User Fees Payment Portal at *https://userfees.fda.gov/pay.* (**Note:** Only full payments are accepted. No partial payments can be made online.) Once you search for your invoice, click ''Pay Now'' to be redirected to *Pay.gov.* Electronic payment options are based on the balance due. Payment by credit card is available for balances less than $25,000. If the balance exceeds this amount, only the ACH option is available. Payments must be made using U.S bank accounts as well as U.S. credit cards.

2. If paying with a paper check: Checks must be in U.S. currency from a U.S. bank and made payable to the Food and Drug Administration. Payments can be mailed to: Food and Drug Administration, P.O. Box 979033, St. Louis, MO 63197–9000. If a check is sent by a courier that requests a street address, the courier can deliver the check to: U.S. Bank, Attn: Government Lockbox 979033, 1005 Convention Plaza, St. Louis, MO 63101. (Note: This U.S. Bank address is for courier delivery only. If you have any questions concerning courier delivery, contact the U.S. Bank at 314–418–4013).

3. When paying by wire transfer, the invoice number must be included. Without the invoice number the payment may not be applied. Regarding re-inspection fees, if the payment amount is not applied, the invoice amount will be referred to collections. The originating financial institution may charge a wire transfer fee. If the financial institution charges a wire transfer fee, it is required that the outsourcing facility add that amount to the payment to ensure that the invoice is paid in full. Use the following account information when sending a wire transfer: New York Federal Reserve Bank, U.S. Dept of Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Acct. No. 75060099, Routing No. 021030004, SWIFT: FRNYUS33, Beneficiary: FDA, 8455 Colesville Rd., 14th Floor, Silver Spring, MD 20993–0002. If needed, FDA's tax identification number is 53–0196965.

Dated: July 25, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–16185 Filed 8–1–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Over-the-Counter Monograph User Fees: Stakeholder Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: The Food and Drug Administration (FDA) will hold a webinar for stakeholders on August 23, 2017, to provide stakeholders with a status update on the process of FDA and industry discussions on an Over-the-Counter (OTC) Monograph user fee program that began in July 2016. FDA will also provide an overview of proposed performance goals and procedures related to a potential new OTC monograph user fee program. This webinar is intended to be a followup to the June 10, 2016, public meeting and the September 6, 2016, stakeholder webinar on a potential new OTC monograph user fee program.

DATES: FDA will hold a webinar for stakeholders on Wednesday, August 23, 2017, from 12:30 p.m. to 2 p.m. EDT.

FOR FURTHER INFORMATION CONTACT: Mary Vienna, Office of Executive Programs, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20903–0002, 301–796–4150, email: *OTCMonographUserFeeProgram@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

On June 10, 2016, FDA held a public meeting on a potential new user fee program for nonprescription (over-the-counter or OTC) monograph drugs. In the announcement of the public meeting in the **Federal Register** (May 11, 2016, 81 FR 29275), FDA invited public comment as the Agency considers a user-fee program for OTC monograph drugs. A user-fee program would provide funding to supplement congressional non-user-fee appropriations, and would support timely and efficient FDA review of the efficacy and safety of ingredients included in or proposed for inclusion in a monograph. Interested persons were given until July 11, 2016, to submit comments. A stakeholder webinar was held on September 6, 2016, which provided stakeholders with a status update on the process of FDA and industry discussions that began in July 2016. In the notice of public meeting (August 8, 2016, 81 FR 52444), FDA invited public comments and interested parties were given until October 6, 2016, to submit comments.

FDA will hold a webinar for stakeholders on August 23, 2017, to provide stakeholders with a status update on the process of FDA and industry discussions on an OTC Monograph user fee program that began in July 2016. FDA will also provide an overview of proposed performance goals and procedures related to a potential new OTC monograph user fee program. This webinar is intended to be a followup to the June 10, 2016, public meeting and the September 6, 2016, stakeholder webinar on a potential new OTC monograph user fee program.

II. Background

Meeting minutes from FDA and industry discussions on a new OTC monograph user fee program can be found at: *https://www.fda.gov/ForIndustry/UserFees/OTCMonographUserFee/default.htm.* The proposed OTC Monograph User Fee Program Performance Goals and Procedures—Fiscal Years 2018–2022 document can also be found at that same Web site.

Additional background information on OTC monograph drugs (such as how OTC drugs can be marketed, and the differences between marketing through approved applications and marketing under the monographs), factors FDA considers important in developing a user-fee program, and the questions for which FDA asked the public to consider and provide input, can be found in the **Federal Register** notice from the June 10, 2016, public meeting (*https://www.federalregister.gov/articles/2016/05/11/2016-11098/over-the-counter-monograph-user-fees-public-meeting-request-for-comments*). The meeting transcript, meeting recording, and presentations from the June 10, 2016, public meeting, which can serve as further background information, can be found at: *https://www.fda.gov/ForIndustry/UserFees/OTCMonographUserFee/default.htm.* A summary of the September 6, 2016, stakeholders' webinar, can also be found at: *https://www.fda.gov/ForIndustry/UserFees/OTCMonographUserFee/default.htm.*

III. Stakeholder Meeting Participation

FDA is seeking participation at the webinar by stakeholders, including scientific and academic experts, health care professionals, representatives of patient and consumer advocacy groups, and representatives of the OTC monograph industry. Participating in the webinar is free. The webinar format

will include presentations by FDA staff and an opportunity for stakeholders to ask questions. If you wish to attend the webinar, FDA asks that you please register through Eventbrite by 12 a.m. EDT, Saturday, August 19, 2017: *https://www.eventbrite.com/e/over-the-counter-monograph-user-fees-stakeholder-meeting-registration-33593404778.* FDA will email the registered attendees a URL to join the webinar at least 1 day before the meeting.

Dated *July 27, 2017.*

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–16229 Filed 8–1–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0007]

Animal Drug User Fee Rates and Payment Procedures for Fiscal Year 2018

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the rates and payment procedures for fiscal year (FY) 2018 animal drug user fees. The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Animal Drug User Fee Amendments of 2013 (ADUFA III), authorizes FDA to collect user fees for certain animal drug applications and supplements, for certain animal drug products, for certain establishments where such products are made, and for certain sponsors of such animal drug applications and/or investigational animal drug submissions. This notice establishes the fee rates for FY 2018.

FOR FURTHER INFORMATION CONTACT: Visit FDA's Web site at *http://www.fda.gov/ForIndustry/UserFees/AnimalDrugUserFeeActADUFA/default.htm* or contact Lisa Kable, Center for Veterinary Medicine (HFV–10), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–6888. For general questions, you may also email the Center for Veterinary Medicine (CVM) at: *cvmadufa@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 740 of the FD&C Act (21 U.S.C. 379j–12) establishes four different types of user fees: (1) Fees for certain types of animal drug applications and supplements; (2) annual fees for certain animal drug products; (3) annual fees for certain establishments where such products are made; and (4) annual fees for certain sponsors of animal drug applications and/or investigational animal drug submissions (21 U.S.C. 379j–12(a)). When certain conditions are met, FDA will waive or reduce fees (21 U.S.C. 379j–12(d)).

For FY 2014 through FY 2018, the FD&C Act establishes aggregate yearly base revenue amounts for each fiscal year (21 U.S.C. 379j–12(b)(1)). Base revenue amounts established for years after FY 2014 are subject to adjustment for inflation and workload (21 U.S.C. 379j–12(c)). Fees for applications, establishments, products, and sponsors are to be established each year by FDA so that the percentages of the total revenue that are derived from each type of user fee will be as follows: Revenue from application fees shall be 20 percent of total fee revenue; revenue from product fees shall be 27 percent of total fee revenue; revenue from establishment fees shall be 26 percent of total fee revenue; and revenue from sponsor fees shall be 27 percent of total fee revenue (21 U.S.C. 379j–12(b)(2)).

For FY 2018, the animal drug user fee rates are: $238,100 for an animal drug application; $119,050 for a supplemental animal drug application for which safety or effectiveness data are required and for an animal drug application subject to the criteria set forth in section 512(d)(4) of the FD&C Act (21 U.S.C. 360b(d)(4)); $6,175 for an annual product fee; $88,750 for an annual establishment fee; and $75,150 for an annual sponsor fee. FDA will issue invoices for FY 2018 product, establishment, and sponsor fees by December 31, 2017, and payment will be due by January 31, 2018. The application fee rates are effective for applications submitted on or after October 1, 2017, and will remain in effect through September 30, 2018. Applications will not be accepted for review until FDA has received full payment of application fees and any other animal drug user fees owed under the Animal Drug User Fee program (ADUFA program).

II. Revenue Amount for FY 2018

A. Statutory Fee Revenue Amounts

ADUFA III, Title I of Public Law 113–14, specifies that the aggregate fee revenue amount for FY 2018 for all animal drug user fee categories is $21,600,000 (21 U.S.C. 379j–12(b)(1)(B)).

B. Inflation Adjustment to Fee Revenue Amount

The fee revenue amount established in ADUFA III for FY 2015 and subsequent fiscal years are subject to an inflation adjustment (21 U.S.C. 379j–12(c)(2)).

The component of the inflation adjustment for payroll costs shall be one plus the average annual percent change in the cost of all personnel compensation and benefits (PC&B) paid per full-time equivalent position (FTE) at FDA for the first three of the four preceding fiscal years, multiplied by the proportion of PC&B costs to total FDA costs for the first three of the four preceding fiscal years (see 21 U.S.C. 379j–12(c)(2)(A) and (B)). The data on total PC&B paid and numbers of FTE paid, from which the average cost per FTE can be derived, are published in FDA's Justification of Estimates for Appropriations Committees.

Table 1 summarizes that actual cost and FTE data for the specified fiscal years, and provides the percent change from the previous fiscal year and the average percent change over the first of the 4 fiscal years preceding FY 2018. The 3-year average is 2.2354 percent.

TABLE 1—FDA PERSONNEL COMPENSATION AND BENEFITS (PC&B) EACH YEAR AND PERCENT CHANGE

Fiscal year	2014	2015	2016	3-Year average
Total PC&B	$2,054,937,000	$2,232,304,000	$2,414,728,159	.....
Total FTE	14,555	15,484	16,381	.....
PC&B per FTE	$141,184	$144,168	$147,408	.....
Percent Change from Previous Year	2.3451%	2.1136%	2.2474%	2.2354%

The statute specifies that this 2.2354 percent should be multiplied by the proportion of PC&B costs to total FDA costs. Table 2 shows the amount of PC&B and the total amount obligated by FDA for the same 3 FYs.

TABLE 2—PC&B AS A PERCENT OF TOTAL COSTS AT FDA

Fiscal year	2014	2015	2016	3-Year average
Total PC&B	$2,054,937,000	$2,232,304,000	$2,414,728,159	.....
Total Costs	$4,298,476,000	$4,510,565,000	$4,666,236,000	.....
PC&B Percent	47.8062%	49.4906%	51.7490	49.6819%

The payroll adjustment is 2.2354 percent multiplied by 49.6819 percent (or 1.1106 percent).

The statute specifies that the portion of the inflation adjustment for non-payroll costs for FY 2018 is the average annual percent change that occurred in the Consumer Price Index (CPI) for urban consumers (Washington-Baltimore, DC-MD-VA-WV; not seasonally adjusted; all items less food and energy; annual index) for the first 3 of the preceding 4 years of available data multiplied by the proportion of all costs other than PC&B costs to total FDA costs (see 21 U.S.C. 379j–12(c)(2)(C)). Table 3 provides the summary data for the percent change in the specified CPI for the Baltimore-Washington area. The data from the Bureau of Labor Statistics is shown in table 3.

TABLE 3—ANNUAL AND 3-YEAR AVERAGE PERCENT CHANGE IN BALTIMORE-WASHINGTON AREA CPI LESS FOOD AND ENERGY

Year	2014	2015	2016	3-Year average
Annual CPI	149.581	152.242	154.702	.....
Annual Percent Change	1.7883%	1.7790%	1.6158%	1.7277%

To calculate the inflation adjustment for non-pay costs, we multiply the 1.7277 percent by the proportion of all costs other than PC&B to total FDA costs. Since 49.6819 percent was obligated for PC&B as shown in table 2, 50.3181 percent is the portion of costs other than PC&B (100 percent − 49.6819 percent = 50.3181 percent). The non-payroll adjustment is 1.7277 percent times 50.3181 percent, or 0.8693 percent.

Next, we add the payroll component (1.1106 percent) to the non-pay component (0.8693 percent), for a total inflation adjustment of 1.9799 percent for FY 2018.

ADUFA III provides for the inflation adjustment to be compounded each fiscal year after FY 2014 (see 21 U.S.C. 379j–12(c)(2)). The factor for FY 2018 (1.9799 percent) is compounded by adding 1 and then multiplying by 1 plus the inflation adjustment factor for FY 2017 (6.0746 percent), as published in the **Federal Register** of July 28, 2016 (81 FR 49664 to 49669), which equals 1.081748 (rounded) (1.019799 × 1.060746) for FY 2018. We then multiply the base revenue amount for FY 2018 ($21,600,000) by 1.081748, yielding an inflation adjusted amount of $23,365,757.

C. Workload Adjustment to Inflation Adjusted Fee Revenue Amount

A workload adjustment will be calculated to the inflation adjusted fee revenue amount established in ADUFA III for FY 2015 and subsequent fiscal years (21 U.S.C. 379j–12(c)(3)).

FDA calculated the average number of each of the five types of applications and submissions specified in the workload adjustment provision (animal drug applications, supplemental animal drug applications for which data with respect to safety or efficacy are required, manufacturing supplemental animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions) received over the 5-year period that ended on September 30, 2013 (the base years), and the average number of each of these types of applications and submissions over the most recent 5-year period that ended June 30, 2017.

The results of these calculations are presented in the first two columns of table 4. Column 3 reflects the percent change in workload over the two 5-year periods. Column 4 shows the weighting factor for each type of application, reflecting how much of the total FDA animal drug review workload was accounted for by each type of application or submission in the table during the most recent five years. Column 5 is the weighted percent change in each category of workload, and was derived by multiplying the weighting factor in each line in column 4 by the percent change from the base years in column 3. At the bottom right of table 4 the sum of the values in column 5 is added, reflecting a total change in workload of 5.4599 percent for FY 2018. This is the workload adjuster for FY 2018.

TABLE 4—WORKLOAD ADJUSTER CALCULATION

[Numbers may not add due to rounding]

Application type	Column 1 5-year average (base years)	Column 2 latest 5-year average	Column 3 percent change	Column 4 weighting factor	Column 5 weighted percent change
New Animal Drug Applications (NADAs)	9.8000	16.0	63.2653	0.030373	1.9216
Supplemental NADAs with Safety or Efficacy Data	9.6000	10.6	10.4167	0.026491	0.2759
Manufacturing Supplements	361.0000	334.6	−7.3130	0.162018	−1.1848
Investigational Study Submissions	216.4000	189.8	−12.2921	0.579781	−7.1267
Investigational Protocol Submissions	133.6000	210.4	57.4850	0.201337	11.5739

TABLE 4—WORKLOAD ADJUSTER CALCULATION—Continued

[Numbers may not add due to rounding]

Application type	Column 1 5-year average (base years)	Column 2 latest 5-year average	Column 3 percent change	Column 4 weighting factor	Column 5 weighted percent change
FY 2018 Workload Adjuster					5.4599

FDA experienced an increase in the number of new animal drug applications (NADAs) and supplemental NADAs with safety or effectiveness data. Over the last several years FDA has seen an increase in the number of animal drug products brought by animal drug sponsors for review in the drug evaluation process. These new animal drug products come from both existing animal drug sponsors as well as sponsors new to the animal drug market. The increase in new animal drug products has contributed to an increase in the number of protocol submissions and NADAs submitted for many novel drug classes and novel indications for both food-producing animals and companion animals. FDA can expect that the increases in reviewed protocols will lead in the near future to an increase in the number of Investigational Study Submissions and NADAs or supplemental NADAs as sponsors work their products through the regulatory review process. Additionally, FDA has seen an increase in the number of animal drug sponsors pursuing multiple changes to their existing NADAs (*e.g.,* new indications, new species, changes in dosage). For this reason we are seeing an increase in the number of supplemental NADAs with safety or effectiveness data. The increases in these submissions are consistent with an overall increase in workload including all submissions and communications with sponsors. In addition, CVM is not seeing a corresponding decrease in any of the other submission types that might have served to offset workload. As a result, the statutory revenue amount after the inflation adjustment ($23,365,757) must now be increased by 5.4599 percent to reflect the changes in review workload (workload adjustment), for a total fee revenue target of $24,641,504.

D. Offset for Excess Collections Through FY 2017

Under section 740(g)(4) of the FD&C Act, if the sum of the cumulative amount of the fees collected for FY 2014 through FY 2016, and the amount of fees estimated to be collected for FY 2017, exceeds the cumulative amount appropriated for fees for FY 2014 through FY 2017, the excess shall be credited to FDA's appropriation account and subtracted from the amount of fees that FDA would otherwise be authorized to collect for FY 2018 under the FD&C Act. (21 U.S.C. 379j–12(g)(4)).

Table 5 shows the amounts specified in appropriation acts for each year from FY 2014 through FY 2017, and the amounts FDA has collected for FY 2014, FY 2015, FY 2016, and FY 2017 as of June 30, 2017, and an additional $21,941,000 (rounded to the nearest thousand dollars) that FDA estimates it will collect in FY 2017 based on historical data. Table 5 shows the estimated cumulative difference between ADUFA fee amounts specified in appropriation acts for FY 2014 through FY 2017 and ADUFA fee amounts collected.

TABLE 5—OFFSETS TO BE TAKEN FOR ADUFA III

Fiscal year	Collections realized	Collection amount specified in appropriation acts	Amount in excess of collection amount specified in appropriation acts
2014	$27,184,831	$23,600,000	$3,584,831
2015	24,535,338	22,464,000	2,071,338
2016	25,442,477	22,818,000	2,624,477
2017	21,941,000	23,673,000	−1,732,000
Net Balance to be Offset When Fees are Set for FY 2018			6,548,646

Note: FY 2017 'Collections Realized' is the amount FDA estimates it will collect in FY 2017 based on historical data.

The cumulative fees collected for FY 2014 through FY 2017 are estimated to be $6,548,646 greater than the cumulative fee amounts specified in appropriation acts during this same period. Reducing the inflation and workload adjusted amount of $24,641,504 by the ADUFA III offset of $6,548,646 results in an amount of $18,093,000 (rounded to the nearest thousand), before the final year adjustment.

E. Final Year Adjustment

Under section 740(c)(4) of the FD&C Act, for FY 2018 the Secretary of Health and Human Services (the Secretary) may, in addition to the inflation and workload adjustments, further increase the fees if such an adjustment is necessary to provide for not more than 3 months of operating reserves of carryover user fees for the process for the review of animal drug applications for the first 3 months of FY 2019. If such an adjustment is necessary, the rationale for the amount of this increase must be included in the annual notice establishing fees for FY 2018 (21 U.S.C. 379j–12(c)(4)).

After calculating the operating reserves and estimating the balance as of the beginning of FY 2019, FDA estimates that the ADUFA program will have sufficient funds for the operating reserves, thus FDA will not be performing a final year adjustment for

FY 2019 because FDA has determined such an adjustment to be unnecessary.

F. FY 2018 Fee Revenue Amounts

ADUFA III specifies that the revenue amount of $18,093,000 for FY 2018 is to be divided as follows: 20 percent, or a total of $3,619,000 (rounded to the nearest thousand dollars), is to come from application fees; 27 percent, or a total of $4,885,000 (rounded to the nearest thousand dollars), is to come from product fees; 26 percent, or a total of $4,704,000 (rounded to the nearest thousand dollars), is to come from establishment fees; and 27 percent, or a total of $4,885,000 (rounded to the nearest thousand dollars), is to come from sponsor fees (21 U.S.C. 379j–12(b)).

III. Application Fee Calculations for FY 2018

A. Application Fee Revenues and Numbers of Fee-Paying Applications

Each person that submits an animal drug application or a supplemental animal drug application shall be subject to an application fee, with limited exceptions (see 21 U.S.C. 379j–12(a)(1)). The term ''animal drug application'' means an application for approval of any new animal drug submitted under section 512(b)(1) of the FD&C Act (21 U.S.C. 379j–11(1)). A ''supplemental animal drug application'' is defined as a request to the Secretary to approve a change in an animal drug application which has been approved, or a request to the Secretary to approve a change to an application approved under section 512(c)(2) of the FD&C Act for which data with respect to safety or effectiveness are required (21 U.S.C. 379j–11(2)). The application fees are to be set so that they will generate $3,619,000 in fee revenue for FY 2018. The fee for a supplemental animal drug application for which safety or effectiveness data are required and for an animal drug application subject to criteria set forth in section 512(d)(4) of the FD&C Act is to be set at 50 percent of the animal drug application fee (21 U.S.C. 379j–12(a)(1)(A)(ii)).

To set animal drug application fees and supplemental animal drug application fees to realize $3,619,000 FDA must first make some assumptions about the number of fee-paying applications and supplements the Agency will receive in FY 2018.

The Agency knows the number of applications that have been submitted in previous years. That number fluctuates from year to year. In estimating the fee revenue to be generated by animal drug application fees in FY 2018, FDA is assuming that the number of applications that will pay fees in FY 2018 will equal the average number of submissions over the five most recent completed years of the ADUFA program (FY 2012 to FY 2016). FDA believes that this is a reasonable approach after 13 completed years of experience with this program.

Over the five most recent completed years, the average number of animal drug applications that would have been subject to the full fee was 8.2. Over this same period, the average number of supplemental applications for which safety or effectiveness data are required and applications subject to the criteria set forth in section 512(d)(4) of the FD&C Act that would have been subject to half of the full fee was 14.0.

B. Application Fee Rates for FY 2018

FDA must set the fee rates for FY 2018 so that the estimated 8.2 applications that pay the full fee and the estimated 14.0 supplemental applications for which safety or effectiveness data are required and applications subject to the criteria set forth in section 512(d)(4) of the FD&C Act that pay half of the full fee will generate a total of $3,619,000. To generate this amount, the fee for an animal drug application, rounded to the nearest $100, will have to be $238,100, and the fee for a supplemental animal drug application for which safety or effectiveness data are required and for applications subject to the criteria set forth in section 512(d)(4) of the FD&C Act will have to be $119,050.

IV. Product Fee Calculations for FY 2018

A. Product Fee Revenues and Numbers of Fee-Paying Products

The animal drug product fee (also referred to as the product fee) must be paid annually by the person named as the applicant in a new animal drug application or supplemental new animal drug application for an animal drug product submitted for listing under section 510 of the FD&C Act (21 U.S.C. 360), and who had an animal drug application or supplemental animal drug application pending at FDA after September 1, 2003 (21 U.S.C. 379j–12(a)(2)). The term ''animal drug product'' means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is uniquely identified by the labeler code and product code portions of the national drug code, and for which an animal drug application or a supplemental animal drug application has been approved (21 U.S.C. 379j–11(3)). The product fees are to be set so that they will generate $4,885,000 in fee revenue for FY 2018.

To set animal drug product fees to realize $4,885,000, FDA must make some assumptions about the number of products for which these fees will be paid in FY 2018. FDA developed data on all animal drug products that have been submitted for listing under section 510 of the FD&C Act and matched this to the list of all persons who had an animal drug application or supplement pending after September 1, 2003. As of June 2017, FDA estimates that there are a total of 815 products submitted for listing by persons who had an animal drug application or supplemental animal drug application pending after September 1, 2003. Based on this, FDA estimates that a total of 815 products will be subject to this fee in FY 2018.

In estimating the fee revenue to be generated by animal drug product fees in FY 2018, FDA is assuming that 3 percent of the products invoiced, or 24, will not pay fees in FY 2018 due to fee waivers and reductions. FDA has kept this estimate at 3 percent this year, based on historical data over the past five completed years of the ADUFA program. Based on experience over the first 13 completed years of the ADUFA program, FDA believes that this is a reasonable basis for estimating the number of fee-paying products in FY 2018.

Accordingly, the Agency estimates that a total of 791 (815 minus 24) products will be subject to product fees in FY 2018.

B. Product Fee Rates for FY 2018

FDA must set the fee rates for FY 2018 so that the estimated 791 products that pay fees will generate a total of $4,885,000. To generate this amount will require the fee for an animal drug product, rounded to the nearest $5, to be $6,175.

V. Establishment Fee Calculations for FY 2018

A. Establishment Fee Revenues and Numbers of Fee-Paying Establishments

The animal drug establishment fee (also referred to as the establishment fee) must be paid annually by the person who: (1) Owns or operates, directly or through an affiliate, an animal drug establishment; (2) is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product submitted for listing under section 510 of the FD&C Act; (3) had an animal drug application or

supplemental animal drug application pending at FDA after September 1, 2003; and (4) whose establishment engaged in the manufacture of the animal drug product during the fiscal year (see 21 U.S.C. 379j–12(a)(3)). An establishment subject to animal drug establishment fees is assessed only one such fee per fiscal year. The term ''animal drug establishment'' is defined as a foreign or domestic place of business which is at one general physical location consisting of one or more buildings all of which are within 5 miles of each other, at which one or more animal drug products are manufactured in final dosage form (21 U.S.C. 379j–11(4)). The establishment fees are to be set so that they will generate $4,704,000 in fee revenue for FY 2018.

To set animal drug establishment fees to realize $4,704,000, FDA must make some assumptions about the number of establishments for which these fees will be paid in FY 2018. FDA developed data on all animal drug establishments and matched this to the list of all persons who had an animal drug application or supplement pending after September 1, 2003. As of June 2017, FDA estimates that there are a total of 60 establishments owned or operated by persons who had an animal drug application or supplemental animal drug application pending after September 1, 2003. Based on this, FDA believes that 60 establishments will be subject to this fee in FY 2018.

In estimating the fee revenue to be generated by animal drug establishment fees in FY 2018, FDA is assuming that 11 percent of the establishments invoiced, or seven, will not pay fees in FY 2018 due to fee waivers and reductions. FDA has kept this estimate at 11 percent this year, based on historical data over the past 5 completed years. Based on experience over the past 13 completed years of the ADUFA program, FDA believes that this is a reasonable basis for estimating the number of fee-paying establishments in FY 2018.

Accordingly, the Agency estimates that a total of 53 establishments (60 minus 7) will be subject to establishment fees in FY 2018.

B. Establishment Fee Rates for FY 2018

FDA must set the fee rates for FY 2018 so that the estimated 53 establishments that pay fees will generate a total of $4,704,000. To generate this amount will require the fee for an animal drug establishment, rounded to the nearest $50, to be $88,750.

VI. Sponsor Fee Calculations for FY 2018

A. Sponsor Fee Revenues and Numbers of Fee-Paying Sponsors

The animal drug sponsor fee (also referred to as the sponsor fee) must be paid annually by each person who: (1) Is named as the applicant in an animal drug application, except for an approved application for which all subject products have been removed from listing under section 510 of the FD&C Act, or has submitted an investigational animal drug submission that has not been terminated or otherwise rendered inactive and (2) had an animal drug application, supplemental animal drug application, or investigational animal drug submission pending at FDA after September 1, 2003 (see 21 U.S.C. 379j–11(6) and 379j–12(a)(4)). An animal drug sponsor is subject to only one such fee each fiscal year (see 21 U.S.C. 379j–12(a)(4)). The sponsor fees are to be set so that they will generate $4,885,000 in fee revenue for FY 2018.

To set animal drug sponsor fees to realize $4,885,000, FDA must make some assumptions about the number of sponsors who will pay these fees in FY 2018. Based on the number of firms that would have met this definition in each of the past 13 completed years of the ADUFA program, FDA estimates that a total of 198 sponsors will meet this definition in FY 2018.

A review of our records indicates that 35 percent of these sponsors will qualify for a minor use/minor species fee waiver or reduction (21 U.S.C. 379j–12(d)(1)(D)). Based on the Agency's experience to date with sponsor fees, FDA's current best estimate is that an additional 32 percent will qualify for other waivers or reductions, for a total of 67 percent of the sponsors invoiced, or 133, who will not pay fees in FY 2018 due to fee waivers and reductions. FDA has kept this estimate at 67 percent this year, based on historical data over the past 5 completed years of the ADUFA program. FDA believes that this is a reasonable basis for estimating the number of fee-paying sponsors in FY 2018.

Accordingly, the Agency estimates that a total of 65 sponsors (198 minus 133) will be subject to and pay sponsor fees in FY 2018.

B. Sponsor Fee Rates for FY 2018

FDA must set the fee rates for FY 2018 so that the estimated 65 sponsors that pay fees will generate a total of $4,885,000. To generate this amount will require the fee for an animal drug sponsor, rounded to the nearest $50, to be $75,150.

VII. Fee Schedule for FY 2018

The fee rates for FY 2018 are summarized in Table 6.

TABLE 6—FY 2018 FEE RATES

Animal drug user fee category	Fee rate for FY 2018
Animal Drug Application Fees:	
Animal Drug Application	$238,100
Supplemental Animal Drug Application for Which Safety or Effectiveness Data are Required or Animal Drug Application Subject to the Criteria Set Forth in Section 512(d)(4) of the FD&C Act	119,050
Animal Drug Product Fee	6,175
Animal Drug Establishment Fee[1]	88,750
Animal Drug Sponsor Fee[2]	75,150

[1] An animal drug establishment is subject to only one such fee each fiscal year.
[2] An animal drug sponsor is subject to only one such fee each fiscal year.

VIII. Procedures for Paying the FY 2018 Fees

A. Application Fees and Payment Instructions

The appropriate application fee established in the new fee schedule must be paid for an animal drug application or supplement subject to fees under ADUFA III that is submitted on or after October 1, 2017. The payment must be made in U.S. currency by one of the following methods: Wire transfer, electronically, check, bank draft, or U.S. postal money order made payable to the Food and Drug Administration. The preferred payment method is online using electronic check (Automated Clearing House (ACH) also known as eCheck) or credit card (Discover, VISA, MasterCard, American Express). Secure electronic payments can be submitted using the User Fees Payment Portal at *https://userfees.fda.gov/pay* or the *Pay.gov* payment option is available to you after you submit a cover sheet. (*Note:* only full payments are accepted. No partial payments can be made online.) Once you search for and find your invoice, select ''Pay Now'' to be redirected to *Pay.gov*. Electronic payment options are based on the balance due. Payment by credit card is available only for balances that are less than $25,000. If the balance exceeds this amount, only the ACH option is available. Payments must be made using U.S. bank accounts as well as U.S. credit cards.

When paying by check, bank draft, or U.S. postal money order, please write your application's unique Payment Identification Number (PIN), beginning with the letters AD, on the upper right-hand corner of your completed Animal Drug User Fee Cover Sheet. Also write the FDA post office box number (P.O. Box 979033) on the enclosed check, bank draft, or money order. Mail the payment and a copy of the completed Animal Drug User Fee Cover Sheet to: Food and Drug Administration, P.O. Box 979033, St. Louis, MO 63197–9000. When paying by wire transfer, the invoice number needs to be included; without the invoice number, the payment may not be applied. If the payment amount is not applied, the invoice amount would be referred to collections. The originating financial institution may charge a wire transfer fee. If the financial institution charges a wire transfer fee, it is required to add that amount to the payment to ensure that the invoice is paid in full.

Use the following account information when sending a payment by wire transfer: U.S. Department of Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, FDA Deposit Account Number: 75060099, U.S. Department of Treasury routing/transit number: 021030004, SWIFT Number: FRNYUS33, Beneficiary: FDA, 8455 Colesville Rd., 14th Floor, Silver Spring, MD 20993–0002.

To send a check by a courier such as Federal Express, the courier must deliver the check and printed copy of the cover sheet to: U.S. Bank, Attn: Government Lockbox 979033, 1005 Convention Plaza, St. Louis, MO 63101. (*Note:* This address is for courier delivery only. If you have any questions concerning courier delivery contact U.S. Bank at 314–418–4013. This telephone number is only for questions about courier delivery.)

It is important that the fee arrives at the bank at least a day or two before the application arrives at FDA's CVM. FDA records the official application receipt date as the later of the following: The date the application was received by FDA's CVM, or the date U.S. Bank notifies FDA that your payment in the full amount has been received, or when the U.S. Treasury notifies FDA of receipt of an electronic or wire transfer payment. U.S. Bank and the U.S. Treasury are required to notify FDA within 1 working day, using the PIN described previously.

The tax identification number of FDA is 53–0196965. (*Note:* In no case should the payment for the fee be submitted to FDA with the application.)

B. Application Cover Sheet Procedures

Step One—Create a user account and password. Log on to the ADUFA Web site at *http://www.fda.gov/ForIndustry/UserFees/AnimalDrugUserFeeActADUFA/default.htm* and, under Tools and Resources, click ''The Animal Drug User Fee Cover Sheet'' and then select ''Create ADUFA User Fee Cover Sheet.'' For security reasons, each firm submitting an application will be assigned an organization identification number, and each user will also be required to set up a user account and password the first time you use this site. Online instructions will walk you through this process.

Step Two—Create an Animal Drug User Cover Sheet, transmit it to FDA, and print a copy. After logging into your account with your user name and password, complete the steps required to create an Animal Drug User Fee Cover Sheet. One cover sheet is needed for each animal drug application or supplement. Once you are satisfied that the data on the cover sheet is accurate and you have finalized the cover sheet, you will be able to transmit it electronically to FDA and you will be able to print a copy of your cover sheet showing your unique PIN.

Step Three—Send the payment for your application as described in section VIII.A.

Step Four—Please submit your application and a copy of the completed Animal Drug User Fee Cover Sheet to the following address: Food and Drug Administration, Center for Veterinary Medicine, Document Control Unit (HFV–199), 7500 Standish Pl., Rockville, MD 20855.

C. Product, Establishment, and Sponsor Fees

By December 31, 2017, FDA will issue invoices and payment instructions for product, establishment, and sponsor fees for FY 2018 using this fee schedule. Payment will be due by January 31, 2018. FDA will issue invoices in November 2018 for any products, establishments, and sponsors subject to fees for FY 2018 that qualify for fees after the December 2017 billing.

Dated: July 26, 2017.

Leslie Kux,

Associate Commissioner for Policy.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0689]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; De Novo Classification Process (Evaluation of Automatic Class III Designation)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by September 1, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All

comments should be identified with the OMB control number 0910–NEW and title ''De Novo Classification Process (Evaluation of Automatic Class III Designation).'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

De Novo Classification Process (Evaluation of Automatic Class III Designation)

OMB Control Number 0910—NEW

The draft guidance entitled ''De Novo Classification Process (Evaluation of Automatic Class III Designation)'' provides guidance on the process for the submission and review of a De Novo classification request (hereafter a ''De Novo request'') under section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(f)(2)), also known as the De Novo classification process. This process provides a pathway to class I or class II classification for medical devices for which general controls or general and special controls provide a reasonable assurance of safety and effectiveness, but for which there is no legally marketed predicate device.

The proposed collection of information is necessary to satisfy the previously mentioned statutory requirements for implementing this voluntary submission program.

In the **Federal Register** of August 14, 2014 (79 FR 47651), FDA published a 60-day notice requesting public comment on the proposed collection of information. Seven organizations commented on the draft guidance document. None of the comments were related to the information collection.

Upon further review of the information collection, it has come to our attention that the 60-day notice did not include an estimated hour burden for requests for withdrawal or estimated operating and maintenance costs for eCopy,[1] printing, and shipping of De Novo submissions. To correct this oversight, we have included these estimates here.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Total operating and maintenance costs
De Novo request under section 513(f)(2)(i) of the FD&C Act						
CDRH	25	1	25	100	2,500	
CBER	1	1	1	100	100	
De Novo request under section 513(f)(2)(ii) of the FD&C Act						
CDRH	25	1	25	180	4,500	
CBER	1	1	1	180	180	
Total De Novo requests			52		7,280	$6,308
Request for withdrawal	5	1	5	10	50	5
Total					7,330	6,313

[1] There are no capital costs associated with this collection of information.

FDA estimates from past experience with the De Novo classification program that the complete process involved with the program under section 513(f)(2)(i) of the FD&C Act takes approximately 100 hours, and the complete process under section 513(f)(2)(ii) of the FD&C Act takes approximately 180 hours. This includes the time for any supplements or amendments to the original submission. We estimate that requests for withdrawal take approximately 10 minutes. The average burdens per response are based upon estimates by FDA administrative and technical staff who are familiar with the requirements for submission of a De Novo request (and related materials), have consulted and advised manufacturers on the submissions, and have reviewed the documentation submitted.

Respondents to the information collection are medical device manufacturers seeking to market medical device products that have been classified into class III under section 513(f)(2) of the FD&C Act. It is expected that the number of De Novo requests will reach a steady rate of approximately 52 submissions per year. We expect that we will receive approximately five requests for withdrawal per year.

The operating and maintenance cost for a De Novo submission includes the cost of printing, shipping, and the eCopy. We estimate the cost burden for a De Novo submission to be $121.30 ($90 printing + $30 shipping + $1.30 eCopy). The annual cost estimate for De Novo submissions is $6,308 (rounded) (52 submissions × $121.30). We estimate the cost for a request for withdrawal to be $1 (rounded) ($0.09 printing 1 page + $0.03 shipping + $1.30 eCopy). The annual cost estimate for requests for withdrawal is $5.

The draft guidance also refers to currently approved information collections found in FDA regulations. The collections of information in 21 CFR part 807, subpart E, are approved under OMB control number 0910–0120.

[1] See the eCopy guidance, ''eCopy Program for Medical Device Submissions; Guidance for Industry and Food and Drug Administration Staff,'' at *https://www.fda.gov/ucm/groups/fdagov-public/@fdagov-meddev-gen/documents/document/ucm313794.pdf.*

Dated July 27, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–16230 Filed 8–1–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0744]

Antibacterial Therapies for Patients With an Unmet Medical Need for the Treatment of Serious Bacterial Diseases; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a guidance for industry entitled ''Antibacterial Therapies for Patients With an Unmet Medical Need for the Treatment of Serious Bacterial Diseases.'' The purpose of the guidance is to assist sponsors in the development of new antibacterial drugs to treat serious bacterial diseases in patients with an unmet medical need, including patients who have a serious bacterial disease for which effective antibacterial drugs are limited or lacking. This guidance finalizes the draft guidance of the same name issued July 2, 2013.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2013–D–0744 for ''Antibacterial Therapies for Patients With an Unmet Medical Need for the Treatment of Serious Bacterial Diseases.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building., 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Joseph G. Toerner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6244, Silver Spring, MD 20993–0002, 301–796–1300.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Antibacterial Therapies for Patients With an Unmet Medical Need for the Treatment of Serious Bacterial Diseases.'' The purpose of this guidance is to assist sponsors in the development of new antibacterial drugs for the treatment of serious bacterial diseases in patients with an unmet medical need, including patients who have a serious bacterial disease for which effective antibacterial drugs are limited or lacking.

Efforts to develop new antibacterial drugs have diminished in the past few decades. Because bacteria continue to develop resistance to available antibacterial drugs, a situation of unmet medical need has arisen in which patients with serious bacterial diseases have limited or in some cases no alternative antibacterial drugs available for treatment. To foster new antibacterial drug development that will have the potential to keep pace with continued selective pressures of antibacterial resistance, FDA is exploring approaches to help streamline development programs for new

antibacterial drugs. This guidance outlines approaches for streamlined development programs that are consistent with FDA's longstanding commitment to regulatory flexibility regarding the evidence required to support drug approval for patient populations with serious disease and limited or no treatment options, while meeting appropriate standards for safety and effectiveness (see, for example, 21 CFR 312, subpart E, Drugs Intended to Treat Life-threatening and Severely-debilitating Illnesses).

This guidance finalizes the draft guidance of the same name issued July 2, 2013 (78 FR 39737). After consideration of comments received in response to the draft guidance, FDA updated the guidance to include clarifications about trial designs for streamlined development programs and statistical approaches. In addition, the guidance outlines development approaches for antibacterial drugs that are pathogen-focused (*i.e.,* drugs that are intended to treat a single species or a few species of bacteria) and, accordingly, fulfills the requirements of section 806(a), Title VIII (entitled ''Generating Antibiotic Incentives Now'') of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144).

FDA notes that section 3042 of the 21st Century Cures Act (Pub. L. 114–255), which establishes a limited population pathway for certain antibacterial and antifungal drugs (LPAD) that are intended to treat a serious or life-threatening infection in a limited population of patients with unmet needs, was enacted shortly before publication of this guidance. Some antibacterial drugs that are candidates for a streamlined development program may also be candidates for LPAD. FDA intends to issue separate guidance regarding LPAD. Sponsors are encouraged to discuss proposed approaches with the Division of Anti-Infective Products.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This is not a significant regulatory action subject to Executive Order 12866.

II. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB control numbers 0910–0014 and 0910–0001, respectively.

III. Electronic Access

Persons with access to the Internet may obtain the document at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: July 27, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–16228 Filed 8–1–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the National Advisory Committee on Children and Disasters

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the National Advisory Committee on Children and Disasters (NACCD) will hold a public meeting on September 7, 2017.

DATES: The NACCD meeting is September 7, 2017, from 3:00 p.m. to 4:00 p.m. EST.

ADDRESSES: We encourage members of the public to attend the teleconference. To register, go to *https://www.phe.gov/naccd* and click on the Contact Us link to open the Contact NACCD form, and then fill out the form with NACCD Registration in the subject line. Submit your comments on the NACCD Contact Form located at *https://www.phe.gov/NACCDComments.*

FOR FURTHER INFORMATION CONTACT: CDR Evelyn Seel, (202) 205–7960, *evelyn.seel@hhs.gov.* Visit the NACCD Web site located at *https://www.phe.gov/naccd.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), and section 2811A of the Public Health Service (PHS) Act (42 U.S.C. 300hh–10a), as added by section 103 of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5), the HHS Secretary, in consultation with the Secretary of the U.S. Department of Homeland Security, established the NACCD. The purpose of the NACCD is to provide advice and consultation to the HHS Secretary with respect to the medical and public health needs of children in relation to disasters.

Background: The NACCD public meeting on September 7, 2017, is dedicated to the deliberation and vote on the Human Services Working Group Report. We will post modifications to the agenda on the NACCD September 7, 2017 meeting Web page, which is located at *https://www.phe.gov/naccd.*

Availability of Materials: We will post all meeting materials prior to the meeting on the NACCD September 7, 2017 meeting Web page located at *https://www.phe.gov/naccd.*

Procedures for Providing Public Input: Members of the public attend by teleconference via a toll-free call-in phone number, which is available on the NACCD Web site at *http://www.phe.gov/naccd.*

We encourage members of the public to provide written comments that are relevant to the NACCD teleconference prior to September 7, 2017. Send written comments by email via the ''Contact Us'' link on *https://www.phe.gov/naccd* with ''NACCD Public Comment'' in the subject line. The NACCD will respond to comments received by close-of-business September 7, 2017, during the meeting.

Dated: July 13, 2017.

George W. Korch Jr.,

Acting Assistant Secretary for Preparedness and Response.

[FR Doc. 2017–15853 Filed 8–1–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation of Nominations for Membership on the Secretary's Advisory Committee on Human Research Protections

AGENCY: Office of the Assistant Secretary for Health, Office for Human Research Protections, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Office for Human Research Protections (OHRP), a program office in the Office of the Assistant Secretary for Health, Department of Health and Human Services (HHS), is

seeking nominations of qualified candidates to be considered for appointment as members of the Secretary's Advisory Committee on Human Research Protections (SACHRP). SACHRP provides advice and recommendations to the Secretary, HHS (Secretary), through the Assistant Secretary for Health, on matters pertaining to the continuance and improvement of functions within the authority of HHS directed toward protections for human subjects in research. SACHRP was established by the Secretary on October 1, 2002. OHRP is seeking nominations of qualified candidates to fill four positions on the Committee membership that will be vacated during the 2018 calendar year.

DATES: Nominations for membership on the Committee must be received no later than September 18, 2017.

ADDRESSES: Nominations should be mailed or delivered to Dr. Jerry Menikoff, Director, Office for Human Research Protections, Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, MD 20852. Nominations will not be accepted by email or by facsimile.

FOR FURTHER INFORMATION CONTACT: Julia Gorey, Executive Director, SACHRP, Office for Human Research Protections, 1101 Wootton Parkway, Suite 200, Rockville, MD 20852, telephone: 240–453–8141. A copy of the Committee charter and list of the current members can be obtained by contacting Ms. Gorey, accessing the SACHRP Web site at *www.hhs.gov/ohrp/sachrp,* or requesting via email at *sachrp@osophs.dhhs.gov*.

SUPPLEMENTARY INFORMATION: The Committee provides advice on matters pertaining to the continuance and improvement of functions within the authority of HHS directed toward protections for human subjects in research. Specifically, the Committee provides advice relating to the responsible conduct of research involving human subjects with particular emphasis on special populations such as neonates and children, prisoners, the decisionally impaired, pregnant women, embryos and fetuses, individuals and populations in international studies, investigator conflicts of interest and populations in which there are individually identifiable samples, data or information.

In addition, the Committee is responsible for reviewing selected ongoing work and planned activities of the OHRP and other offices/agencies within HHS responsible for human subjects protection. These evaluations may include, but are not limited to, a review of assurance systems, the application of minimal research risk standards, the granting of waivers, education programs sponsored by OHRP, and the ongoing monitoring and oversight of institutional review boards and the institutions that sponsor research.

Nominations: The OHRP is requesting nominations to fill four positions for voting members of SACHRP. One position will become vacant in January 2018, with three others becoming vacant in October 2018. Nominations of potential candidates for consideration are being sought from a wide array of fields, including, but not limited to: public health and medicine, behavioral and social sciences, health administration, and biomedical ethics. To qualify for consideration of appointment to the Committee, an individual must possess demonstrated experience and expertise in any of the several disciplines and fields pertinent to human subjects protection and/or clinical research.

The individuals selected for appointment to the Committee can be invited to serve a term of up to four years. Committee members receive a stipend and reimbursement for per diem and any travel expenses incurred for attending Committee meetings and/or conducting other business in the interest of the Committee. Interested applicants may self-nominate.

Nominations should be typewritten. The following information should be included in the package of material submitted for each individual being nominated for consideration: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.,* specific attributes which qualify the nominee for service in this capacity), and a statement that the nominee is willing to serve as a member of the Committee; (2) the nominator's name, address, daytime telephone number, and the home and/or work address, telephone number, and email address of the individual being nominated; and (3) a current copy of the nominee's curriculum vitae. Federal employees should not be nominated for consideration of appointment to this Committee.

The Department makes every effort to ensure that the membership of HHS Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that individuals from a broad representation of geographic areas, women and men, ethnic and minority groups, and the disabled are given consideration for membership on HHS Federal advisory committees. Appointment to this Committee shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status.

Individuals who are selected to be considered for appointment will be required to provide detailed information regarding their financial holdings, consultancies, and research grants or contracts. Disclosure of this information is necessary in order to determine if the selected candidate is involved in any activity that may pose a potential conflict with the official duties to be performed as a member of SACHRP.

Authority: 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended. The Committee is governed by the provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: July 26, 2017.

Julia Gorey,

Executive Director, Secretary's Advisory Committee on Human Research Protections, Office for Human Research Protections

[FR Doc. 2017–16156 Filed 8–1–17; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of meetings of the National Diabetes and Digestive and Kidney Diseases Advisory Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The 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 Diabetes and Digestive and Kidney Diseases Advisory Council.

Date: September 6, 2017.

Open: 8:30 a.m. to 12:00 p.m.

Agenda: To present the Director's Report and other scientific presentations.

Place: National Institutes of Health, Natcher Building Forty-five, Conference Rooms E1/E2, 45 Center Drive, Bethesda, MD 20892.

Closed: 3:45 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building Forty-five, Conference Rooms E1/E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 7323, MSC 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Diabetes, Endocrinology and Metabolic Diseases.

Date: September 6, 2017.

Closed: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building Forty-five, Natcher Conference Center, Room E1, 45 Center Drive, Bethesda, MD 20892.

Open: 2:00 p.m. to 3:30 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Natcher Building Forty-five, Natcher Conference Center, Room E1, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 7323, MSC 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Kidney, Urologic and Hematologic Diseases.

Date: September 6, 2017.

Open: 1:00 p.m. to 3:00 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Natcher Building Forty-five, Natcher Conference Center, Room F2, 45 Center Drive, Bethesda, MD 20892.

Closed: 3:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building Forty-five, Natcher Conference Center, Room F2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 7323, MSC 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Digestive Diseases and Nutrition.

Date: September 6, 2017.

Open: 1:00 p.m. to 2:00 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Natcher Building Forty-five, Natcher Conference Center, Room F1, 45 Center Drive, Bethesda, MD 20892.

Closed: 2:15 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building Forty-five, Natcher Conference Center, Room F1, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 7323, MSC 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.niddk.nih.gov/fund/divisions/DEA/Council/coundesc.htm.,* where an agenda and any additional information for the meeting will be posted when available.

(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 27, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–16192 Filed 8–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Request for Letters of Interest for NCI–MATCH Laboratories

SUMMARY: The National Cancer Institute (NCI) in collaboration with the NCI Molecular Analysis for Therapy Choice (MATCH) trial leadership (NCT 02465060) invites applications for Clinical Laboratory Improvements Program (CLIA) certified/accredited laboratories that test tumor specimens from patients utilizing Next Generation Sequencing (NGS) assays to participate in the NCI MATCH trial. The NCI MATCH trial has implemented a new process for identifying patients for arms with rare variant eligibility criteria. Laboratories will contact any of the approximately 1100 sites that have activated NCI MATCH if a specimen sent from one of these sites has a rare variant that would potentially make the patient eligible for one of the treatment arms open in this initiative.

DATES: LOIs should be submitted to the National Cancer Institute (NCI), National Institutes of Health (NIH) on or before 5:00 p.m. EST on January 31, 2018.

ADDRESSES: Submit LOIs by email to *NCIMATCHLabApps@nih.gov.* 9609 Medical Center Drive, 3 West, Room 526, MSC 9728, Rockville, MD 20892.

FOR FURTHER INFORMATION CONTACT: Questions about this request for LOIs should be directed to *NCIMATCHLabApps@nih.gov.* James V. Tricoli *tricolij@mail.nih.gov* can also provide further information.

SUPPLEMENTARY INFORMATION: NCI–MATCH aims to establish whether patients with tumor mutations, amplifications or translocations in one of the genetic pathways of interest are likely to derive clinical benefit (primary objective: Objective response; secondary objective: Progression-free survival of at least 6 months) if treated with agents targeting that specific pathway in a single-arm design (see current arms below).

Patients with histologically documented solid tumors, lymphomas and multiple myeloma whose disease has progressed following at least one line of standard systemic therapy or for whom no standard therapy exists are eligible if they meet the eligibility criteria for the trial. Further information about the NCI–MATCH trial may be found at *http://ecog-acrin.org/trials/nci-match-eay131.*

The selected collaborating laboratories may only act (*i.e.,* refer patients) on any of the rare variant arms for which their assay reports actionable mutations of interest (aMOIs). The assay must also report all exclusionary variants for the arm unless these occur at a frequency of >1% in cancer patients.

CLIA accredited/certified laboratories located in the United States may be

considered for addition to the laboratory network.

Letter of Interest (LOI) and Collaboration Agreement

Candidate laboratories should *submit a letter of interest* to *NCIMATCHLabApps@nih.gov* stating:

- Statement of interest in the proposed activity
- Laboratory name
- Lead contact name, address, email address, and telephone number
- CLIA certification number
- Assay name
- Brief description of assay
  - Sensitivity and specificity for SNVs, indels, CNV, fusions
  - Method of analysis
  - Platform and variant calling
- Number of assays per month
- Number of patients whose assay results would make them potentially eligible for the rare variant arms (below) in the last 6 months
- Willingness to contact sites regarding results with a rare variant potentially eligible for NCI MATCH
- Willingness to sign a collaboration agreement with NCI and to share data and publication rights
- Which arms the laboratory is prepared to address.

The arms that are included in the rare variant protocol amendment are:

Rare variant candidate	MATCH subprotocol (agent)
AKT1 mut	EAY131–Y (AZD5363).
NF2 loss	EAY131–U (Defactinib).
MET amplification	EAY131–C1 (Crizotinib).
BRAF V600	EAY131–H (Dabrafenib + Trametinib).
SMO/PTCH1	EAY131–T (Vismodegib).
BRAF non V600	EAY131–R (Trametinib).
EGFR T790M	EAY131–E (AZD9291).
ALK translocation	EAY131–F (Crizotinib).
cKIT mutation	EAY131–V (Sunitinib).
EGFR mutation	EAY131–A (Afatinib).
ROS1 translocation	EAY131–G (Crizotinib).
GNAQ/GNA11	EAY131–S2 (Trametinib).
MET exon 14 skipping	EAY131–C2 (Crizotinib).
NTRK fusions	EAY131 Z1E (Loxo101).
MTOR mutations	EAY131–L (MLN0128).
TSC1 or TSC2 mutations	EAY131–M (MLN0128).
CCND 1,2,3 amplifications	EAY131–Z1B (Palbociclib).
CDK4 or CDK6 amplification	EAY131–Z1C (Palbociclib).
DDR2 mutation	EAY131–X (Dasatinib).

Following an acceptable eligibility review to the NCI MATCH screening committee, the laboratory would execute a confidentiality agreement with the NCI and will be provided with a detailed list of eligibility and exclusion variants for arms in which the lab has interest. The lab would then be required to submit an application within 3 months for review by the NCI–MATCH steering committee. Candidate laboratories will be required to meet the following general requirements:

- Testing must be performed in a CLIA-certified or -accredited laboratory located in the United States.
- Assays must be on tumor tissue only (including lymphoma and myeloma). Assays using circulating nucleic acids will not be accepted at this time.
- Laboratory NGS panels must be analytically and clinically validated, with performance characteristics as follows:
  - Specificity at least 99% for single nucleotide variants, indels
  - Sensitivity at least 95% for single nucleotide variants, indels
  - Sensitivity of 90% for copy number variants (state fold of copy number variants that can be detected with 90% sensitivity)
  - 99% reproducibility between sequencers (if more than one sequencer is used) and between operators
  - Lower limit of detection for SNV, indels, CNV must be stated.

Laboratories must supply the following information in their application:

  - Lower limit of % tumor accepted, and whether (and which) enrichment procedures are employed
  - Whether the lab archives images of slides from the tumor
  - Whether the lab also runs germline as well as tumor with the assay (a simultaneous germline sequencing is not required by NCI MATCH)
  - A detailed description of assay procedures, including starting material, extraction of nucleic acids, quality assurance, quality metrics, data analysis and filters must be supplied.

- Laboratory NGS test panels must interrogate actionable mutations of interest (aMOIs) required for enrollment into the Rare Variant Arms (see table above). Applicant laboratories must state the MATCH arms in which they would like to participate.
- *Academic* laboratories must be located at a center that participates in NCI MATCH.
- As it is important that the dataset used for analysis in NCI MATCH be as robust as possible, the laboratory NGS test will require qualification, during which the performance of the laboratory will be compared with the NCI–MATCH central laboratory test to ensure good agreement with that assay. Concordance between the results from each lab and results of the NCI MATCH NGS assay run on an archived specimen will be tracked; if concordance falls below 90% for SNVs and indels, or 80% for CNVs, the laboratory must be willing to address these issues with the NCI MATCH team. If they cannot be addressed to the satisfaction of the NCI MATCH team, the laboratory may be eliminated from participation in NCI MATCH.
- Laboratories shall NOT advertise that they are screening laboratories for MATCH eligibility. Any press release or public disclosure requires clearance by NCI and NCI MATCH.
- Laboratories must agree to use the existing workflow established by the NCI MATCH trial to identify patients for the Rare Variant Arms. This includes use of the MATCH Rare Variant

template to identify aMOIs for submission to MATCHbox.

- Laboratory results of NGS assays done for clinical care will be the subject of this initiative. There is no funding for ''screening'' a patient for MATCH.
- Laboratories must notify NCI MATCH sites that the laboratory results would potentially allow the patient to be eligible for NCI MATCH.
- Laboratories must track how many assays per week detect rare variants that could make a patient eligible for NCI MATCH.
  - If the clinician presents the MATCH study and the patient is eligible and desires to enter the study, the laboratory must agree to fill out a spreadsheet that can be used to put the results into the informatics system that assigns treatment in NCI MATCH (MATCHbox).
  - Laboratories must have a way to answer questions from NCI MATCH sites about their assay and must have a contact person for optimal communication with the NCI MATCH team.

• Prior to participation, laboratories must enter into a collaboration agreement with NCI. A sample agreement is available upon request. As part of such a collaboration agreement, laboratories must agree to provide the licensing rights described in the CTEP IP Option to the Pharmaceutical Collaborators who provided agents for the NCI MATCH trial (*https://ctep.cancer.gov/branches/rab/intellectual_property_optionto_collaborators.htm*), as well as agree to the data sharing and publication rights consistent with those agreements.

• No reimbursement for these activities (testing or notification of sites of NCI MATCH eligibility) exists.

Qualified laboratories serving underserved populations are encouraged to participate.

How to apply:

1. Submit letter of interest (LOI) as described above under ''Letter of Interest and Collaboration Agreement'' to *NCIMATCHLabApps@nih.gov.*

2. LOIs will be accepted until January 31, 2018 at 5:00 p.m. Eastern Time. LOIs will be reviewed on a monthly basis, with those arriving by the 15th day of the month being reviewed and answered by the 15th day of the following month.

3. Notification of acceptance, non-acceptance or questions from Steering Committee will be sent to the designated contact person as soon as the LOI has been reviewed. This notification will include further instructions if a full application is invited.

4. Applications that have not been submitted within 3 months of notification of acceptance will be de-activated, and a new LOI must then be submitted if the laboratory wishes to participate in NCI MATCH.

5. DO NOT send a full application until you are invited to do so.

Review criteria for LOI:

• Laboratory is a CLIA certified or accredited laboratory within the United States.

• Academic laboratories must have NCI MATCH open at their site.

• Laboratory has adequate sensitivity, specificity.

• Laboratory tests tumor tissue for rare variants as described in NCI MATCH.

• Laboratory agrees to provide needed information for evaluation of the analytical validity of the test.

• Laboratory is likely to refer at least 100 patients to NCI MATCH based on detection of rare variants in the past.

• Laboratory agrees to contact sites regarding NCI MATCH eligibility.

• Laboratory agrees to a collaboration with NCI as detailed above.

Review criteria for full application:

• Laboratory NGS assay interrogates inclusionary and all exclusionary variants for arms in which the laboratory will participate.

• Laboratory supplies evidence that the assay meets analytical requirements as detailed above.

• Laboratories are capable of contacting clinical sites, tracking activity, and of referring at least 100 patients to the study based on detection of rare variants in the past.

• Laboratories agree to execute a collaboration agreement with NCI, as well as to data sharing and sharing publication rights.

• Laboratories agree to abide by the procedures in place for the MATCH study and to collaborate fully with the MATCH team.

For more information, contact *NCIMATCHLabApps@nih.gov.*

Dated: July 20, 2017.

James V. Tricoli,

Chief, Diagnostic Biomarkers and Technology Development Branch, Cancer Diagnosis Program, Division of Cancer Treatment and Diagnosis, National Cancer Institute.

[FR Doc. 2017–16203 Filed 8–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2); 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 purpose of this meeting is to evaluate requests for preclinical development resources for potential new therapeutics for the treatment of cancer. The outcome of the evaluation will provide information to internal NCI committees that will decide whether NCI should support requests and make available contract resources for development of the potential therapeutic to improve the treatment of various forms of cancer. The research proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposed research projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Jun2017 Cycle 26 NExT SEP Committee Meeting.

Date: August 31, 2017.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To evaluate the NCI Experimental Therapeutics Program Portfolio.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Wing C, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Contact Persons: Barbara Mroczkowski, Ph.D., Executive Secretary, Discovery Experimental Therapeutics Program, National Cancer Institute, NIH, 31 Center Drive, Room 3A44, Bethesda, MD 20817 (301) 496–4291, *mroczkoskib@mail.nih.gov.*

Toby Hecht, Ph.D., Executive Secretary, Development Experimental Therapeutics Program, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 3W110, Rockville, MD 20850, (240) 276–5683, *toby.hecht2@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: July 27, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–16190 Filed 8–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (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 Heart, Lung, and Blood Institute Special Emphasis Panel; HIV-Related Comorbidities Systems Biology.

Date: August 25, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Suite 7180, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–827–7913, *creazzotl@mail.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Opportunities for Collaborative Research at the NIH Clinical Center.

Date: August 30, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: William J. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892–7924, 301–827–7938, *johnsonwj@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: July 27, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–16191 Filed 8–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Advisory Committee for Women's Services; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Advisory Committee for Women's Services (ACWS) on August 10, 2017.

The meeting will include discussions on the role of SAMHSA's Office of the Chief Medical Officer and emerging issues for women; a follow-up discussion on the Office of Women's Health Report on Women and Opioids; the invisibility of American Indian/American Native women; Legislative updates, including the Cures Act and the Comprehensive Addiction Recovery Act; and a conversation with the Deputy Assistant Secretary for Mental Health and Substance Use.

The meeting is open to the public and will be held at SAMHSA, 5600 Fishers Lane, Rockville, MD, 20857, in Conference Room 5E45. Attendance by the public will be limited to space available. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions should be forwarded to the contact person (below) by August 2, 2017. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations are encouraged to notify the contact person on or before August 2, 2017. Five minutes will be allotted for each presentation.

The meeting may be accessed via telephone. To attend on site, obtain the call-in number and access code, submit written or brief oral comments, or request special accommodations for persons with disabilities, please register on-line at *http://nac.samhsa.gov/Registration/meetingsRegistration.aspx,* or communicate with SAMHSA's Designated Federal Officer, Ms. Nadine Benton (see contact information below).

Substantive meeting information and a roster of Committee members may be obtained either by accessing the SAMHSA Committees' Web *https://www.samhsa.gov/about-us/advisory-councils/meetings,* or by contacting Ms. Benton.

Committee Name: Substance Abuse and Mental Health Services Administration Advisory Committee for Women's Services (ACWS).

Date/Time/Type: Thursday, August 2, 2017, from: 9:00 a.m. to 4:45 p.m. EDT.

Open:

Place: SAMHSA, 5600 Fishers Lane, Conference Room 5N76, Rockville, Maryland 20857.

Contact: Nadine Benton, Designated Federal Official, SAMHSA's Advisory Committee for Women's Services, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (240) 276–0127, Fax: (240) 276–2252, Email: *nadine.benton@samhsa.hhs.gov.*

Brian Makela,

Chemist, Substance Abuse and Mental Health Services Administration.

[FR Doc. 2017–16217 Filed 8–1–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0105]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0002

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0002, Application for Vessel Inspection, Waiver, and Continuous Synopsis Record without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before October 2, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0105] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the

SUPPLEMENTARY INFORMATION section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2017–0105], and must be received by October 2, 2017.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Application for Vessel Inspection, Waiver, and Continuous Synopsis Record.

OMB Control Number: 1625–0002.

Summary: The collection of information requires the owner, operator, agent, or master of a vessel to apply in writing to the Coast Guard before the commencement of an inspection for certification, when a waiver is desired from the requirements of navigation and vessel inspection, or to request a Continuous Synopsis Record.

Need: Title 46 U.S. Code 3306 authorizes the Coast Guard to establish regulations to protect life, property, and the environment. The reporting requirements are part of the Coast Guard's Marine Safety Program.

Forms: CG–2633, Application for Waiver and Waiver Order; CG–3752, Application for Inspection of U.S. Vessel; CG–3752A, Application for Inspection of U.S. Vessel (New Construction); CG–6039, Application for Continuous Synopsis Record.

Respondents: Vessel owner, operator, agent, master or interested U.S. Government agency.

Frequency: On occasion, annually, or on a 5-year cycle.

Hour Burden Estimate: The estimated burden has decreased from 1,172 hours to 741 hours per year due to a decrease in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: July 24, 2017.

Marilyn L. Scott-Perez,

Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2017–16246 Filed 8–1–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0109]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0030

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0030, Oil and Hazardous Materials Transfer Procedures without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before October 2, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0109] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995;

44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2017–0109], and must be received by October 2, 2017.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Oil and Hazardous Materials Transfer Procedures.

OMB Control Number: 1625–0030.

Summary: Vessels with a cargo capacity of 250 barrels or more of oil or hazardous materials must develop and maintain transfer procedures. Transfer procedures provide basic safety information for operating transfer systems with the goal of pollution prevention.

Need: Title 33 U.S.C. 1231 authorizes the Coast Guard to prescribe regulations related to the prevention of pollution. Title 33 CFR part 155 prescribes pollution prevention regulations including those related to transfer procedures.

Forms: Not applicable.

Respondents: Operators of certain vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 160 hours to 149 hours a year due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: July 18, 2017.

Marilyn Scott-Perez,

Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2017–16247 Filed 8–1–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0067]

Agency Information Collection Activities: Documentation Requirements for Articles Entered Under Various Special Tariff Treatment Provisions

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than October 2, 2017) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0067 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*). Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Documentation Requirements for Articles Entered Under Various Special Tariff Treatment Provisions.

OMB Number: 1651–0067.

Current Actions: CBP proposes to extend the expiration date of this information collection with no changes to the burden hours or to the information being collected.

Type of Review: Extension (without change).

Abstract: CBP is responsible for determining whether imported articles that are classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 9801.00.10, 9802.00.20, 9802.00.40, 9802.00.50, 9802.00.60 and 9817.00.40 are entitled to duty-free or reduced duty treatment. In order to file under these HTSUS provisions, importers, or their agents, must have the declarations that are provided for in 19 CFR 10.1(a), 10.8(a), 10.9(a) and 10.121 in their possession at the time of entry and submit them to CBP upon request. These declarations enable CBP to ascertain whether the requirements of these HTSUS provisions have been satisfied.

Affected Public: Businesses.

Estimated Number of Respondents: 19,445.

Estimated Number of Responses per Respondent: 3.

Estimated Number of Total Annual Responses: 58,335.

Estimated Time per Response: 1 minute.

Estimated Total Annual Burden Hours: 933.

Dated: July 28, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–16232 Filed 8–1–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0001]

Agency Information Collection Activities: Cargo Manifest/Declaration, Stow Plan, Container Status Messages and Importer Security Filing

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; revision of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than October 2, 2017) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0001 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Cargo Manifest/Declaration, Stow Plan, Container Status Messages and Importer Security Filing.

OMB Number: 1651–0001.

Form Numbers: CBP Forms 1302, 1302A, 7509, 7533.

Abstract: This OMB approval includes the following existing information collections: CBP Form 1302 (or electronic equivalent); CBP Form 1302A (or electronic equivalent); CBP Form 7509 (or electronic equivalent); CBP Form 7533 (or electronic equivalent); Manifest Confidentiality; Vessel Stow Plan (Import); Container Status Messages; and Importer Security Filing, Electronic Ocean Export Manifest; Electronic Air Export Manifest; Electronic Rail Export Manifest; and Vessel Stow Plan (Export). CBP is proposing to add a new information collection for the Air Cargo Advance Screening (ACAS) Pilot Program.

CBP Form 1302: The master or commander of a vessel arriving in the United States from abroad with cargo on board must file CBP Form 1302, *Inward Cargo Declara*tion, or submit the information on this form using a CBP-approved electronic equivalent. CBP Form 1302 is part of the manifest requirements for vessels entering the United States and was agreed upon by

treaty at the United Nations Intergovernment Maritime Consultative Organization (IMCO). This form and/or electronic equivalent, is provided for by 19 CFR 4.5, 4.7, 4.7a, 4.8, 4.33, 4.34, 4.38, 4.84, 4.85, 4.86, 4.91, 4.93 and 4.99 and is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%201302_0.pdf.*

CBP Form 1302A: The master or commander of a vessel departing from the United States must file CBP Form 1302A, *Cargo Declaration Outward With Commercial Forms,* or CBP-approved electronic equivalent, with copies of bills of lading or equivalent commercial documents relating to all cargo encompassed by the manifest. This form and/or electronic equivalent, is provided for by 19 CFR 4.62, 4.63, 4.75, 4.82, and 4.87–4.89 and is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%201302_0.pdf.*

Electronic Ocean Export Manifest: CBP began a pilot in 2015 to electronically collect ocean export manifest information. This information is transmitted to CBP in advance via the Automated Export System (AES) within the Automated Commercial Environment (ACE).

CBP Form 7509: The aircraft commander or agent must file Form 7509, *Air Cargo Manifest,* with CBP at the departure airport, or respondents may submit the information on this form using a CBP-approved electronic equivalent. CBP Form 7509 contains information about the cargo onboard the aircraft. This form, and/or electronic equivalent, is provided for by 19 CFR 122.35, 122.48, 122.48a, 122.52, 122.54, 122.73, 122.113, and 122.118, and is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%207509_0.pdf.*

Air Cargo Advanced Screening: CBP began a pilot in 2012 announced via a notice published in **Federal Register** on October 24, 2012 (77 FR 65006). The ACAS pilot is a voluntary test in which participants agree to submit a subset of the required 19 CFR 122.48a data elements at the earliest point practicable prior to loading of the cargo onto the aircraft destined to or transiting through the United States. The ACAS pilot data is transmitted to CBP via a CBP-approved electronic data interchange system. Currently, the ACAS data consists of:

(1) Air waybill number
(2) Total quantity based on the smallest external packing unit
(3) Total weight
(4) Cargo description
(5) Shipper name and address
(6) Consignee name and address

Electronic Air Export Manifest: CBP began a pilot in 2015 to electronically collect air export manifest information. This information is transmitted to CBP in advance via ACE's AES.

CBP Form 7533: The master or person in charge of a conveyance files CBP Form 7533, *Inward Cargo Manifest for Vessel Under Five Tons, Ferry, Train, Car, Vehicle, etc,* which is required for a vehicle or a vessel of less than 5 net tons arriving in the United States from Canada or Mexico, otherwise than by sea, with baggage or merchandise. Respondents may also submit the information on this form using a CBP-approved electronic equivalent. CBP Form 7533, and/or electronic equivalent, is provided for by 19 CFR 123.4, 123.7, 123.61, 123.91, and 123.92, and is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%207533_0.pdf.*

Electronic Rail Export Manifest: CBP began a pilot in 2015 to electronically collect the rail export manifest information. This information is transmitted to CBP in advance via ACE's AES.

Manifest Confidentiality: An importer or consignee (inward) or a shipper (outward) may request confidential treatment of its name and address contained in manifests by following the procedure set forth in 19 CFR 103.31.

Vessel Stow Plan (Import): For all vessels transporting goods to the United States, except for any vessel exclusively carrying bulk cargo, the incoming carrier is required to electronically submit a vessel stow plan no later than 48 hours after the vessel departs from the last foreign port that includes information about the vessel and cargo. For voyages less than 48 hours in duration, CBP must receive the vessel stow plan prior to arrival at the first port in the U.S. The vessel stow plan is provided for by 19 CFR 4.7c.

Vessel Stow Plan (Export): CBP began a pilot in 2015 to electronically collect a vessel stow plan for vessels transporting goods from the United States, except for any vessels exclusively carrying bulk cargo. The exporting carrier is required to electronically submit a vessel stow plan in advance.

Container Status Messages (CSMs): For all containers destined to arrive within the limits of a U.S. port from a foreign port by vessel, the incoming carrier must submit messages regarding the status of events if the carrier creates or collects a container status message (CSM) in its equipment tracking system reporting an event. CSMs must be transmitted to CBP via a CBP-approved electronic data interchange system. These messages transmit information regarding events such as the status of a container (full or empty); booking a container destined to arrive in the United States; loading or unloading a container from a vessel; and a container arriving or departing the United States. CSMs are provided for by 19 CFR 4.7d.

Importer Security Filing (ISF): For most cargo arriving in the United States by vessel, the importer, or its authorized agent, must submit the data elements listed in 19 CFR 149.3 via a CBP-approved electronic interchange system within prescribed time frames. Transmission of these data elements provide CBP with advance information about the shipment.

Current Actions: CBP is proposing that this information collection be extended with no change to the burden hours resulting from the proposed revision to the information collection associated with the Air Cargo Advance Screening pilot, as there is no change to the data being collected, only to the timing of the collection. There are no changes to the existing information collections under this OMB approval. The burden hours are listed in the chart below.

Type of Review: Revision and Extension

Affected Public: Businesses.

Collection	Total burden hours	Number of respondents	Number of responses per espondent	Total responses	Time per response
Air Cargo Manifest (CBP Form 7509)	366,600	215	6820.46	1,466,400	15 minutes.
Air Cargo Advance Screening Pilot (ACAS)					
Inward Cargo Manifest for Truck, Rail, Vehicles, Vessels, etc. (CBP Form 7533).	962,940	33,000	291.8	9,629,400	6 minutes.
Inward Cargo Declaration (CBP Form 1302)	1,500,000	10,000	300	3,000,000	30 minutes.

Collection	Total burden hours	Number of respondents	Number of responses per espondent	Total responses	Time per response
Cargo Declaration Outward With Commercial Forms (CBP Form 1302A).	10,000	500	400	200,000	3 minutes.
Importer Security Filing	17,739,000	240,000	33.75	8,100,000	2.19 hours.
Vessel Stow Plan (Import)	31,803	163	109	17,767	1.79 hours.
Vessel Stow Plan (Export)	31,803	163	109	17,767	1.79 hours.
Container Status Messages	23,996	60	4,285,000	257,100,000	0.0056 minutes.
Request for Manifest Confidentiality	1,260	5,040	1	5,040	15 minutes.
Electronic Air Export Manifest	121,711	260	5,640	1,466,400	5 minutes.
Electronic Ocean Export Manifest	5,000	500	400	200,000	1.5 minutes.
Electronic Rail Export Manifest	2,490	50	300	15,000	10 minutes.
Total	20,796,603	289,996		281,217,774	

Dated: July 28, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–16231 Filed 8–1–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Determination Pursuant to Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as Amended

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notice of determination.

SUMMARY: The Secretary of Homeland Security has determined, pursuant to law, that it is necessary to waive certain laws, regulations and other legal requirements in order to ensure the expeditious construction of barriers and roads in the vicinity of the international land border of the United States near the city of San Diego in the state of California.

DATES: This determination takes effect on August 2, 2017.

SUPPLEMENTARY INFORMATION: The principal mission requirements of the Department of Homeland Security (''DHS'') include border security and the detection and prevention of illegal entry into the United States. Border security is critical to the nation's national security. Recognizing the critical importance of border security, Congress has ordered DHS to achieve and maintain operational control of the international land border. Secure Fence Act of 2006, Public Law 109–367, 2, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1701 note). Congress defined ''operational control'' as the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband. Secure Fence Act of 2006, Public Law 109–367, 2, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1701 note). Consistent with that mandate from Congress, the President's Executive Order on Border Security and Immigration Enforcement Improvements directed executive departments and agencies to deploy all lawful means to secure the southern border. Executive Order 13767, § 1. To achieve this end, the President directed, among other things, that I take immediate steps to prevent all unlawful entries into the United States, to include the immediate construction of physical infrastructure to prevent illegal entry. Executive Order 13767, § 4(a).

Congress has provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS's border security mission, including the border security provisions described above. One of these authorities is found at section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (''IIRIRA''). Public Law 104–208, Div. C, 110 Stat. 3009–546, 3009–554 (Sept. 30, 1996) (8 U.S.C 1103 note), as amended by the REAL ID Act of 2005, Public Law 109–13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005) (8 U.S.C. 1103 note), as amended by the Secure Fence Act of 2006, Public Law 109–367, § 3, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1103 note), as amended by the Department of Homeland Security Appropriations Act, 2008, Public Law 110–161, Div. E, Title V, § 564, 121 Stat. 2090 (Dec. 26, 2007). In section 102(a) of IIRIRA, Congress provided that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that I, in my sole discretion, determine necessary to ensure the expeditious construction of barriers and roads authorized by section 102 of IIRIRA.

Determination and Waiver

Section 1

The United States Border Patrol's San Diego Sector is one of the busiest Sectors in the Nation. For example, in fiscal year 2016 alone, the United States Border Patrol apprehended over 31,000 illegal aliens and seized approximately 9,167 pounds of marijuana and approximately 1,317 pounds of cocaine in the San Diego Sector. To be sure, the construction of border infrastructure and other operational improvements have improved border security in the San Diego Sector; however, more work needs to be done. The San Diego Sector remains an area of high illegal entry for which there is an immediate need to construct additional border barriers and roads.

To begin to meet the need for additional border infrastructure within the San Diego Sector, DHS will immediately implement various border infrastructure projects. These projects will focus on an approximately fifteen mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward. This approximately fifteen mile segment of the border is referred to herein as the ''Project Area'' and is more specifically described in Section 2 below.

All of the projects that DHS will undertake within the Project Area will further Border Patrol's ability to deter and prevent illegal crossings. For example, DHS will replace existing primary fencing in the Project Area. The

majority of the existing primary fence in the Project Area was built in the early 1990s using a fence design that is no longer optimal for Border Patrol operations. The new primary barrier will use an operationally effective design that is intended to meet Border Patrol's current requirements. DHS will also build prototype border wall in the Project Area near the eastern terminus of the existing secondary barrier. The construction of border wall prototypes in the Project Area and the robust physical characteristics that are to be incorporated into the border wall prototypes are intended to deter illegal crossings. In addition to deterring illegal crossings in the Project Area, DHS will use the border wall prototypes to evaluate various design features for potential inclusion in a border wall standard that will be developed by the Government and utilized as a part of border wall construction going forward. Importantly, construction of the border wall prototypes in the Project Area also means that DHS can evaluate various design features in the border environment under actual operational conditions. As such, the construction of border wall prototypes will not only deter illegal entry in the Project Area, but evaluation of the border wall prototypes is also critical to and necessary for future border wall design and construction.

Section 2

I determine that the following area in the vicinity of the United States border, located in the state of California within the United States Border Patrol's San Diego Sector, which is referred to herein as the Project Area, is an area of high illegal entry: Starting at the Pacific Ocean and extending to approximately one mile east of Border Monument 251.

There is presently a need to construct physical barriers and roads, including the infrastructure projects described in Section 1, in the vicinity of the border of the United States to deter illegal crossings in the Project Area. In order to ensure the expeditious construction of the barriers and roads in the Project Area, I have determined that it is necessary that I exercise the authority that is vested in me by section 102(c) of IIRIRA as amended.

Accordingly, pursuant to section 102(c) of IIRIRA, I hereby waive in their entirety, with respect to the construction of roads and physical barriers (including, but not limited to, accessing the Project Area, creating and using staging areas, the conduct of earthwork, excavation, fill, and site preparation, and installation and upkeep of physical barriers, roads, supporting elements, drainage, erosion controls, and safety features) in the Project Area, the following statutes, including all federal, state, or other laws, regulations and legal requirements of, deriving from, or related to the subject of, the following statutes, as amended: The National Environmental Policy Act (Pub. L. 91–190, 83 Stat. 852 (Jan. 1, 1970) (42 U.S.C. 4321 *et seq.*)), the Endangered Species Act (Pub. L. 93–205, 87 Stat. 884 (Dec. 28, 1973) (16 U.S.C. 1531 *et seq.*)), the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act (33 U.S.C. 1251 *et seq.*)), the National Historic Preservation Act (Pub. L. 89–665, 80 Stat. 915 (Oct. 15, 1966), as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 470 *et seq.,* now codified at 54 U.S.C. 100101 note and 54 U.S.C. 300101 *et seq.*)), the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), the Migratory Bird Conservation Act (16 U.S.C. 715 *et seq.*), the Clean Air Act (42 U.S.C. 7401 *et seq.*), the Archeological Resources Protection Act (Pub. L. 96–95 (16 U.S.C. 470aa *et seq.*)), the Paleontological Resources Preservation Act (16 U.S.C. 470aaa *et seq.*), the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 *et seq.*), the National Trails System Act (16 U.S.C. 1241 *et seq.*), the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*), the Noise Control Act (42 U.S.C. 4901 *et seq.*), the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*), the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*), the Archaeological and Historic Preservation Act (Pub. L. 86–523, as amended, repealed, or replaced by Pub. L. 113–287 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 469 *et seq.,* now codified at 54 U.S.C. 312502 *et seq.*)), the Antiquities Act (formerly codified at 16 U.S.C. 431 *et seq.,* now codified 54 U.S.C. 320301 *et seq.*), the Historic Sites, Buildings, and Antiquities Act (formerly codified at 16 U.S.C. 461 *et seq.,* now codified at 54 U.S.C. 3201–320303 & 320101–320106), the Wild and Scenic Rivers Act (Pub. L. 90–542 (16 U.S.C. 1281 *et seq.*)), the Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*), the Coastal Zone Management Act (Pub. L. 92–583 (16 U.S.C. 1451 *et seq.*)), the Wilderness Act (Pub. L. 88–577 (16 U.S.C. 1131 *et seq.*)), the Federal Land Policy and Management Act (Pub. L. 94–579 (43 U.S.C. 1701 *et seq.*)), the National Wildlife Refuge System Administration Act (Pub. L. 89–669 (16 U.S.C. 668dd–668ee)), the National Wildlife Refuge System Improvement Act of 1997 (Pub. L. 105–57), National Fish and Wildlife Act of 1956 (Pub. L. 84–1024 (16 U.S.C. 742a, *et seq.*)), the Fish and Wildlife Coordination Act (Pub. L. 73–121 (16 U.S.C. 661 *et seq.*)), the Wild Horse and Burro Act (16 U.S.C. 1331 *et seq.*), an Act of Oct. 30, 2000, Pub. L. 106–398, 1, 114 Stat. 1654 (enacting into law § 2848 of Part II of Subtitle D of Title XXVIII of Division B of H.R. 5408 (114 Stat. 1654A–426), as introduced on Oct. 6, 2000), the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), the Otay Mountain Wilderness Act of 1999 (Pub. L. 106–145), sections 102(29) and 103 of Title I of the California Desert Protection Act (Pub. L. 103–433), the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the Eagle Protection Act (16 U.S.C. 668 *et seq.*), the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 *et seq.*), the American Indian Religious Freedom Act (42 U.S.C. 1996), and the Religious Freedom Restoration Act (42 U.S.C. 2000bb).

This waiver does not repeal the previous waiver published in the **Federal Register** on September 22, 2005 (70 FR 55622).

I reserve the authority to make further waivers from time to time as I may determine to be necessary under section 102 of IIRIRA, as amended.

Dated: July 26, 2017.

John F. Kelly,

Secretary of Homeland Security.

[FR Doc. 2017–16260 Filed 8–1–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0044]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Action on an Approved Application or Petition

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of

1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until September 1, 2017. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. (This is not a toll-free number.) All submissions received must include the agency name and the OMB Control Number 1615–0044.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on April 28, 2017 at 82 FR 19748, allowing for a 60-day public comment period. USCIS did not receive any comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0012 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Action on an Approved Application or Petition.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–824; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–824 is used to request a duplicate approval notice, or to notify the U.S. Consulate that a petition has been approved or that a person has been adjusted to permanent resident status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection is 10,888 and the estimated hour burden per response is .42 hours (25 minutes).

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 4,572 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $1,333,780.

Dated: July 28, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–16241 Filed 8–1–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2017–0034; FF08ESMF00–FXES11140800000–178]

Lost Hills Solar Project, Kern County, California; Draft Environmental Assessment and Draft Habitat Conservation Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of a draft environmental assessment (draft EA) under the National Environmental Policy Act of 1969, as amended. We also announce receipt of an application for an incidental take permit under the Endangered Species Act of 1973, as amended, and receipt of a draft habitat conservation plan (draft HCP). CED Lost Hills Solar, LLC has applied for an incidental take permit under the Endangered Species Act for the Lost Hills Solar Project in Kern County, California. The permit would authorize the take of the federally endangered San Joaquin kit fox incidental to the construction, operation and maintenance, and decommissioning of the solar project. Application for the permit requires the preparation of an HCP with measures to avoid, minimize, and mitigate the impacts of incidental take to the maximum extent practicable. The purpose of the EA is to assess the effects of issuing the permit and implementing the draft HCP on the natural and human environment.

DATES: To ensure consideration, written comments must be received by September 1, 2017.

ADDRESSES: *Document Availability:* The draft HCP and draft EA are available via the internet at the Federal eRulemaking Portal (*www.regulations.gov*) in Docket No. FWS–R8–ES–2017–0034. Alternatively, you may obtain electronic copies of the draft HCP and draft EA from the Sacramento Fish and Wildlife Office Web site at *http://www.fws.gov/sacramento.* Copies of these documents

are also available for public inspection, by appointment, during regular business hours, at the Sacramento Fish and Wildlife Office, 2800 Cottage Way, W–2605, Sacramento, CA 95825; 916–414–6600 (telephone).

Submitting Comments: To send written comments, please use one of the following methods, and note that your information requests or comments are in reference to the draft HCP. Please specify whether your comment addresses the draft EA, draft HCP, or both.

- *Internet:* Submit comments at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2017–0034.
- *U.S. Mail or Hand-Delivery:* Public Comments Processing, Attn: FWS–R4–ES–2017–0034, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Justin Sloan, Senior Wildlife Biologist, San Joaquin Valley Division; or Patricia Cole, Chief, San Joaquin Valley Division, at the Sacramento Fish and Wildlife Office address (see *Document Availability* in **ADDRESSES**) or at 916–414–6600 (telephone). If you use a telecommunications device for the deaf, please call the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft environmental assessment (EA), prepared pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.;* NEPA), and its implementing regulations in the Code of Federal Regulations (CFR) at 40 CFR 1506.6. This notice also announces the receipt of an application from CED Lost Hills Solar, LLC (applicant), for a 45-year incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* Act). The applicant prepared the draft Lost Hills Solar Project Habitat Conservation Plan (draft HCP) pursuant to section 10(a)(1)(B) of the Act. The applicant is requesting the authorization of incidental take for one covered species that could result from activities covered under the draft HCP.

Background Information

Section 9 of the Act (16 U.S.C. 1531–1544 *et seq.*) and Federal regulations (50 CFR 17) prohibit the taking of fish and wildlife species listed as endangered or threatened under section 4 of the Act. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32. For more about the Federal habitat conservation plan (HCP) program, go to *http://www.fws.gov/endangered/esa-library/pdf/hcp.pdf.*

National Environmental Policy Act Compliance

The proposed permit issuance triggers the need for compliance with NEPA. The draft EA was prepared to analyze the impacts of issuing an ITP based on the draft HCP and to inform the public of the proposed action, any alternatives, and associated impacts, and to disclose any irreversible commitments of resources.

For the purposes of NEPA, the Proposed Action Alternative presented in the Draft EA is compared to the No-Action Alternative. The No-Action Alternative represents estimated future conditions to which the Proposed Action's estimated future conditions can be compared.

Proposed Action Alternative

The Service would issue an ITP to the applicants for a period of 45 years for certain covered activities (described below). The applicant has requested an ITP for one covered species (described below), currently listed as endangered under the Act.

Habitat Conservation Plan Area

The geographic scope of the draft HCP encompasses 540 acres, including a 477-acre parcel, along with a 500-foot buffer around the northern part of the parcel within which monitoring activities would take place. The project will occupy approximately 160 acres of the habitat conservation plan (HCP) area, with 133 acres disturbed during project construction.

Covered Activities

The proposed section 10 ITP would allow take of one covered species resulting from certain covered activities in the proposed HCP area. The applicant is requesting incidental take authorization for this covered species that could be affected by activities identified in the draft HCP. The draft HCP covers construction, operations and maintenance, and decommissioning of the solar site (collectively, covered activities).

Covered Species

The San Joaquin kit fox (*Vulpes macrotis mutica*) is the species addressed in the draft HCP for which conservation actions will be implemented and for which the applicant is seeking an ITP for a period of 45 years. The San Joaquin kit fox is listed as endangered under the Act.

No-Action Alternative

Under the No-Action Alternative, the Service would not issue an ITP to the applicant, and the draft HCP would not be implemented. Under this alternative, the applicant would not construct the proposed solar project.

Public Comments

We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on this notice, the draft EA, and the draft HCP. We particularly seek comments on the following:

1. Biological information concerning the species;
2. Relevant data concerning the species;
3. Additional information concerning the range, distribution, population size, and population trends of the species;
4. Current or planned activities in the area and their possible impacts on the species;
5. The presence of archeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns, which are required to be considered in project planning by the National Historic Preservation Act; and
6. Any other environmental issues that should be considered with regard to the proposed development and permit action.

Public Availability of Comments

Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Next Steps

Issuance of an incidental take permit is a Federal proposed action subject to compliance with NEPA. We will evaluate the application, associated documents, and any public comments we receive as part of our NEPA compliance process and to determine whether the application meets the requirements of section 10(a) of the Act. If, subsequent to our NEPA compliance process, we determine that those requirements are met, we will issue a permit to the applicant for the incidental take of the covered species.

Authority

We publish this notice under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4347 *et seq.*), and its implementing regulations at 40 CFR 1500–1508, as well as in compliance with section 10(c) of the Endangered Species Act (16 U.S.C. 1531–1544 *et seq.*) and its implementing regulations at 40 CFR 17.22.

Dated: July 26, 2017.

Jennifer Norris,

Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, Sacramento, California.

[FR Doc. 2017–16251 Filed 8–1–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2017–N078; FXES11140800000–178–FF08EVEN00]

General Conservation Plan for Oil and Gas Activities in Santa Barbara County, California; Notice of Intent To Prepare a Draft Environmental Analysis/Document; Initiation of Public Scoping Process

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce our intent to prepare a draft environmental analysis/document under the National Environmental Policy Act, as amended (NEPA), for the proposed issuance of an incidental take permit (ITP) under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA), for the draft General Conservation Plan for Oil and Gas Activities in Santa Barbara County (GCP). The GCP is being developed to streamline environmental permitting and compliance with the ESA for proponents engaged in geophysical exploration (seismic), development, extraction, storage, transport, remediation, and/or distribution of crude oil, natural gas, and/or other petroleum products, and construction, maintenance, operation, repair, and decommissioning of oil and gas pipelines and well field infrastructure. The GCP is a conservation plan as required under the ESA for issuance of incidental take permits. Participation in the GCP would be voluntary. ITP holders would be authorized for incidental take of threatened and endangered wildlife species that could result from the activities covered under the GCP. The GCP would include conservation measures for an endangered plant species that would also be covered under the plan. We also are announcing the initiation of a public scoping process to engage Federal, tribal, State, and local governments and the public in the identification of issues and concerns, potential impacts, and possible alternatives to the proposed action. The Service is inviting input regarding development of a draft environmental analysis/document, which will evaluate the impacts to the human environment associated with issuance of ITPs and implementation of the GCP and alternatives.

DATES: In order to be included in the analysis, all comments must be received or postmarked on or before September 1, 2017.

ADDRESSES: Please provide comments in writing, by one of the following methods:

- *Email: rachel_henry@fws.gov;*
- *Facsimile:* 805–644–3958, Attn: VFWO GCP; or
- *U.S. mail:* Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93101. Please specify that your information request or comments concern the VFWO GCP.

FOR FURTHER INFORMATION CONTACT: Rachel Henry, by U.S. mail (see **ADDRESSES**), or by phone at 805–677–3312. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service at 800–877– 8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), intend to prepare either a draft environmental analysis/document under the National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.;* NEPA), for the proposed General Conservation Plan for Oil and Gas Activities in Santa Barbara County (GCP). The GCP is a conservation plan as required under the Endangered Species Act of 1973, as amended (16 U.S.C. 1539(c); ESA), for issuance of a 10(a)(1)(B) incidental take permit (ITP). Participation in the GCP and making an application for take authorization are voluntary. The proposed ITP would authorize the incidental take of threatened and endangered wildlife species that could result from the activities covered under the GCP, and would include conservation measures for an endangered plant species that also would be covered under the ITP. The GCP is being prepared by the Ventura Fish and Wildlife Office to address prospective activities that may be covered by the GCP. We also are announcing the initiation of a public scoping process to engage Federal, tribal, state, and local governments and the public in the identification of issues and concerns, potential impacts, and possible alternatives to the proposed action. The decision to prepare a draft environmental analysis/document will be, in part, contingent on the complexity of issues identified during, and following, the scoping phase of the NEPA process.

Background

Section 9 of the ESA and its implementing regulations prohibit ''take'' of fish and wildlife species listed as endangered or threatened (16 U.S.C. 1531–1544). Under section 3 of the ESA, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)). The term ''harm'' is further defined by regulation as an act that actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term ''harass'' is also further defined in the regulations as an intentional or negligent act or omission that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3).

Under section 10(a)(1)(B) of the Act, the Secretary of the Interior may authorize the taking of federally listed wildlife species if such taking occurs incidental to otherwise legal activities and where a conservation plan has been developed under section 10(a)(2)(A) that describes: (1) The impact that will likely result from such taking; (2) the steps an applicant will take to minimize and mitigate that take to the maximum extent practicable and the funding that will be available to implement such steps; (3) the alternative actions to such taking that an applicant considered and the reasons why such alternatives are not being utilized; and (4) other measures that the Service may require as being necessary or appropriate for the purposes of the plan. Issuance criteria under section 10(a)(2)(B) for an incidental take permit require the Service to find that: (1) The taking will be incidental to otherwise lawful activities; (2) an applicant will, to the

maximum extent practicable, minimize and mitigate the impacts of such taking; (3) an applicant has ensured that adequate funding for the plan will be provided; (4) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) the measures, if any, we require as necessary or appropriate for the purposes of the plan will be met. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively.

Public Scoping

A primary purpose of the scoping process is to receive suggestions and information on the scope of issues and alternatives to consider when drafting the environmental analysis/document, and to identify significant issues and reasonable alternatives related to the Service's proposed action (issuance of ITPs under the GCP). In order to ensure that we identify a range of issues and alternatives related to the proposed action, we invite comments and suggestions from all interested parties. We will conduct a review of this project according to the requirements of NEPA and its regulations, other relevant Federal laws, regulations, policies, and guidance, and our procedures for compliance with applicable regulations. Once the draft environmental analysis/document and draft GCP are prepared, we will offer further opportunities for public comment on the content of the NEPA document and the GCP through an appropriate public comment period.

Proposed Action

The proposed action is issuance of an incidental take permit for the covered species to proponents engaged in geophysical exploration (seismic), development, extraction, storage, transport, remediation, and/or distribution of crude oil, natural gas, and/or other petroleum products, and construction, maintenance, operation, repair, and decommissioning of oil and gas pipelines and well field infrastructure. The proposed GCP, which must meet the requirements in section 10(a)(2)(A) of the Act, would be developed by the Service and implemented by proponents that are issued ITPs under the plan. This will allow for a comprehensive mitigation approach for authorized impacts, which will result in more effective conservation, while at the same time providing a more efficient mechanism for permit processing for the Service and proponents.

Actions covered under the requested incidental take permit may include possible take of covered species associated with activities including, but not limited to, geophysical exploration (seismic), development, extraction, storage, transport, remediation, and/or distribution of crude oil, natural gas, and/or other petroleum products, and construction, maintenance, operation, repair, and decommissioning of oil and gas pipelines and well field infrastructure. The proposed permits would provide coverage for a period of the specified lifetime of each individual project permitted under the GCP. This proposed plan would not circumvent the need for project compliance with other permit requirements for oil and gas projects or other required approval processes that may include county hearings and local approval. The species covered under the requested incidental take permit are the California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), and the Lompoc yerba santa (*Eriodictyon capitatum*).

Other Alternatives

We seek information regarding other reasonable alternatives during this scoping period and will evaluate the impacts associated with such alternatives in the draft environmental analysis/document.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that the entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Comments and materials we receive, as well as supporting documentation we use in preparing the draft environmental analysis/document, will be available for public inspection, by appointment, during normal business hours at the Service's Ventura Fish and Wildlife Office in Ventura, California (see **ADDRESSES**, above).

Authority

We publish this notice in compliance with the NEPA and its implementing regulations (40 CFR 1501.7, 1506.6, and 1508.22), the Department of the Interior's NEPA implementing regulations at 43 CFR 46.235, and section 10(c) of the ESA.

Dated: July 26, 2017.

Stephen P. Henry,

Field Supervisor, Pacific Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2017–16249 Filed 8–1–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[178A2100DD/AAKC001030/A0A501010.999900 253G]

Indian Gaming; Approval of a Tribal-State Class III Gaming Compact in the State of South Dakota

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Crow Creek Sioux Tribe of the Crow Creek Reservation and the State of South Dakota entered into a compact superseding an existing Tribal-State compact governing Class III gaming; this notice announces approval of the Proposed Gaming Compact Between the Crow Creek Sioux Tribe of the Crow Creek Reservation and the State of South Dakota governing Class III gaming.

DATES: This notice is applicable as of August 2, 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 (Secretary) 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 Compact increases the number of permissible slot machines from 250 to 500, permits the Tribe to operate Class III gaming at a second location, and increases wager limits. The initial duration of the Compact is 10 years with automatic renewals every 10 years thereafter unless the agreement is terminated by the Tribe and the State. The Compact is approved. *See* 25 U.S.C. 2710(d)(8)(A).

Dated: June 26, 2017.

Michael S. Black,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2017–16215 Filed 8–1–17; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–23748; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before July 8, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by August 17, 2017.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before July 8, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

ALABAMA

Perry County

Lincoln Normal School, 205 Lincoln St., Marion, SG100001479

IOWA

Winneshiek County

Decorah Commercial Historic District, (Iowa's Main Street Commercial Architecture MPS), Blks. 500–100 W. Water, 100–200 E. Water, 100 Washington, 100 Winnebago, parts of W. Main, Court & W. Day Spring, Decorah, MP100001482

LOUISIANA

St. Tammany Parish

Bogue Falaya Park, 213 Park Dr., Covington, SG100001483

NEW YORK

Cayuga County

West High School, 217 Genesee St., Auburn, SG100001484

Monroe County

Potter Historic District, 1–60 Potter Place, 53, 73 & 69 W. Church St., Fairport, SG100001485

Nassau County

Kellogg, George Sumner, House, 960 Merrick Rd., Baldwin, SG100001486

New York County

Congregation Ohab Zedek, 118–120 & 122–124 W. 95th St., New York, SG100001487

Onondaga County

Dunne, Morgan, House, (Architecture of Ward Wellington Ward in Syracuse MPS), 464 Allen St., Syracuse, MP100001488

Saratoga County

International Paper Administration Building and Time Office, 17 Pine St., Corinth, SG100001489

Suffolk County

Bates, Charles and Anna, House, 126 Center St., Greenport, SG100001490

Second and Ostrander Historic District, Various, Riverhead, SG100001491

Swan River Schoolhouse, 31 Roe Ave., East Patchogue, SG100001492

OHIO

Hamilton County

Terrace Plaza Hotel, 15 W. 6th St., Cincinatti, SG100001493

VIRGINIA

Bath County

Wilderness, The, 13954 Deerfield Rd., Deerfield vicinity, SG100001494

Buckingham County

Alexander Hill Baptist Church, 1171 Jerusalem Church Rd., Buckingham vicinity, SG100001495

Loudoun County

Llangollen, 21515 Trappe Rd., Upperville, SG100001497

Orange County

Old Manse, 171 Landon Ln., Orange, SG100001498

WISCONSIN

Fond Du Lac County

St. Joseph's School, 95 E. 2nd St., Fond du Lac, SG100001500

An additional documentation has been received for the following resources:

ARIZONA

Pinal County

Evergreen Addition Historic District (Additional Documentation), Generally bounded by McMurray Blvd., Gilbert Ave., Florence Blvd., and Casa Grande Ave., Casa Grande, AD08001346

VIRGINIA

Danville Independent city

Danville Historic District (Additional Documentation), Roughly bounded by Main, Green, and Paxton Sts., and Memorial Hospital, Danville (Independent City), AD73002207

Southampton County

Vaughan, Rebecca, House (Additional Documentation), 26315 Heritage Ln., Courtland, AD06000162

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

DISTRICT OF COLUMBIA

District of Columbia

U.S. Department of State Building, 2201 C St. NW., Washington, SG100001481

Authority: 60.13 of 36 CFR part 60.

Dated: July 13, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program and Keeper, National Register of Historic Places.

[FR Doc. 2017–16201 Filed 8–1–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–034]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: August 10, 2017 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None
2. Minutes
3. Ratification List
4. Vote in Inv. Nos. 731–TA–1378 and 1379 (Preliminary) (Low Melt Polyester Staple Fiber from Korea and Taiwan). The Commission is

currently scheduled to complete and file its determinations on August 11, 2017; views of the Commission are currently scheduled to be completed and filed on August 18, 2017.

5. Outstanding action jackets: None

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: July 27, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–16367 Filed 7–31–17; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–033]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: August 8, 2017 at 9:30 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None
2. Minutes
3. Ratification List
4. Vote in Inv. No. 731–TA–663 (Fourth Review) (Paper Clips from China). The Commission is currently scheduled to complete and file its determination and views of the Commission by August 24, 2017.
5. Outstanding action jackets: None

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: July 27, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–16366 Filed 7–31–17; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1034]

Certain Flash Memory Devices and Components Thereof; Notice of Commission Determination Not To Review and Initial Determination Granting a Joint Motion To Terminate the Investigation in Its Entirety Based Upon Settlement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 22) granting a joint motion to terminate the investigation in its entirety based upon settlement.

FOR FURTHER INFORMATION CONTACT: Panyin A Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3042. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Inv. No. 337–TA–1034 on January 11, 2017, based on a complaint filed by Memory Technologies, LLC of Las Vegas, Nevada (''Memory Tech.''). 82 *FR* 3359–60 (Jan. 11, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain flash memory devices and components thereof that infringe one or more claims of U.S. Patent No. RE45,542; U.S. Patent No. RE45,486; U.S. Patent No. 7,565,469; U.S. Patent No. 9,063,850, and U.S. Patent No. 8,307,180. The notice of investigation named the following respondents: SanDisk LLC of Milpitas, California; Western Digital Corporation of Irvine, California; Western Digital Technologies, Inc. of Milpitas, California; SanDisk Limited of Yokohama, Japan; SanDisk Storage Malaysia Sdn. Bhd. of Perai, Malaysia; and SanDisk SemiConductor (Shanghai) Co., Ltd., of Shanghai, China (collectively ''SanDisk''). The Office of Unfair Import Investigations is participating in the investigation.

On June 22, 2017, Memory Tech. and SanDisk filed a joint motion to terminate the investigation in its entirety based upon settlement. On June 27, 2017, the Commission investigative attorney filed a response in support of the motion.

On July 13, 2017, the ALJ issued the subject ID, granting the joint motion to terminate the investigation in its entirety based upon settlement. The ALJ found that the joint motion complied with the requirements of Commission Rule 210.21(b)(1) (19 CFR 210.21(b)(1)) and that the parties provided confidential and public copies of the settlement agreement. The ALJ further found that terminating the investigation would not be contrary to the public interest.

The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: July 27, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–16216 Filed 8–1–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–035]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: August 11, 2017 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None
2. Minutes
3. Ratification List
4. Vote in Inv. No. 731–TA–1380 (Preliminary)(Tapered Roller Bearings from Korea). The Commission is currently scheduled to complete and file its determination on August 14, 2017; views of the Commission are currently scheduled to be completed and filed on August 21, 2017.
5. Outstanding action jackets: None

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:

Issued: July 27, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–16368 Filed 7–31–17; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooper, Ative Research and Production Act of 1993—Vehicle Safety Communications 5 Consortium

Notice is hereby given that, on June 29, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Vehicle Safety Communications 5 Consortium (''VSC5 Consortium'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Mercedes-Benz Research & Development North America, Inc., Sunnyvale, CA, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and VSC5 Consortium intends to file additional written notifications disclosing all changes in membership.

On December 3, 2014, VSC5 Consortium filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 31, 2014 (79 FR 78909).

Patricia A. Brink,

Director of Civil Enforcement,Antitrust Division.

[FR Doc. 2017–16049 Filed 8–1–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Cambrex High Point, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before September 1, 2017. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before September 1, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearing on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on November 22, 2016, Cambrex High Point, Inc., 4180 Mendenhall Oaks Parkway, High Point, North Carolina 27265 applied to be registered as an importer of poppy straw concentrate (9670), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance to bulk manufacture into other controlled substances for sale to its customers.

Dated: July 24, 2017.

Demetra Ashley,

Acting Assistant Administrator.

[FR Doc. 2017–16058 Filed 8–1–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

Job Corps Center Proposed for Closure: Comments Requested

AGENCY: Office of Job Corps, Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration (ETA) of the U.S. Department of Labor (the Department or DOL) issues this notice to propose the closure of the Homestead Job Corps Center (Homestead) in Homestead, Florida, based on an evaluation of the center. This notice seeks public comment on the proposal to close Homestead.

DATES: To be ensured consideration, comments must be submitted in writing on or before September 1, 2017.

ADDRESSES: You may submit comments, identified by Docket Number ETA–2016–0003, by only one of the following methods:

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the Web site instructions for submitting comments.

Mail and hand delivery/courier: Submit comments to Lenita Jacobs-Simmons, National Director, Office of Job Corps (OJC), U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N–4459, Washington, DC 20210. Due to security-related concerns, there may be a

significant delay in the receipt of submissions by United States Mail. You must take this into consideration when preparing to meet the deadline for submitting comments. The Department will post all comments received on *http://www.regulations.gov* without making any changes to the comments or redacting any information, including any personal information provided. The *http://www.regulations.gov* Web site is the Federal e-rulemaking portal and all comments posted there are available and accessible to the public. The Department recommends that commenters not include personal information such as Social Security Numbers, personal addresses, telephone numbers, and email addresses in their comments that they do not wish to be made public, as such submitted information will be available to the public via the *http://www.regulations.gov* Web site. Comments submitted through *http://www.regulations.gov* will not include the email address of the commenter unless the commenter chooses to include that information as part of his or her comment. It is the responsibility of the commenter to safeguard personal information.

Instructions: All submissions received should include the Docket Number for the notice: Docket Number ETA–2016–0003. Please submit your comments by only one method. Again, please note that due to security concerns, postal mail delivery in Washington, DC may be delayed. Therefore, the Department encourages the public to submit comments on *http://www.regulations.gov.*

Docket: All comments on the selected Job Corps Center for closure will be available on the *http://www.regulations.gov* Web site. The Department also will make all of the comments it receives available for public inspection by appointment during normal business hours at the above address. If you need assistance to review the comments, the Department will provide appropriate aids such as readers or print magnifiers. The Department will make copies of this methodology and the selected Job Corps center for closure available, upon request, in large print and electronic file on computer disk. To schedule an appointment to review the comments and/or obtain the notice in an alternative format, contact the Office of Job Corps at (202) 693–3000 (this is not a toll-free number). You may also contact this office at the address listed below.

FOR FURTHER INFORMATION CONTACT: Lenita Jacobs-Simmons, National Director, Office of Job Corps, ETA, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–4463, Washington, DC 20210; Telephone (202) 693–3000 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at (877) 889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION:

I. Background on the Job Corps Program and Center Closures

Established in 1964, Job Corps is a national program administered by ETA in the Department. It is the nation's largest federally-funded, primarily residential training program for at-risk youth, ages 16 to 24. Through 125 centers in 50 states, Puerto Rico, and the District of Columbia, Job Corps seeks to change lives through education and job training for in-demand careers. Job Corps serves at-risk young people who are overcoming major challenges, which can include deep poverty, homelessness, or multiple foster care placements, by providing them with the academic, career technical, and employability skills to enter the workforce, enroll in post-secondary education, or enlist in the military. The program represents the core American value that no matter who you are or where you come from, you should have the opportunity to succeed.

Large and small businesses, nonprofit organizations, and Native American tribes manage and operate 99 of the Job Corps centers through contractual agreements with the Department of Labor, which are awarded pursuant to federal procurement rules. Twenty-six Civilian Conservation Centers (CCCs) are operated through an interagency agreement with the U.S. Department of Agriculture (USDA). Job Corps receives annual funding to operate centers, administer the program, and build, maintain, expand, or upgrade a limited number of new and existing facilities.

II. Closure Criteria

The Department is continuously taking steps to ensure that Job Corps' resources are used to deliver the best possible results for students. As part of these ongoing efforts, the Department may determine that closing a center will allow Job Corps to more effectively serve its students. Since 2014, the Department has closed two centers.

A. The Criteria for Proposing a Center for Closure

The Workforce Innovation and Opportunity Act (WIOA), which became effective on July 1, 2015, directs DOL to ''establish written criteria that the Secretary shall use to determine when a Job Corps center supported under this part is to be closed and how to carry out such closure[.]'' 29 U.S.C. 3211(c)(1). The Department has published three criteria upon which it may propose to close a center:

1. A methodology for selecting a center for closure based on its chronic low performance, first described in an August 2014 **Federal Register** Notice (FRN) (79 FR 51198), and updated in the March 9, 2016, FRN (81 FR 12529);

2. An agreement between the Secretaries of Labor and Agriculture to close a CCC, as described in the March 9, 2016, FRN; and

3. An evaluation of the effort required to provide a high-quality education and training program at the center, as described in the March 9, 2016, FRN.

Closure may be based on any one of the three criteria, and a single criterion may be applied independently of the others. Thus, while a center may qualify for closure under more than one criterion, DOL may choose to rely on only one criterion when deciding to propose a center for closure. These criteria have been previously established; therefore, the Department does not seek comments on these criteria in response to this Notice.

Prior to making a decision to propose a center's closure, the Department also applies the Additional Considerations first discussed in the August 2014 notice and described below.

B. Additional Considerations for Center Closure

As described in the March 9, 2016, FRN, after applying any of the three closure criterion identified above, the Department will consider the following factors, as appropriate, when deciding whether it should propose a center for closure:

1. Job Corps Services for Residents in Each State, Puerto Rico, and the District of Columbia

The Department is committed to providing services in a broad geographic area. When deciding to propose a center for closure, DOL will ensure that it maintains at least one Job Corps center in each state, the Commonwealth of Puerto Rico, and the District of Columbia. The program will also take into consideration whether a center's closure would have a disproportionate

impact on the training opportunities for students in any one state. Additionally, Job Corps is committed to ensuring that a state's population, especially eligible young people who could benefit from participating in the program, has adequate exposure to Job Corps' opportunities and services. Accordingly, in applying the criteria, DOL will ensure that it does not too rapidly reduce Job Corps' presence in any one state.

2. Sufficiency of Data Available To Evaluate Center Performance

When proposing closure for chronic low performance, the Department will not consider any center for which it does not have sufficient data to evaluate that center's performance. Because this Notice does not propose a closure based on performance, this consideration does not apply to the proposed closures discussed below.

3. Indication of Significant Recent Performance Improvement

When applying the performance-based methodology, the Department will consider evidence of recent performance improvement. Therefore, a center will be removed from closure consideration based on performance-based closure criteria if it is performing in the top half of centers in the most recent full year of performance data. Again, because this notice does not propose a closure based on performance, this consideration does not apply to the proposed closures discussed below.

4. Job Corps' Commitment to Diversity

Job Corps currently serves a diverse student population and remains committed to serving disadvantaged youth from all backgrounds. In making final closure decisions under any of the three criteria identified in Section A above, we will consider whether a center's closure would result in a significant reduction in student diversity within the overall Job Corps system.

III. Proposal To Close the Homestead Job Corps Center

For the reasons discussed below, Job Corps proposes to close the Homestead Job Corps Center under the third criterion—an evaluation of the effort required to provide a high-quality education and training program at the center, as described in the March 9, 2016, FRN.

Some centers, for a variety of reasons, face more difficult challenges than others in providing a safe, secure environment where participants can receive high-quality education and training. Some challenges develop over time, while others arise more rapidly. Challenges may involve the condition of the facility, its proximity to relevant job markets, the ability of the center to attract students, the impact of one-time events, or a host of other factors. Addressing these challenges may require sustained efforts that involve significant programmatic, staff, capital, organizational, and/or other investments and resources, and sometimes these challenges continue regardless of the contractor or entity operating the center. Even with such a commitment, it may be difficult to achieve positive outcomes for students.

In such a situation, Job Corps will carefully assess the following:

1. The ongoing needs of the center against those of the program overall.

2. The effort required to provide and maintain a high-quality, safe, and productive living and learning environment.

3. Whether that effort is likely to ultimately produce an outcome that contributes to the program's overall strength and integrity.

After reviewing all relevant information, the Department may decide to propose a center for closure.

Following an evaluation of continuing center operations using the framework outlined above, the Department proposes to close the Homestead Job Corps Center. The Homestead Job Corps Center has been inactive since September 2015, after the homicide of a Job Corps student in an area adjacent to campus.

The tragedy highlighted design problems at the facility which negatively affected the safety and security of the center. Homestead has operated on the grounds of a former Air Force base, with students trained and housed across a 40-acre campus layout with a public street running through the middle, dividing the campus into two separate and distinct parts. A review of Homestead's physical plant and campus layout conducted by Job Corps' Engineering Support Contractor after the suspension of operations concluded that the inefficient layout, as well as the lack of any barrier around the campus periphery, resulted in unsafe center conditions that would have to be addressed before DOL could reactivate the center. The best and most cost effective approach for creating a safe, secure environment at the center for students and staff would be to consolidate the center onto a unified, smaller, 30-acre campus layout with a surrounding fence. However, even these necessary improvements could cost as much as $13 million, a significant portion of the $75 million Job Corps has been appropriated annually for construction and repairs at all 125 Job Corps centers in recent years.

The Department has concluded that investing so much in remaking Homestead's campus is not the best use of limited resources. More than 25 percent of Job Corps' more than 4,000 buildings are over 50 years old, leading to a repair and construction backlog of more than $470 million. Spending nearly one-fifth of the program's construction budget to alter this site's grounds and facilities and remedy its presently identified deficiencies would significantly impact Job Corps' ability to make needed repairs and improvements at other centers. This is not a prudent use of the Department's resources, particularly given the successful maintenance of opportunities at the other four centers in Florida and the Southeast generally. In order to provide functional, safe, and secure campuses for as many students as possible given the limited resources available, DOL has determined students in Florida and across the country will be better served if Job Corps' construction and repair budget—and the time, personnel, and effort required to administer the use of these funds—is allotted across the entire system to improve the conditions of as many centers and as many students as possible.

Additionally, the events leading to the suspension of activities at the Homestead campus may for the foreseeable future serve as a significant disincentive for students to attend the center, negatively impacting its operations by reducing the number of students on center and reducing its cost effectiveness. Job Corps is intensely focused on safety and security, and is presently working to demonstrate to potential and enrolled students and their families that Job Corps is a safe and welcoming place. As the criminal case involving the murder continues to move through the criminal justice system, Job Corps operations at Homestead will continue to face intense scrutiny, complicating and hindering the process of recruiting, educating, and training at-risk students at this site.

Despite the change in the Homestead Center's operating status, Job Corps has maintained the same capacity to serve students from Florida since operations were temporarily suspended. In the wake of the Homestead tragedy, Job Corps transferred 189 students to other centers, primarily in Florida and the Southeast region, as it reassessed the safety and security of the property. The Job Corps program has robust capacity in Florida, a state where there are four other centers, including the Miami Job

Corps Center less than 50 miles away from the Homestead campus, which helped absorb transferred students.

After studying (1) the ongoing needs of the center against those of the program overall, (2) the effort needed to provide and maintain a high-quality, safe, and productive living and learning environment, and (3) whether that effort is likely to ultimately produce an outcome that contributes to the program's overall strength and integrity, the Department concluded that closing the Homestead Job Corps Center is in the best interest of the program.

After completing this evaluation, the Department then applied the relevant additional considerations outlined in the March 2016 FRN and discussed above in Section II.B and determined that these considerations did not preclude closure of the Homestead Job Corps Center.

The Department now requests public comments on its proposal to close the Homestead Job Corps Center.

IV. The Process for Closing Job Corps Centers Under the Workforce Innovation and Opportunity Act (WIOA)

The Department's process for closing Job Corps centers will follow the requirements of section 159(j) of the WIOA, which include the following:

- The proposed decision to close a particular center is announced in advance to the general public through publication in the **Federal Register** or other appropriate means;
- A reasonable comment period, not to exceed 30 days, is established for interested individuals to submit written comments to the Secretary; and
- The Member of Congress who represents the district in which such center is located is notified within a reasonable period of time in advance of any final decision to close the center.

This Notice serves as the public announcement of the decision to close the Homestead Job Corps Center. The Department is providing a 30-day period—the maximum amount of time allowed for comment under WIOA sec. 159(j)—for interested individuals to submit written comments on the proposed decision to close this center.

Byron Zuidema,

Deputy Assistant Secretary for Employment and Training.

[FR Doc. 2017–16281 Filed 8–1–17; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2015–0024]

Jardon and Howard Technologies, Incorporated; Application for Permanent Variance and Interim Order; Grant of Interim Order; Request for Comments

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, the Occupational Safety and Health Administration (''OSHA'' or ''the Agency'') announces the application of Jardon and Howard Technologies, Incorporated (''JHT'' or ''the applicant'') for a permanent variance from several provisions in OSHA's standards that regulate commercial diving operations. Additionally, the applicant requests an interim order based on the conditions specified in the variance application. JHT's variance request is based on the conditions that were specified in the alternate standards that OSHA granted to the National Oceanic and Atmospheric (NOAA) on September 5, 2014. OSHA announces its preliminary finding to grant the permanent variance, and also announces that it is granting the applicant's request for an interim order. OSHA invites the public to submit comments on whether to grant the applicant a permanent variance based on the conditions specified in the notice.

DATES: Submit comments, information, documents in response to this notice, and request for a hearing on or before September 1, 2017. The interim order specified by this notice becomes effective on August 2, 2017, and shall remain in effect until it is modified or revoked, or until OSHA publishes a decision on the permanent variance application, whichever occurs first.

ADDRESSES: Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking portal. Follow the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1648.

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit comments, requests, and any attachments to the OSHA Docket Office, Docket No. OSHA–2015–0024, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210; telephone: (202) 693–2350 (TTY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express mail, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 10:00 a.m.–2:30 p.m.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2015–0024). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, the Agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

5. *Docket:* To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Copies of this* ***Federal Register*** *notice:* Electronic copies of the **Federal Register** notice are available at *http://www.regulations.gov.* This **Federal Register** notice, as well as new releases and other relevant information, also are available at OSHA's Web page at *http://www.osha.gov.*

7. *Extension of comment period:* Submit requests for an extension of the comment period on or before September 1, 2017 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

8. *Hearing requests:* According to 29 CFR 1905.15, hearing requests must include: (1) A short and plain statement detailing how the variance would affect the requesting party; (2) a specification of any statement or representation in the variance application that the commenter denies, and a concise summary of the evidence adduced in support of each denial; and (3) any views or arguments on any issue of fact or law presented in the variance application.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of Application

On September 25, 2015, Jardon and Howard Technologies, Incorporated, (''JHT'' or ''the applicant''), submitted an application for a permanent, multi-state variance under Section 6(d) of the Occupational Safety and Health Act of 1970 (''OSH Act''; 29 U.S.C. 655) and 29 CFR 1905.11 (''Variances and other relief under section 6(d)''), from provisions of OSHA's commercial diving operations (CDO) standard that regulate the use of inflatable flotation devices and decompression chambers (Exhibit OSHA–2015–0024–0001, Request for Variance). JHT's application also requested an interim order pending OSHA's decision on the variance application. JHT's corporate offices are located at 2710 Discovery Drive, Suite 600, Orlando, FL 32826, and JHT also identified two field office locations as places of employment involved in its variance application: (1) NOAA/NOS Center for Coastal Fisheries and Habitat Research, 101 Pivers Island Road, Beaufort, North Carolina, 28516; and (2) NOAA CCFHBR Laboratory, 219 Fort Johnson Road, Charleston, South Carolina, 29412. After receiving JHT's variance application, OSHA sent two rounds of follow-up questions to JHT, on October 13, 2015 and June 27, 2016, to which JHT responded on November 16, 2015 and July 27, 2016, respectively (*see* Exhibits OSHA–2015–0024–0002, OSHA–2015–0024–0004, OSHA–2015–0024–0003, and OSHA–2015–0024–0005).

Specifically, the applicant seeks a permanent variance and interim order from the provisions of OSHA's CDO standard that require:

(1) A buoyancy compensator to have an inflation source separate from the breathing gas supply when used for SCUBA diving (29 CFR 1910.430(d)(3));

(2) use of an inflatable flotation device capable of maintaining the diver at the surface in a face-up position, having a manually activated inflation source independent of the breathing supply, an oral inflation device, and an exhaust valve (29 CFR 1910.430(d)(4));

(3) the employer to instruct the diver to remain awake and in the vicinity of the decompression chamber which is at the dive location for at least one hour after the dive (including decompression or treatment as appropriate) for any dive outside the no-decompression limits, deeper than 100 feet of sea water (fsw), or using mixed gas as a breathing mixture (29 CFR 1910.423(b)(2));

(4) the employer to make available at the dive location a decompression chamber capable of recompressing the diver at the surface to a minimum of 165 fsw (6 ATA) (29 CFR 1910.423(c)(1)); [1]

(5) the employer to make available within 5 minutes of the dive location a dual-lock, multiplace decompression chamber (29 CFR 1910.423(c)(3)); and

(6) that self-contained underwater breathing apparatus (SCUBA) diving not be conducted at depths deeper than 100 fsw or outside the no-decompression limits unless a decompression chamber is ready for use (29 CFR 1910.424(b)(2)).

JHT is a contractor for the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), a federal government agency that conducts and promotes undersea research using a variety of modes, including diving operations. On September 5, 2014, OSHA granted NOAA alternate standards [2] regulating its use of inflatable flotation devices and decompression chambers during NOAA diving operations (Exhibit OSHA–2015–0024–0003, OSHA's Comments and Decisions to NOAA's Request for an Alternate Standard on Diving) (''NOAA Alternate Diving Standards''). To account for the technological advances and design improvements that have been made to buoyancy compensatory devices (BCDs) since OSHA first published its CDO standard in 1977 (*see* 42 FR 37662 (July 22, 1977)), the NOAA Alternate Diving Standards permit NOAA to use modern BCDs during diving operations that deviate from the configuration requirements in OSHA's CDO standard, but provide equal or greater safeguards to the diver. The NOAA Alternate Diving Standards also provide NOAA with modified requirements regarding the use of decompression chambers, including expanding the depth limit for SCUBA dives within the no-decompression limits [3] (from 100 to 130 feet of sea water (fsw)), and modifying decompression chamber availability requirements for certain no-decompression dives up to 130 fsw in depth.

JHT's divers who conduct diving operations for NOAA typically dive from NOAA-operated ''uninspected vessels'' in U.S. navigable waters; such diving operations fall under OSHA's jurisdiction.[4] When conducting dives for NOAA, JHT divers are obliged to follow all of the requirements of the NOAA Diving Program (NDP), which include the NOAA Alternate Diving Standards. JHT therefore seeks the interim order and permanent variance from the provisions of OSHA's CDO standard based on the conditions that apply to NOAA divers under the NOAA Alternate Diving Standards, thus permitting JHT's divers to dive under the same standards as their NOAA-employed colleagues.

The applicant contends that the proposed variance conditions outlined in its application provide its workers with a place of employment that is at least as safe and healthful as they would obtain under the existing provisions of OSHA's CDO standard. The applicant certifies that it provided affected

[1] The full text of 29 CFR 1910.423(c)(1)(i)–(iii) reads: ''A decompression chamber capable of recompressing the diver at the surface to a minimum of 165 fsw (6 ATA) shall be available at the dive location for: (i) Surface-supplied air diving to depths deeper than 100 fsw and shallower than 220 fsw; (ii) Mixed gas diving shallower than 300 fsw; (iii) Diving outside the no-decompression limits shallower than 300 fsw.''

[2] An alternate standard is the federal agency equivalent to a variance, and federal agency heads may seek and obtain alternate standards from OSHA pursuant to 29 CFR 1960.17.

[3] The definitions provided in Subpart T, 29 CFR 1910.402, define ''no-decompression limits'' as ''the depth-time limits of the 'no-decompression limits and repetitive dive group designation table for no-decompression air dives', U.S. Navy Diving Manual, or equivalent limits which the employer can demonstrate to be equally effective.''

[4] For more information on OSHA's enforcement authority over uninspected vessels on U.S. navigable waters, see OSHA Directive Number: CPL–02–01–047, ''OSHA Authority over Vessels and Facilities on or Adjacent to U.S. Navigable Waters and the Outer Continental Shelf (OCS)'' [Dated: 02/22/2010], available at: *https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=4254.*

workers with a copy of the variance application. In addition, the applicant informed its workers and their representatives of their right to petition the Assistant Secretary of Labor for Occupational Safety and Health for a hearing on the variance application. The applicant also certified that it is not contesting any citations involving the standards that are the subject of this application.

II. NOAA's Alternate Diving Standards and JHT's Variance Application

A. Background

In June 2011, NOAA submitted an application to OSHA proposing a total of 12 alternate standards to 29 CFR 1910, Subpart T, and included with its application extensive introductory, background, and explanatory information in support of the application (*see* Exhibit OSHA–2015–0024–0006, Proposed Alternate Diving Standards for the National Oceanic and Atmospheric Administration). After fully considering NOAA's application and its responses to OSHA's follow up questions (*see* Exhibit OSHA–2015–0024–0007, Responses from the NOAA Diving Program to OSHA Regarding Requested Alternate Standards for Commercial Diving Operations), OSHA decided to grant some, but not all, of the alternate standards that NOAA proposed (*see* Exhibit OSHA–2015–0024–0008). JHT now seeks an interim order and permanent variance based on six of the alternate standards that OSHA granted to NOAA in the NOAA Alternate Diving Standards. Because JHT's application proposes to adopt the same conditions under which OSHA granted the alternate standards to NOAA, JHT's application included as an attachment the introductory, background, and explanatory material that NOAA previously submitted to OSHA with its initial application.

NOAA explained in its application materials that it conducts dives under two major programs: The NOAA Diving Program (NDP) and the National Undersea Research Program (NURP). The NDP primarily supports intramural (within the agency) research programs conducted by personnel within NOAA's major line offices, while NURP primarily supports extramural (outside the agency) research programs conducted by scientists from various academic and marine institutions. The NDP is responsible for overseeing all NOAA and contractor (including JHT) diving personnel, equipment, and activities, and ensuring that dives performed by NOAA and its contractor divers are completed safely and efficiently. The NDP, the NOAA Diving Control and Safety Board, and the NOAA Diving Medical Review Board all work together to ensure that qualified personnel and certified systems are available to safely meet NOAA's undersea research objectives.

NOAA's application also explained that it provides a robust training program to NDP divers, including contractor divers. NOAA stated that the primary training program used to prepare NOAA and contractor divers to perform work is NOAA's three-week, 140-hour ''Working Diver'' course, which trains divers to perform a wide range of skills utilizing a variety of power and hand tools and specialized equipment. All NOAA divers and contractors are also required to: (1) Have annual refresher training in oxygen administration (academic and practical components); (2) stay current in CPR/AED and First Aid training; (3) maintain proficiency in diving by making at least three dives per quarter; (4) complete an annual swim test; (5) have their life support gear serviced annually by a certified technician; (6) complete an annual skills test to demonstrate their ability to safely operate underwater; and (7) complete annual rescue drills to demonstrate their ability to surface, extricate, treat and evacuate the victim of a diving accident.

NOAA's application further stated that it has developed many advances in diving equipment and procedures that are now widely recognized and accepted as industry best practices. NOAA publishes many of these advances in the ''NOAA Diving Manual: Diving for Science and Technology,'' which serves as a reference manual for all NDP divers. NOAA also maintains two additional manuals (the ''NOAA Scientific Diving Standards and Safety Manual'' and the ''NOAA Working Diving Standards and Safety Manual'') that provide in-depth operational guidance for all dives, and include the standards, policies, regulations, requirements, and responsibilities for all aspects of NOAA's diving operations.

Additionally, NOAA stated that OSHA's CDO standard, which was first published in 1977, does not account for many of the advancements that have been made in diving technology and safety. For that reason, NOAA sought alternate standards that would permit the NDP to conduct diving operations using equipment and procedures that reflected modern diving advancements. NOAA also stated that OSHA's regulations are not always consistent with other related federal diving regulations, such as 46 CFR 197, Subpart B, which provides safety and health standards for commercial diving operations conducted from vessels and facilities under the jurisdiction of the U.S. Coast Guard.

As a NOAA contractor, JHT asserts that its divers are required to strictly follow the requirements of the NDP, which include following the conditions of the NOAA Alternate Diving Standards. But, even though NOAA-employed and JHT-employed divers work side-by-side during NDP operations, contractor divers (such as those employed by JHT) are not authorized to dive under the NOAA Alternate Diving Standards. JHT states that its divers undergo exactly the same training as NOAA employees who are also part of the NDP, and that there are no differences between NOAA and JHT divers regarding medical clearance procedures and standards, training materials, equipment used, equipment maintenance, and diving procedures used (*see* Ex. OSHA–2015–0024–0003, p. 1). JHT stated that the majority of the dives that JHT performs under the NDP are ''scientific dives'' that are exempted from OSHA's CDO standard,[5] but JHT divers also assist NOAA employees with diving operations that are not exempt under OSHA's CDO standard. Accordingly, when JHT conducts dives for NOAA under the NDP that would be subject to OSHA's CDO standard, JHT seeks permission from OSHA to dive under the same standards regulating the use of inflatable flotation devices and decompression changes that apply to NOAA-employed NDP divers, pursuant to the NOAA Alternate Diving Standards.

B. Requested Variance From Paragraphs (d)(3) and (d)(4) of 29 CFR 1910.430, Requirements for Inflatable Flotation Devices

OSHA's standards regulating the buoyancy control of inflatable flotation devices include requirements that: (1) When used for SCUBA diving, a buoyancy compensator shall have an inflation source separate from the breathing gas supply (29 CFR 1910.430(d)(3)); and (2) an inflatable flotation device capable of maintaining the diver at the surface in a face-up position, having a manually activated inflation source independent of the breathing supply, an oral inflation device, and an exhaust valve shall be used for SCUBA diving (29 CFR 1910.430(d)(4)).

[5] Section 1910.401(a)(2)(iv) of the CDO standard provides the exemption for scientific diving from the CDO standard's coverage, and Appendix B to the CDO standard provides guidelines for identifying the scientific diving programs that are exempt.

Following the terms of the NOAA Alternate Diving Standards, JHT's variance application seeks permission to use modern buoyancy compensator devices (BCDs) that deviate from the requirements in 1910.430(d)(3) and (d)(4) that such devices have an inflation source that is ''separate from'' or ''independent of'' the diver's breathing gas. NOAA's application for the alternate standards explained that the overwhelming majority of commercial-off-the-shelf (COTS) BCDs are designed to use the diver's breathing gas for inflation, making it difficult to comply with OSHA's requirement for a BCD to have an independent inflation source. According to NOAA, older systems that utilize separate, non-breathing gas inflation sources—particularly, carbon-dioxide cartridges—pose potential safety problems for the diver, including potential cartridge failure, and accidental activation, leading to an unexpected and potentially dangerous over-inflation of the BCD, which could cause a rapid and uncontrolled ascent of the diver to the surface. NOAA's application stated that industry recognition of these inherent safety problems prompted manufacturers to discontinue production of systems relying on such inflation sources. NOAA also explained that using a diver's emergency air supply to inflate the BCD is potentially problematic, as connecting the BCD to an auxiliary cylinder would impede a diver who is ''ditching'' components of a SCUBA unit during an emergency, and would also create additional points of potential equipment failure and entanglement. JHT echoed NOAA's concerns regarding the use of BCDs that are inflated by a source other than the diver's breathing gas (*see* Ex. OSHA–2015–0024–0003, p. 9).

The training that NOAA provides to its divers and contractors, including JHT, mitigates the risk of using breathing gas to inflate BCDs. NDP divers are trained to continually monitor their gas supplies and return to the surface with no less than 500 psi in their SCUBA cylinders, and NOAA stated that this practice, which has been used for more than 30 years, has proven to be an effective method for managing a diver's breathing gas. NDP divers are also trained in techniques to manually inflate their BCDs, both underwater and at the surface, to control their buoyancy. NOAA also explained that the amount of gas needed to inflate a BCD is minimal compared to the amount of breathing gas that is available in a standard SCUBA cylinder, and that most BCDs can be fully inflated with a volume of gas equivalent to that consumed in three or fewer breaths, and therefore asserted that taking such small amounts of gas from the SCUBA cylinder would have minimal effect on the duration of a dive.

Under the alternate conditions that OSHA granted NOAA in the NOAA Alternate Diving Standards, which JHT adopts as the proposed conditions for the variance, NDP divers may use BCDs that are inflated by the breathing gas supply so long as all divers carry an independent reserve cylinder of breathing gas with a separate regulator, which allows divers to orally inflate their BCDs using gas from their reserve gas supplies even if their primary breathing gas supply is depleted. When granting the NOAA Alternate Diving Standards, OSHA explained that this requirement is consistent with 29 CFR 1910.424(c)(4), which requires SCUBA divers to carry a reserve breathing-gas supply. As OSHA stated in the preamble to the CDO standard final rule (42 FR 37650, 37633), ''[a reserve] supply is essential to the safety of the SCUBA diver,'' and employers must take precautions to ''assure that the air reserve will not be depleted inadvertently during the dive.'' OSHA ultimately concluded that NOAA's proposed alternate standard provides equivalent safety protection to divers as 1910.430(d)(3) so long as the diver carries a reserve breathing gas supply, does not connect the reserve breathing gas to the BCD's inflation source, and uses the BCD in accordance with the manufacturer's instructions.

Further, OSHA noted in the NOAA Alternate Diving Standards that 1910.430(d)(4)'s requirement that SCUBA divers use a BCD with a manually activated inflation source (*e.g.,* via a carbon-dioxide cartridge) in addition to an oral inflation device is intended to allow the diver to quickly inflate the BCD in an emergency, but technological improvements in manual BCD power inflators now allow for rapid inflation of BCDs with breathing gas, but with less safety risk (*e.g.,* over-inflation) than using carbon-dioxide cartridges. Using these manual BCD power inflators to inflate a BCD with breathing gas therefore provides protection to a diver that is equivalent to the standard, and obviates the need for 1910.430(d)(4)'s requirement that the BCD's inflation source be independent of the breathing supply. In addition, OSHA stated that NOAA's policy that, except when line-tended, divers never dive alone and always have topside support, expedites the rescue of divers who must make emergency ascents to the surface, thereby reducing their risk of drowning should an inflatable flotation device malfunction.

Additionally, JHT's proposed variance conditions would follow the NOAA Alternate Diving Standards by replacing 1910.430(d)(4)'s requirement that BCDs used for SCUBA dives be capable of maintaining the diver at the surface in a ''face-up position'' with a requirement that the BCD be capable of maintaining the diver at the surface in a ''positively buoyant state.'' NOAA's application materials explained that the majority of COTS BCDs available today are not designed to maintain unconscious divers in a face-up position on the surface, as systems capable of meeting that requirement have inherent safety-related problems that lead most manufacturers to abandon them in favor of more modern systems.

Specifically, NOAA asserted that the only BCD able to maintain a diver in a face-up position at the surface was the ''horse-collar'' style BCD, which has been widely replaced by jacket-style BCDs (also known as stabilizing, or stab, jackets) or back-mounted systems, both of which have greater operational and safety features compared to the older style. NOAA explained that newer BCDs have more lift, fewer straps (reducing entanglement hazards, particularly when ditching the BCD in an emergency, or when used in conjunction with a weight harness), require fewer steps to don, will not choke divers when fully inflated on the surface, and most significantly, do not impede operation of chest-mounted drysuit inflation valves. Additionally, NOAA explained that the inability of stab-jacket or back-mounted BCDs to maintain a diver in a face-up position is off-set by NOAA's requirement that divers always dive in buddy pairs (or be line-tended), and receive training in the proper technique for inflating their buddy's BCD while keeping their buddy's head face-up during rescues. Accordingly, NOAA stated that the chance of a stricken diver drowning while wearing a BCD that does not provide for face-up flotation is very remote. JHT added that horse-collar BCDs were not originally designed for emergency buoyancy ascents, and many are thus not equipped with the over-pressure relief valves that are essential for safe emergency ascents.

When granting the NOAA Alternate Diving Standards, OSHA noted that the preamble to the CDO final rule explained that ''[t]he provision for an inflatable flotation device for SCUBA diving [was] given design specifications because an improperly designed device can be a greater safety hazard than aid'' (42 FR 37650, 37666). BCDs were not

commercially available when the CDO standard was published, and OSHA therefore articulated minimum design standards for inflatable flotation devices in the final rule. OSHA agreed in the NOAA Alternate Diving Standards that the flotation design of contemporary BCDs is superior to the equipment that was in use when OSHA published the CDO standard in 1977, and explained that modern BCDs are equipped to maintain a diver at the surface in a positively buoyant state, even if they do not ''prop up'' the diver's head. OSHA thus granted NOAA's proposed alternative standard on the condition that NOAA continues its policy of requiring that SCUBA divers not dive alone unless they are line-tended, and providing topside support to those divers.

OSHA determined that those conditions would provide NOAA's divers with protection equivalent to the CDO standard, and JHT's proposed variance includes the very same conditions under which OSHA approved the NOAA's Alternate Diving Standards for NOAA-employed NDP divers. As stated above, there are no differences in the training requirements, medical clearance procedures and standards, equipment use and maintenance requirements, or diving procedures that apply to NOAA-employed and JHT-employed divers who conduct diving operations for the NDP. Additionally, OSHA believes that diver safety is best promoted where diving safety rules are clear and consistently applicable to all divers at a worksite. Accordingly, OSHA accepts JHT's proposal to adopt the conditions from the NOAA Alternate Diving Standards as the basis for its requested variance from the inflatable flotation device requirements in 1910.430(d)(3) and (d)(4), and has preliminarily decided to grant the interim order and permanent variance to JHT on those same conditions.

C. Requested Variance From Paragraphs (b)(2), (c)(1), (c)(3) of 29 CFR 1910.423, and (b)(2) of 29 CFR 1910.424, Requirements for Decompression Chambers.[6]

OSHA's standards regulating the availability and use of decompression chambers require that: (1) For any dive outside the no-decompression limits, deeper than 100 fsw, or using mixed gas as a breathing mixture, the employer shall instruct the diver to remain awake and in the vicinity of the decompression chamber which is at the dive location for at least one hour after the dive (including decompression or treatment as appropriate) (1910.423(b)(2)); (2) for mixed gas diving shallower than 300 fsw, or diving outside the no-decompression limits shallower than 300 fsw, a decompression chamber capable of recompressing the diver at the surface to a minimum of 165 fsw (6 ATA) shall be available at the dive location, and must be dual-lock, multiplace, and accessible within 5 minutes of the dive location (1910.423(c)(1) and (c)(3)(i)–(iii)); and (3) SCUBA dives shall not be conducted at depths deeper than 100 fsw or outside the no-decompression limits unless a decompression chamber is ready for use (1910.424(b)(2)).

Adopting the conditions of the NOAA Alternate Diving Standards, JHT's application proposes conditions that would allow it deviate from these decompression chamber availability and capability requirements in OSHA's CDO standard. As OSHA explained when it granted the NOAA Alternate Diving Standards, the purpose of having a decompression chamber available and ready for use at a dive site is to treat decompression sickness (DCS) and arterial gas embolism (AGE). DCS may occur from breathing air or mixed gases at diving depths and durations that require decompression, while AGE may result from over-pressurizing the lungs, usually following a rapid ascent to the surface during a dive without proper exhalation. In the event that DCS or AGE develops, a decompression chamber, oxygen or treatment gas mixtures, and treatment tables and instructions must be readily available to treat these conditions effectively. Decompression chambers provide the most effective therapy—recompression—for DCS and AGE.

First, JHT's proposed variance would adopt the conditions of the NOAA Alternate Diving Standards that permit NOAA to deviate from the requirement of 1910.423(b)(2) that the employer instruct all divers who dive deeper than 100 fsw remain awake and in the vicinity of a decompression chamber for one hour after the dive, and the requirement of 1910.424(b)(2) that SCUBA diving not be conducted at depths deeper than 100 fsw or outside the no-decompression limits unless a decompression chamber is ''ready for use.'' In other words, Sections 1910.423(b)(2) and 1910.424(b)(2) require that any diver who conducts a dive deeper than 100 fsw or outside the no-decompression limits to remain alert and near a decompression chamber for at least one hour to ensure immediate treatment should DCS or AGE develop. Addressing the 100 fsw limit in the preamble to the CDO rule, OSHA stated:

> By adding a depth limit to the decompression chamber requirement, the standard sets a specified depth at which all diving operations will require a chamber, eliminating the safety hazard inherent in operations which are planned below that depth . . . . OSHA believes that this provision will result in recompression capability being available for the great majority of diving situations where the probability of its being needed is greatest.

42 FR at 37662.

In its application, NOAA sought permission to conduct SCUBA dives within the no-decompression limit up to 130 fsw (rather than 100 fsw) without triggering the decompression chamber requirements in 1910.423(b)(2) and 1910.424(b)(2). In support, NOAA cited statistics published by the U.S. Navy (USN) indicating that no-decompression dives to 130 fsw actually pose a lower risk of DCS to divers than no-decompression dives to 100 fsw, and also cited the extremely low DCS incident rate that NOAA has observed in no-decompression SCUBA dives that it has conducted between 101 and 130 fsw since 2000.

When granting NOAA alternate standards to 1910.423(b)(2) and 1910.424(b)(2), OSHA explained that the CDO standard sets the 100 fsw limit based on the increased risk of developing DCS and AGE on dives deeper than 100 fsw. However, OSHA explained that the Agency amended the CDO standard in 2004 to permit employers of recreational diving instructors and diving guides to comply with an alternative set of decompression chamber requirements (*see* 69 FR 7351 (February 17, 2004)).[7] Under the conditions articulated in Appendix C to Subpart T, eligible employers are not required to provide a decompression chamber at the dive site when engaged in SCUBA diving to 130 fsw while breathing a nitrox gas mixture within the no-decompression limits.

OSHA explained in the NOAA Alternate Diving Standards that it created this exemption for recreational diving instructors and diving guides because the Agency determined that the elevated levels of oxygen in nitrox breathing-gas mixtures reduced the incidence of DCS compared to breathing air at the same depths, and therefore

[6] A decompression chamber is ''a pressure vessel for human occupancy such as a surface decompression chamber, closed bell, or deep diving system used to decompress divers and to treat decompression sickness'' (29 CFR 1910.402).

[7] Appendix C incorporated into the CDO standard essentially the same terms as those used in a variance that OSHA granted to Dixie Divers, Inc., a diving school that employed several recreational diving instructors, in 1999 (*see* 64 FR 71242, December 20, 1999).

found that the risk of DCS was minimal. This determination justified OSHA's use in Appendix C of the equivalent-air-depth (EAD) formula from NOAA's 2001 Diving Manual to calculate the no-decompression limits that should apply to a dive depending on the nitrogen partial pressures in the gas. As explained in the preamble to the Appendix C final rule (69 Fed Reg. 7351, 7356), the EAD formula assumes that equivalent nitrogen partial pressures and dive durations will result in similar DCS risk to dives performed with air, and OSHA concluded that the ''EAD formula can accurately estimate the DCS risk associated with nitrox breathing-gas mixtures based on equivalent nitrogen partial pressures and dive durations used in air diving.''

After considering the statistics and information regarding NDP operations that NOAA submitted, OSHA concluded that NOAA's proposed alternate standards would provide equivalent protection to the CDO standard when NDP divers use air or nitrox breathing-gas mixtures with SCUBA, so long as NOAA complies with the no-decompression provisions of Appendix C of 29 CFR 1910, Subpart T (*i.e.,* Condition 5, ''Use of No-Decompression Limits'').[8] Also, when using nitrox breathing-gas mixtures with SCUBA at depths up to 130 fsw, NOAA must ensure that the partial pressure of oxygen does not exceed 1.40 ATA or 40 percent by volume (whichever exposes the diver to less oxygen),[9] in keeping with the requirements of Appendix C. JHT's proposed variance would adopt these same conditions under which OSHA granted the alternate standards to 1910.423(b)(2) and 1910.424(b)(2) to NOAA for NDP dives in which JHT divers participate. OSHA believes that in order to maximize diving safety, it is imperative that, when diving for the NDP, the diving practices of JHT-employed divers be identical to those of NOAA-employed divers.

Additionally, JHT's application would adopt the conditions of the NOAA Alternate Diving Standards that permit NOAA to deviate from the decompression chamber availability and capability requirements in 1910.423(c)(1) (that employers have a 6 ATA chamber at the dive location) and 1910.423(c)(3) (that the chamber be dual-lock, multiplace, and located within five minutes of the dive location). In its original application to the Agency, NOAA proposed alternate standards that would have permitted it to use a 2.8 ATA, mono-lock chamber available within two (2) hours of the dive location for all working dives conducted deeper than 130 fsw or outside the no-decompression limits. NOAA explained that complying with 1910.423(c)(1) and (c)(3) requires employers to use a large enough boat to carry and transport a large and powerful decompression chamber to the dive site, but most NDP dives are conducted from small boats, which are launched from larger ships or land-based facilities. Accordingly, NOAA sought permission to use light-weight, portable decompression systems, which it referred to as ''hyperlite chambers,'' to transport injured divers from dive sites to larger chambers located elsewhere. Additionally, NOAA sought to make the hyperlite chamber available within two hours, rather than within five minutes, of the dive location for dives conducted deeper than 130 fsw or outside the no-decompression limits.

OSHA did not grant NOAA the alternate standards based on these proposed conditions, but rather granted revised alternate standards in order to ensure that NOAA divers would receive equivalent protection to the CDO standard. Regarding the chamber *capability* requirements, OSHA found that mono-lock chambers provide limited hyperbaric treatment options (for example, administration of oxygen) to a diver, and explained that the preamble to the original CDO final rule discusses and justifies Subpart T's capability requirements for decompression chambers, including the requirements that the chamber have 6 ATA capability and be dual-lock (*i.e.,* have two compartments) and multiplace (*i.e.,* have a main lock large enough to accommodate and decompress two individuals) (*see* 42 FR 37650, 37661–63). Accordingly, OSHA stated that mono-lock chambers may be an option for transporting divers to bigger chambers, but it does not provide divers with protection that is equivalent to the CDO standard's requirements, and OSHA therefore did not approve NOAA's proposed chamber-capability alternative.

Regarding the proposed chamber-*availability* alternative, OSHA noted that the preamble to the CDO final rule explained that having the decompression chamber near the dive site was originally considered necessary ''because the surface decompression tables are commonly designed to be used with equipment that meets this criterion'' (42 FR 37650, 37662). However, OSHA reexamined 1910.423(c)(3)'s five-minute availability requirement when it developed Appendix C to Subpart T. In Appendix C, OSHA found that, for no-decompression dives at 130 fsw or less, a four-hour travel delay to a 6–ATA decompression chamber is acceptable when the employer meets specified conditions, including: verifying before starting diving operations the availability of a treatment facility, qualified healthcare professionals, and a rescue service; ensuring that suitable transportation to the decompression chamber is available at the dive site during diving operations; ensuring at least two attendants qualified in first-aid and administering oxygen treatment are available for treatment during diving operations; and that these attendants administer medical-grade oxygen to the injured diver during transportation to the treatment facility. OSHA came to this conclusion because, as explained in the preamble to the Appendix C final rule, ''a four-hour delay is unlikely to impair treatment outcomes for [DCS], and that [AGE] is rare among recreational divers and can be prevented with proper training and experience'' (69 FR 7351, 7359–60).

After considering the information that NOAA submitted regarding the NDP's diving operations, OSHA determined that, for no-decompression dives using air or nitrox that are 130 fsw or less, a four-hour travel delay to a 6 ATA chamber provides NDP divers with protection equivalent to the CDO standard, so long as NOAA meets the medical-treatment provisions of Appendix C to the CDO rule (*i.e.,* Condition 8, ''Treating Diving-Related Medical Emergencies''). OSHA thus granted the NOAA Alternate Diving Standards under these conditions, and JHT now seeks to conduct NDP dives according to the same conditions.

Based on its technical review of the JHT's application, the NOAA Alternate Diving Standards, and related

[8] Condition 5 of Appendix C requires:

(a) For diving conducted while using nitrox breathing-gas mixtures, the employer must ensure that each diver remains within the no-decompression limits specified for single and repetitive air diving and published in the 2001 NOAA Diving Manual or the report entitled ''Development and Validation of No-Stop Decompression Procedures for Recreational Diving: The DSAT Recreational Dive Planner,'' published in 1994 by Hamilton Research Ltd. (known commonly as the ''1994 DSAT No-Decompression Tables'').

(b) An employer may permit a diver to use a dive-decompression computer designed to regulate decompression when the dive-decompression computer uses the no-decompression limits specified in paragraph 5(a) of this appendix, and provides output that reliably represents those limits.

[9] As OSHA explained in the NOAA Alternate Diving Standards, a key purpose of OSHA's diving standards is to prevent oxygen toxicity (hypoxia), and the maximum acceptable partial pressure of oxygen when SCUBA diving is 1.40 ATA or 40 percent by volume, whichever exposes the diver to less oxygen. ATA, as used here, is the partial pressure of a constituent gas in the total pressure of a breathing gas.

supporting material, OSHA preliminarily finds that the proposed conditions would also provide JHT divers with protection equivalent to the CDO standard; there are no differences in the training requirements, medical clearance procedures and standards, equipment use and maintenance requirements, or diving procedures that apply to NOAA-employed and JHT-employed divers who dive under the NDP, and diver safety is best promoted where diving safety rules are clear and consistently applicable to all divers at a worksite. In fact, OSHA believes that in order to maximize diving safety, it is imperative that, when diving for the NDP, the diving practices of JHT-employed divers be identical to those of NOAA-employed divers. Accordingly, OSHA has preliminarily decided to grant the interim order and permanent variance to JHT on those same conditions.

D. Multi-State Variance

As previously stated in this notice, JHT seeks a permanent variance from several provisions of OSHA's CDO standard in order to carry out NDP diving projects conducted from NOAA vessels in accordance with the conditions of the NOAA Alternate Diving Standards. JHT's land-based operations, which are responsible for managing and administering these diving projects, are located at: (1) NOAA CCEHBR Laboratory, 219 Fort Johnson Road, Charleston, South Carolina, 29412; and (2) NOAA/NOS Center for Coastal Fisheries and Habitat Research, 101 Pivers Island Road, Beaufort, North Carolina, 28516. JHT conducts diving operations with NOAA with essentially no geographical limitations, and have conducted diving operations in various navigable waters within OSHA's geographical authority, including the navigable waters of the Virginia, North Carolina, South Carolina, Georgia and Florida, the Florida Keys, the Gulf of Mexico, the Caribbean (*e.g.,* U.S. Virgin Islands and Puerto Rico) and the Pacific (*e.g.,* Hawaii, Guam, Palau, Marianas and American Samoa).

Twenty-eight state safety and health plans have been approved by OSHA under section 18 of the OSH Act.[10] The scope and application section of the CDO standard, 29 CFR 1910.401, explains that OSHA has jurisdiction over commercial diving operations when the dive location is within OSHA's geographical authority, and when such operations are not covered by the U.S. Coast Guard. As explained in OSHA's Directive regarding its enforcement of Subpart T (''CDO Directive''),[11] OSHA's CDO standard covers private-sector employers in federal enforcement states, and employers who dive in association with maritime standards (*i.e.,* shipyard employment, longshoring, and marine terminals) when these operations are not covered by a State with an OSHA-approved State Plan. States with approved State Plans enforce the diving standard: (1) When commercial diving operations are being conducted by private-sector employees not engaged in shipyard employment or marine terminal activities (*e.g.,* equipment repair, sewer maintenance, or construction); (2) in maritime operations (*i.e.,* shipyard employment and marine terminals) as provided by their plans in California, Minnesota, Vermont, and Washington; and (3) with regard to state and local government employees. The location of the dive determines which entity has authority over the dive conditions.

Under 29 CFR 1902.8(c), an employer may apply to Federal OSHA for a variance where a state standard is identical to a federal standard addressed to the same hazard, and the variance would be applicable to employment or places of employment in more than one state, including at least one state with an approved plan. Of the twenty-eight State Plans, only California, Michigan, Oregon, and Washington have promulgated their own state diving standards; Arizona has adopted 29 CFR 1910, subpart T with the exception of one provision that is not germane to this application,[12] and all other State Plans have fully adopted 29 CFR part 1910, subpart T by reference. Both Michigan's and Oregon's diving standards also adopt 29 CFR part 1910, subpart T by reference, although Oregon's diving standards include additional State-specific rules.[13] Washington's diving standards do not adopt 29 CFR part 1910, subpart T by reference, but include rules that are identical to each of the federal requirements at issue in JHT's application (*see* Washington Administrative Code, Chapter 296–37, §§ 510–595). California's diving operations standards contain two rules that are substantively identical to two of the OSHA standards at issue in JHT's application (*see* California Code of Regulations, Title 8, Subchapter 7, Group 26 §§ 6062(b)(1) and (3)((A)–(C)) (substantively identical to 29 CFR 1910.423(c)(1) and (c)(3)). Exhibit OSHA–2015–0024–0009 provides a side-by-side comparison of the Washington and California standards that are identical in substance and requirements to the Federal OSHA standards at issue in this variance application.

JHT certified in its application that it has not filed an application for a permanent variance on the same material facts with a State Plan program. JHT's variance application fits the parameters of 29 CFR 1902.8, and Federal OSHA's action on this application will be deemed prospectively an authoritative interpretation of JHT's compliance obligations regarding the applicable state standards in the places of employment covered by the application. As part of the permanent variance process, OSHA's Directorate of Cooperative and State Programs will notify all State Plans that are potentially affected by JHT's variance application, and the states will have the opportunity to comment.

III. Description of the Conditions Specified by the Interim Order and the Application for a Permanent Variance

This section describes the alternative means of compliance with the provisions of 29 CFR 1910.430(d)(3), 1910.430(d)(4), 1910.423(b)(2), 1910.423(c)(1), 1910.423(c)(3), and 1910.424(b)(2), and provides additional detail regarding the proposed conditions that form the basis of JHT's application for an interim order and permanent variance. As indicated earlier in this notice, JHT is seeks the interim order and permanent variance based on proposed conditions derived from the conditions of the alternate standards that OSHA granted to NOAA on September 5, 2014 (Exhibit OSHA–2015–0024–0003, OSHA's Comments and Decisions to NOAA's Request for an

[10] Six State Plans (Connecticut, Illinois, Maine, New Jersey, New York, and the Virgin Islands) limit their occupational safety and health authority to state and local employers only. State Plans that exercise their occupational safety and health authority over both public- and private-sector employers are: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming.

[11] *See* OSHA Directive Number: CPL–02–00–151, ''29 CFR part 1910, subpart T—Commercial Diving Operations'' [Dated: 06/13/2011], available at: *http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-00-151.pdf].*

[12] *See* 20 A.A.C. 5 § R20–5–602.01 (adopting OSHA's CDO Standard with the exception of 29 CFR 1910.401(a)(2)(ii)), available at: *http://apps.azsos.gov/public_services/Title_20/20–05.pdf.*

[13] *See* Michigan's Occupational Health Standards, Part 504, § R 325.50303, ''Adoption by reference of federal standard,'' available at: *http://www.michigan.gov/documents/lara/lara_miosha_OH_504_417497_7.pdf;* Oregon Admin. Rule 437–002–0340, ''Adoption by Reference,'' available at: *http://osha.oregon.gov/OSHARules/div2/div2T.pdf#page=7.*

Alternate Standard on Diving)(''NOAA Alternate Diving Standards''). After reviewing all available information, including JHT's variance application, NOAA's application for the alternate diving standards, and OSHA's analysis and subsequent granting of the NOAA Alternate Diving Standards, OSHA has added additional conditions to this proposal from those adopted from the NOAA Alternate Diving Standard, which the Agency believes are necessary to ensure the safety of JHT's divers who conduct dives under the NOAA Diving Program (NDP). The below-described conditions form the basis of the interim order and the requested permanent variance.[14]

Proposed Condition A: Scope

The interim order/proposed permanent variance will/would apply only to JHT commercial diving operations that are conducted for NOAA as part of the NDP from a NOAA vessel. Additionally, coverage is/would be limited to the work situations specified under the ''Scope and application'' section of Subpart T, Commercial Diving Operations (1910.401(a)), and will/would not apply to commercial diving operations that are already exempted under 1910.401(a)(2).[15] Accordingly the scope specifies that the interim order/proposed variance will/would only apply when the dive location is an uninspected vessel operated by NOAA, within OSHA's geographical authority, and when such operations are not covered by the U.S. Coast Guard. When implementing the conditions of the interim order/proposed permanent variance, JHT will/would have to comply fully with all safety and health provisions that are applicable to commercial diving operations as specified by 29 CFR 1910, Subpart T, except for the requirements specified by 29 CFR 1910.430(d)(3), 1910.430(d)(4), 1910.423(b)(2), 1910.423(c)(1), 1910.423(c)(3), and 1910.424(b)(2).

The interim order only applies to JHT's employees when they conduct diving operations under the NDP, as would the permanent variance should OSHA decide to grant it.

Proposed Condition B: List of Abbreviations

In proposed condition B, OSHA defines a number of abbreviations used in the interim order/proposed permanent variance. OSHA believes that defining these abbreviations serves to clarify and standardize their usage, thereby enhancing the applicant's and its employees' understanding of the conditions specified by the interim order/proposed permanent variance.

Proposed Condition C: Requirements for Inflatable Flotation Devices

This proposed condition will/would require that, when using a buoyancy compensator device (BCD) for SCUBA diving, JHT will/would ensure that: The device is used in accordance with the manufacturer's instructions; is capable of being inflated orally and via the diver's primary breathing gas supply; and, all divers carry an independent reserve cylinder of breathing gas with a separate regulator that could be used for BCD inflation in an emergency. It will/would also require that, when SCUBA diving, JHT will/would ensure divers use an inflatable flotation device that is: Capable of maintaining the diver at the surface in a positively buoyant state; and, has a manually activated inflation source, an oral inflation device, and an exhaust valve. Also, when SCUBA diving, JHT will/would ensure divers are never permitted to dive alone unless they are line-tended and provided with topside support.

Based upon the technical review of the proposed alternate conditions described above (*see* section II.B.), OSHA preliminarily determined that these conditions will/would provide JHT's divers with protection equivalent to the provisions in the CDO standard that regulate inflatable flotation devices. OSHA approved these same conditions for NOAA-employed NDP divers when it granted the NOAA Alternate Diving Standards on September 5, 2014, and because there are no differences in training requirements, medical clearance procedures, equipment use and maintenance requirements, and diving procedures for NOAA-employed and JHT-employed divers under the NDP, OSHA grants JHT's request for an interim order, and proposes to grant JHT's request for a permanent variance, using the conditions of the NOAA Alternate Diving Standards, in combination with the additional conditions specified in this notice.

Proposed Condition D: Requirements for Decompression Chambers

This proposed condition will/would require that, for any dive that is outside the no-decompression limits or deeper than 130 fsw or using mixed gas with a percentage of oxygen less than air as a breathing mixture, JHT will/would instruct the diver to remain awake and in the vicinity of the decompression chamber which is at the dive location for at least one hour after the dive (including decompression or treatment as appropriate). Additionally, for any dive using air or a nitrox breathing-gas mixture within the no-decompression limits that is deeper than 100 fsw but no deeper than 130 fsw, JHT will/would make available within four hours of the dive location a dual-lock and multi-place decompression chamber capable of recompressing the diver at the surface to a minimum of 165 fsw (6 ATA). JHT will/would also be required to meet the medical-treatment provisions of Appendix C to the CDO rule (*i.e.,* Condition 8, ''Treating Diving-Related Medical Emergencies''), and will/would be prohibited from conducting SCUBA diving using air or nitrox breathing-gas mixture at depths deeper than 100 fsw but no deeper than 130 fsw, or outside the no-decompression limits, unless a 6 ATA decompression chamber is ready for use (diving operations performed for instructional purposes in accordance with § 1910.401(a)(2)(i) are exempt). When using a nitrox breathing-gas mixture, JHT will/would be required to meet the no-decompression provisions of Appendix C to the CDO rule (*i.e.,* Condition 5, ''Use of No-Decompression Limits'') and ensure that the partial pressure of oxygen in breathing-gas mixtures does not exceed 1.40 ATA or 40% by volume, whichever exposes the diver to less oxygen.

Based upon the technical review of the proposed alternate conditions regarding its use of decompression chambers (*see* section II.C.), OSHA preliminarily determined the specified conditions will/would provide JHT's divers with protection equivalent to the CDO standard. OSHA approved these same conditions for NOAA-employed NDP divers when it granted the NOAA Alternate Diving Standards on September 5, 2014, and because there are no differences in training requirements, medical clearance procedures, equipment use and maintenance requirements, and required diving procedures for NOAA-employed and JHT-employed divers under the

[14] In these conditions, the present tense form of the verb (*e.g.,* ''*must*'') pertains to the interim order, while the future conditional form of the verb (*e.g.,* ''*would*'') pertains to the application for a permanent variance (designated as ''permanent variance'').

[15] Section 1910.401(a)(2) provides that the CDO standard does not apply to any dive (i) performed solely for instructional purposes, using open-circuit, compressed-air SCUBA and conducted within the no-decompression limits; (ii) performed solely for search, rescue, or related public safety purposes by or under the control of a governmental agency; (iii) governed by 45 CFR part 46 (Protection of Human Subjects, U.S. Department of Health and Human Services) or equivalent rules or regulations established by another federal agency, which regulate research, development, or related purposes involving human subjects; or (iv) fitting the standard's definition of ''scientific diving.''

NDP, OSHA grants JHT's request for an interim order, and proposes to grant the requested permanent variance, using the conditions of the NOAA Alternate Diving Standards in combination with the additional conditions specified in this notice.

Proposed Condition E: Worker Qualification and Training

OSHA added this proposed condition, which will/would require JHT to develop and implement an effective qualification and training program for its affected divers that, at a minimum, meets the requirements set forth in 29 CFR 1910.410 qualifications of a dive team. The proposed condition specifies that as members of the NDP, JHT's affected divers must/would be required to successfully complete the three-week, 140-hour ''Working Diver'' course that trains NOAA and contractor divers to perform a wide range of skills utilizing a variety of power and hand tools and specialized equipment. The proposed condition also specifies that JHT's diver must/would be required to complete NDP's diver training requirements, which include: (1) Instruction in the conditions of the proposed variance; (2) annual refresher training in oxygen administration (academic and practical components); (3) instruction in maintaining current CPR/AED and First Aid certification; (4) maintaining proficiency in diving by making at least three (3) dives per quarter; (5) completing and passing an annual swim test; (6) completing and passing an annual skills test to demonstrate the diver's ability to safely operate underwater; (7) successfully completing one or more annual rescue drills to demonstrate the diver's ability to surface, extricate, treat and evacuate the victim of a diving accident; and (8) instruction in properly verifying that the diver's life support gear was serviced annually by a certified technician.

OSHA believes that having well-trained and qualified divers performing the required dive tasks ensures that they recognize, and respond appropriately to underwater safety and health hazards. These qualification and training requirements will/would enable affected JHT divers to cope effectively with emergencies, as well as the discomfort and physiological effects of hyperbaric exposure, thereby preventing injury, illness, and fatalities.

Proposed Condition F: Recordkeeping

OSHA also includes proposed condition F, which will/would require the applicant to maintain records of specific factors associated with each dive. The information gathered and recorded under this provision, in concert with the information provided under proposed condition G (using OSHA 301 Incident Report form to investigate and record dive-related recordable injuries as defined by 29 CFR 1904.4, 1904.7, 1904.8 through 1904.12), will/would enable the applicant and OSHA to determine the effectiveness of the interim order and proposed permanent variance in preventing DCS and other dive-related injuries and illnesses.[16]

Proposed Condition G: Notifications

OSHA added this proposed condition to JHT's application in order to ensure that the applicant provides timely notification regarding the continued use and effectiveness of the proposed conditions in maintaining the safety and health of affected divers and preventing dive-related incidents.

Under this proposed condition, the applicant will/would be required to: (1) Notify the Office of Technical Programs and Coordination Activities (OTPCA) and the Area Office closest to the dive location of any recordable injuries, illnesses, in-patient hospitalizations, amputations, loss of an eye, or fatality that occur as a result of diving operations within eight (8) hours of the incident; (2) provide OTPCA and the Area Office closest to the dive location within twenty-four (24) hours of the incident with a copy of the incident investigation report (using OSHA 301 form); (3) include on the OSHA 301 form information on the diving conditions associated with the recordable injury or illness, the root-cause determination, and preventive and corrective actions identified and implemented; (4) provide its certification that it informed affected divers of the incident and the results of the incident investigation; (5) notify OTPCA and the Area Office closest to the dive location within fifteen (15) working days should the applicant need to revise its dive procedures to accommodate changes in its diving operations that affect its ability to comply with the conditions of the proposed permanent variance; and (6) by the fifteenth (15th) of January, at the beginning of each new calendar year, provide OTPCA, and the Area and Regional Offices closest to the preceding year's dive locations, with a report summarizing the dives completed during the year just ended and evaluating the effectiveness of the variance conditions in providing a safe and healthful work environment and in preventing dive-related incidents.

It should be noted that the requirement of completing and submitting the dive-related (recordable) incident investigation report (OSHA 301 form) will/would be more restrictive than the current recordkeeping requirement of completing the OSHA 301 form within seven (7) calendar days of the incident (29 CFR 1904.29(b)(3)). This modified and more stringent incident investigation and reporting requirement will/would be restricted to dive-related (recordable) incidents only. Providing notification will/would be essential because time is a critical element in OSHA's ability to determine the continued effectiveness of the variance conditions in preventing dive-related incidents, and the applicant's identification and implementation of appropriate corrective and preventive actions.

Further, these notification requirements will/would enable the applicant, its employees, and OSHA to determine the effectiveness of the proposed permanent variance in providing the requisite level of safety to the applicant's divers, and based on this determination, whether to revise or revoke the conditions of the proposed permanent variance. Timely notification will/would permit OSHA to take whatever action may be necessary and appropriate to prevent further injuries and illnesses. Providing notification to affected employees will/would inform them of the precautions taken by the applicant to prevent similar incidents in the future.

Additionally, this proposed condition also will/would require the applicant to notify OSHA if it ceases to do business, has a new address or location for its main office, or transfers the operations covered by the proposed permanent variance to a successor company. Further, the condition will/would specify that OSHA must approve the transfer of the interim order or proposed permanent variance to a successor company. These requirements will/would: (1) Provide assurance that the successor company has knowledge of, and would comply with, the conditions specified by the interim order or proposed permanent variance; (2) allow OSHA to communicate effectively with the applicant regarding the status of the interim order or proposed permanent variance; and (3) expedite the Agency's administration and enforcement of the

[16] *See* 29 CFR 1904, Recording and Reporting Occupational Injuries and Illnesses (*http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9631*); recordkeeping forms and instructions *(http://www.osha.gov/recordkeeping/RKform300pkg-fillable-enabled.pdf)*; and updates to OSHA's recordkeeping rule, 79 Fed Reg. 56130, September 18, 2014 (more information available at*: http://www.osha.gov/recordkeeping2014/index.html).*

interim order or proposed permanent variance, thereby ensuring the continued safety of affected divers.

IV. Grant of Interim Order

In Addition to a permanent variance, JHT requested an interim order, which would remain in effect until the Agency modifies or revokes the interim order, or until the Agency makes a decision on its application for a permanent variance, whichever occurs first. During this interim period, the applicant is required to comply fully with the conditions of the interim order as an alternative to complying with the inflatable flotation device requirements of 29 CFR 1910.430(d)(3) and (4), and the decompression chamber requirements of 29 CFR 1910.423(b)(2), (c)(1), and (c)(3), and 1910.424(b)(2).

As described earlier in this notice, JHT proposes to adopt the conditions of the NOAA Alternate Diving Standards, which were granted to NOAA on September 5, 2014, as the conditions of the interim order and permanent variance. In addition to adopting the NOAA Alternate Diving Standards' conditions for deviating from the applicable inflatable flotation device and decompression chamber provisions of Subpart T, OSHA added several conditions, which the Agency believes are necessary to ensure the safety of JHT's divers who conduct commercial diving operations for NOAA under the NDP.

After comprehensively reviewing the record discussed above, the Agency preliminarily finds that when the employer complies with the conditions of the proposed variance, the working conditions of the applicant's workers would be at least as safe and healthful as if the employer complied with the working conditions specified by 29 CFR 1910.430(d)(3), 1910.430(d)(4), 1910.423(b)(2), 1910.423(c)(1), 1910.423(c)(3), and 1910.424(b)(2). Accordingly, OSHA is issuing an interim order to the applicant pursuant to the provisions of 29 CFR 1910.11(c). In lieu of complying with the provisions listed of Subpart T specified above, the applicant will: (1) Comply with the conditions listed below in Section V (''Specific Conditions of the Interim Order and the Application for a Permanent Variance'') of this notice for as long as the interim order remains in effect; (2) comply fully with all other applicable provisions of 29 CFR part 1910; and (3) provide a copy of this **Federal Register** notice to all employees affected by the proposed conditions, using the same means it used to inform these employees of its application for a permanent variance. During the period starting with the publication of this notice, the interim order shall remain in effect until the Agency publishes a final decision on the application for a permanent variance, or until the Agency modifies or revokes the interim order in accordance with 29 CFR 1905.13, whichever occurs first.

V. Specific Conditions of the Interim Order and the Application for a Permanent Variance

After comprehensively reviewing the evidence, OSHA has preliminarily determined that the proposed conditions will provide a place of employment as safe and healthful as that provided by 29 CFR 1910.430(d)(3), 1910.430(d)(4), 1910.423(b)(2), 1910.423(c)(1), 1910.423(c)(3), and 1910.424(b)(2). The following conditions apply to the interim order that OSHA is granting to JHT. In addition, these conditions specify the alternative means of compliance that OSHA proposes for JHT's requested permanent variance from the above-listed provisions of Subpart T of 29 CFR part 1910. The conditions will/would apply to all of JHT's commercial diving operations conducted from NOAA vessels under the NOAA Diving Program (NDP). These conditions include:

A. Scope

1. This interim order/permanent variance applies/would apply only to JHT's commercial diving operations conducted for NOAA under the NDP from a NOAA vessel.

2. The interim order/permanent variance only applies/would apply to JHT diving operations that are covered under Subpart T of 29 CFR part 1910 (*see* 29 CFR 1910.401(a)). Accordingly, the variance will/would only apply when the dive location is an uninspected vessel within OSHA's geographical authority, as defined by 29 U.S.C. 653(a), and when such operations are not covered by the U.S. Coast Guard.

3. The interim order/permanent variance will/would not apply to commercial diving operations exempted by 29 CFR 1910.401(a)(2), including diving operations performed solely for instructional purposes, using open-circuit, compressed-air SCUBA and conducted within the no-decompression limits; diving performed solely for search, rescue, or related public safety purposes by or under the control of a governmental agency; or; diving for research, development, or related purposes involving human subjects, as governed by 45 CFR part 46 or equivalent rules or regulations established by another federal agency; and scientific diving. To qualify for the scientific diving exemption, all of the requirements in 29 CFR 1910.401(a)(2)(iv) and Appendix B to 29 CFR part 1910, subpart T, must be met.

4. Except for the requirements specified by 29 CFR 1910.430(d)(3), 1910.430(d)(4), 1910.423(b)(2), 1910.423(c)(1), 1910.423(c)(3), and 1910.424(b)(2), JHT must/would be required to comply fully with all other applicable provisions of Subpart T of 29 CFR part 1910 when conducting commercial diving operations.

5. The interim order will remain in effect until the Agency publishes a final decision on the application for a permanent variance, or until the Agency modifies or revokes the interim order in accordance with 29 CFR 1905.13, whichever occurs first.

B. List of Abbreviations

Abbreviations used throughout this proposed permanent variance would include the following:

ATA—Atmosphere Absolute
BCD—Buoyancy Compensator Device
CDO—Commercial Diving Operations
DCS—Decompression Sickness
fsw—feet of seawater
JHT—Jardon and Howard Technologies, Incorporated
NDP—NOAA Diving Program
OSHA—Occupational Safety and Health Administration
OTPCA—OSHA's Office of Technical Programs and Coordination Activities
p.s.i.—pounds per square inch
SCUBA—Self Contained Underwater Breathing Apparatus

C. Requirements for Inflatable Flotation Devices

1. When using a BCD for SCUBA diving, JHT will/would ensure that: The device is used in accordance with the manufacturer's instructions; is capable of being inflated orally and via the diver's primary breathing gas supply; and all divers carry an independent reserve cylinder of breathing gas with a separate regulator that could be used for BCD inflation in an emergency.

2. When SCUBA diving, JHT will/would ensure that divers use an inflatable flotation device that is: Capable of maintaining the diver at the surface in a positively buoyant state; and have a manually activated inflation source, an oral inflation device, and an exhaust valve.

3. When SCUBA diving, JHT will/would ensure that divers are never permitted to dive alone unless they are line-tended and provided with topside support (as a minimum, topside support includes a designated person-in-charge and a standby diver).

D. Requirements for Decompression Chambers

1. For any dive that is outside the no-decompression limits or deeper than 130 fsw or using mixed gas with a percentage of oxygen less than air as a breathing mixture, JHT will/would instruct the diver to remain awake and in the vicinity of the decompression chamber, which is at the dive location for at least one hour after the dive (including decompression or treatment as appropriate).

2. For any dive using air or a nitrox breathing-gas mixture within the no-decompression limits that is deeper than 100 fsw but no deeper than 130 fsw, JHT will/would make available within four hours of the dive location, a decompression chamber capable of recompressing the diver at the surface to a minimum of 165 fsw (6 ATA).

3. For any dive using air or nitrox breathing-gas mixture within the no-decompression limits that is deeper than 100 fsw but no deeper than 130 fsw, JHT will/would make available a decompression chamber that is: dual-lock, multiplace, and located within four hours of the dive location.

4. JHT *will/would have to* meet the medical-treatment provisions of Appendix C to the CDO rule (*i.e.,* Condition 8, ''Treating Diving-Related Medical Emergencies'').

5. JHT will/would be prohibited from conducting SCUBA diving using air or nitrox breathing-gas mixture at depths deeper than 100 fsw but no deeper than 130 fsw, or outside the no-decompression limits, unless a 6 ATA decompression chamber is ready for use (diving operations performed for instructional purposes in accordance with § 1910.401(a)(2)(i) are exempt).

6. When using a nitrox breathing-gas mixture, JHT will/would have to meet the no-decompression provisions of Appendix C to the CDO rule (*i.e.,* Condition 5, ''Use of No-Decompression Limits'') and ensure that the partial pressure of oxygen in breathing-gas mixtures does not exceed 1.40 ATA or 40% by volume, whichever exposes the diver to less oxygen.

E. Worker Qualification and Training

JHT will/would be required to:

1. Develop and implement an effective qualification and training program for its affected divers that as a minimum, meets the requirements set forth in 29 CFR 1910.410 qualifications of a dive team;

2. Ensure that each affected diver (including, but not limited to, current and newly assigned to be involved in diving operations under the NDP) successfully completes NOAA's three-week, 140-hour ''Working Diver'' course;

3. Ensure that the diver training program also includes the following: (a) Instruction in the conditions of the proposed variance; (b) annual refresher training in oxygen administration (academic and practical components); (c) instruction in maintaining current CPR/AED and First Aid certification; (d) maintaining proficiency in diving by making at least three (3) dives per quarter; (e) completing and passing an annual swim test; (f) completing and passing an annual skills test to demonstrate the diver's ability to safely operate underwater; (g) successfully completing one or more annual rescue drills to demonstrate the diver's ability to surface, extricate, treat and evacuate the victim of a diving accident; and (h) instruction in properly verifying that the diver's life support gear was serviced annually by a certified technician;

4. Document the training in order to provide a means of tracking the training received by divers and, consequently, to prompt JHT to update that training if necessary.

F. Recordkeeping

JHT will/would be required to:

1. Maintain records of recordable injuries that occur as a result of diving operations conducted for NOAA under the NDP;

2. Ensure that the information gathered and recorded under this provision, in concert with the information provided under proposed condition G (using OSHA 301 Incident Report form to investigate and record dive-related recordable injuries as defined by 29 CFR 1904.4, 1904.7, 1904.8 through 1904.12), would enable the JHT and OSHA to determine the effectiveness of the proposed permanent variance in preventing DCS and other dive-related injuries and illnesses.[17]

G. Notifications

JHT will/would be required to:

1. Notify the OTPCA and the Area Office closest to the dive location of any recordable injuries, illnesses, in-patient hospitalizations, amputations, loss of an eye, or fatality that occur as a result of diving operations within eight (8) hours of the incident;

2. Provide OTPCA and the Area Office closest to the dive location within twenty-four (24) hours of the incident with a copy of the incident investigation report (using OSHA 301 form);

3. Include on the OSHA 301 form information on the diving conditions associated with the recordable injury or illness, the root-cause determination, and preventive and corrective actions identified and implemented;

4. Provide its certification that it informed affected divers of the incident and the results of the incident investigation;

5. Notify OTPCA and the Area Office closest to the dive location within fifteen (15) working days should the applicant need to revise its dive procedures to accommodate changes in its diving operations that affect its ability to comply with the conditions of the proposed permanent variance;

6. Obtain OSHA's written approval prior to implementing the revision in its dive procedures to accommodate changes in its diving operations that affect its ability to comply with the conditions in the proposed permanent variance;

7. By the fifteenth (15th) of January, at the beginning of each new calendar year, provide OTPCA, and the Area and Regional Offices closest to the preceding year's dive locations, with a report summarizing the dives completed during the year just ended and evaluating the effectiveness of the variance conditions in providing a safe and healthful work environment and in preventing dive-related incidents;

8. Notify OSHA if it ceases to do business, has a new address or location for its main office, or transfers the operations covered by the proposed permanent variance to a successor company; and

9. Ensure that OSHA would approve the transfer of the interim order or permanent variance to a successor company.

OSHA will publish a copy of this notice in the **Federal Register**.

Authority and Signature

Thomas M. Galassi, Acting Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 655(d), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1905.11.

Signed at Washington, DC, on July 19, 2017.

Thomas M. Galassi,

Acting Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–15876 Filed 8–1–17; 8:45 am]

BILLING CODE 4510–26–P

[17] *See* footnote 16.

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0168]

Draft Test Plan High Energy Arcing Faults Phase 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft test plan; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting public comment on the draft test plan entitled, ''High Energy Arcing Faults (HEAFs) in Electrical Equipment Phase 2,'' in order to receive feedback from the widest range of interested parties and to ensure that all information relevant to developing this document is available to the NRC staff.

DATES: Submit comments by September 1, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0168. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: TWFN–8–D36M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Nicholas Melly, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2392; email: *Nicholas.Melly@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0168 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0168.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The draft test plan, ''High Energy Arcing Faults (HEAFs) in Electrical Equipment Phase 2,'' is available in ADAMS under Accession No. ML17201Q551.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0168 in the subject line of your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

The purpose of this test program is to better understand the fire risk presented by high energy arc fault phenomena and to characterize physical parameters such as the thermal conditions, pressure effects, and electrical conductive products of combustion created by HEAFs occurring primarily in electrical cabinets and bus ducts. The experimental data will be used by the NRC to determine the adequacy of existing HEAF zone of influences (ZOIs) damage models and support revisions to those methods if necessary. Additionally, phase 2 of testing will focus on the HEAFs involving aluminum components as it pertains to both increased physical damage states and potential product of combustion electrical conductivity concerns. This research is also being proposed as an international nuclear safety research project.

Currently, there are two available methods to model HEAF damage. Electrical enclosure guidance is contained in NUREG/CR–6850 (EPRI 1011989), ''EPRI/NRC–RES Fire PRA Methodology for Nuclear Power Facilities Volume 2: Detailed Methodology,'' Appendix M (ADAMS Accession No. ML15167A411). This model is limited because it was largely derived from empirical evidence from one single well-documented HEAF event that occurred at the San Onofre Nuclear Generating Station, Unit 3, on February 3, 2001. A second method that focuses on damage involving bus duct HEAF events can be found in NUREG/CR–6850 (EPRI 1019259) Supplement 1, ''Fire Probabilistic Risk Assessment Methods Enhancements'', Section 7 ''Bus Duct (Counting) Guidance for High-Energy Arcing Faults (FAQ 07–0035)'' (ADAMS Accession No. ML15167A550).

Both methods employ a ''one size fits all'' ZOI methodology that prescribes a damage zone around an initiating component. These ZOIs prescribe damage to potentially vulnerable electrical or electromechanical components nearby such as cables, transformers, ventilation fans, other cabinets, etc. The international Organization for Economic Co-operation and Development (OECD)/Nuclear Energy Agency (NEA) experimental HEAF Project was created in an attempt to take an exploratory scientific approach to better understand the HEAF phenomena and produce data that could be used to better inform fire modeling techniques for postulating a realistic damage range of HEAF scenarios. The report can be downloaded here: *https://www.oecd-nea.org/nsd/docs/2017/csni-r2017-7.pdf.*

This draft test plan describes the NRC's next phase of testing necessary to better understand the HEAF phenomena and to characterize the damage involving thermal conditions, pressure effects, and electrically conductive deposits on nearby surfaces created by HEAFs occurring in electrical cabinets and bus ducts. The results of this program will provide qualitative information on the impact of HEAFs on

typical fire probabilistic risk assessment targets such as electrical cable and nearby equipment. The experimental data will be used by the NRC to determine the adequacy of existing HEAF ZOIs presented in NUREG/CR–6850, Appendix M and Supplement 1 and to adjust existing methodology as necessary. The phase 2 testing will also focus on the HEAF involving aluminum components as it pertains to both increased physical damage states and electrical conductive products of combustion concerns. This test program is also being proposed internationally through the OECD and the NEA as a collaborative international nuclear safety research program.

This document is not intended for interim use. The NRC will review public comments received on the document, incorporate suggested changes as appropriate, and make the final test plan available. Consistent with past experimental programs, the final test plan will be considered a living document.

Changes to the final test plan can, and likely will be made during the testing phase as insights and observations from the testing develop that would suggest changes are necessary to ensure valuable data from experiments is being obtained.

Dated at Rockville, Maryland, this 27th day of July, 2017.

For the Nuclear Regulatory Commission.

Mark Henry Salley,

Chief, Fire and External Hazard Analysis Branch, Division of Risk Analysis, Office of Nuclear Regulatory Research.

[FR Doc. 2017–16233 Filed 8–1–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. R2017–7; Order No. 4018]

Postal Rate and Classification Changes

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is providing notice of its adjustment to the procedural schedule to allow for additional time to file comments regarding the Postal Service's filing amending prices and classification language for Move Update. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due* August 9, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at (202) 789–6820.

SUPPLEMENTARY INFORMATION: On June 30, 2017, the Postal Service filed a notice of market dominant price adjustment and classification changes in accordance with 39 U.S.C. 3622 and 39 CFR part 3010.[1] On July 3, 2017, Order No. 3990 established the procedural schedule for this proceeding, including a comment deadline of July 20, 2017.[2] By rule, the Commission determines, at a minimum, whether the planned adjustment is consistent with the price cap 14 days following the comment deadline. *See* 39 CFR 3010.11(d). These dates are predicated on complete information being available for parties to comment on and the Commission to review. *See, e.g.,* 39 CFR 3010.12(b)(3).[3] This case represents a series of changes relating to the Move Update assessment charge, where complete information regarding the potential price cap impacts of the changes was not available with the Postal Service's initial filing, prompting several Chairman's Information Requests.[4]

Comments filed July 20, 2017, did not have the benefit of the Postal Service's responses to CHIR No. 3 or CHIR No. 4 (and had only one day to review and consider the Postal Service's response to CHIR No. 2). The Association for Postal Commerce notes that ''a few elements in the Postal Service's filing, and in its proposed Move Update assessment process generally, . . . warrant further explanation.'' [5]

The Commission, due to the potential importance of this missing information to the issues of the proceeding (for both informed comments and the Commission's review), finds that commenters and its own review would be prejudiced without equitably tolling the time of filing (and deadlines set by that time of filing). Therefore, the Commission finds it necessary to constructively adjust (toll) the filing date for Postal Service's Notice to July 20, 2017, at which time the Postal Service had provided the bulk of the information necessary to evaluate the potential impacts of proposed changes in its Notice. As a result, commenters may file additional comments by August 9, 2017.[6] Likewise, the date required by 39 CFR 3010.11(d) for the Commission's determination shall be August 23, 2017.

It is ordered:

1. Any additional comments are due by August 9, 2017.

2. The Commission's determination, pursuant to 39 CFR 3010.11(d) shall be filed by August 23, 2017.

3. The Secretary shall arrange for publication of this order in the **Federal Register.**

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2017–16199 Filed 8–1–17; 8:45 am]

BILLING CODE 7710–FW–P

[1] United States Postal Service Notice of Market Dominant Price Adjustment and Classification Changes, June 30, 2017 (Notice).

[2] Notice and Order on Price Adjustment for Move Update, July 3, 2017 (Order No. 3990). Comments for market dominant rate adjustments are due 20 days after the date of filing, pursuant to 39 CFR 3010.11(a)(5).

[3] 39 CFR 3010.12(b)(3) requires that the Postal Service include with its notice of rate adjustment ''{t}he percentage change in rates for each class of mail calculated as required by § 3010.23.'' It further requires that this information ''be supported by workpapers in which all calculations are shown and all input values, including current rates, new rates, and billing determinants, are listed with citations to the original sources.'' *Id.* 39 CFR 3010.23(d)(2) requires that the Postal Service ''make reasonable adjustments to the billing determinants to account for the effects of classification changes such as the introduction, deletion, or redefinition of rate cells.'' 39 CFR 3010.23(d)(2). In making those adjustments, the Postal Service is required to ''identify and explain all adjustments'' and provide ''{a}ll information and calculations relied upon to develop the adjustments . . . with an explanation of why the adjustments are appropriate.'' *Id.*

[4] The Postal Service proposes an increase to the Move Update assessment charge, an updated enforcement method for the charge, and a change to the threshold for its tolerance of change of address (COA) errors. Notice at 1; *id.* n.1. There have been five Chairman's Information Requests issued in this case: Chairman's Information Request No. 1, July 5, 2017; Chairman's Information Request No. 2, July 7, 2017 (CHIR No. 2); Chairman's Information Request No. 3, July 13, 2017 (CHIR No. 3); Chairman's Information Request No. 4, July 20, 2017 (CHIR No. 4); Chairman's Information Request No. 5, July 27, 2017.

[5] Comments of the Association for Postal Commerce, July 20, 2017, at 1 (PostCom Comments).

[6] All comments received to date shall also be considered.

POSTAL SERVICE

Sunshine Act Meeting

Temporary Emergency Committee of the Board of Governors

DATES AND TIMES: Thursday, August 7, 2017, at 9:00 a.m.

PLACE: Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Thursday, August 7, 2017, at 9:00 a.m.

1. Financial Matters.
2. Strategic Issues.
3. Personnel Matters and Compensation Issues.
4. Executive Session—Discussion of prior agenda items and Temporary Emergency Committee governance.

GENERAL COUNSEL CERTIFICATION: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Julie S. Moore, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260–1000. Telephone: (202) 268–4800.

Julie S. Moore,

Secretary.

[FR Doc. 2017–16301 Filed 7–31–17; 11:15 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81231; File No. SR–NYSE–2017–38]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change in Connection With the September 5, 2017 Compliance Date for the Shortening of the Standard Settlement Cycle From Three Business Days After the Trade Date to Two Business Days After the Trade Date

July 27, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on July 26, 2017, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes in connection with the September 5, 2017 compliance date for the shortening of the standard settlement cycle from three business days after the trade date (''T+3'') to two business days after the trade date (''T+2''), to (1) delete NYSE Rule 282.65 (Failure to Deliver and Liability Notice Procedures) (''Rule 282.65'') and Section 703.02 (part 2) (Stock Split/Stock Rights/Stock Dividend Listing Process) (''Section 703.02 (part 2)'') of the NYSE Listed Company Manual (''Listed Company Manual''); (2) delete the preamble and ''T'' modifier from NYSE Rule 282.65T (Failure to Deliver and Liability Notice Procedures) (''Rule 282.65T'') and Section 703.02T (part 2) (Stock Split/Stock Rights/Stock Dividend Listing Process) (''Section 703.02T'') of Listed Company Manual; and (3) establish the operative date of Rule 282.65T and Section 703.02T of the Listed Company Manual. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

In connection with the September 5, 2017 compliance date for shortening of the standard settlement cycle from T+3 to T+2, the Exchange proposes to (1) delete Rule 282.65 and Section 703.02 (part 2) of the Listed Company Manual; (2) delete the preamble and ''T'' modifier from Rule 282.65T and Section 703.02T of the Listed Company Manual; and (3) establish the operative date of Rule 282.65T and Section 703.02T of the Listed Company Manual as September 5, 2017.

Background

On September 28, 2016, the Securities and Exchange Commission (''SEC'') proposed amendments to Rule 15c6–1(a) to shorten the standard settlement cycle from T+3 to T+2.[4] Following this action by the SEC, the Exchange adopted new rules with the modifier ''T'' to reflect a T+2 settlement cycle.[5] Because the Exchange would not implement the new rules until after the final implementation of T+2, the Exchange retained the versions of the rules reflecting T+3 settlement on its books. Certain of these rules have since been deleted in connection with the Exchange's elimination of non-regular way trading.[6] In order to reduce the potential for confusion regarding which version of the rule governs, the Exchange added explanatory preambles, provided below.

In particular, the following preamble was added to the Rule 282.65 and Section 703.02 (part 2):

''This version of . . . will remain operative until the Exchange files separate proposed rule changes as necessary to establish the operative date of . . . , to delete this version of . . . and preamble, and to remove the preamble text from the version of . . . . In addition to filing the necessary proposed rule changes, the Exchange will announce via Information Memo the operative date of the deletion of this Rule and implementation of . . .''

The following preamble was added to the Rule 282.65T and Section 703.02T:

''The Exchange will file separate proposed rule changes to establish the operative date of . . . , to delete . . . and the preamble text from . . . , and to remove the preamble text from the version of . . . . Until such time, . . . will remain operative. In addition to filing the necessary proposed rule changes, the Exchange will announce via Information Memo the implementation of this Rule and the operative date of the deletion of . . .''

On March 22, 2017, the SEC adopted the proposed amendment to Rule 15c6–1(a) under the Act [7] with a compliance date of September 5, 2017.[8]

Proposed Rule Change

In order to comply with the September 5, 2017, transition to T+2 settlement, the Exchange proposes to:

- Delete Rule 282.65 and Section 703.02 (part 2), including the preambles, in their entirety;

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 78962 (September 28, 2016), 81 FR 69240 (October 5, 2016) (File No. S7–22–16).

[5] *See* Securities Exchange Act Release No. 80021 (February 104, 2017), 82 FR 10931 (February 16, 2017) (SR–NYSE–2016–87).

[6] *See* Securities Exchange Act Release No. 811762 (July 20, 2017) (SR–NYSE–2017–33).

[7] *See* 17 CFR 240.15c6–1(a).

[8] *See* Securities Exchange Act Release No. 80295 (March 22, 2017), 82 FR 15564 (March 29, 2017) (File No. S7–22–16).

• delete the preambles to Rule 282.65T Section 703.02T; and

• delete the ''T'' modifier in Rule 282.65T and Section 703.02T, which distinguished such rules from the T+3 rules.

The Exchange proposes that the changes described herein would take effect on September 5, 2017, to coincide with the transition to T+2. The Exchange will announce via Information Memo the implementation of Rule 282.65T and Section 703.02T of the Listed Company Manual and the operative date of the deletion of Rule 282.65 and Section 703.02 (part 2).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and further the objectives of Section 6(b)(5) of the Act,[10] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, 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.

In particular, the Exchange believes that the proposed changes remove impediments to and perfect the mechanism of a free and open market by adding clarity as to which rules are operative and when, thereby reducing potential confusion, and making the Exchange's rules easier to navigate. The Exchange also believes that eliminating obsolete material from its rulebook and Listed Company Manual also removes impediments to and perfects the mechanism of a free and open market by removing confusion that may result from having obsolete material in the Exchange's rulebook and Listed Company Manual. The Exchange believes that eliminating such obsolete material would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency, thereby reducing potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to address any competitive issue but rather facilitate the industry's transition to a T+2 regular-way settlement cycle. The Exchange also believes that the proposed rule change will serve to promote clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [11] and Rule 19b–4(f)(6) thereunder.[12] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[13]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [14] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–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–NYSE–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–NYSE–2017–38 and should be submitted on or before August 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16211 Filed 8–1–17; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and 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. The Exchange has satisfied this requirement.

[14] 15 U.S.C. 78s(b)(2)(B).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81232; File No. SR–NYSEAMER–2017–01]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change in Connection With the September 5, 2017 Compliance Date for the Shortening of the Standard Settlement Cycle From Three Business Days After the Trade Date to Two Business Days After the Trade Date

July 27, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on July 26, 2017, NYSE American LLC (the ''Exchange'' or ''NYSE AMER'') 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 in connection with the September 5, 2017 compliance date for the shortening of the standard settlement cycle from three business days after the trade date (''T+3'') to two business days after the trade date (''T+2''), to (1) delete NYSE American Rules 14—Equities, 64—Equities, 235—Equities, 236—Equities, 257—Equities, 282—Equities. Supplementary Material .65, and Sections 510 and 512 of the NYSE American Company Guide (''Company Guide''); (2) delete the preamble and ''T'' modifier from NYSE American Rules 14T—Equities, 64T—Equities, 235T—Equities, 236T—Equities, 257T—Equities, and 282.65—Equities, and Sections 510T and 512T of the Company Guide; and (3) establish the operative date of Rules 14T—Equities, 64T—Equities, 235T—Equities, 236T—Equities, 257T—Equities, and 282 65T—Equities, and Sections 510T and 512T of the Company Guide. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

In connection with the September 5, 2017 compliance date for shortening of the standard settlement cycle from T+3 to T+2, the Exchange proposes to delete:

- Rule 14—Equities (Non-Regular Way Settlement Instructions for Orders); [4]
- Rule 64—Equities (Bonds, Rights and 100-Share-Unit Stocks),
- Rule 235—Equities (Ex-Dividend, Ex-Rights); [5]
- Rule 236—Equities (Ex-Warrants);
- Rule 257—Equities (Deliveries After Ex-Date);
- Rule 282.65 (Failure to Deliver and Liability Notice Procedures); and
- Sec. 510 (Three Day Delivery Plan) and Sec. 512 (Ex-Dividend Procedure) of the Company Guide.

The Exchange further proposes to delete the preamble and ''T'' modifier from the following rules:

- Rule 64T—Equities (Bonds, Rights and 100-Share-Unit Stocks);
- Rule 236T—Equities (Ex-Warrants);
- Rule 257T—Equities (Deliveries After Ex-Date);
- 282.65T (Failure to Deliver and Liability Notice Procedures); and
- Sec. 510T (Two Day Delivery Plan) and Sec. 512T (Ex-Dividend Procedure).

The Exchange proposes that the operative date for these changes would be September 5, 2017 to conform to the compliance date for T+2.

Background

On September 28, 2016, the Securities and Exchange Commission (''SEC'') proposed amendments to Rule 15c6–1(a) to shorten the standard settlement cycle from T+3 to T+2.[6] Following this action by the SEC, the Exchange adopted new rules with the modifier ''T'' to reflect a T+2 settlement cycle.[7] Because the Exchange would not implement the new rules until after the final implementation of T+2, the Exchange retained the versions of rules reflecting T+3 settlement on its books. In order to reduce the potential for confusion regarding which version of the rule governs, the Exchange added explanatory preambles as noted below.

In particular, the following preamble was added to Rules 14, 64, 235, 236, 257, and 282.65, and Sec. 510 and Sec. 512 of the Company Guide:

''This version of . . . will remain operative until the Exchange files separate proposed rule changes as necessary to establish the operative date of . . . to delete this version of . . . and preamble, and to remove the preamble text from the version of . . . In addition to filing the necessary proposed rule changes, the Exchange will announce via Information Memo the operative date of the deletion of this Rule and implementation of revised . . .''

The following preamble was added to Rules 14T, 64T, 235T, 236T, 257T, and 282.65T, as well as Sections 510T and 512T of the Company Guide:

''The Exchange will file separate proposed rule changes to establish the operative date of . . ., to delete . . . and the preamble text from . . ., and to remove the preamble text from the version of . . . Until such time, . . . will remain operative. In addition to filing the necessary proposed rule changes, the Exchange will announce via Information Memo the implementation of this Rule and the operative date of the deletion of . . .''

On March 22, 2017, the SEC adopted the proposed amendment to Rule 15c6–

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange proposes to retain the title of current Rule 14 (''Non-Regular Way Settlement Instructions for Orders'') and the legend that states ''This Rule is not applicable to trading the Pillar trading platform,'' which was added in connection with the Exchange's transition to Pillar, an integrated trading technology platform designed to use a single specification for connecting to the equities and options markets operated by the Exchange and its affiliates, NYSE Arca, Inc. (''NYSE Arca'') and New York Stock Exchange LLC (''NYSE''). *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, 10815–16 (February 15, 2017) (SR–NYSEMKT–2017–01) (Notice) (the ''Pillar Trading Rule Filing''). The Exchange began trading on the Pillar platform on July 24, 2017.

[5] The Exchange proposes to retain the title of current Rule 235 (''Ex-Dividend, Ex-Rights'') and the legend that states ''This Rule is not applicable to trading the Pillar trading platform,'' which was added in connection with the Exchange's transition to Pillar. *See* note 5, *supra.*

[6] *See* Securities Exchange Act Release No. 78962 (September 28, 2016), 81 FR 69240 (October 5, 2016) (File No. S7–22–16).

[7] *See* Securities Exchange Act Release No. 80020 (February 13, 2017), 82 FR 10940 (February 16, 2017) (SR–NYSEMKT–2016–119).

1(a) under the Act[8] with a compliance date of September 5, 2017.[9]

Proposed Rule Change

In order to comply with the September 5, 2017 transition to T+2 settlement, the Exchange proposes to:

- Delete Rules 64, 236, 257, 282.65, and Sec. 510 and Sec. 512 of the Company Guide, including the preambles, in their entirety;
- delete the text of Rules 14 and 235, including the preambles, and retain the title of each rule and the legend providing that the rule will not be applicable to trading in the Pillar platform;[10]
- delete the preambles to Rules 14T, 64T, 235T, 236T, 257T, 282.65T and Sec. 510T and 512T of the Company Guide; and
- delete the ''T'' modifier in Rules 64T, 236T, 257T, 282.65T and Sec. 510T and 512T of the Company Guide which distinguished such rules from the T+3 rules.

The Exchange proposes that the changes described herein would take effect on September 5, 2017, to coincide with the transition to T+2. The Exchange will announce via Information Memo the implementation of Rules 14T, 64T, 235T, 236T, 257T, 282.65T and Sec. 510T and 512T of the Company Guide and the operative date of the deletion of Rules 64, 236, 257, 282.65, and Sec. 510 and Sec. 512 of the Company Guide.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[11] in general, and further the objectives of Section 6(b)(5) of the Act,[12] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, 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.

In particular, the Exchange believes that the proposed changes remove impediments to and perfect the mechanism of a free and open market by adding clarity as to which rules are operative and when, thereby reducing potential confusion, and making the Exchange's rules easier to navigate. The Exchange also believes that eliminating obsolete material from its rulebook also removes impediments to and perfects the mechanism of a free and open market by removing confusion that may result from having obsolete material in the Exchange's rulebook. The Exchange believes that eliminating such obsolete material would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency, thereby reducing potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to address any competitive issue but rather facilitate the industry's transition to a T+2 regular-way settlement cycle. The Exchange also believes that the proposed rule change will serve to promote clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[15]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[16] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEAMER–2017–01 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–NYSEAMER–2017–01. 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

[8] *See* 17 CFR 240.15c6–1(a).

[9] *See* Securities Exchange Act Release No. 80295 (March 22, 2017), 82 FR 15564 (March 29, 2017) (File No. S7–22–16).

[10] *See* notes 5 & 6, *supra*. As noted in the Pillar Trading Rules Filing, once trading on the Pillar trading platform begins, specified current Exchange equities trading rules would no longer be applicable, and current Exchange rules governing equities trading that are not identified as inapplicable would continue to govern Exchange operations on its cash equities trading platform. *See* Pillar Trading Rule Filing, *supra* note 5, 82 FR at 10815–16.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and 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. The Exchange has satisfied this requirement.

[16] 15 U.S.C. 78s(b)(2)(B).

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–NYSEAMER–2017–01 and should be submitted on or before August 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16212 Filed 8–1–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81228; File No. SR–NYSEMKT–2017–43]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Adopt Transaction Fees in Connection With the Exchange's Transition to a Fully-Automated Cash Equities Market

July 27, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on July 19, 2017, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt transaction fees in connection with the Exchange's transition to a fully-automated cash equities market. The Exchange proposes to implement the rule change on July 24, 2017. The proposed change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

On January 29, 2015, the Exchange announced the implementation of Pillar, which is an integrated trading technology platform designed to use a single specification for connecting to the equities and options markets operated by the Exchange and its affiliates, NYSE Arca, Inc. (''NYSE Arca'') and New York Stock Exchange LLC (''NYSE'').[4] NYSE Arca Equities, Inc. (''NYSE Arca Equities),[5] which operates the cash equities trading platform for NYSE Arca, was the first trading system to migrate to Pillar.[6]

To effect its transition to Pillar, the Exchange 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.[7] The Exchange's trading rules for cash equity trading on Pillar are based on the trading rules of NYSE Arca Equities.[8] 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 connection with this transition, the Exchange proposes to amend its Price List to adopt a new pricing model for trading on the Pillar platform.

The proposed changes would apply to transactions executed in all trading sessions in securities priced at or above and below $1.00.

The Exchange proposes to implement these changes effective July 24, 2017.

Proposed Rule Change

The Exchange proposes the following transaction fees for trading on its Pillar trading platform.

The Exchange also proposes to add the following legend immediately before those current fees and credits in the

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Trader Update dated January 29, 2015, available here: *https://www.nyse.com/trader-update/history#13517.*

[5] NYSE Arca Equities is a wholly-owned corporation of NYSE Arca and operates as a facility of NYSE Arca.

[6] NYSE Arca filed four rule proposals in connection with the NYSE Arca implementation of Pillar. *See* Securities Exchange Act Release Nos. 74951 (May 13, 2015), 80 FR 28721 (May 19, 2015) (Notice) and 75494 (July 20, 2015), 80 FR 44170 (July 24, 2015) (SR–NYSEArca–2015–38) (Approval Order of NYSE Arca Pillar I Filing, adopting rules for Trading Sessions, Order Ranking and Display, and Order Execution); Securities Exchange Act Release Nos. 75497 (July 21, 2015), 80 FR 45022 (July 28, 2015) (Notice) and 76267 (October 26, 2015), 80 FR 66951 (October 30, 2015) (SR–NYSEArca–2015–56) (Approval Order of NYSE Arca Pillar II Filing, adopting rules for Orders and Modifiers and the Retail Liquidity Program); Securities Exchange Act Release Nos. 75467 (July 16, 2015), 80 FR 43515 (July 22, 2015) (Notice) and 76198 (October 20, 2015), 80 FR 65274 (October 26, 2015) (SR–NYSEArca–2015–58) (Approval Order of NYSE Arca Pillar III Filing, adopting rules for Trading Halts, Short Sales, Limit Up-Limit Down, and Odd Lots and Mixed Lots); and Securities Exchange Act Release Nos. 76085 (October 6, 2015), 80 FR 61513 (October 13, 2015) (Notice) and 76869 (January 11, 2016), 81 FR 2276 (January 15, 2016) (SR–NYSEArca–2015–86) (Approval Order of NYSE Arca Pillar IV Filing, adopting rules for Auctions).

[7] *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''). The rules applicable to cash equities trading on Pillar are denoted with the letter ''E''. Additionally, the Exchange 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 No. 79400 (November 25, 2016), 81 FR 86750 (December 1, 2016) (SR–NYSEMKT–2016–103) (Notice) (the ''ETP Listing Rules Filing'').

[8] *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) (''DMM Obligations Filing''). 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. *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).

current fee schedule that would no longer be applicable when trading on the Pillar platform begins: ''The following Fees and Credits are not Applicable to Trading on the Pillar Trading Platform.'' The Exchange believes that the proposed legend would clarify which fees and credits in the current fee schedule would not be applicable to trading on the Pillar platform, and thus promote transparency regarding which rules would govern trading on the Exchange once it transitions to Pillar.

General Information Applicable to the Price List

The Exchange proposes to summarize general information applicable to fees for the Pillar trading platform in three bullets under the first heading in the Price List titled ''Pillar Trading Platform.''

The first bullet would provide that rebates are indicated by parentheses.

The second bullet would provide that, for purposes of determining transaction fees and credits based on requirements based on quoting levels, average daily volume (''ADV''), and consolidated ADV (''CADV''), the Exchange may exclude shares traded any day that (1) the Exchange is not open for the entire trading day and/or (2) a disruption affects an Exchange system that lasts for more than 60 minutes during regular trading hours. The second proposed bullet would reproduce the language in footnote 6 of the current Price List.

Finally, the Exchange would state that Electronic Designated Market Maker (''eDMM'') [9] liquidity credits based on quoting in Exchange-listed securities in the current month will include scheduled early closing days but will not include days involving one or both of the events described in proposed bullet two described above. Once again, the language on the third proposed bullet would reproduce language in footnote 7 of the current Price List.

Transaction Fees

The Exchange proposes the following transactions fees for all transactions other than transactions by an eDMM in securities assigned to an eDMM under heading I titled ''Transaction Fees (other than for Transactions by an eDMM in Securities Assigned to an eDMM)'':

Liquidity Adding Displayed Order Fees

The Exchange does not propose to charge a fee for executions on the Exchange of displayed orders that add liquidity to the Exchange. The proposal would apply to securities priced at or above $1.00 as well as below $1.00.

Liquidity Adding Non-Displayed Order Fees

For securities priced at or above $1.00, the Exchange proposes to charge $0.0002 per share for executions on the Exchange of non-displayed orders that add liquidity to the Exchange.

For securities priced below $1.00, the Exchange proposes to charge 0.25% of the total dollar value of the transaction for executions on the Exchange of non-displayed orders that add liquidity to the Exchange.

Liquidity Removing Order Fees

The Exchange proposes to charge $0.0002 per share for securities priced at or above $1.00 and 0.25% of the total dollar value of the transaction for securities priced below $1.00 for all executions on the Exchange that remove liquidity from the Exchange. As noted below, the same fees would apply to eDMM transactions that remove liquidity from the Exchange.

Executions at the Open and Close

For securities priced at or above $1.00 as well as below $1.00, the Exchange proposes to charge a fee of $0.0005 per share for executions at the open and close.

eDMM Fees and Credits

Following the transition to Pillar, Exchange DMMs will be electronic access only,[10] and the Exchange proposes to refer to them as ''eDMMs'' in the Price List and in this Filing. The Exchange proposes new fees and credits applicable to eDMM on transactions in securities assigned to the eDMM under heading II in the Price List titled ''Fees and Credits Applicable to eDMMs on Transactions in Securities Assigned to an eDMM.''

Immediately below the new proposed heading, the Exchange proposes to summarize certain general information applicable to eDMM fees and credits in three introductory bullets.

The first bullet would provide that, unless an eDMM qualifies for a higher rebate, eDMMs in NYSE American [11]-listed securities will receive the specified rebates based on the specified quoting requirement for securities at or above $1.00.

The second bullet would define ''Core Trading Hours'' to mean the hours of 9:30 a.m. Eastern Time through 4:00 p.m. Eastern Time or such other hours as may be determined by the Exchange from time to time. The proposed bullet is consistent with Rule 1.1E(j), which defines ''Core Trading Hours.''

Finally, the third bullet would provide that, for each eDMM to qualify for the specified credits, each eDMM must meet the heightened quoting obligations set forth in Rule 7.24E(c).[12]

The Exchange proposes three new subheadings A through C setting forth eDMM transaction fee and credits, eDMM monthly credits, and market data revenue.

Transaction Fees and Credits

Beneath a new subheading A titled ''Transaction Fees and Credits,'' the Exchange would summarize eDMM fees and credits for transactions that (1) add liquidity to the Exchange, (2) remove liquidity from the Exchange, and (3) for executions at the open and close of trading, as follows:

For transactions in securities with a price at or above $1.00, the Exchange proposes a rebate to eDMMs of $0.0045 per share for displayed transactions that add liquidity to the Exchange.

The Exchange does not propose to charge for non-displayed transactions that add liquidity to the Exchange in securities with a price at or above $1.00.

For transactions in securities with a price below $1.00, the Exchange proposes a rebate of .25% of total dollar value for displayed transactions that add liquidity to the Exchange.

[9] *See* note 10, *infra*.

[10] *See* DMM Obligations Filing, 82 FR at 21446. In addition, because DMMs in Pillar will not be Floor-based individuals who operate within a DMM unit of a member organization, the Exchange will not assign securities at the natural person level and will not require DMMs to facilitate the opening, reopening, or closing of assigned Exchange-listed securities. Further, the DMM rules do not entitle e-DMMs to a parity allocation of executions, and also would not subject DMMs to heightened capital requirements. Finally, DMMs would continue to be subject to rules governing allocation of securities and combination of DMM units. *See generally id.* The registration and obligations of DMMs are set forth in Rule 7.24E.

[11] Effective on or before July 24, 2017, the Exchange's name will change to NYSE American LLC. The Exchange has filed to amend, among other documents, the Price List to reflect the name change. *See* Securities Exchange Act Release No. 80283 (March 21, 2017), 82 FR 15244 (March 21, 2017). Because the proposed amendments to the Price List described in this proposed rule change will be effective after the Exchange changes its name, the Exchange proposes to reflect the new name in the proposed Price List.

[12] Rule 7.24E(c) describes the obligations of DMMs on the Pillar Trading Platform and provides that, in addition to meeting the Market Maker obligations set forth in Rule 7.23E, DMMs are required to maintain a bid or an offer at the National Best Bid and National Best Offer (''NBBO'' or ''inside'') at least 25% of the day as measured across all Exchange-listed securities that have been assigned to the DMM. Rule 7.24E(c) further provides that time at the inside is calculated as the average of the percentage of time the DMM unit has a bid or offer at the inside and that orders entered by the DMM that are not displayed would not be included in the inside quote calculation.

The Exchange does not propose to charge for non-displayed transactions that add liquidity to the Exchange in securities with a price below $1.00.

The Exchange does not propose to charge for executions at the open and close for securities priced at or above $1.00 as well as below $1.00.

The Exchange proposes to charge $0.0002 per share for securities priced at or above $1.00 and 0.25% of the total dollar value of the transaction for securities priced below $1.00 for all eDMM executions on the Exchange that remove liquidity from the Exchange.

Monthly Credits

Beneath a new subheading B titled ''Monthly Credits,'' the Exchange proposes that, in addition to the current rate on transactions, the Exchange would provide additional per security credits for eDMMs if certain requirements are met.

First, the Exchange proposes a $100 per security credit in a month that a security is assigned to the eDMM for securities whose CADV during the previous month would be less than 50,000 shares per day and for which the eDMM quotes at the NBBO at least 25% of the time during Core Trading Hours for that symbol in that month. The credit would be prorated to the number of trading days in a month that a security is assigned to the eDMM.

Second, in addition to the current rate on transactions and the $100 monthly credit, the Exchange proposes to provide a $500 per security credit in a month that a security is assigned to an eDMM, for each security for which the eDMM quotes at the NBBO at least 25% of the time during Core Trading Hours for that symbol in that month up to a maximum of 20 symbols per month per eDMM.

Market Data Revenue

Under new heading C titled ''Market Data Revenue,'' the Exchange proposes that, for securities with a trading price either at, above or below $1.00, each eDMM would receive all of the market data quote revenue (the ''Quoting Share'') in their assigned securities received by the Exchange from the Consolidated Tape Association under the Revenue Allocation Formula of Regulation NMS in any month in which the eDMM quotes at the NBBO at least 25% of time during Core Trading Hours.

Routing Fees for All ETP Holders

Under new heading III titled ''Fees for Routing for all ETP Holders,'' the Exchange proposes the following fees for routing, which would be applicable to all orders that are routed, including orders from eDMMs in their assigned NYSE American-listed securities.

For executions in securities with a price at or above $1.00 that route to and execute on Away Markets,[13] the Exchange proposes to charge a fee of $0.0016 per share for executions in an Away Market auction, and a fee of $0.0030 for all other executions.

For securities priced below $1.00 that route to and execute on Away Markets, the Exchange proposes to charge a fee of 0.30% of the total dollar value of the transaction for executions in an Away Market auction as well as all other executions.

Off-Hours Trading Facility

Following the transition to Pillar, trading on the Exchange's Off-Hours Trading Facility will be governed by Rule 7.39E for trading in aggregate-price coupled orders, which is also known as ''Crossing Session II.'' The Exchange currently charges a fee of $0.0004 per share for multiple stock aggregate priced buy and sell orders in Crossing Session II. Fees for such executions are currently capped at $100,000 per month per member organization.

The Exchange proposes to retain this fee structure without any substantive differences for aggregate-price coupled orders executed in the Off-Hours Trading Facility described in Rule 7.39E. Because such trading would be pursuant to a Pillar rule, the Exchange proposes to set forth the fee under a new heading IV titled ''Fees for Off-Hours Trading Facility'' in the proposed Price List and omit any reference to Crossing Session II.

Port Fees

Under proposed new heading V titled ''Port Fees,'' the Exchange proposes fees for the use of ports that (1) that provide connectivity to the Exchange's trading systems (*i.e.,* ports for entry of orders and/or quotes (''order/quote entry ports'')), and (2) allow for the receipt of ''drop copies'' of order or transaction information (''drop copy ports'' and, together with order/quote entry ports, ''ports'').[14]

For order/quote entry ports, the Exchange proposes to charge $250 per port per month. The fee would apply to all market participants. The Exchange proposes not to charge for order/quote entry ports until October 1, 2017. Thereafter, the Exchange proposes to implement the $250 per port per month fee.

Similarly, the Exchange proposes to charge $250 per drop copy port per month. The fee would apply to all market participants. Additionally, the Exchange proposes to specify that only one fee per drop copy port would apply, even if the port receives drop copies from multiple order/quote entry ports.

The Exchange proposes not to charge for drop copy ports until October 1, 2017. Thereafter, the Exchange proposes to implement the $250 per port per month fee.

Equity Trading Permit (''ETP'') Fee

The Exchange proposes a new heading VI titled ''ETP Fee.'' The Exchange does not propose to charge a fee to obtain an ETP.[15]

* * * * *

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any problems that member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[17] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

Transaction Fees

Liquidity Adding Displayed Order Fees

The Exchange believes that not charging a fee for liquidity adding displayed orders would encourage price discovery and enhance market quality by encouraging more competitive pricing of displayed orders. The Exchange believes that not charging a fee for liquidity adding displayed orders is equitable and not unfairly discriminatory because it is designed to facilitate execution of, and enhance

[13] The term ''Away Market'' is defined in Rule 1.1E(ff) to mean any exchange, alternative trading system (''ATS'') or other broker-dealer (1) with which the Exchange maintains an electronic linkage, and (2) that provides instantaneous responses to orders routed from the Exchange.

[14] Firms receive confirmations of their orders and receive execution reports via the order/quote entry port that is used to enter the order or quote. A ''drop copy'' contains redundant information that a firm chooses to have ''dropped'' to another destination (*e.g.,* to allow the firm's back office and/or compliance department, or another firm—typically the firm's clearing broker—to have immediate access to the information). Drop copies can only be sent via a drop copy port. Drop copy ports cannot be used to enter orders and/or quotes.

[15] *See* Rule 1.1E(m) (definition of ETP).

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(4) & (5).

trading opportunities for, displayable orders, thereby further incentivizing entry of displayed orders on the Exchange.

Liquidity Adding Non-Displayed Order Fees

The Exchange believes that charging $0.0002 per share for securities priced at or above $1.00 and 0.25% of the total dollar value of the transaction for securities priced below $1.00 for executions on the Exchange of non-displayed orders that add liquidity to the Exchange is reasonable and not unfairly discriminatory because the proposed rate would be lower than the fee charged by other exchanges.[18] The Exchange further believes that the proposed fee increase is equitable and not unfairly discriminatory because it would apply to all non-displayed orders that add liquidity to the Exchange.

Liquidity Removing Order Fees

The Exchange believes that charging $0.0002 per share for securities priced at or above $1.00 and 0.25% of the total dollar value of the transaction for securities priced below $1.00 for executions on the Exchange that remove liquidity, including eDMM transactions, is reasonable and consistent with the Act. The Exchange notes that the proposed fees are less than the comparable fees on other exchanges.[19]

Executions at the Open and Close

The Exchange believes that charging $0.0005 per share for executions at the open and close for all securities would encourage order flow to maintain the quality of the Exchange's closing auctions for the benefit of all market participants. The Exchange's closing auction is a recognized industry benchmark,[20] and member organizations receive a substantial benefit from the Exchange in obtaining high levels of executions at the Exchange's closing price on a daily basis.

eDMM Fees and Credits

Transaction Fees and Credits

The Exchange believes that the proposed rebate of $0.0045 per share for eDMM displayed transactions that add liquidity to the Exchange in securities with a price at or above $1.00 and the proposed rebate of .25% of total dollar value for eDMM displayed transactions that add liquidity to the in securities with a price below $1.00 are reasonable and not unfairly discriminatory. To qualify for the proposed adding liquidity, monthly and market data credits, each eDMM must satisfy the heightened quoting obligation in for eDMMs in Rule 7.24E(c), which requires the eDMM to maintain a bid or an offer at the NBBO at least 25% of the day as measured across all Exchange-listed securities that have been assigned to the eDMM. The Exchange believes that the proposed rebates based on the heightened quoting obligations in Rule 7.24E(c) would encourage additional displayed liquidity on the Exchange in Exchange-listed securities. Further, the Exchange believes that the proposed rebates are equitably allocated and not unfairly discriminatory because they would apply equally to all eDMMs.

Further, the Exchange believes that not charging eDMMs for non-displayed transactions that add liquidity to the Exchange in all securities is reasonable and not unfairly discriminatory because it would encourage additional non-displayed liquidity on the Exchange in Exchange-listed securities. The Exchange believes that not charging eDMMs for adding non-displayed liquidity is not unfairly discriminatory because it would apply equally to all eDMMs. In addition, eDMMs have higher quoting obligations than other market participant, which contributes to price discovery and benefits all market participants. As such, it is equitable and not unfairly discriminatory to offer eDMMs fees that are relatively lower than other market participants that do not have such obligations.

The Exchange believes that not charging eDMMs for executions at the open or close in all securities does not constitute an inequitable allocation of dues, fees and other charges as it provides the eDMMs appropriate incentives to act as liquidity providers and would support them in performing their market making function in the Exchange's new automated price-time priority allocation market model on Pillar.

Monthly Credits

The Exchange believes that the proposed $100 per security credit and the proposed prorating is reasonable in light of lower trading volumes in the applicable securities relatively [sic] to those securities that have a consolidated ADV of less than 50,000 shares. The Exchange believes it is appropriate to prorate the rebate to the number of trading days because it would provide a nexus between, and directly tie, the rebate paid to a eDMM and the number of trading days for which an eDMM has regulatory responsibility for a stock pursuant to Rule 7.24E(c). The Exchange also believes that the proposal is equitable and not unfairly discriminatory because all eDMMs would be treated the same. The Exchange believes that the proposed additional $500 per security credit is reasonable and not unfairly discriminatory for the same reasons.

Market Data Revenue

The Exchange believes that the proposed DMM quoting requirement at the NBBO at least 25% of the time during Core Trading Hours in order to receive in each applicable security 100% of the Quoting Share is reasonable because the proposed requirement would improve quoting and increase adding liquidity across thinly traded securities where there may be fewer liquidity providers. Moreover, the requirement is equitable and not unfairly discriminatory because it would apply equally to all eDMMs. The Exchange notes that the Quoting Share is in addition to the eDMM rebate for providing liquidity and the monthly credit payable to eDMMs for securities with an ADV of less than 50,000 shares during the billing month.

Routing Fees

The Exchange believes that its proposed routing fees are a reasonable and not an unfairly discriminatory allocation of fees because the fee would be applicable to all ETP Holders in an equivalent manner. Moreover, the proposed fees for routing shares are also reasonable and not unfairly discriminatory because they are consistent with fees charged on other exchanges. In particular, the Exchange's proposal to charge a fee of $0.0016 per share for executions that route to and execute on Away Market auctions in securities priced at or above $1.00 is reasonable and not unfairly discriminatory because it is consistent with fees charged on other exchanges.[21]

[18] IEX, for instance, charges a fee of $0.0009 per share for providing non-displayed liquidity for securities priced at or above $1.00 and 0.30% of TDVT (*i.e.,* the total dollar value of the transaction calculated as the execution price) for securities below $1.00. *See* Investors Exchange Fee Schedule 2017, available at *https://www.iextrading.com/trading/fees/.*

[19] For example, IEX charges a fee of $0.0009 per share for taking non-displayed liquidity for securities priced at or above $1.00 and 0.30% of TDVT (for securities below $1.00. *See* Investors Exchange Fee Schedule 2017, available at *https://www.iextrading.com/trading/fees/.*

[20] For example, the pricing and valuation of certain indices, funds, and derivative products require primary market prints.

[21] For example, the NASDAQ Stock Market (''NASDAQ'') charges a rate of $0.0016 per executed share for Tier F. *See* NASDAQ Fee Schedule at *http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2.*

The proposal to charge $0.0030 for all other executions in securities priced at or above $1.00 that route to and execute on Away Market auctions is reasonable and not unfairly discriminatory because it is consistent with fees charged on other exchanges.[22]

Finally, the proposal to charge a fee of 0.30% of total dollar value for transactions in securities with a price under $1.00 are reasonable and not unfairly discriminatory because it is consistent with fees charged on other exchanges.[23]

Off-Hours Trading Facility

The Exchange believes that retaining the current fee structure for off-hours aggregate-price coupled orders in Pillar without substantive change and moving the fee to the new Pillar section of the Price List utilizing updated references is reasonable because the proposed changes are designed to provide greater specificity and clarity to the Price List, reduce potential confusion, and make the Exchange's rules easier to navigate, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest.

Port Fees

The Exchange believes that the proposed rates for order/quote entry ports and drop copy ports are reasonable because the fees charged for both types of ports are expected to permit the Exchange to offset, in part, its connectivity costs associated with making such ports available, including costs based on software and hardware enhancements and resources dedicated to gateway development, quality assurance, and support. The proposed port fees are also reasonable because the proposed fees are comparable to the rates charged by other venues, and in some cases are less expensive than many of the Exchange's competitors.[24]

The Exchange believes that the proposed fee for order/quote entry ports is equitable and not unfairly discriminatory because charges for order/entry ports being [sic] will be based on the number of ports utilized. This aspect of the proposed rule change is also equitable and not unfairly discriminatory because it will apply on an equal basis for all ports on the Exchange. The Exchange also believes that these changes to the fees are equitable and not unfairly discriminatory because they would apply to all users of order/quote entry ports on the Exchange.

The Exchange believes that the proposed fee for drop copy ports is reasonable because it will result in a fee being charged for the use of technology and infrastructure provided by the Exchange. In this regard, the Exchange believes that the rate is reasonable because it is comparable to the rate charged by other exchanges for drop copy ports.[25]

The Exchange also believes that it is reasonable that only one fee per drop copy port would apply, even if the port receives drop copies from multiple order/quote entry ports, because the purpose of drop copies is such that a trading unit's or a firm's entire order and execution activity is captured. The Exchange believes that the proposed new fee for drop copy ports is equitable and not unfairly discriminatory because it will apply on an equal basis to all users of drop copy ports and to all drop copy ports on the Exchange. In this regard, all firms will be able to request drop copy ports, as would be the case with order/quote entry ports.

ETP Fee

The Exchange believes that not charging member organization [sic] a fee to obtain an ETP on the Exchange is reasonable because it may incentivize broker-dealers to become Exchange member organizations and to direct order flow to the Exchange, which benefits all market participants through increased liquidity and enhanced price discovery.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent [sic]

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[26] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for member organizations. The Exchange believes that this could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

Finally, 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. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of member organizations or competing order execution venues to maintain their competitive standing 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 solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[27] of the Act and subparagraph (f)(2) of Rule 19b–4[28] thereunder, because it establishes a due,

[22] For example, NASDAQ charges a rate of $0.0030 to remove liquidity for shares executed at or above $1.00. *See* NASDAQ Fee Schedule at *http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2.*

[23] NASDAQ, for example, charges a fee of 0.30% (*i.e.* 30 basis points) of total dollar volume to remove liquidity for shares executed below $1.00. *See* NASDAQ Fee Schedule at *http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2.*

[24] For example, NASDAQ charges $575 for order entry ports and $550 for DROP ports. *See* NASDAQ Fee Schedule at *http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2#connectivity.* Also, BZX charges $550 per month per pair for logical ports. Additionally, EDGA and EDGX each charge $550 per port per month.

[25] *See* note 24, *supra.*

[26] 15 U.S.C. 78f(b)(8).

[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f)(2).

fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [29] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2017–43 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–2017–43. 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–2017–43 and should be submitted on or before August 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16208 Filed 8–1–17; 8:45 am]

BILLING CODE 8011–01–P

[29] 15 U.S.C. 78s(b)(2)(B).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81245; File No. SR–NASDAQ–2017–073]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options Market Rules at Chapter IV, Section 6

July 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 27, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') 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 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 The NASDAQ Options Market LLC (''NOM'') Rules at Chapter IV, Section 6, entitled ''Series of Options Contracts Open for Trading.''

The text of the proposed rule change is set forth below. Proposed new language is italicized; deleted text is in brackets.

* * * * *

NASDAQ Stock Market Rules

* * * * *

Options Rules

* * * * *

Chapter IV Securities Traded on NOM

* * * * *

Sec. 6 Series of Options Contracts Open for Trading

(a)–(g) No change.

Supplementary Material to Section 6

.01

(a) and (b) No change.

(c) Notwithstanding any other provision regarding the interval of strike prices of series of options on Exchange-Traded Fund Shares in this rule, the interval of strike prices on SPDR® S&P 500® ETF (''SPY''), *iShares Core S&P 500 ETF (''IVV''),* and the SPDR® Dow Jones® Industrial Average ETF (''DIA'') options will be $1 or greater.

(d)–(f) No change.

.02–.09 No change.

* * * * *

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 NOM Rules at Chapter IV, Section 6, entitled ''Series of Options Contracts Open for Trading'' by modifying the strike setting regime for the iShares Core S&P 500 ETF (''IVV'') options. Specifically, the Exchange proposes to modify the interval setting regime for IVV options to allow $1 strike price intervals above $200.

The Exchange believes that the proposed rule change would make IVV options easier for investors and traders to use and more tailored to their investment needs. Additionally, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on units of the Standard & Poor's Depository

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Receipts Trust (''SPY''),[3] which is an exchange-traded fund (''ETF'') that is identical in all material respects to the IVV ETF.

The SPY and IVV ETFs are identical in all material respects. The SPY and IVV ETFs are designed to roughly track the performance of the S&P 500 Index with the price of SPY and IVV designed to roughly approximate 1/10th of the price of the S&P 500 Index. Accordingly, SPY and IVV strike prices—having a multiplier of $100—reflect a value roughly equal to 1/10th of the value of the S&P 500 Index. For example, if the S&P 500 Index is at 1972.56, SPY and IVV options might have a value of approximately 197.26 with a notional value of $19,726. In general, SPY and IVV options provide retail investors and traders with the benefit of trading the broad market in a manageably sized contract. As options with an ETP underlying, SPY and IVV options are listed in the same manner as equity options under the Rules.

However, pursuant to current Supplementary Material .01 to Chapter IV, Section 6, the interval between strike prices in series of options on ETPs, including IVV options will be $1 or greater where the strike price is $200 or less and $5.00 or greater where the strike price is greater than $200. In addition, pursuant to Supplementary Material .07(e) to Chapter IV, Section 6,

The interval between strike prices on Short Term Option Series may be (i) $0.50 or greater where the strike price is less than $100, and $1 or greater where the strike price is between $100 and $150 for all classes that participate in the Short Term Options Series Program; (ii) $0.50 for classes that trade in one dollar increments in Related non-Short Term Options and that participate in the Short Term Option Series Program; or (iii) $2.50 or greater where the strike price is above $150. Related non-Short Term Option series shall be opened during the month prior to expiration of such Related non-Short Term Option series in the same manner as permitted in Supplementary Material to Section 6 at .07 and in the same strike price intervals that are permitted in Supplementary Material to Section 6 at .07.

The Exchange's proposal seeks to narrow the strike price intervals to $1 for IVV options above $200, in effect matching the strike setting regime for strike intervals in IVV options below $200 and matching the strike setting regime applied to SPY options.

Currently, the S&P 500 Index is above 2000. The S&P 500 Index is widely regarded as the best single gauge of large cap U.S. equities and is widely quoted as an indicator of stock prices and investor confidence in the securities market. As a result, individual investors often use S&P 500 Index-related products to diversify their portfolios and benefit from market trends. Accordingly, the Exchange believes that offering a wide range of S&P 500 Index-based options affords traders and investors important hedging and trading opportunities. The Exchange believes that not having the proposed $1 strike price intervals above $200 in IVV significantly constricts investors' hedging and trading possibilities.

The Exchange proposes to amend Supplementary Material .01(c) of Chapter IV, Section 6 to allow IVV options to trade in $1 increments above a strike price of $200. Specifically, the Exchange proposes to amend Supplementary Material .01(c) of Chapter IV, Section 6 to state that notwithstanding other provisions limiting the ability of the Exchange to list $1 increment strike prices on equity and ETF options above $200, the interval between strike prices of series of options on Units of IVV will be $1 or greater. The Exchange believes that by having smaller strike intervals in IVV, investors would have more efficient hedging and trading opportunities due to the lower $1 interval ascension. The proposed $1 intervals, particularly above the $200 strike price, will result in having at-the-money series based upon the underlying IVV moving less than 1%.

The Exchange believes that the proposed strike setting regime is in line with the slower movements of broad-based indices. Furthermore, the proposed $1 intervals would allow option trading strategies (such as, for example, risk reduction/hedging strategies using IVV weekly options), to remain viable. Considering the fact that $1 intervals already exist below the $200 price point and that IVV is above the $200 level, the Exchange believes that continuing to maintain the artificial $200 level (above which intervals increase by $5), would have a negative effect on investing, trading and hedging opportunities, and volume.

The Exchange believes that the investing, trading, and hedging opportunities available with IVV options far outweighs any potential negative impact of allowing IVV options to trade in more finely tailored intervals above the $200 price point. The proposed strike setting regime would permit strikes to be set to more closely reflect values in the underlying S&P 500 Index and allow investors and traders to roll open positions from a lower strike to a higher strike in conjunction with the price movement of the underlying.

Pursuant to Chapter IV, Section 6, where the next higher available series would be $5 away above a $200 strike price, the ability to roll such positions is effectively negated. Accordingly, to move a position from a $200 strike to a $205 strike pursuant to the current rule, an investor would need for the underlying product to move 2.5%, and would not be able to execute a roll up until such a large movement occurred. With the proposed rule change, however, the investor would be in a significantly safer position of being able to roll his open options position from a $200 to a $201 strike price, which is only a 0.5% move for the underlying.

The proposed rule change will allow the Exchange to better respond to customer demand for IVV strike prices more precisely aligned with current S&P 500 Index values. The Exchange believes that the proposed rule change, like the other strike price programs currently offered by the Exchange, will benefit investors by providing investors the flexibility to more closely tailor their investment and hedging decisions using IVV options. By allowing series of IVV options to be listed in $1 intervals between strike prices over $200, the proposal will moderately augment the potential total number of options series available on the Exchange. However, the Exchange believes it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange also believes that Participants will not have a capacity issue due to the proposed rule change.

In addition, the Exchange represents that it does not believe that this expansion will cause fragmentation of liquidity. In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[4] which is an ETF that is identical in all material respects to the IVV ETF.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section

[3] *See* Supplementary Material .01(c) to Chapter IV, Section 6. *See also* Securities Exchange Act Release No. 80913 (June 13, 2017), 82 FR 27907 (June 19, 2017) (SR–CBOE–2017–048) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Rule 5.5).

[4] *See* note 4 above [sic].

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(b).

6(b)(5) [8] requirements that the rules of an exchange be 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 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 the Section 6(b)(5) [9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change will allow investors to more easily use IVV options. Moreover, the proposed rule change would allow investors to better trade and hedge positions in IVV options where the strike price is greater than $200, and ensure that IVV options investors are not at a disadvantage simply because of the strike price.

The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and the rules and regulations thereunder, and the rules of the Exchange. The rule change proposal allows the Exchange to respond to customer demand to allow IVV options to trade in $1 intervals above a $200 strike price. The Exchange does not believe that the proposed rule would create additional capacity issues or affect market functionality.

As noted above, ETF options trade in wider $5 intervals above a $200 strike price, whereas options at or below a $200 strike price trade in $1 intervals. This creates a situation where contracts on the same option class effectively may not be able to execute certain strategies such as, for example, rolling to a higher strike price, simply because of the arbitrary $200 strike price above which options intervals increase by $5. This proposal remedies the situation by establishing an exception to the current ETF interval regime for IVV options to allow such options to trade in $1 or greater intervals at all strike prices.

The Exchange believes that the proposed rule change, like other strike price programs currently offered by the Exchange, will benefit investors by giving them increased flexibility to more closely tailor their investment and hedging decisions. Moreover, the proposed rule change is consistent with a prior rule change on NASDAQ PHLX LLC.[10]

With regard to the impact of this proposal on system capacity, the Exchange believes it and OPRA have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its members will not have a capacity issue as a result of this proposal.

In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[11] which is an ETF that is identical in all material respects to the IVV ETF.

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. Rather, the Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Specifically, the Exchange believes that IVV options investors and traders will significantly benefit from the availability of finer strike price intervals above a $200 price point. In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[12] which is an ETF that is identical in all material respects to the IVV ETF. Thus, applying the same strike setting regime to SPY and IVV options will help level the playing field for options on similar, competing ETFs.

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 Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) [13] of the Act and Rule 19b–4(f)(6) [14] thereunder. 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 if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6) [16] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[17] the Commission may 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 because this proposal permits listing IVV options in a manner permitted by the Chicago Board Options Exchange, Incorporated,[18] and will provide investors with an alternative venue for trading IVV options. 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 proposed rule change operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the

[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

[10] *See* Securities and Exchange Act Release 34–72664 (July 24, 2014), 79 FR 44231 (July 30, 2014) (Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, Relating to SPY and DIA Options) (SR–Phlx–2014–046).

[11] *See* note 4 above [sic].

[12] *See* note 4 above [sic].

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 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.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] *See* Securities Exchange Act Release No. 80913 (June 13, 2017), 82 FR 27907 (June 19, 2017) (SR–CBOE–2017–048).

[19] 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).

Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [20] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2017–073 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–2017–073. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2017–073, and should be submitted on or before August 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16265 Filed 8–1–17; 8:45 am]

BILLING CODE 8011–01–P

[20] 15 U.S.C. 78s(b)(2)(B).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81246; File No. SR–Phlx–2017–57]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 1012

July 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 21, 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 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 the Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 1012, entitled ''Series of Options Open for Trading.''

The text of the proposed rule change is set forth below. Proposed new language is italicized; deleted text is in brackets.

* * * * *

NASDAQ PHLX Rules

* * * * *

Options Rules

* * * * *

Rule 1012. Series of Options Open for Trading

(a)–(d) No change.
• • • *Commentary:* ----------
.01–.04 No change
.05
(a)
(i)–(iii) No change.
(iv) (A) and (B) No change.

(C) Notwithstanding any other provision regarding the interval of strike prices of series of options on Exchange-Traded Fund Shares in this rule, the interval of strike prices on SPDR® S&P 500® ETF (''SPY''), *iShares Core S&P 500 ETF (''IVV''),* and the SPDR® Dow Jones® Industrial Average ETF (''DIA'') options will be $1 or greater.

(v)–(vii) No change.
(b) and (c) No change.
.06–.13 No change.

* * * * *

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 Rule 1012, entitled ''Series of Options Open for Trading'' by modifying the strike setting regime for the iShares Core S&P 500 ETF (''IVV'') options. Specifically, the Exchange proposes to modify the interval setting regime for IVV options to allow $1 strike price intervals above $200.

The Exchange believes that the proposed rule change would make IVV options easier for investors and traders to use and more tailored to their investment needs. Additionally, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on units of the Standard & Poor's Depository Receipts Trust (''SPY''),[3] which is an exchange-traded fund (''ETF'') that is identical in all material respects to the IVV ETF.

The SPY and IVV ETFs are identical in all material respects. The SPY and IVV ETFs are designed to roughly track the performance of the S&P 500 Index

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Commentary .05(a)(iv)(C) to Rule 1012. *See also* Securities Exchange Act Release No. 80913 (June 13, 2017), 82 FR 27907 (June 19, 2017) (SR–CBOE–2017–048) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Rule 5.5).

with the price of SPY and IVV designed to roughly approximate 1/10th of the price of the S&P 500 Index. Accordingly, SPY and IVV strike prices—having a multiplier of $100—reflect a value roughly equal to 1/10th of the value of the S&P 500 Index. For example, if the S&P 500 Index is at 1972.56, SPY and IVV options might have a value of approximately 197.26 with a notional value of $19,726. In general, SPY and IVV options provide retail investors and traders with the benefit of trading the broad market in a manageably sized contract. As options with an ETP underlying, SPY and IVV options are listed in the same manner as equity options under the Rules.

However, pursuant to current Commentary .05(a) to Rule 1012, the interval between strike prices in series of options on ETPs, including IVV options will be $1 or greater where the strike price is $200 or less and $5.00 or greater where the strike price is greater than $200. In addition, pursuant to Commentary .11(e) to Rule 1012,

> The interval between strike prices on Short Term Option Series may be (i) $0.50 or greater where the strike price is less than $100, and $1 or greater where the strike price is between $100 and $150 for all classes that participate in the Short Term Options Series Program; (ii) $0.50 for classes that trade in one dollar increments in Related non-Short Term Options and that participate in the Short Term Option Series Program; or (iii) $2.50 or greater where the strike price is above $150. Related non-Short Term Option series shall be opened during the month prior to expiration of such Related non-Short Term Option series in the same manner as permitted in Commentary .11 to this Rule 1012 and in the same strike price intervals that are permitted in Commentary .11 to this Rule 1012.

The Exchange's proposal seeks to narrow the strike price intervals to $1 for IVV options above $200, in effect matching the strike setting regime for strike intervals in IVV options below $200 and matching the strike setting regime applied to SPY options.

Currently, the S&P 500 Index is above 2000. The S&P 500 Index is widely regarded as the best single gauge of large cap U.S. equities and is widely quoted as an indicator of stock prices and investor confidence in the securities market. As a result, individual investors often use S&P 500 Index-related products to diversify their portfolios and benefit from market trends. Accordingly, the Exchange believes that offering a wide range of S&P 500 Index-based options affords traders and investors important hedging and trading opportunities. The Exchange believes that not having the proposed $1 strike price intervals above $200 in IVV significantly constricts investors' hedging and trading possibilities.

The Exchange proposes to amend Commentary .05(a)(iv)(C) of Rule 1012 to allow IVV options to trade in $1 increments above a strike price of $200. Specifically, the Exchange proposes to amend Commentary .05(a)(iv)(C) of Rule 1012 to state that notwithstanding other provisions limiting the ability of the Exchange to list $1 increment strike prices on equity and ETF options above $200, the interval between strike prices of series of options on Units of IVV will be $1 or greater. The Exchange believes that by having smaller strike intervals in IVV, investors would have more efficient hedging and trading opportunities due to the lower $1 interval ascension. The proposed $1 intervals, particularly above the $200 strike price, will result in having at-the-money series based upon the underlying IVV moving less than 1%.

The Exchange believes that the proposed strike setting regime is in line with the slower movements of broad-based indices. Furthermore, the proposed $1 intervals would allow option trading strategies (such as, for example, risk reduction/hedging strategies using IVV weekly options), to remain viable. Considering the fact that $1 intervals already exist below the $200 price point and that IVV is above the $200 level, the Exchange believes that continuing to maintain the artificial $200 level (above which intervals increase 500% [sic] by $5), would have a negative effect on investing, trading and hedging opportunities, and volume.

The Exchange believes that the investing, trading, and hedging opportunities available with IVV options far outweighs any potential negative impact of allowing IVV options to trade in more finely tailored intervals above the $200 price point. The proposed strike setting regime would permit strikes to be set to more closely reflect values in the underlying S&P 500 Index and allow investors and traders to roll open positions from a lower strike to a higher strike in conjunction with the price movement of the underlying.

Pursuant to Rule 1012, where the next higher available series would be $5 away above a $200 strike price, the ability to roll such positions is effectively negated. Accordingly, to move a position from a $200 strike to a $205 strike pursuant to the current rule, an investor would need for the underlying product to move 2.5%, and would not be able to execute a roll up until such a large movement occurred. With the proposed rule change, however, the investor would be in a significantly safer position of being able to roll his open options position from a $200 to a $201 strike price, which is only a 0.5% move for the underlying.

The proposed rule change will allow the Exchange to better respond to customer demand for IVV strike prices more precisely aligned with current S&P 500 Index values. The Exchange believes that the proposed rule change, like the other strike price programs currently offered by the Exchange, will benefit investors by providing investors the flexibility to more closely tailor their investment and hedging decisions using IVV options. By allowing series of IVV options to be listed in $1 intervals between strike prices over $200, the proposal will moderately augment the potential total number of options series available on the Exchange. However, the Exchange believes it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange also believes that members will not have a capacity issue due to the proposed rule change.

In addition, the Exchange represents that it does not believe that this expansion will cause fragmentation of liquidity. In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[4] which is an ETF that is identical in all material respects to the IVV ETF.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, the requirements of Section 6(b) of the Act [sic].[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be 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 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

[4] *See* note 4 [sic] above.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

the Section 6(b)(5)[9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change will allow investors to more easily use IVV options. Moreover, the proposed rule change would allow investors to better trade and hedge positions in IVV options where the strike price is greater than $200, and ensure that IVV options investors are not at a disadvantage simply because of the strike price.

The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and the rules and regulations thereunder, and the rules of the Exchange. The rule change proposal allows the Exchange to respond to customer demand to allow IVV options to trade in $1 intervals above a $200 strike price. The Exchange does not believe that the proposed rule would create additional capacity issues or affect market functionality.

As noted above, ETF options trade in wider $5 intervals above a $200 strike price, whereas options at or below a $200 strike price trade in $1 intervals. This creates a situation where contracts on the same option class effectively may not be able to execute certain strategies such as, for example, rolling to a higher strike price, simply because of the arbitrary $200 strike price above which options intervals increase by $5. This proposal remedies the situation by establishing an exception to the current ETF interval regime for IVV options to allow such options to trade in $1 or greater intervals at all strike prices.

The Exchange believes that the proposed rule change, like other strike price programs currently offered by the Exchange, will benefit investors by giving them increased flexibility to more closely tailor their investment and hedging decisions. Moreover, the proposed rule change is consistent with a prior rule change.[10]

With regard to the impact of this proposal on system capacity, the Exchange believes it and OPRA have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its members will not have a capacity issue as a result of this proposal.

In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[11] which is an ETF that is identical in all material respects to the IVV ETF.

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. Rather, the Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Specifically, the Exchange believes that IVV options investors and traders will significantly benefit from the availability of finer strike price intervals above a $200 price point. In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[12] which is an ETF that is identical in all material respects to the IVV ETF. Thus, applying the same strike setting regime to SPY and IVV options will help level the playing field for options on similar, competing ETFs.

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 Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A)[13] of the Act and Rule 19b–4(f)(6)[14] thereunder. 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 if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6)[16] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[17] the Commission may 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 because this proposal permits listing IVV options in a manner permitted by the Chicago Board Options Exchange, Incorporated,[18] and will provide investors with an alternative venue for trading IVV options. 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 proposed rule change operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[20] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

[9] *Id.*

[10] *See* Securities and Exchange Act Release 34–72664 (July 24, 2014), 79 FR 44231 (July 30, 2014) (Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, Relating to SPY and DIA Options) (SR–Phlx–2014–046).

[11] *See* note 4 [sic] above.

[12] *See* note 4 [sic] above.

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 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.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] *See* Securities Exchange Act Release No. 80913 (June 13, 2017), 82 FR 27907 (June 19, 2017) (SR–CBOE–2017–048).

[19] 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).

[20] 15 U.S.C. 78s(b)(2)(B).

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2017–57 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–2017–57. 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–2017–57, and should be submitted on or before August 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16266 Filed 8–1–17; 8:45 am]

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[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81229; File No. SR–MIAX–2017–34]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX Options Rule 515A, MIAX Price Improvement Mechanism (''PRIME'') and PRIME Solicitation Mechanism, Rule 518, Complex Orders, and Rule 519A, Risk Protection Monitor

July 27, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 13, 2017, Miami International Securities Exchange, LLC (''MIAX Options'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 515A, MIAX Price Improvement Mechanism (''PRIME'') and PRIME Solicitation Mechanism, to state that the Exchange's System[3] will reject an Agency Order (as defined below) if, at the time of receipt of the Agency Order, the option is a component of a complex strategy that is the subject of a cPRIME Auction (as defined below). The Exchange also proposes to amend Rule 518, Complex Orders, and Rule 519A, Risk Protection Monitor (''RPM''), so that the price and other trade protections contained in those rules address certain new complex order types on the Exchange. In addition, the Exchange proposes to amend Exchange Rule 518, Interpretations and Policies .05, to state that, unless otherwise specifically set forth in the Rule, the price and other protections contained in Interpretations and Policies .05 (including proposed amendments to the Rule, described below) apply to all complex order types set forth in Rule 518(b), as described below. The Exchange also proposes to amend Rule 519A to set forth clearly the manner in which the RPM handles the various complex order types listed in that Rule, as described below. amend Exchange Rule 515A to reflect changes to the MIAX Options Price Improvement Mechanism (''PRIME'') [sic].

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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 515A, MIAX Price Improvement Mechanism (''PRIME'') and PRIME Solicitation Mechanism, to state that the Exchange's System will reject an Agency Order if, at the time of receipt of the Agency Order, the option is a component of a complex strategy that is the subject of a cPRIME Auction (as defined below). The Exchange also proposes to amend Rule 518, Complex Orders, and Rule 519A, RPM, so that the price and other trade protections contained in those rules address certain new complex order types on the Exchange, as described below. In addition, the Exchange proposes to amend Exchange Rule 518, Interpretations and Policies .05, to state that, unless otherwise specifically set forth in the Rule, the price and other protections contained in Interpretations and Policies .05 (including proposed amendments to the Rule, described below) apply to all complex order types set forth in Rule 518(b), as described below. The Exchange also proposes to amend Rule 519A to set forth clearly the manner in which the RPM handles the various complex order types listed in that Rule, as described below.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

Background

The Exchange began trading complex orders [4] in October, 2016.[5] As part of its effort to continue to build out its complex order market segment, the Exchange recently adopted rules to establish three new types of complex orders—complex PRIME (''cPRIME'') Orders, Complex Customer Cross (''cC2C'') Orders, and Complex Qualified Contingent Cross (''cQCC'') Orders—and to adopt new provisions that relate to the processing of those new complex order types.[6] A cPRIME Order is a complex order that is submitted for participation in a cPRIME Auction. A cC2C Order is comprised of one Priority Customer complex order to buy and one Priority Customer complex order to sell the same complex strategy at the same initiating price (which must be better than (inside) the icMBBO [7] price or the best net price of a complex order for the strategy) and for the same quantity. A cQCC Order is comprised of an originating complex order to buy or sell where each leg is at least 1,000 contracts and that is identified as being part of a qualified contingent trade, as defined in Rule 516, Interpretations and Policies .01,[8] coupled with a contra-side complex order or orders for the same strategy totaling an equal number of contracts. cPRIME orders will be processed and executed in the Exchange's PRIME mechanism, the same mechanism that the Exchange uses to process and execute simple PRIME orders, pursuant to Exchange Rule 515A. cC2C and cQCC Orders will be processed and executed in the same mechanism that the Exchange uses to cross simple Customer Cross orders and QCC orders, pursuant to Exchange Rule 515.

The Exchange is proposing to modify Exchange Rule 518, Complex Orders, and Rule 519A, RPM, which govern certain price and other trade protection features in the Exchange's System so that they address (through inclusion or exclusion) cPRIME Orders, cC2C Orders, and cQCC Orders in those features.

Proposal

The Exchange is proposing to amend Exchange Rules 515A, MIAX Price Improvement Mechanism (''PRIME'') and PRIME Solicitation Mechanism, to state that the Exchange's System will reject an Agency Order if, at the time of receipt of the Agency Order, the option is a component of a complex strategy that is the subject of a cPRIME Auction (as defined below). The Exchange also proposes to amend Rule 518, Complex Orders, Interpretations and Policies .05, Price and Other Protections, and Interpretations and Policies .06, MIAX Order Monitor for Complex Orders (''cMOM''), and Exchange Rule 519A, RPM, by stating in those rules how the new cPRIME Order, cC2C Order, and cQCC Order types will be handled by the System with respect to those price and other protections. The Exchange is also proposing to amend Exchange Rule 518, Interpretations and Policies .05, to state that, unless otherwise specifically set forth in the Rule, the price and other protections contained in Interpretations and Policies .05 (including proposed amendments to the Rule, described below) apply to all complex order types set forth in Rule 518(b), as described below. The Exchange is also proposing to amend Rule 519A, Interpretations and Policies .02, to set forth clearly the manner in which the RPM handles the various complex order types listed in that Rule, as described below.

MIAX PRIME

The Exchange is proposing to amend Rule 515A, MIAX Price Improvement Mechanism (''PRIME'') and PRIME Solicitation Mechanism. PRIME is a process by which a Member may electronically submit for execution (''Auction'') an order it represents as agent (''Agency Order'') against principal interest, and/or an Agency Order against solicited interest.

The Exchange proposes to amend Rule 515A(a)(2) to add cPRIME Orders [9] to the list of price-improvement auctions that are prohibited by the Exchange's System from occurring simultaneously on the Exchange. Specifically, Rule 515A(a)(2) will continue to state clearly that only one Auction may be ongoing at any given time in an option and Auctions in the same option may not queue or overlap in any manner. Currently, the Rule states that the System will reject an Agency Order if, at the time of receipt of the Agency Order, the option is in an Auction or is a component of a complex strategy [10] that is the subject of a Complex Auction pursuant to Rule 518(d). The proposed amendment would state that the System will reject an Agency Order if, at the time of receipt of the Agency Order, the option is a component of a complex strategy that is the subject of a cPRIME Auction. The Exchange believes that the rejection of Agency Orders that are received in an option in which an Auction, cPRIME Auction, or Complex Auction is ongoing ensures that there will not be any interference with the potential for price improvement for the Agency Order as a result of overlapping, concurrent auctions on the Exchange.

The Exchange further believes that, without such a limitation, investors could be faced with an unusually large number of simultaneous PRIME and/or Complex Auctions in the same option in the simple market, or involving the same strategy or components of the same strategy in the complex market, which in turn could impact the orderly function of the markets. The Exchange believes that this limitation is consistent with the Act because it protects investors and the public interest by ensuring orderliness in the PRIME, cPRIME and Complex Auction process.

Complex Order Price and Other Protections in Rule 518

The Exchange proposes to amend Rule 518, Interpretations and Policies .05, to state that, unless otherwise

[4] A ''complex order'' is any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the ''legs'' or ''components'' of the complex order), for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purposes of executing a particular investment strategy. Mini-options may only be part of a complex order that includes other mini-options. Only those complex orders in the classes designated by the Exchange and communicated to Members via Regulatory Circular with no more than the applicable number of legs, as determined by the Exchange on a class-by-class basis and communicated to Members via Regulatory Circular, are eligible for processing. *See* Exchange Rule 518(a)(5).

[5] For a complete description of the trading of complex orders on the Exchange, *see* Exchange Rule 518. *See also,* Securities Exchange Act Release No. 79072 (October 7, 2016), 81 FR 71131 (October 14, 2016) (SR–MIAX–2016–26).

[6] *See* Securities Exchange Act Release No. 81131 (July 12, 2017) (SR–MIAX–2017–19). (Order Granting Approval of a Proposed Rule Change to Amend MIAX Options Rules 515, Execution of Orders and Quotes; 515A, MIAX Price Improvement Mechanism (''PRIME'') and PRIME Solicitation Mechanism; and 518, Complex Orders).

[7] The Implied Complex MIAX Best Bid or Offer (''icMBBO'') is a calculation that uses the best price from the Simple Order Book for each component of a complex strategy including displayed and non-displayed trading interest. For stock-option orders, the icMBBO for a complex strategy will be calculated using the best price (whether displayed or non-displayed) on the Simple Order Book in the individual option component(s), and the NBBO in the stock component. *See* Exchange Rule 518(a)(11).

[8] *See id.*

[9] ''cPRIME'' is the process by which a Member may electronically submit a ''cPRIME Order'' (as defined in Rule 518(b)(7)) it represents as agent (a ''cPRIME Agency Order'') against principal or solicited interest for execution (a ''cPRIME Auction''). *See* Exchange Rule 515A, Interpretations and Policies .12(a).

[10] The term ''complex strategy'' means a particular combination of components and their ratios to one another. New complex strategies can be created as the result of the receipt of a complex order or by the Exchange for a complex strategy that is not currently in the System. The Exchange may limit the number of new complex strategies that may be in the System at a particular time and will communicate this limitation to Members via Regulatory Circular. *See* Exchange Rule 518(a)(6).

specifically set forth in the Rule, the price and other protections contained in Interpretations and Policies .05 apply to all complex order types set forth in Rule 518(b).[11] The Exchange believes that the application of existing protections to all complex order types as described in proposed Rule 518, Interpretations and Policies .05 is consistent with the Act because such application is designed to protect investors and the public interest, by assisting investors in maintaining their established risk tolerance levels on the Exchange when making investment decisions concerning these order types.

The Exchange is proposing to modify Rule 518, Interpretations and Policies .05, Price and Other Protections, to describe the manner in which the System will handle cPRIME Orders, cC2C Orders, and cQCC Orders with respect to the protections described in the Rule. The Exchange is proposing to apply these protections to complex orders so that investors submitting complex orders are better able to manage their risk tolerance levels with respect to complex orders they submit to the Exchange, just as they are currently able to manage their risk tolerance levels with respect to orders in the simple market and certain types of complex orders listed in Rule 518(b).[12] The Exchange believes that extending the application of existing protections to all complex order types, including the recently added cPRIME Orders, cC2C Orders, and cQCC Orders, as described in the proposed rules is consistent with the Act because such application is designed to protect investors and the public interest, by ensuring that investors that participate in these order types are afforded the price protections that already apply to all order types currently listed in Rule 518(b).[13] These protections are designed to assist investors in maintaining their established risk tolerance levels on the Exchange when making investment decisions concerning complex orders.

The remaining proposed amendments to Rule 518, Interpretations and Policies .05, are intended to exclude certain order types from certain provisions in the Rule.

ixABBO Protection

First, the Exchange proposes to modify Rule 518, Interpretations and Policies .05(d) to state that the Implied Away Best Bid or Offer (''ixABBO'') Price Protection feature is not available for cPRIME Orders, cC2C Orders, and cQCC Orders. The ixABBO price protection feature is a price protection mechanism under which, when in operation as requested by the submitting Member, a buy order will not be executed at a price that is higher than each other single exchange's best displayed offer for the complex strategy, and under which a sell order will not be executed at a price that is lower than each other single exchange's best displayed bid for the complex strategy. The ixABBO is calculated using the best net bid and offer for a complex strategy using each other exchange's displayed best bid or offer on their simple order book. For stock-option orders, the ixABBO for a complex strategy is calculated using the BBO for each component on each individual away options market and the NBBO for the stock component. The ixABBO price protection feature must be engaged on an order-by-order basis by the submitting Member and is not available for complex Standard quotes, complex eQuotes, or cAOC orders.[14]

The ixABBO protection will not be available because this type of protection isn't necessary for these new complex order types. Specifically, with respect to cPRIME Orders, a cPRIME Agency Order is received by the Exchange accompanied by, and guarantees an execution against, a contra-side order at a single price or at multiple prices with a ''stop'' price outside of which the cPRIME Agency Order, the contra-side order, and auction responses will not be executed.[15] Additionally, cC2C Orders are automatically executed upon entry provided that: (i) The execution is at least $0.01 better than (inside) the icMBBO price, or (ii) the best net price of a complex order (as defined in Rule 518(a)(5)) on the Strategy Book (as defined in Rule 518(a)(17)),[16] whichever is more aggressive (*i.e.,* the higher bid and/or lower offer).[17]cQCC Orders, on the other hand, are automatically executed upon entry provided that, with respect to each option leg of the cQCC Order, the execution (i) is not at the same price as a Priority Customer [18] order on the Exchange's Book; and (ii) is at or between the NBBO.[19] Therefore, the System will not consider the ixABBO protection parameters (each other single exchange's best displayed bid or offer for the complex strategy) with respect to cPRIME Orders, cC2C Orders, and cQCC Orders.

Wide Market Conditions

Current Exchange Rule 518, Interpretations and Policies .05(e), describes the handling of complex orders when a component of a complex strategy is in a wide market condition,[20] a Simple Market Auction or Timer (''SMAT'') Event,[21] or a Halt. Complex orders will be handled in accordance with current Rule 518, Interpretations and Policies .05(e)(2), with respect to SMAT Events, and Interpretations and Policies .05(e)(3), with respect to Halts. The Exchange is not proposing to amend these rules.

The Exchange is proposing to amend Rule 518, Interpretations and Policies .05, with respect to wide market conditions. Currently, during free trading, if a wide market condition exists for a component of a complex strategy, trading in the complex strategy will be suspended.[22] Similarly, if a wide market condition exists for a component of a complex strategy following a Complex Auction, trading in the complex strategy will be suspended.[23] The Exchange is proposing to exclude cPRIME Orders, cC2C Orders, and cQCC Orders from these current trade protection provisions relating to wide market conditions.

The purpose of this ''carve-out'' is similar to the purpose of the ixABBO carve-out described above: cPRIME Orders, cC2C Orders, and cQCC Orders

[11] In addition to a general description, Rule 518(b) defines the following complex orders: a ''Complex Auction-on-Arrival'' or ''cAOA'' order, which is a complex order designated to be placed into a Complex Auction upon receipt or upon evaluation; a Complex Auction-or-Cancel or ''cAOC'' order, which is a complex limit order used to provide liquidity during a specific Complex Auction with a time in force that corresponds with that event; and a Complex Immediate-or-Cancel or ''cIOC'' order, which is a complex order that is to be executed in whole or in part upon receipt. *See* Exchange Rule 518(b). The Exchange recently amended Rule 518(b) to add cPRIME, cC2C and cQCC Orders to the complex order types defined in the Rule. *See supra* note 6.

[12] *Id.*

[13] *See* Exchange Rule 518(b). *See also supra* note 6.

[14] *See* Exchange Rule 518, Interpretations and Policies .05(d).

[15] *See supra* note 6.

[16] The ''Strategy Book'' is the Exchange's electronic book of complex orders and complex quotes. *See* Exchange Rule 518(a)(17).

[17] *See supra* note 6.

[18] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100.

[19] *See supra* note 6.

[20] A ''wide market condition'' is defined as any individual component of a complex strategy having, at the time of evaluation, an MBBO quote width that is wider than the permissible valid quote width as defined in Rule 603(b)(4). *See* Exchange Rule 518.05(e)(1).

[21] A SMAT Event is defined as a PRIME Auction (pursuant to Rule 515A); a Route Timer (pursuant to Rule 529); or a liquidity refresh pause (pursuant to Rule 515(c)(2)). *See* Exchange Rule 518(a)(16).

[22] *See* Exchange Rule 518, Interpretations and Policies .05(e)(1)(i).

[23] *See* Exchange Rule 518, Interpretations and Policies .05(e)(1)(ii).

are all received with either a paired cPRIME Agency Order (in the case of a cPRIME Order) or a contra-side order or orders. cPRIME and cC2C orders are received with an execution price at least $0.01 better than (inside) the icMBBO price or the best net price of a complex order on the Strategy Book, whichever is more aggressive. cQCC Orders are received with an execution price that (i) is not at the same price as a Priority Customer Order on the Exchange's Book; and (ii) is at or between the NBBO. Therefore, these three order types, all of which consist of paired orders with execution price requirements, are not affected by wide market conditions because they may only be executed at or inside of their obligatory prices. Accordingly, proposed Rule 518, Interpretations and Policies .05(e)(iii), states that a wide market condition shall have no impact on the trading of cPRIME Orders and processing of cPRIME Auctions (including the processing of cPRIME Auction responses) pursuant to Rule 515A, Interpretations and Policies .12, or on the trading of cC2C and cQCC Orders pursuant to Rule 515(h)(3) and (4). Such trading and processing will not be suspended and will continue during wide market conditions.

MIAX Order Monitor for Complex Orders (''cMOM'')

The Exchange is also proposing to amend Exchange Rule 518, Interpretations and Policies .06(a), to exclude cPRIME Orders, cC2C Orders, and cQCC Orders from the System's cMOM feature. cMOM defines a price range outside of which a complex limit order will not be accepted by the System. A complex limit order that is priced through the cMOM range will be rejected. cMOM is a number defined by the Exchange and communicated to Members via Regulatory Circular. The default price range for cMOM will be greater than or equal to a price through the cNBBO for the complex strategy to be determined by the Exchange and communicated to Members via Regulatory Circular. Such price will not be greater than $2.50. A complex limit order to sell will not be accepted at a price that is lower than the cNBBO bid, and a complex limit order to buy will not be accepted at a price that is higher than the cNBBO offer, by more than cMOM. A complex limit order that is priced through this range will be rejected.[24]

The Exchange is proposing to amend Rule 518, Interpretations and Policies .06(a), by stating that the cMOM price protection feature shall not apply to cPRIME Orders, cC2C Orders, and cQCC Orders. Under the proposal, the new order types will therefore not be rejected for being outside of cMOM price parameters upon receipt. The purpose of excluding these complex order types from the cMOM price protection feature is that cPRIME Orders, cC2C Orders and cQCC Orders are all guaranteed an execution at a price or prices determined by the participants, and cPRIME Orders are subject to further price improvement. Therefore, the cMOM price protection feature isn't necessary for these complex order types, and thus these complex order types will not be rejected based upon cMOM price parameters. In order to remain consistent in the Rule, the Exchange is also proposing to make a conforming change to Rule 518, Interpretations and Policies .06(e). Specifically, the Exchange is proposing to carve out cPRIME, cC2C and cQCC Orders from the Rule by stating, in Rule 518, Interpretations and Policies .06(e), that, except as provided in sub-paragraph .06(a) above (which excludes cPRIME, cC2C and cQCC Orders), the protections set forth in Interpretations and Policies .06 will be available for complex orders as determined by the Exchange and communicated to Members via Regulatory Circular.

RPM

The Exchange is proposing to amend Rule 519A, RPM. RPM is a feature of the MIAX System which maintains a counting program (''counting program'') for each participating Member that will count the number of orders entered and the number of contracts traded via an order entered by a Member on the Exchange within a specified time period that has been established by the Member (the ''specified time period''). The maximum duration of the specified time period is established by the Exchange and announced via a Regulatory Circular. The RPM maintains one or more Member-configurable Allowable Order Rate settings and Allowable Contract Execution Rate settings. When a Member's order is entered or when an execution of a Member's order occurs, the System will look back over the specified time period to determine if the Member has: (i) Entered during the specified time period a number of orders exceeding their Allowable Order Rate setting(s), or (ii) executed during the specified time period a number of contracts exceeding their Allowable Contract Execution Rate setting(s). Once engaged, the RPM will then, as determined by the Member: Automatically either (A) prevent the System from receiving any new orders in all series in all classes from the Member; (B) prevent the System from receiving any new orders in all series in all classes from the Member and cancel all existing orders with a time-in-force of Day in all series in all classes from the Member; or (C) send a notification to the Member without any further preventative or cancellation action by the System. When engaged, the RPM will still allow the Member to interact with existing orders entered prior to exceeding the Allowable Order Rate setting or the Allowable Contract Execution Rate setting, including sending cancel order messages and receiving trade executions from those orders. The RPM remains engaged until the Member communicates with the Help Desk to enable the acceptance of new orders.

The Exchange is proposing to amend Interpretations and Policies .02 to Rule 519A by setting forth the specific circumstances under which the Rule will apply to cPRIME Orders, QCC Orders, cQCC Orders, Customer Cross Orders, and cC2C Orders, in addition to the order types currently set forth in the rule (PRIME Orders, PRIME Solicitation Orders, and GTC Orders). Rather than ''carve-out'' these new complex order types, the Exchange is proposing to state in the Rule how these order types will participate in the RPM.

Rule 519A, Interpretations and Policies .02, currently states that PRIME Orders, PRIME Solicitation Orders, and GTC Orders do not participate in the RPM. However, the System does include such PRIME Orders, PRIME Solicitation Orders, and GTC Orders in the counting program for purposes of this Rule. Under current Rule 519A, Interpretations and Policies .02(b), PRIME Orders, PRIME Solicitation Orders, and Customer Cross Orders[25] will each be counted as two orders for the purpose of calculating the Allowable Order Rate. Current Rule 519A, Interpretations and Policies .02(c), further provides that, once engaged, the RPM will not cancel any existing PRIME Orders, PRIME Solicitation Orders, AOC orders, OPG orders, or GTC orders. PRIME Orders, PRIME Solicitation Orders, and GTC Orders remain in the System available for trading when the RPM is engaged.

The Exchange is proposing to amend Interpretations and Policies .02 by adding the new order types to the Rule

[24] *See* Exchange Rule 518, Interpretations and Policies .06.

[25] The Exchange is proposing a technical amendment to refer in the Rule to ''Customer Cross'' orders and to delete an erroneous reference to ''Customer-to-Customer Orders.''

where appropriate (as described below) and to re-word and reorganize the Rule to clearly describe the functionality of the RPM as it relates to both existing and the proposed new order types. These proposed amendments are designed to remove impediments to and perfect the mechanisms of a free and open market and to eliminate possible confusion by establishing clearly in the Rule the manner in which the RPM handles each existing and proposed order type. This should assist MIAX Options participants in managing their risk tolerance levels with respect to the order types that are included in the RPM's counting program.

First, the Exchange proposes to amend the introduction of Rule 519A, Interpretations and Policies .02, to add cPRIME Orders, QCC Orders, cQCC Orders, Customer Cross Orders, and cC2C Orders to the currently enumerated order types (PRIME Orders, PRIME Solicitation Orders, and GTC Orders). Thus, as amended, Rule 519A, Interpretations and Policies .02 applies to all of these order types.

Currently, Rule 519A, Interpretations and Policies .02(a), states that the System includes PRIME Orders, PRIME Solicitation Orders, and GTC Orders in the counting program for purposes of this Rule. The Exchange is proposing to amend the Rule by expanding it to list all order types (*i.e.,* cPRIME Orders, QCC Orders, cQCC Orders, Customer Cross Orders, and cC2C Orders) that are subject to the RPM counting program.[26] The Exchange believes that the inclusion of all of these order types in the rules and System functionality is consistent with the Act because it removes impediments to, and perfects the mechanisms of a free and open market, by correctly and accurately describing how existing orders are handled by RPM and, also describing the handling of the proposed new order types. This is consistent with the Act because it is intended to remove impediments to and perfect the mechanisms of a free and open market by applying the counting program to all of the order types mentioned, thus instilling confidence in participants that an unusually high number of orders and/or contracts submitted within a specified time period during, for example, periods of unusually high market volatility, will be counted towards the possible prevention of additional orders and quotes that subject them to higher risk levels than they are prepared to tolerate. The Exchange believes that this should result in more order flow on the Exchange, all to the benefit of the marketplace.

Proposed new Rule 519A, Interpretations and Policies .02(b), will continue to state, just as Interpretations and Policies .02(b) states today, that PRIME Orders, PRIME Solicitation Orders, and Customer Cross Orders will each be counted as two orders for the purpose of calculating the Allowable Order Rate. These order types included in the current Rule all consist of orders that are paired with contra-side orders upon receipt, with certain execution guarantees. For consistency, the Exchange is proposing to include a list of all paired orders that are counted as two orders for purposes of the RPM in the Rule. Orders received by the Exchange are from various sources, and order consolidators may submit them as components of crossing orders where appropriate. The purpose of counting these order types as two separate orders is to protect investors whose orders are submitted on their behalf as a component of crossing orders from the risk that an automated trading system or algorithm could inadvertently send an exponential number of paired orders during times of high volatility. By counting each paired order as two separate orders for purposes of the RPM, the Exchange believes that the likelihood of a participant engaging in activity that exceeds participants' established risk thresholds is mitigated and accounted for. Counting these order types as two separate orders thus protects investors and the public interest, and is therefore consistent with the Act.

Additionally, these order types are counted as two separate orders for a systemic reason. Specifically, these paired order types are counted in the counting program as two orders when calculating the Allowable Order Rate because a participant sending such a paired order submits just one single message representing two orders. The RPM does not count the number of messages submitted; it counts orders. Therefore, for the foregoing reasons, the Exchange is proposing to add the following order types to be counted as two orders for purposes of the RPM: cPRIME Orders, QCC Orders, cQCC Orders, Customer Cross Orders and cC2C Orders. The proposed amended Rule thus accurately and correctly reflects the manner in which paired order types are submitted (as a single message representing two orders) for purposes of calculating the Allowable Order Rate.

The Exchange notes that, as of the date of this proposal, the Exchange is not aware of any Member whose best execution obligation has been compromised based upon the Member's level of RPM settings, and is not aware of any Member whose RPM settings were so stringent that the Member's Agency Order did not receive an execution it should have received. Additionally, Exchange members are expected to consider their best execution obligations when setting parameters for the RPM. In connection with this proposal, the Exchange will issue a Regulatory Circular reminding Members of their best execution obligations.

Rule 519A, Interpretations and Policies .02, currently states that, once engaged, the RPM will not cancel any existing PRIME Orders, PRIME Solicitation Orders, AOC orders, OPG orders, or GTC orders, and that PRIME Orders, PRIME Solicitation Orders and GTC Orders will remain in the System available for trading when the RPM is engaged. The Exchange is proposing to add new sub-paragraph (c) to Interpretations and Policies .02, to include cPRIME Orders in the list of order types that will remain in the System instead of being cancelled by the RPM. The Exchange believes that, just as PRIME Orders are not cancelled under the current rule, cPRIME Orders, which are similarly paired and guaranteed an execution on receipt, should not be cancelled and instead be retained by the System so that they can be executed according to their terms, regardless of whether the RPM is engaged.

The Exchange will announce the implementation date of the proposed rule change by Regulatory Circular to be published no later than 60 days following the operative date of the proposed rule. The implementation date will be no later than 60 days following the issuance of the Regulatory Circular.

2. Statutory Basis

MIAX believes that its proposed rule change is consistent with Section 6(b) of the Act [27] in general, and furthers the objectives of Section 6(b)(5) of the Act [28] 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 regulating, clearing, settling, processing information with

[26] The counting program counts the number of orders entered and the number of contracts traded via an order entered by a Member on the Exchange within a specified time period that has been established by the Member (the ''specified time period''). *See* Exchange Rule 519A(a).

[27] 15 U.S.C. 78f(b).

[28] 15 U.S.C. 78f(b)(5).

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.

The Exchange believes that the application of existing protections to all complex order types as described in proposed Rule 518, Interpretations and Policies .05 is consistent with the Act because such application is designed to protect investors and the public interest, by assisting investors in maintaining their established risk tolerance levels on the Exchange when making investment decisions concerning these order types.

The Exchange believes that the proposed amendment to Rule 515A(a)(2), specifically adding to the existing limitations against simultaneous Auctions and Complex Auctions by stating that the System will reject an Agency Order if, at the time of receipt of the Agency Order, the option is a component of a complex strategy that is the subject of a cPRIME Auction, is consistent with the Act. Specifically, the proposal perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest because, without such a limitation, investors could be faced with an unusually large number of simultaneous PRIME, cPRIME and/or Complex Auctions in the same option in the simple market, and in the same strategy in the complex market, which in turn could impact the orderly function of the markets. The Exchange believes that this limitation is consistent with the Act because it protects investors and the public interest by establishing the same limitation with respect to any combination of concurrent PRIME, cPRIME and Complex Auctions. The Exchange notes that other exchanges also limit concurrent auctions involving the same option.[29]

The Exchange believes that the proposed amendments to Rule 518, Interpretations and Policies .05(d), to exclude cPRIME Orders, cC2C Orders, and cQCC Orders from the ixABBO protection facilitates transactions in securities and removes impediments to and perfects the mechanisms of a free and open market and a national market system. The Exchange believes that, if not excluded, such protection feature could unnecessarily impede certain transactions in order types submitted with contra-side participation and guaranteed executions.

The Exchange believes that its proposal to adopt Rule 518, Interpretations and Policies .05(e)(1)(iii), to state that a wide market condition shall have no impact on the trading of cPRIME Orders, cC2C Orders, and cQCC Orders perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest, by ensuring participants submitting these order types that such paired orders will be executed at the submitted price regardless of wide market conditions. The Exchange does not believe that such orders should be affected by wide market conditions since the execution of these order types is guaranteed. The Exchange believes that preventing the execution of these orders would unnecessarily preclude executions on the Exchange that should occur regardless of wide market conditions.

Additionally, the Exchange believes that proposed Rule 518, Interpretations and Policies .05(e)(1)(i), stating that trading and processing in these order types will not be suspended and will continue during wide market conditions perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest by systemically avoiding the unnecessary preclusion of executions of paired order types during market conditions that do not affect such executions. The suspension of trading in these order types due to wide market conditions would unnecessarily preclude the execution of transactions that are guaranteed at protected prices upon receipt.

The Exchange is proposing to apply these protections to complex orders so that investors submitting complex orders are better able to manage their risk tolerance levels with respect to complex orders they submit to the Exchange, just as they are currently able to manage their risk tolerance levels with respect to orders in the simple market and certain types of complex orders listed in Rule 518(b).[30] The Exchange believes that extending the application of existing protections to all complex order types, including the recently added cPRIME Orders, cC2C Orders, and cQCC Orders, as described in the proposed rules is consistent with the Act because such application is designed to protect investors and the public interest, by ensuring that investors that participate in these order types are afforded the price protections that already apply to all order types currently listed in Rule 518(b).[31] These protections are designed to assist investors in maintaining their established risk tolerance levels on the Exchange when making investment decisions concerning complex orders.

The Exchange further believes that its proposal in Rule 518, Interpretations and Policies .06(a), that the cMOM Price Protection feature shall not apply to cPRIME Orders, cC2C Orders, and cQCC Orders removes impediments to and perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest. Under the proposal, these new order types will not be rejected for being outside of the cMOM price upon receipt, and will thus be executed instead of being rejected unnecessarily. These order types are already effectively executed when they are received (and, in the case of cPRIME Orders, subject to price improvement) because they are paired orders with a guaranteed execution. The Exchange believes that accepting these orders, rather than rejecting them, protects investors that have established crossing orders at a specific execution price.

The Exchange believes that its proposal to amend, re-word and reorganize Rule 519A, Interpretations and Policies .02, is designed to facilitate transactions in securities and to remove impediments to and perfect the mechanisms of a free and open market, by amending the existing Rule to indicate that PRIME Orders, PRIME Solicitation Orders, and GTC Orders participate in the RPM, and by expanding the Rule to identify the proposed new order types and to describe how RPM handles each order type.

The Exchange's proposal to add cPRIME Orders, QCC Orders, cQCC Orders, Customer Cross Orders and cC2C Orders to the list of order types in which Rule 519A, Interpretations and Policies .02 applies, and to the list of order types to be counted as two orders for purposes of the RPM's open order protection in Rule 519A, Interpretations and Policies .02(b), perfects the mechanisms of a free and open market and a national market system by assisting investors in managing their acceptable risk levels respecting open orders. The submission of a single message into the System for the execution of a paired order type is a submission representing two orders, and the RPM counts them as such for purposes of calculating the Allowable Order Rate. Participants thus will know that their single message for these order

[29] *See, e.g.,* NASDAQ PHLX LLC (''Phlx'') Rule 1080(n)(ii). *See also,* Chicago Board Options Exchange, Inc. (''CBOE'') Rule 6.74A(b).

[30] *See supra* note 11.

[31] *See supra* note 11.

types represents two orders for purposes of the counting system and may determine their appropriate risk tolerance parameters accordingly.

The Exchange's proposal in Rule 519A, Interpretations and Policies .02(c), not to cancel existing cPRIME Orders once the RPM is engaged ensures that paired orders that are guaranteed executions are not unnecessarily cancelled. CPRIME Agency Orders are submitted with a contra side order at a guaranteed improved price; the engagement of RPM has no effect on the cPRIME price guarantee. Therefore, the Exchange believes that this proposal removes impediments to and perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest, by permitting existing cPRIME Orders to be executed despite the engagement of RPM.

The Exchange believes that the proposed amendments to its trade protection rules should instill additional confidence in Members that submit orders to the Exchange that their risk tolerance levels are protected, and thus should encourage such Members to submit additional order flow and liquidity to the Exchange with the understanding that they retain necessary protections and avoid unnecessary protections with respect to all orders they submit to the Exchange, including complex orders, thereby removing impediments to and perfecting the mechanisms of a free and open market and a national market system and, in general, protecting investors and the public interest.

The Exchange also believes that the proposed rule change removes impediments to and perfects the mechanisms of a free and open market and a national market system by attracting more order flow and by increasing the frequency with which Initiating Members initiate Auctions in complex orders through PRIME.

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.

On the contrary, the proposed rule change is intended to promote competition by ensuring that necessary trade protections are available on the Exchange, and by avoiding unnecessary protections that would preclude executions, enabling MIAX Options participants to execute more complex orders on the Exchange. The Exchange believes that this enhances inter-market competition by enabling MIAX Options to compete for this type of order flow with other exchanges that have similar functionalities in place.

The Exchange further believes that enhancing the trade protections promotes intra-market competition by protecting new order types through which competing MIAX Options participants may submit complex orders into the System. Furthermore, the price protections and limitations on simultaneous auctions described in this proposal are available, and apply equally, to all market participants, resulting in an even playing field on the Exchange with respect to available trade and price protections on the Exchange. This should result in enhanced liquidity and more competition on the Exchange.

Additionally, the Exchange believes that the proposed limitation on simultaneous auctions involving the same options should encourage participants to submit more PRIME and cPRIME Agency Orders to the Exchange, thus increasing the number of such orders, and responses to those orders on the Exchange, which should enhance the Exchange's position with respect to inter-market competition.

For all the reasons stated, 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, and believes the proposed change will in fact enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [32] and Rule 19b–4(f)(6) thereunder.[33]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [34] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [35] 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 proposed trade and price protections will be operative at the commencement of trading in the new crossing and cPRIME order types on the Exchange.[36] The Exchange believes that the trade and price protections proposed for the new order types are indispensable tools for participants in managing their risk levels, and that a waiver of the operative delay will ensure the protection of investors and the public interest, consistent with the Act. The Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest to assure that the Risk Protection Monitor provisions and the price and other protections in MIAX Rule 518, Interpretation and Policy .05, except as otherwise provided therein, will apply to the new cPRIME Orders, cC2C Orders, and cQCC Orders at the time these orders begin trading on MIAX.[37] As noted above, MIAX states that the trade and price protections are indispensable tools for participants to manage their risk tolerance levels. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[38]

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

[32] 15 U.S.C. 78s(b)(3)(A).

[33] 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.

[34] 17 CFR 240.19b–4(f)(6).

[35] 17 CFR 240.19b–4(f)(6)(iii).

[36] *See supra* note 6.

[37] *See id.* The Commission notes that the proposal also provides that the ixABBO Price Protection and the wide market condition provisions in MIAX Rule 518, Interpretation and Policy .05, and the cMOM Price Protection feature in MIAX Rule 518, Interpretation and Policy .06, will not apply to cPRIME, cC2C, and cQCC Orders because, as described more fully above, cPRIME, cC2C, and cQCC Orders are submitted as paired orders and are guaranteed executions.

[38] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2017–34 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2017–34. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2017–34 and should be submitted on or before August 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16209 Filed 8–1–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81224; File No. SR–NYSEArca–2017–05]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of Direxion Daily Crude Oil Bull 3x Shares and Direxion Daily Crude Oil Bear 3x Shares Under NYSE Arca Equities Rule 8.200

July 27, 2017.

On January 23, 2017, NYSE Arca, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of Direxion Daily Crude Oil Bull 3x Shares and Direxion Daily Crude Oil Bear 3x Shares under NYSE Arca Equities Rule 8.200. The proposed rule change was published for comment in the **Federal Register** on February 7, 2017.[3]

On March 16, 2017, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On May 5, 2017, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[6]

On June 23, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.[7] The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act[8] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on February 7, 2017. August 6, 2017 is 180 days from that date, and October 5, 2017 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider this proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[9] designates October 5, 2017 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–NYSEArca–2017–05), as modified by Amendment No. 1.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16205 Filed 8–1–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–32764]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

July 28, 2017.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of July 2017.

[39] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79916 (February 1, 2017), 82 FR 9608.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 80265, 82 FR 14778 (March 22, 2017).

[6] *See* Securities Exchange Act Release No. 80606, 82 FR 22042 (May 11, 2017). Specifically, the Commission instituted proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.'' *See id.* at 22043.

[7] Amendment No. 1, which amended and replaced the proposed rule change in its entirety, is available on the Commission's Web site at: *https://www.sec.gov/comments/sr-nysearca-2017-05/nysearca201705-1822806-154288.pdf.*

[8] 15 U.S.C. 78s(b)(2).

[9] *Id.*

[10] 17 CFR 200.30–3(a)(57).

A copy of each application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 22, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

Address: The Commission: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

For Further Information Contact: Jessica Shin, Attorney-Adviser, at (202) 551–5921 or Chief Counsel's Office at (202) 551–6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE., Washington, DC 20549–8010.

Susa Registered Fund, L.L.C. [File No. 811–22924]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On June 19, 2017 and July 21, 2017, applicant made liquidating distributions to its shareholders, based on net asset value. Expenses of approximately $27,000 incurred in connection with the liquidation were paid by the applicant.

Filing Dates: The application was filed on June 27, 2017 and amended on July 24, 2017.

Applicant's Address: 4400 Computer Drive, Westborough, Massachusetts 01581.

Ramius Archview Credit & Distressed Fund [File No. 811–23056]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant currently has three beneficial owners, is not presently making an offering of securities and does not propose to make any offering of securities. Applicant will continue to operate as a private investment fund in reliance on section 3(c)(7) of the Act.

Filing Dates: The application was filed on July 6, 2017 and amended on July 18, 2017.

Applicant's Address: 599 Lexington Avenue, 19th Floor, New York, New York 10022.

RiverSource Tax-Exempt Series, Inc. [File No. 811–02686]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has transferred its assets to Columbia Intermediate Municipal Bond Fund, a series of Columbia Funds Series Trust I, and, on June 6, 2011, made a final distribution to its shareholders based on net asset value. Expenses of approximately $183,001 incurred in connection with the reorganization were paid by applicant's investment adviser.

Filing Dates: The application was filed on December 16, 2016, and amended on July 17, 2017.

Applicant's Address: 50606 Ameriprise Financial Center, Minneapolis, Minnesota 55474.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Brent J. Fields,

Secretary.

[FR Doc. 2017–16273 Filed 8–1–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81247; File No. SR-BatsBZX–2017–30]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Permit the Listing and Trading of Managed Portfolio Shares; and To List and Trade Shares of the Following Under Proposed Rule 14.11(k): ClearBridge Appreciation ETF; ClearBridge Large Cap ETF; ClearBridge MidCap Growth ETF; ClearBridge Select ETF; and ClearBridge All Cap Value ETF

July 28, 2017.

On June 1, 2017, Bats BZX Exchange, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt new Rule 14.11(k) to permit it to list and trade Managed Portfolio Shares. The Exchange also proposed to list and trade shares of ClearBridge Appreciation ETF, ClearBridge Large Cap ETF, ClearBridge MidCap Growth ETF, ClearBridge Select ETF, and ClearBridge All Cap Value ETF under proposed Rule 14.11(k). The proposed rule change was published for comment in the **Federal Register** on June 19, 2017.[3] The Commission has received three comment letters on the proposed rule change.[4]

Section 19(b)(2) of the Act[5] 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 August 3, 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 and the comment letters. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates September 17, 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–BatsBZX–2017–30).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80911 (June 13, 2017), 82 FR 27925.

[4] *See* letters from: (1) Gary Gastineau, President, ETF Consultants.com, Inc., dated July 7, 2017; (2) Todd J. Broms, Chief Executive Officer, Broms & Company LLC, dated July 10, 2017; and (3) James J. Angel, Associate Professor of Finance, Georgetown University, McDonough School of Business, dated July 10, 2017. The comment letters are available at *https://www.sec.gov/comments/sr-batsbzx-2017–30/batsbzx201730.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16267 Filed 8–1–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32763; 812–14746]

Change Finance, PBC, et al.

July 27, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) index-based series of certain open-end management investment companies (''Funds'') to issue shares redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (''Funds of Funds'') to acquire shares of the Funds.

APPLICANTS: Change Finance, PBC (the ''Initial Adviser''), a Colorado public benefit corporation that will be registered as an investment adviser under the Investment Advisers Act of 1940, ETF Series Solutions (the ''Trust''), a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series, and Quasar Distributors, LLC (the ''Distributor''), a Delaware limited liability company and broker-dealer registered under the Securities Exchange Act of 1934 (''Exchange Act'').

FILING DATES: The application was filed on February 21, 2017, and amended on May 11, 2017 and July 12, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 21, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: The Initial Adviser, 705 Grand View Drive, Alexandria, Virginia 22305; the Trust and the Distributor, 615 East Michigan Street, 4th Floor, Milwaukee, Wisconsin 53202.

FOR FURTHER INFORMATION CONTACT: Elizabeth G. Miller, Senior Counsel, at (202) 551–8707, or Aaron T. Gilbride, Acting Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as index exchange traded funds (''ETFs'').[1] Fund shares will be purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an ''Authorized Participant'', which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will hold investment positions selected to correspond closely to the performance of an Underlying Index. In the case of Self-Indexing Funds, an affiliated person, as defined in section 2(a)(3) of the Act (''Affiliated Person''), or an affiliated person of an Affiliated Person (''Second-Tier Affiliate''), of the Trust or a Fund, of the Adviser, of any sub-adviser to or promoter of a Fund, or of the Distributor will compile, create, sponsor or maintain the Underlying Index.[2]

3. Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (''Deposit Instruments''), and shareholders redeeming their shares will receive specified instruments (''Redemption Instruments''). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c–1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price

[7] 17 CFR 200.30–3(a)(31).

[1] Applicants request that the order apply to the new series of the Trust and any additional series of the Trust, and any other open-end management investment company or series thereof, that may be created in the future (each, included in the term ''Fund''), each of which will operate as an ETF and will track a specified index comprised of domestic or foreign equity and/or fixed income securities (each, an ''Underlying Index''). Any Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each, an ''Adviser'') and (b) comply with the terms and conditions of the application.

[2] Each Self-Indexing Fund will post on its Web site the identities and quantities of the investment positions that will form the basis for the Fund's calculation of its NAV at the end of the day. Applicants believe that requiring Self-Indexing Funds to maintain full portfolio transparency will help address, together with other protections, conflicts of interest with respect to such Funds.

based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that effect creations and redemptions of Creation Units in kind and that are based on certain Underlying Indexes that include foreign securities, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are Affiliated Persons, or Second Tier Affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those investment positions currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[3] The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16200 Filed 8–1–17; 8:45 am]

BILLING CODE 8011–01–P

[3] The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81225; File No. SR–NYSE–2017–35]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change for Trading UTP Securities on Pillar, the Exchange's New Trading Technology Platform

July 27, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on July 13, 2017, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') 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 rules for trading UTP Securities on Pillar, the Exchange's new trading technology platform. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

On January 29, 2015, the Exchange announced the implementation of Pillar, which is an integrated trading technology platform designed to use a single specification for connecting to the equities and options markets operated by the Exchange and its affiliates, NYSE Arca, Inc. (''NYSE Arca'') and NYSE MKT LLC (''NYSE MKT'').[4] NYSE Arca Equities, Inc. (''NYSE Arca Equities),[5] which operates the cash equities trading platform for NYSE Arca, was the first trading system to migrate to Pillar.[6] NYSE MKT's equities market will transition to Pillar in the second quarter of 2017 and as part of this transition, will be renamed NYSE American LLC (''NYSE American'').[7] In this filing, the Exchange proposes to refer to the rules of NYSE MKT as ''NYSE American Rule X.'' [8]

Overview

The Exchange previously amended its rules to add the Pillar Platform Rules, as set forth in Rules 1P–13P.[9] With this proposed rule change, the Exchange proposes additional rules for Rules 1P Definitions and 7P Equities Trading to support trading of UTP Securities.[10] The proposed rules address general order processing and post-trade functions for the Pillar trading platform and are based on the rules of NYSE Arca Equities and NYSE American without any substantive differences.[11]

Once trading on the Pillar trading platform begins, specified current Exchange rules would not be applicable. For each current rule that would not be applicable for trading UTP Securities on the Pillar trading platform, the Exchange proposes to state in a preamble to such rule that ''this Rule is not applicable to trading UTP Securities on the Pillar trading platform.'' [12] Current Exchange rules governing trading that do not have this preamble will govern Exchange operations on Pillar.

Subject to rule approvals, the Exchange will announce the implementation of trading of UTP Securities on the Pillar trading system by Trader Update, which the Exchange anticipates will be in the fourth quarter of 2017.

Proposed Rule Changes

As noted above, the Exchange proposes rules that would be applicable to trading UTP Securities on Pillar that are based on the rules of NYSE Arca Equities and NYSE American. As a global matter, the Exchange proposes non-substantive differences as compared to the NYSE Arca Equities rules to use the terms ''Exchange'' instead of the terms ''NYSE Arca Marketplace,'' ''NYSE Arca,'' or ''Corporation,'' and to use the terms ''mean'' or ''have meaning'' instead of the terms ''shall mean'' or ''shall have the meaning.'' In addition, the Exchange will use the term ''member organization,'' which is defined in Rule 2, instead of ''ETP Holder.'' [13]

The Framework Filing established Rule 1P Definitions and Rule 1.1 thereunder with definitions used for trading on the Pillar trading platform. The Exchange proposes the following additional definitions:

- Rule 1.1(a) would define the term ''Exchange Book'' to refer to the Exchange's electronic file of orders, which contains all orders entered on the Exchange. This proposed rule is based on NYSE American Rule 1.1E(a) without any substantive differences.
- Rule 1.1(g) would define the term ''Authorized Trader'' or ''AT'' to mean a person who may submit orders to the Exchange on behalf of his or her member organization. This proposed rule is based on NYSE American Rule 1.1E(g) without any substantive differences.
- Rule 1.1(j) would define the term ''Core Trading Hours'' to mean the hours of 9:30 a.m. Eastern Time through 4:00 p.m. Eastern Time or such other hours as may be determined by the Exchange from time to time. This proposed rule is based on NYSE Arca Equities Rule 1.1(j) and NYSE American Rule 1.1E(j) without any substantive differences.
- Rule 1.1(k) would define the term ''Exchange'' to mean the New York Stock Exchange LLC. This proposed rule is based on NYSE Arca Equities Rule

[4] *See* Trader Update dated January 29, 2015, available here: *www.nyse.com/pillar.*

[5] NYSE Arca Equities is a wholly-owned corporation of NYSE Arca and operates as a facility of NYSE Arca.

[6] In connection with the NYSE Arca implementation of Pillar, NYSE Arca filed four rule proposals relating to Pillar. *See* Securities Exchange Act Release Nos. 74951 (May 13, 2015), 80 FR 28721 (May 19, 2015) (Notice) and 75494 (July 20, 2015), 80 FR 44170 (July 24, 2015) (SR–NYSEArca–2015–38) (Approval Order of NYSE Arca Pillar I Filing, adopting rules for Trading Sessions, Order Ranking and Display, and Order Execution); Securities Exchange Act Release Nos. 75497 (July 21, 2015), 80 FR 45022 (July 28, 2015) (Notice) and 76267 (October 26, 2015), 80 FR 66951 (October 30, 2015) (SR–NYSEArca–2015–56) (Approval Order of NYSE Arca Pillar II Filing, adopting rules for Orders and Modifiers and the Retail Liquidity Program); Securities Exchange Act Release Nos. 75467 (July 16, 2015), 80 FR 43515 (July 22, 2015) (Notice) and 76198 (October 20, 2015), 80 FR 65274 (October 26, 2015) (SR–NYSEArca–2015–58) (Approval Order of NYSE Arca Pillar III Filing, adopting rules for Trading Halts, Short Sales, Limit Up-Limit Down, and Odd Lots and Mixed Lots); and Securities Exchange Act Release Nos. 76085 (October 6, 2015), 80 FR 61513 (October 13, 2015) (Notice) and 76869 (January 11, 2016), 81 FR 2276 (January 15, 2016) (Approval Order of NYSE Arca Pillar IV Filing, adopting rules for Auctions).

[7] *See* Securities Exchange Act Release Nos. 80283 (March 21, 2017), 82 FR 15244 (March 27, 2017) (SR–NYSEMKT–201714) (Notice of filing and immediate effectiveness of proposed rule change to change the name of NYSE MKT to NYSE American) and 80748 (May 23, 2017), 82 FR 24764, 24765 (SR–NYSEMKT–2017–20) (Notice of filing and immediate effectiveness of proposed rule change to change the name of NYSE MKT to NYSE American) (''NYSE American Filings''). In connection with the NYSE American implementation of Pillar, NYSE MKT filed several rule changes. *See* Securities Exchange Act Release Nos. 79242 (November 4, 2016), 81 FR 79081 (November 10, 2016) (SR–NYSEMKT–2016–97) (Notice and Filing of Immediate Effectiveness of Proposed Rule Change of framework rules); 81038 (June 28, 2017), 82 FR 31118 (July 5, 2017) (SR–NYSEMKT–2016–103) (Approval Order) (the ''ETP Listing Rules Filing''); 80590 (May 4, 2017), 82 FR 21843 (May 10, 2017) (Approval Order) (NYSE MKT rules governing automated trading); 80577 (May 2, 2017), 82 FR 21446 (May 8, 2017) (SR–NYSEMKT–2017–04) (Approval Order) (NYSE MKT rules governing market makers); 80700 (May 16, 2017), 82 FR 23381 (May 22, 2017) (SR–NYSEMKT–2017–05) (Approval Order) (NYSE MKT rules governing delay mechanism).

[8] In the NYSE American Filings, *id.,* NYSE MKT represented that the name change to NYSE American would become operative upon the effectiveness of an amendment to NYSE MKT's Certificate of Formation, which is expected to be no later than July 31, 2017. Because the NYSE American name would become operative before the operative date of this proposed rule change, the Exchange believes it would promote transparency and reduce confusion to refer to NYSE MKT rules as ''NYSE American'' rules.

[9] *See* Securities Exchange Act Release Nos. 76803 (December 30, 2015), 81 FR 536 (January 6, 2016) (SR–NYSE–2015–67) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change) (''Framework Filing'').

[10] The term ''UTP Security'' means a security that is listed on a national securities exchange other than the Exchange and that trades on the Exchange pursuant to unlisted trading privileges. *See* Rule 1.1(ii). The Exchange has authority to extend unlisted trading privileges to any security that is an NMS Stock that is listed on another national securities exchange or with respect to which unlisted trading privileges may otherwise be extended in accordance with Section 12(f) of the Act. *See* Rule 5.1(a)(1).

[11] The Exchange will file a separate proposed rule change to add additional rules that would govern trading of UTP Securities on the Exchange on the Pillar trading platform.

[12] The Exchange proposes to amend the description of Pillar Platform Rules, which precedes Rule 1P, to delete the last sentence, which currently provides that ''[t]he following rules will not be applicable to trading on the Pillar trading platform: Rules 7, 55, 56, and 62.'' As proposed, the inapplicability of these rules on the Pillar platform would be addressed in the preamble that the Exchange proposes to add to each of these rules.

[13] Because these non-substantive differences would be applied throughout the proposed rules, the Exchange will not note these differences separately for each proposed rule.

1.1(k) and NYSE American Rule 1.1E(k), but uses the Exchange's name.

• Rule 1.1(p) would define the term ''General Authorized Trader'' or ''GAT'' to mean an AT who performs only non-market making activities on behalf of a member organization. This proposed rule is based on NYSE Arca Equities Rule 1.1(p) and NYSE American Rule 1.1E(p) without any substantive differences.

• Proposed Rule 1.1(u) would define the term ''Marketable'' to mean, for a Limit Order, an order that can be immediately executed or routed and that Market Orders are always considered Marketable. This proposed rule is based on NYSE Arca Equities Rule 1.1(u) and NYSE American Rule 1.1E(u) without any substantive differences.

• Proposed Rule 1.1(rr) would define the terms ''security'' and ''securities'' to mean any security as defined in Section 3(a)(10) under the Securities Exchange Act of 1934; provided, however, that for purposes of Rule 7P, such term means any NMS stock. This proposed rule is based on NYSE Arca Equities Rule 1.1(rr) and NYSE American Rule 1.1E(rr) without any substantive differences. In addition, because the term ''security'' would be defined in proposed Rule 1.1(rr), the Exchange proposes that Rules 3 and 4, which define the terms ''Security'' and ''Stock,'' would not be applicable to trading UTP Securities on the Pillar trading platform.

• Proposed Rule 1.1(ss) would define the terms ''self-regulatory organization'' and ''SRO'' to have the same meaning as set forth in the provisions of the Securities Exchange Act of 1934 relating to national securities exchanges. This proposed rule is based on NYSE Arca Equities Rule 1.1(ss) and NYSE American Rule 1.1E(ss) without any substantive differences.

• Proposed Rule 1.1(xx) would define the term ''Trading Facilities'' or ''Facilities'' to mean any and all electronic or automatic trading systems provided by the Exchange to member organizations. This proposed rule is based on NYSE Arca Equities Rule 1.1(xx) and NYSE American Rule 1.1E(xx) without any substantive differences.

Section 1 of Rule 7P sets forth the General Provisions relating to trading on the Pillar trading platform. The Exchange proposes the following additional rules in this section of Rule 7P:

• Proposed Rule 7.1 (Hours of Business) would specify that the Exchange would be open for the transaction of business on every business day. The proposed rule also sets forth when the CEO may take specified actions, such as halting or suspending trading in some or all securities on the Exchange. The proposed rule is based on NYSE Arca Equities Rule 7.1, NYSE American Rule 7.1E, Rule 51, and Rule 52. The Exchange proposes that Rules 51 and 52 would not be applicable to trading UTP Securities on the Pillar trading platform. In addition, because the definition of the term ''business day'' in Rule 12 would be redundant of proposed Rule 7.1E, the Exchange proposes that Rule 12 would not be applicable to trading on the Pillar trading platform.

• Proposed Rule 7.2 (Holidays) would establish the holidays when the Exchange would not be open for business. The proposed rule is based on NYSE Arca Equities Rule 7.2, NYSE American Rule 7.2, and Supplementary Material .10 to Rule 51, including text that provides that when any holiday observed by the Exchange falls on a Sunday, the Exchange would not be open for business on the succeeding Monday, which is in Rule 51.

• Rule 7.8 (Bid or Offer Deemed Regular Way) would establish that all bids and offers would be considered to be ''regular way.'' This proposed rule is based on NYSE Arca Equities Rule 7.8 and NYSE American Rule 7.8E without any substantive differences. The Exchange proposes that Rule 14 would not be applicable to trading of UTP Securities on the Pillar trading platform.

• Proposed Rule 7.9 (Execution Price Binding) would establish that, notwithstanding Exchange rules governing clearly erroneous executions, the price at which an order is executed is binding notwithstanding that an erroneous report is rendered. This proposed rule is based on NYSE Arca Equities Rule 7.9 and NYSE American Rule 7.9E without any substantive differences. The Exchange proposes that Rules 71 (Precedence of Highest Bid and Lowest Offer) and 411 (Erroneous Reports) would not be applicable to trading of UTP Securities on the Pillar trading platform.

• Proposed Rule 7.14 (Clearance and Settlement) would establish the requirements regarding a member organization's arrangements for clearing UTP Securities on Pillar. Because all post-trade functions on the Exchange's Pillar trading platform would follow same procedures for post-trade processing as NYSE Arca Equities and NYSE American follow, the Exchange proposes rules that are based on NYSE Arca Equities and NYSE American rules governing clearing. Accordingly, the proposed rule is based on NYSE Arca Equities Rule 7.14 and NYSE American Rule 7.14E without any substantive differences. The Exchange proposes that its current rules governing clearing, Rules 130 and 132 would not be applicable to trading UTP Securities on the Pillar trading platform.[14]

• Proposed Rule 7.17 (Firm Orders and Quotes) would establish requirements that all orders and quotes must be firm. This proposed rule is based on NYSE Arca Equities Rule 7.17 and NYSE American Rule 7.17E without any substantive differences. Because on the Pillar trading platform, the Exchange would only publish automated quotations consistent with proposed Rule 7.17, the Exchange proposes that Rule 60—Equities (Dissemination of Quotations) would not be applicable to trading UTP Securities on the Pillar trading platform.

Section 3 of Rule 7P sets forth Exchange Trading on the Pillar trading platform. The Exchange proposes the following additional rules for this section of Rule 7P:

• Proposed Rule 7.29 (Access) would provide that the Exchange would be available for entry and cancellation of orders by member organizations with authorized access. To obtain authorized access to the Exchange, each member organization would be required to enter into a User Agreement. Proposed Rule 7.29 is based on NYSE Arca Equities Rule 7.29(a) and NYSE American Rule 7.29E(a), without any substantive differences. The Exchange does not propose to include rule text based on NYSE Arca Equities Rule 7.29(b) because the Exchange would not offer sponsored access.

• Proposed Rule 7.30 (Authorized Traders) would establish requirements for member organizations relating to ATs. The proposed rule is based on NYSE Arca Equities Rule 7.30 and NYSE American Rule 7.30E, with one non-substantive difference to refer to ''the Rules and procedures of the Exchange'' rather than to refer to ''the trading rules and procedures related to the NYSE Arca Marketplace and all other Rules of the Corporation.''.

• Proposed Rule 7.32 (Order Entry) would establish requirements for order entry size. The proposed rule is based on NYSE Arca Equities Rule 7.32 and NYSE American Rule 7.32E without any substantive differences. The Exchange proposes that the paragraph of Rule 1000 (Automatic Executions) relating to ''Maximum Order Size for Automatic Executions'' would not be applicable to

[14] *See also infra* proposed Rules 7.33 (Capacity Codes) and 7.41 (Clearance and Settlement).

trading UTP Securities on the Pillar trading platform.

• Proposed Rule 7.33 (Capacity Codes) would establish requirements for capacity code information that member organizations must include with every order. The proposed rule is based on NYSE Arca Equities Rule 7.33 and NYSE American Rule 7.33E without any substantive differences. The Exchange proposes to use the title ''Capacity Codes'' instead of ''ETP Holder User,'' for proposed Rule 7.33, which the Exchange believes provides more clarity regarding the content of the proposed rule. The Exchange proposes that the capacity code requirements in Supplementary Material .30(9) to Rule 132 would not be applicable to trading UTP Securities on the Pillar trading platform.

• Proposed Rule 7.40 (Trade Execution and Reporting) would establish the Exchange's obligation to report trades to an appropriate consolidated transaction reporting system. The proposed rule is based on NYSE Arca Equities Rule 7.40 and NYSE American Rule 7.40E without any substantive differences. Because all reporting of transactions would be automated, the Exchange proposes that Rules 128A and 128B would not be applicable to trading UTP Securities on the Pillar trading platform.

• Proposed Rule 7.41 (Clearance and Settlement) would establish requirements that all trades be processed for clearance and settlement on a locked-in and anonymous basis. The proposed rule is based on NYSE American Rule 7.41E with a non-substantive difference to cross reference Supplementary Material .10 to Rule 132 to define the term ''Qualified Clearing Agency.'' In addition, proposed Rules 7.41(a), (b), (d), and (e) are based on NYSE Arca Equities Rule 7.41(a), (b), (d), and (e) with non-substantive differences not to include references to sponsored access, because the Exchange will not offer sponsored access. Because all trades would be reported by the Exchange on a locked-in basis, the Exchange proposes to specify that the following rules relating to clearance and settlement would not be applicable to trading UTP Securities on the Pillar trading system:

○ Rule 130 (Overnight Comparison of Exchange Transactions),

○ Rule 131 (Comparison—Requirements for Reporting Trades and Providing Facilities),

○ Rule 132 (Comparison and Settlement of Transactions Through a Fully-Interfaced or Qualified Clearing Agency),

○ Rule 133 (Comparison—Non-cleared Transactions),

○ Rule 134 (Differences and Omissions—Cleared Transactions QTs),

○ Rule 135 (Differences and Omissions—Non-cleared Transactions ('DKs')), and

○ Rule 136 (Comparison—Transactions Excluded from a Clearance).

The Exchange further proposes to specify that the following additional rules, which also relate to post-trade functions and have no analog on either NYSE Arca Equities or NYSE American would not be applicable to trading UTP Securities on the Pillar trading platform: Rules 137 (Written Contracts), Rule 137A (Samples of Written Contracts), 138 (Give-Ups), 139 (Recording), 140 (Members Closing Contracts—Conditions), 141 (''Fail to Deliver'' Confirmations), 142 (Effect on Contracts of Errors in Comparison, etc.), 165–168 (Marking to the Market), 175–227 (Settlement of Contracts), 235–251 (Dividends, Interest, Rights, etc.), 255–259 (Due-Bills), 265–275 (Reclamations), 280–295 (Closing Contracts), 296 (Liquidation of Securities Loans and Borrowings), and 297–299C (Miscellaneous Floor Procedure).

* * * * *

As discussed above, because of the technology changes associated with the migration to the Pillar trading platform, the Exchange will announce by Trader Update when the Pillar rules for trading UTP Securities will become operative.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[15] in general, and furthers the objectives of Section 6(b)(5),[16] 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 the proposed rules would remove impediments to and perfect the mechanism of a free and open market because they provide for additional rules to support trading of UTP Securities on the Pillar trading platform.

More specifically, the Exchange believes that the proposed definitions for Rule 1.1 would remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed definitions are terms that would be used in the additional rules proposed by the Exchange. The proposed rules are definitional and would promote transparency in Exchange rules regarding the use of those terms.

The Exchange believes that the additional rules proposed for Rule 7P would remove impediments to and perfect the mechanism of a free and open market and a national market system because they would establish rules governing general order processing and post-trade functions for the Pillar trading platform. The proposed rules are based on the rules of NYSE Arca Equities and NYSE American without any substantive differences. The proposed rule change would therefore remove impediments to and perfect the mechanism of a free and open market and a national market system because they are based on the approved rules of another exchange.

The Exchange further believes that it would remove impediments to and perfect the mechanism of a free and open market and a national market system to specify which current rules would not be applicable to trading UTP Securities on the Pillar trading platform. The Exchange believes that the following legend, which would be added to existing rules, ''This rule is not applicable to trading UTP Securities on the Pillar trading platform,'' would promote transparency regarding which rules would govern trading on the Exchange once it transitions to Pillar. The Exchange has proposed to add this legend to rules that would be superseded by proposed rules.

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 change is designed to propose rules to support the Exchange's new Pillar trading platform and to introduce trading of UTP Securities on the Exchange on that platform. The Exchange operates in a highly competitive environment in which its unaffiliated exchange competitors operate multiple affiliated exchanges that operate under common rules. By basing its rules on those of NYSE Arca Equities and NYSE American, the Exchange will provide its member

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

organizations with consistency across affiliated exchanges, thereby enabling the Exchange to compete with unaffiliated exchange competitors that similarly operate multiple exchanges on the same trading platforms.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [17] and Rule 19b–4(f)(6) thereunder.[18] 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 [19] and subparagraph (f)(6) Rule 19b–4 thereunder.[20]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [21] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[17] 15 U.S.C. 78s(b)(3)(A)(iii).

[18] 17 CFR 240.19b–4(f)(6).

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and 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. The Exchange has satisfied this requirement.

[21] 15 U.S.C. 78s(b)(2)(B).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2017–35 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2017–35. 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–NYSE–2017–35 and should be submitted on or before August 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16206 Filed 8–1–17; 8:45 am]

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[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81250; File No. SR–NASDAQ–2017–075]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delay the Effective Date of the TotalView and OpenView Depth-of-Book Products

July 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 21, 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 delay the effective date of the merger of TotalView and OpenView by 31 days, until September 1, 2017.

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 purpose of this filing is to delay the effective date of the merger of TotalView and OpenView by 31 days, from August 1, 2017, until September 1, 2017.

On May 26, 2017, the Exchange filed with the Commission a proposed rule change (''Proposal'') to merge the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

OpenView depth-of-book product into TotalView, and to amend the Exchange's fees at Rules 7023 and 7026 to reflect the merger of these two products. The SEC published the Proposal in the **Federal Register** for notice and comment on June 8, 2017.[3] The comment period expired on July 5, 2017, and no comments have been received.

The Exchange has recently been informed that certain Distributors will require additional time to modify systems and procedures to accommodate the merger of OpenView into TotalView, and the Exchange has agreed to modify the effective date of the Proposal from August 1, 2017, to September 1, 2017, to allow all Distributors an additional 31 days to prepare for the merger.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[5] 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. All Distributors will be able to use their current systems and procedures to obtain the products that they now purchase during the period of delay, and such service will not be interrupted. Those Distributors that require additional time will be able to implement the merger of OpenView into TotalView, and those Distributors that do not require additional time will not be harmed because they will be able to continue using their current systems and procedures to obtain the products that they purchase.

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 delay will not change the current competitive position of any Distributor because all Distributors will be able to use their current systems and procedures to obtain the products that they purchase.

[3] Securities Exchange Act Release No. 80891 (June 8, 2017), 82 FR 27318 (June 14, 2017) (SR–NASDAQ–2017–054).

[4] 15 U.S.C. 78f(b).

[5] 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

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[6] and subparagraph (f)(6) of Rule 19b–4 thereunder.[7]

In its filing, Nasdaq requests that the Commission waive the 30-day operative delay so that certain of its Distributors will have sufficient time to modify their systems and procedures to accommodate the merger of OpenView into TotalView. The Exchange further represents that Distributors that do not require additional time to modify their systems and procedures will not be harmed by a delayed merger of TotalView and OpenView, because they will be able to continue using their current systems and procedures. Accordingly, the Commission believes that granting a waiver of the operative delay is consistent with the protection of investors and the public interest and therefore designates the proposed rule change to be operative upon filing.[8]

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.

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 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.

[8] 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).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2017–075 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–2017–075. 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–2017–075, and should be submitted on or before August 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16270 Filed 8–1–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81233; File No. SR–MSRB–2017–03]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, Consisting of Proposed Amendments to MSRB Rule G–26, on Customer Account Transfers, To Modernize the Rule and Promote a Uniform Customer Account Transfer Standard

July 27, 2017.

I. Introduction

On May 26, 2017, the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (the ''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change consisting of proposed amendments to MSRB Rule G–26, on customer account transfers, to modernize the rule and promote a uniform customer account transfer standard for all brokers, dealers, municipal securities brokers and municipal securities dealers (collectively, ''dealers'') (the ''proposed rule change''). The proposed rule change was published for comment in the **Federal Register** on June 14, 2017.[3]

The Commission received two comment letters on the proposed rule change.[4] On July 20, 2017, the MSRB responded to those comments[5] and filed Amendment No. 1 to the proposed rule change (''Amendment No. 1'').[6] The Commission is publishing this notice to solicit comments on Amendment No. 1 to the proposed rule change from interested parties and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of Proposed Rule Change

In the Notice of Filing, the MSRB stated that the purpose of the proposed rule change is to modernize Rule G–26 and promote a uniform customer account transfer standard for all dealers.[7] The MSRB stated that it believes that, by including certain provisions parallel to the customer account transfer rules of other SROs, particularly FINRA Rule 11870, in current Rule G–26, the transfer of customer securities account assets will be more flexible, less burdensome, and more efficient, while reducing confusion and risk to investors and allowing them to better move their municipal securities to their dealer of choice.[8]

As further described by the MSRB in the Notice of Filing, Rule G–26 requires dealers to cooperate in the transfer of customer accounts and specifies procedures for carrying out the transfer process.[9] According to the MSRB, such transfers occur when a customer decides to transfer an account from one dealer, the carrying party (*i.e.,* the dealer from which the customer is requesting the account be transferred) to another, the receiving party (*i.e.,* the dealer to which the customer is requesting the account be transferred).[10] Moreover, Rule G–26 currently establishes specific time frames within which the carrying party is required to transfer a customer account; limits the reasons for which a receiving party may take exception to an account transfer instruction; provides for the establishment of fail-to-receive and fail-to-deliver contracts;[11] and requires that fail contracts be resolved in accordance with MSRB close-out procedures, established by MSRB Rule G–12(h).[12] In addition, current Rule G–26 requires the use of the automated customer account transfer service in place at a registered clearing agency registered with the Commission when both dealers are direct participants in the same clearing agency.[13] Finally, the rule contains a provision for enhancing compliance by requiring submission of transfer instructions to the enforcement authority with jurisdiction over the dealer carrying the account, if the enforcement authority requests such submission.[14]

As discussed in the Notice of Filing, the MSRB adopted Rule G–26 in 1986 as part of an industry-wide initiative to create a uniform customer account transfer standard by applying a customer account transfer procedure to all dealers that are engaged in municipal securities activities.[15] The uniform standard for all customer account transfers (*i.e.,* automated and manual processes) is largely driven by the National Securities Clearing Corporation's (''NSCC'') Automated Customer Account Transfer Service (''ACATS'').[16] The MSRB stated that it adopted Rule G–26 in conjunction with the adoption of similar rules by other self-regulatory organizations (''SROs'')—New York Stock Exchange (''NYSE'') Rule 412 and Financial Industry Regulatory Authority (''FINRA'') Rule 11870.[17] The MSRB stated that those rules are not applicable to certain accounts at dealers, particularly municipal security-only accounts and accounts at bank dealers.[18] Current Rule G–26 governs the municipal security-only customer account transfers performed by those dealers to ensure that all customer account transfers are subject to regulation that is consistent with the uniform industry standard. Thus, the MSRB noted, in order to maintain consistency and the uniform standard, the MSRB has, from time to time, modified the requirements of Rule G–26 to conform to certain provisions of the parallel FINRA and NYSE customer account transfer rules, as well as to enhancements made to the ACATS process by NSCC, that had relevance to municipal securities.[19]

Residual Credit Positions

The MSRB has proposed to update Rule G–26 to include the transfer of

[9] 17 CFR 200.30–3(a)(12) and (59).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 80890 (June 7, 2017) (the ''Notice of Filing''), 82 FR 27307 (June 14, 2017).

[4] *See* Letter to Secretary, Commission, from Mike Nicholas, Chief Executive Officer, Bond Dealers of America (''BDA''), dated July 5, 2017 (the ''BDA Letter''); and, Letter to Secretary, Commission, from Leslie M. Norwood, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association (''SIFMA''), dated July 5, 2017 (the ''SIFMA Letter'').

[5] *See* Letter to Secretary, Commission, from Carl E. Tugberk, Assistant General Counsel, MSRB, dated July 20, 2017 (the ''MSRB Response Letter''), available at *https://www.sec.gov/comments/sr-msrb-2017-03/msrb201703-1871538-156223.pdf.*

[6] *Id.* In Amendment No. 1, the MSRB proposed to amend the requested implementation date to provide for a longer implementation period and later effective date by proposing an effective date six months from the date of Commission approval rather than three months.

[7] *See* Notice of Filing.

[8] *Id.*

[9] *Id.*

[10] *Id.*

[11] The MSRB stated that fail-to-receive and fail-to-deliver contracts are records maintained by the receiving party and the carrying party, respectively, when a customer account transfer fails. *See* Notice of Filing.

[12] *See* Notice of Filing.

[13] *See* Rule G–26(h).

[14] *See* Rule G–26(i).

[15] *See* Notice of Filing.

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] *Id.*

customer account residual credit positions.[20] The MSRB noted that in 1989 the NSCC expanded ACATS to include the transfer of customer account residual credit positions. These are assets in the form of cash or securities that can result from dividends, interest payments or other types of assets received by the carrying party after the transfer process is completed, or which were restricted from being included in the original transfer.[21] The MSRB noted that the NYSE and FINRA made corresponding changes to their rules that require dealers that participate in a registered clearing agency with automated residual credit processing capabilities to utilize those facilities to transfer residual credit positions that accrue to an account after a transfer.[22] Prior to allowing for these transfers, a check frequently would have to be produced, or a delivery bill or report, which then required a check to be issued or securities to be transferred.[23] The MSRB stated that this process could result in lost or improperly routed checks and securities, as well as the expenses of postage and processing.[24] According to the MSRB, the proposed amendments to Rule G–26(k)(ii) would benefit both customers and dealers by substantially decreasing the paperwork, risks, inefficiencies and costs associated with the practice of check issuance and initiation of securities deliveries to resolve residual credit positions.[25]

Partial Account Transfers

The MSRB has proposed to update Rule G–26 to permit partial account transfers under the same time frames applicable to transfers of entire accounts, which the MSRB believes would provide dealers with the ability to facilitate more efficient and expeditious transfers, as well as increase accountability for dealers and reduce difficulties encountered by customers related to transfers.[26] The proposed rule change would require that dealers expedite all authorized municipal securities account asset transfers, whether through ACATS or via other means permissible, and coordinate their activities with respect thereto. The MSRB stated that this proposed change would further competition among dealers by more easily allowing investors to transfer their municipal securities to the dealer of their choice.[27] The MSRB noted that in 1994, the NYSE and FINRA amended their rules to permit partial or non-standard customer account transfers (*i.e.,* the transfer of specifically designated assets from an account held at one dealer to an account held at another dealer).[28] The MSRB further noted that in 2004, the NYSE and FINRA further amended their rules generally to apply the same procedural standards and time frames that are applicable to the transfer of entire accounts to partial transfers as well.[29] According to the MSRB, because customer and dealer obligations resulting from the transfer of an entire account differ from the obligations arising from the transfer of specified assets within an account that will remain active at the carrying party, the NYSE and FINRA rules distinguish between the transfer of security account assets in whole or in specifically designated part.[30] The MSRB stated that, as an example, it would not be necessary for a customer to instruct the carrying party as to the disposition of his or her assets that are nontransferable if the customer is not transferring the entire account.[31]

Transfer of Third-Party and/or Proprietary Products

The MSRB stated that the proposed rule change would amend Rule G–26 to be consistent with the NSCC's Rule 50 regarding the transfer of third-party and/or proprietary products that the receiving party is unable to receive or carry—which allow the receiving party to review the asset validation report, designate those nontransferable assets it is unable to receive/carry, provide the customer with a list of those assets, and require instructions from the customer regarding their disposition—by requiring the receiving party to designate any third-party products it is unable to receive.[32] The MSRB stated that the proposed rule change will eliminate the present need for reversing the transfer of nontransferable assets, reduce the overall time frame for transferring third-party products, and generally reduce delay in and the cost of customer account transfers.[33]

Electronic Signature for Customer Authorization of Account Transfer

Under current Rule G–26, a customer can initiate a transfer of a municipal securities account from one dealer to another by giving written notice to the receiving party.[34] The MSRB states that under current Rule G–26(c)(i), customers and dealers may use Form G–26 (the transfer instruction prescribed by the MSRB), the transfer instructions required by a clearing agency registered with the SEC in connection with its automated customer account transfer system or transfer instructions that are substantially similar to those required by such clearing agency to accomplish a customer account transfer.[35] The proposed rule change would replace the written notice requirement under current Rule G–26 with an authorized instruction requirement, which could be a customer's actual written or electronic signature.[36] The MSRB stated that updating the written notice requirement in Rule G–26 to include electronic signatures will expedite the transfer of customer assets between dealers and more easily allow investors to transfer their assets to the dealer of their choice.[37]

Shortened ACATS Cycle

The proposed rule change would shorten the time for validating or taking exception to the transfer instructions from three days to one day, and shorten the time for completing a customer account transfer from four days to three days, respectively.[38] Rule G–26 currently specifies three days as the time to validate or take exception to the transfer instructions and four days as the time frame for completion of a customer account transfer.[39] The MSRB stated that reducing those time frames to one and three day(s), respectively, will ensure consistency with the industry standard set by the NSCC and harmonization with other SROs, while providing greater efficiency and improving the customer experience in the customer account transfer process.[40]

Definition of ''Nontransferable Asset''

In response to a specific question in the Request for Comment,[41] SIFMA

[20] *See* Notice of Filing and proposed Rule G–26(k)(ii).

[21] *See* Notice of Filing.

[22] *Id.*

[23] *Id.*

[24] *Id.*

[25] *Id.*

[26] *See* Notice of Filing and proposed Rule G–26(b), (c)(ii), (d)(i), (e)(ii), (k)(i).

[27] *See* Notice of Filing.

[28] *Id.*

[29] *Id.*

[30] *Id.*

[31] *Id.*

[32] *See* Notice of Filing and proposed Rule G–26(e)(vii).

[33] *See* Notice of Filing.

[34] *Id.*

[35] *Id.*

[36] *See* Notice of Filing and Supplementary Material .01 to proposed Rule G–26.

[37] *See* Notice of Filing.

[38] *See* Notice of Filing and proposed Rule G–26(d)(i), (f)(i).

[39] *See* Notice of Filing and Rule G–26(d)(i), (v).

[40] *See* Notice of Filing and proposed Rule G–26(d)(i), (f)(i).

[41] *See* Notice of Filing and MSRB Notice 2017–01 (Jan. 6, 2017) (''Request for Comment''),

indicated that dealers may sell proprietary products that are municipal securities to customers, the transferability of which FINRA Rule 11870 addresses.[42] Given this affirmative response, and because a receiving party cannot hold a proprietary product of a carrying party, the MSRB stated that it is important to include proprietary products of the carrying party in the definition of ''nontransferable asset'' to better harmonize with FINRA's corresponding definition and to ensure that bank dealers, and other dealers subject to Rule G–26, have clarity when handling such proprietary products in customer account transfers.[43] The proposed rule change would also provide the following options for the disposition of such proprietary products that would be nontransferable assets: Liquidation; retention by the carrying party for the customer's benefit; or transfer, physically and directly, in the customer's name to the customer.[44]

Disposition of Nontransferable Assets

Under current Rule G–26, if there are nontransferable assets included in a transfer instruction, there are multiple options available to the customer for their disposition, and the carrying party must request further instructions from the customer with respect to which option the customer would like to exercise.[45] Depending on the type of nontransferable asset at issue, FINRA Rule 11870(c) requires either the carrying party or the receiving party to provide the customer with a list of the specific nontransferable assets and request the customer's desired disposition of such assets. For example, FINRA Rule 11870(c)(4) places the burden on the receiving party for third-party products that are nontransferable.[46] In response to the Request for Comment, SIFMA noted that current industry practice and standard requires that, depending on the type of nontransferable asset, either the carrying party or the receiving party provide the customer with a list of the nontransferable assets and request the customer's desired disposition of such assets, as opposed to limiting that requirement to the carrying party, which was proposed in the Request for Comment.[47] The MSRB stated that, because there are third-party products that are municipal securities that a receiving party may not be able to carry, and such a receiving party may be the only party to a customer account transfer with that knowledge, allowing the receiving party to notify the customer of any nontransferable assets in a transfer and request their disposition in such circumstances will help ensure that nontransferable assets are properly identified and that both parties to a transfer are coordinating closely to complete the transfer efficiently and expeditiously.[48] The MSRB also stated that to allow for this, to improve harmonization with FINRA Rule 11870 and to promote a uniform standard for all dealers, the proposed rule change would explicitly require that the carrying party *and/or* the receiving party provide the list of nontransferable assets.[49]

Liquidation of Nontransferable Assets

The proposed rule change would require a referral to the program disclosure for a municipal fund security or to the registered representative for specific details regarding any redemption or liquidation-related fees.[50] Under current Rule G–26, one of the disposition options for nontransferable assets available to customers is liquidation.[51] When providing customers with this option, dealers are required to specifically indicate any redemption or other liquidation-related fees that may result from such liquidation and that those fees may be deducted from the money balance due the customer.[52] FINRA Rule 11870 provides the same requirements, but also requires dealers to refer customers to the disclosure information for third-party products or to the registered representative at the carrying party for specific details regarding any such fees, as well as to distribute any remaining balance to the customer and an indication of the method of how it will do so.[53] The MSRB stated that the inclusion of these additional requirements in Rule G–26 will help ensure that customers receive as much relevant information as possible regarding potential redemption fees, including for municipal fund securities.[54] In addition, the proposed rule change would require dealers to specifically indicate any redemption or other liquidation-related fees that may result from liquidation and that those fees may be deducted from the money balance due the customer.[55] The MSRB stated that it is important to require explicitly the distribution of the remaining balance to the customer and an indication of how it will be accomplished.[56]

Transfer of Nontransferable Assets to Customers

The MSRB stated that some municipal securities that are nontransferable assets could transferred, physically and directly, to the customer, in a manner similar to FINRA Rule 11870(c)(3)(C)—which provides an option for nontransferable assets that are proprietary products to be transferred, physically and directly, in the customer's name to the customer—and have therefore included amendments in the proposed rule change that add this option to the alternative dispositions available to customers.[57] The MSRB noted that not all municipal securities may be appropriate for this option and that the carrying party would not be required to physically deliver any nontransferable assets of which it does not have physical possession.[58]

Timing of Disposition of Nontransferable Assets

Under the proposed rule change, the Rule G–26 would be amended to harmonize with FINRA Rule 11870(c)(5) to require that the money balance resulting from liquidation must be distributed, and any transfer instructed by the customer must be initiated, within five business days following receipt of the customer's disposition instruction.[59] Rule G–26 currently does not provide a time frame for the carrying party to effect the disposition of nontransferable assets as instructed by the customer. The MSRB stated that it is important to provide clarity as to the timing of these dispositions to ensure

Question 8 (''Do municipal securities brokers or municipal securities dealers sell proprietary products that are municipal securities to customers?'').

[42] *See* Notice of Filing and Letter from Leslie M. Norwood, Managing Director and Associate General Counsel, SIFMA, to Ronald W. Smith, Corporate Secretary, MSRB, dated February 17, 2017 (''SIFMA Response Letter to Request for Comment'').

[43] *See* Notice of Filing and proposed Rule G–26(a)(iii)(C); FINRA Rule 11870(c)(1)(D)(i).

[44] *See* Notice of Filing and proposed Rule G–26(c)(ii)(A)–(C).

[45] *See* Notice of Filing and Rule G–26(c)(ii).

[46] *See* Notice of Filing.

[47] *See* Notice of Filing and SIFMA Response Letter to Request for Comment.

[48] *See* Notice of Filing.

[49] *See* Notice of Filing and proposed Rule G–26(c)(ii).

[50] *See* Notice of Filing and proposed Rule G–26(c)(ii).

[51] *See* Notice of Filing and Rule G–26(c)(ii).

[52] *See* Notice of Filing and Rule G–26(c)(ii)(A).

[53] *See* Notice of Filing and FINRA Rule 11870(c)(3)(A), (c)(4)(A).

[54] *See* Notice of Filing and proposed Rule G–26(c)(ii)(A).

[55] *See* Notice of Filing.

[56] *See* Notice of Filing and proposed Rule G–26(c)(ii)(A).

[57] *See* Notice of Filing and proposed Rule G–26(c)(ii)(C).

[58] *See* Notice of Filing.

[59] *Id.*

that customer transfers are handled expeditiously.[60]

Transfer Procedures

Current Rule G–26(d) establishes, as part of the transfer procedures, the requirements for validation of the transfer instructions and completion of the transfer.[61] The proposed rule change would provide the provisions describing the specific validation/exception and completion processes in new, separate sections of the rule.[62] As a result of this restructuring, the subsequent, existing sections of Rule G–26 would be renumbered in proposed Rule G–26. The MSRB stated that these amendments will detail the specific validation/exception and completion processes more clearly and better harmonize with FINRA Rule 11870.[63]

Validation of Transfer Instructions

Under current Rule G–26(d)(iv)(A), upon validation of a transfer instruction, the carrying party must ''freeze'' the account to be transferred and return the transfer instruction to the receiving party with an attachment indicating all securities positions and money balance in the account as shown on the books of the carrying party.[64] Because the proposed rule change would allow for partial account transfers of specifically designated municipal securities assets, the proposed rule change would require the account freeze only for validation of the transfer of an entire account, as the customer's account at the carrying party should not be frozen if certain municipal securities would remain in the account and the customer may want to continue transacting in that account.[65] Under the proposed rule change, for whole and partial account transfers, the carrying party would continue to have the responsibility to return the instructions and indicate the securities positions and money balance to be transferred.[66] However, the MSRB noted that to identify the assets held in the customer account at the carrying party more comprehensively and to harmonize with FINRA Rule 11870(d)(5)(A), the proposed rule change would also require the carrying party to indicate safekeeping positions,[67] which are defined to be any security held by a carrying party in the name of the customer, including securities that are unendorsed or have a stock/bond power attached thereto.[68]

Additionally, current Rule G–26(d)(iv)(B) requires the carrying party to include a then-current market value for all assets to be transferred. FINRA Rule 11870(d)(5) provides that the original cost should be used as the value if a then-current value cannot be determined for an asset.[69] The MSRB stated that the proposed rule change would include a provision substantially similar to the FINRA provision to provide clarity on how any such municipal securities should be valued and to improve harmonization between the MSRB and FINRA rules.[70]

Exceptions to Transfer Instructions

As part of the validation process, current Rule G–26 provides that the carrying party may take certain exceptions to the transfer instructions authorized by the customer and provided by the receiving party. Specifically, Rule G–26(d)(ii) allows a carrying party to take exception to a transfer instruction only if it has no record of the account on its books or the transfer instruction is incomplete.[71] FINRA Rule 11870(d)(3) provides numerous other bases to take exception to a transfer instruction that—according to the MSRB—would more comprehensively address potential issues with a transfer instruction with which a carrying party could reasonably take issue and better harmonize with FINRA Rule 11870.[72] Accordingly, the MSRB stated, in addition to the existing bases for exceptions, the proposed rule change would allow a carrying party to take exception to a transfer instruction if: (1) The transfer instruction contains an improper signature; (2) additional documentation is required (*e.g.,* legal documents such as death or marriage certificate); (3) the account is ''flat'' and reflects no transferable assets; [73] (4) the account number is invalid (*i.e.,* the account number is not on the carrying party's books); [74] (5) it is a duplicate request; (6) it violates the receiving party's credit policy; (7) it contains unrecognized residual credit assets (*i.e.,* the receiving party cannot identify the customer); (8) the customer rescinds the instruction (*e.g.,* the customer has submitted a written request to cancel the transfer); (9) there is a mismatch of the Social Security Number/Tax ID (*e.g.,* the number on the transfer instruction does not correspond to that on the carrying party's records); (10) the account title on the transfer instruction does not match that on the carrying party's records; (11) the account type on the transfer instruction does not correspond to that on the carrying party's records; (12) the transfer instruction is missing or contains an improper authorization (*e.g.,* the transfer instruction requires an additional customer authorization or successor custodian's acceptance authorization or custodial approval; or (13) the customer has taken possession of the assets in the account (*e.g.,* the municipal securities account assets in question have been transferred directly to the customer).[75] The MSRB stated that in order to include the exceptions to transfer instructions with the provisions related to validation, the proposed rule change would move the existing exceptions and add the new exceptions in the new separate section on validation of transfer instructions.[76]

Additionally, FINRA Rule 11870(d)(2) precludes a carrying party from taking an exception and denying validation of the transfer instruction because of a dispute over security positions or the money balance in the account to be transferred, and it requires the carrying party to transfer the positions and/or money balance reflected on its books for the account.[77] The MSRB stated that this provision will be equally valuable to transfers covered under Rule G–26 to ensure that customers are able to hold their municipal securities at their dealers of choice.[78]

Recordkeeping and Customer Notification

According to the MSRB, during the validation process for a customer account transfer, there is a risk that the parties to the transfer fail to identify

[60] *See* Notice of Filing and proposed Rule G–26(c)(iii).

[61] *See* Notice of Filing.

[62] *See* Notice of Filing and proposed Rule G–26(e), (f).

[63] *See* Notice of Filing.

[64] *Id.*

[65] *See* Notice of Filing and proposed Rule G–26(e)(i).

[66] *See* Notice of Filing and proposed Rule G–26(e)(ii).

[67] *Id.*

[68] *See* Notice of Filing and proposed Rule G–26(a)(vi).

[69] *See* Notice of Filing.

[70] *See* Notice of Filing and proposed Rule G–26(e)(ii).

[71] *See* Notice of Filing and Rule G–26(d)(ii).

[72] *See* Notice of Filing.

[73] The MSRB stated that for such an exception, the receiving party would have to resubmit the transfer instruction only if the most recent customer statement is attached. *See* Notice of Filing and proposed Rule G–26(e)(v).

[74] The MSRB stated that if the carrying party has changed the account number for purposes of internally reassigning the account, it would be the responsibility of the carrying party to track the changed account number, and such reassigned account number would not be considered invalid for purposes of fulfilling a transfer instruction. *See* Notice of Filing and proposed Rule G–26(e)(iv)(F).

[75] *See* Notice of Filing and proposed Rule G–26(e)(iv).

[76] *See* Notice of Filing.

[77] *Id.*

[78] *See* Notice of Filing and proposed Rule G–26(e)(iii).

certain nontransferable assets, resulting in the improper transfer of those assets.[79] FINRA Rule 11870(c)(1)(E) requires that the parties promptly resolve and reverse any such misidentified nontransferable assets, update their records and bookkeeping systems and notify the customer of the action taken. The proposed rule change would require that the parties promptly resolve and reverse any such misidentified nontransferable assets, update their records and bookkeeping systems and notify the customer of the action taken.[80] The MSRB stated that believes it is important to add this explicit requirement to Rule G–26 to ensure that dealers address any errors in the transfer process promptly.[81]

Transfer Rejection

The proposed rule change would provide the receiving party the ability to deny a customer's transfer request due to noncompliance with its credit policies or minimum asset requirements.[82] FINRA Rule 11870(d)(8) allows the receiving party to reject a full account transfer if the account would not be in compliance with its credit policies or minimum asset requirements.[83] A receiving party may not reject only a portion of the account assets (*i.e.,* the particular assets not in compliance with the dealer's credit policies or minimum asset requirement). Rule G–26 currently does not include any comparable provisions, but the MSRB stated that it is reasonable for a receiving party to deny a customer's transfer request due to noncompliance with its credit policies or minimum asset requirements.[84]

Resolution of Discrepancies

Rule G–26(f) currently provides that any discrepancies relating to positions or money balances that exist or occur after transfer of a customer account must be resolved promptly.[85] FINRA Rule 11870(g) includes the same standard but also requires that the carrying party must promptly distribute to the receiving party any transferable assets that accrue to the customer's transferred account after the transfer has been effected. Further, FINRA Rule 11870(g) provides clarity to the promptness requirement by requiring that any claims of discrepancies after a transfer must be resolved within five business days from notice of such claim or the non-claiming party must take exception to the claim and set forth specific reasons for doing so. The proposed rule change would include these same additional provisions.[86] The MSRB stated that these amendments will provide the same level of clarity as, and improve harmonization with, FINRA Rule 11870(g).[87]

Participant in a Registered Clearing Agency

Rule G–26(h) currently requires the account transfer procedure to be accomplished pursuant to the rules of and through a registered clearing agency when both the carrying party and the receiving party are direct participants in a clearing agency that is registered with the SEC and offers automated customer securities account transfer capabilities.[88] FINRA Rule 11870(m) has a similar requirement that provides an exception for specifically designated securities assets transferred pursuant to the submittal of a customer's authorized alternate instructions to the carrying party.[89] FINRA Rule 11870(m)(3) also requires the transfer of residual credit positions through the registered clearing agency. FINRA Rule 11870(m)(4) also prescribes several conditions for such transfers for participants in a registered clearing agency.[90] The MSRB stated that customers and the parties to a customer account transfer should have the option of performing the transfer outside of the facilities of a registered clearing agency when an appropriate authorized alternate instruction is given.[91] Additionally, the MSRB stated the additional prescription related to the process provided by FINRA will give greater clarity to customers and dealers.[92] The MSRB, therefore, included these provisions in the proposed rule change.[93]

Transfer of Residual Positions

The proposed rule change would include a provision with the same 10-business-day requirement as FINRA Rule 11870(n) [94] that is not limited to when both parties are direct participants in a clearing agency registered with the SEC offering automated customer securities account transfer capabilities.[95] The MSRB stated that the majority of customer account transfers subject to Rule G–26 occur manually, and that it is important to provide clarity on the obligation and timing required to transfer such credit balances for any customer account transfer.[96]

Written Procedures

Current Rule G–26 does not itself include any requirement for policies and procedures.[97] The proposed rule change includes a requirement for dealers to document the procedures they follow to effect customer account transfers and to require explicitly written procedures for supervision of the same.[98] The MSRB stated that such a requirement is consistent with MSRB Rule G–27, on supervision.[99]

FINRA Rule 11650—Transfer Fees

The MSRB stated that it is important to clarify which party is responsible for the fees incurred for a customer account transfer. The proposed rule change would include a provision identical to FINRA Rule 11650 which specifies that the party at the instance of which a transfer of securities is made shall pay all service charges of the transfer agent.[100]

III. Summary of Comments Received and MSRB's Responses to Comments

As noted previously, the Commission received two comment letters on the proposed rule change, as well as the MSRB Response Letter and Amendment No. 1. SIFMA expressed general support for the stated purpose of the proposed rule change, although SIFMA disapproved of the proposed rule change in its current form and stated that the proposed rule change is unnecessary and not an efficient way to achieve its stated purposes.[101] SIFMA suggested alternative amendments to Rule G–26 that it believed would result in a more efficient rule that would be more closely harmonized with similar SRO rules.[102] BDA suggested that the Commission request that FINRA harmonize the timeframe in FINRA Rule 11870(f)(1) with MSRB Rules G–12(h) and G–26 as soon as practicable and that

[79] *See* Notice of Filing.

[80] *See* Notice of Filing and proposed Rule G–26(e)(vi).

[81] *See* Notice of Filing.

[82] *See* Notice of Filing and proposed Rule G–26(e)(viii).

[83] *See* Notice of Filing.

[84] *See* Notice of Filing.

[85] *See* Notice of Filing and Rule G–26(f).

[86] *See* Notice of Filing proposed Rule G–26(i)(ii)–(iii).

[87] *See* Notice of Filing.

[88] *See* Notice of Filing and Rule G–26(h).

[89] *See* Notice of Filing.

[90] *See* Notice of Filing and proposed Rule G–26(a)(iv)–(v).

[91] *See* Notice of Filing.

[92] *Id.*

[93] *See* Notice of Filing and proposed Rule G–26(k).

[94] *See* Notice of Filing.

[95] *See* Notice of Filing and proposed Rule G–26(g).

[96] *See* Notice of Filing.

[97] *Id.*

[98] *See* Notice of Filing and Supplementary Material .02 to proposed Rule G–26.

[99] *See* Notice of Filing.

[100] *See* Notice of Filing and Supplementary Material .03 to proposed Rule G–26.

[101] *See* SIFMA Letter.

[102] *Id.*

the MSRB amend the proposed rule change to allow for a longer period between the adoption of the proposed rule change and its effective date.[103] The MSRB stated that it believes the proposed rule change is consistent with its statutory mandate and has responded to the comments, as discussed below.[104]

1. Alternative Amendments to Rule G–26 To Further Purpose of Proposed Rule Change

SIFMA stated that the MSRB should not have rejected its previously submitted suggestion to amend Rule G–26 to follow the NYSE model and incorporate FINRA Rule 11870 by reference because, contrary to the MSRB statement in the Notice of Filing, ''the MSRB would not be seen to be delegating its core mission to protect the municipal securities market, as there is nothing particularly unique regarding the transfer of customer accounts with respect to municipal securities.'' [105] SIFMA noted that it believed there is precedence in the MSRB rulebook for making incorporating the rules of other SROs by reference in a MSRB rule.[106] SIFMA also suggested that, as an alternative to incorporation by reference, ''FINRA member firms could elect to follow FINRA 11870 in lieu of MSRB Rule G–26, NYSE member firms can follow NYSE Rule 412 in lieu of MSRB Rule G–26, and firms that are not covered by either, then must follow MSRB Rule G–26.'' [107] SIFMA stated that it believes adoption of one of these, or similar, alternative would be an ''efficient way to reduce confusion and risk to investors, and reduce regulatory risk to dealers.'' [108]

The MSRB responded that, as it previously noted in the Notice of Filing, it continues to believe that Rule G–26 is necessary and that the proposed rule change is the appropriate approach to achieve the purpose of modernizing the rule and promoting a uniform customer account transfer standard for all dealers. The MSRB noted that it believed that SIFMA's comments are substantially similar to previous comments it submitted in response to the MSRB's Request for Comment,[109] and the MSRB had addressed them in detail in the Notice of Filing. The MSRB stated that it believes that, although SIFMA is correct that any firms that are not members of FINRA or the NYSE are likely not direct clearing participants of the NSCC and, therefore, ineligible to participate in ACATS, this does not obviate the need for Rule G–26. The MSRB stated that, contrary to SIFMA's assertion, this is a key reason why Rule G–26 is not redundant and is necessary to ensure that all dealers are subject to a customer account transfer rule, and the proposed rule change is necessary and appropriate to ensure that the standard in Rule G–26 is consistent with the industry standard.[110] The MSRB further stated that ACATS, which is established and governed by NSCC Rule 50, is an automated process utilized by NSCC members to perform customer account transfers.[111] The MSRB also responded to SIFMA's comment by stating that not only does NSCC Rule 50 not apply to dealers that are not direct clearing participants and members of NSCC, it does not apply to manual processes, which are used by certain dealers with municipal security-only customer accounts, particularly bank dealers that are not members of FINRA or the NYSE.[112] The MSRB stated that, as a result, it believes that there remains a need for Rule G–26, which applies, currently and as proposed, to both automated and manual processes, including provisions to facilitate the use of ACATS,[113] to address the customer account transfers of these dealers.[114] The MSRB stated that it continues to believe that amending Rule G–26 to incorporate FINRA Rule 11870 by reference would not be an appropriate approach to the proposed rule change, as well as being inconsistent with the MSRB's statutory mandate and mission, as most relevant here, to protect investors, issuers, and the public interest, and to promote a fair and efficient municipal market.[115] The MSRB further stated that—putting aside whether there are unique aspects of the transfer of municipal security-only customer accounts—it believes that bank dealers clearly are unique, as they would not be subject to a customer account transfer rule but for the existence of Rule G–26.[116] The MSRB stated that, as a result, it believes it is important that, at a minimum, it retain the full ability to deliberately consider issues that may be unique to these dealers, but also to the municipal securities market more broadly, in the consideration of future amendments to Rule G–26, which ability could be hindered if the MSRB were merely to incorporate FINRA Rule 11870 by reference.[117]

In response to SIFMA's suggested alternative to effectively allow FINRA and NYSE members to follow FINRA Rule 11870 in lieu of Rule G–26, while dealers that are not members of those SROs would remain subject to Rule G–26, the MSRB stated that it believes that SIFMA's suggestion captures how Rule G–26 already operates (and would continue to operate as proposed to be amended).[118] The MSRB further responded by stating that it had explained in the Request for Comment and the Notice of Filing that, at the time Rule G–26 was adopted, NYSE Rule 412 and FINRA Rule 11870 (NASD Rule 11870 at the time) were not applicable to certain dealers, particularly those with municipal security-only accounts and bank dealers.[119] The MSRB further stated that this jurisdictional divide remains true today, such that Rule G–26 is not applicable to FINRA or NYSE members.[120] However, the MSRB noted that there are dealers which are not members of those other SROs, particularly bank dealers, necessitating the existence of Rule G–26.[121] The MSRB further stated that the main effect of the proposed rule change is to increase harmonization with FINRA Rule 11870, promoting a uniform customer account transfer standard that will make the transfer of customer securities accounts more flexible, less burdensome and more efficient, while reducing confusion and risk to investors and allowing them to better move their municipal securities to their dealer of choice.[122]

2. Extension of the Implementation Date of the Proposed Rule Change

BDA suggested, in its comment letter, that the effective date of the proposed rule change be adjusted from three months from the date of approval to 180 days from the effective date of a approval to benefit smaller dealers with fewer compliance staff and resources and dealers subject to new Department of Labor rules effective January 1, 2018 and new MSRB and FINRA retail confirmation rules effective in May 2018.[123]

[103] *See* BDA Letter.

[104] *See* MSRB Response Letter.

[105] *See* SIFMA Letter and SIFMA Response Letter to Request for Comment.

[106] *See* SIFMA Letter.

[107] *Id.*

[108] *Id.*

[109] See Request for Comment.

[110] *See* MSRB Response Letter.

[111] *Id.*

[112] *Id.*

[113] *See* Notice of Filing, MSRB Rule G–26(h) and proposed MSRB Rule G–26(k)(i).

[114] *See* MSRB Response Letter.

[115] *Id.*

[116] *Id.*

[117] *Id.*

[118] *Id.*

[119] *See* MSRB Response Letter, Notice of Filing and Request for Comment.

[120] *See* MSRB Response Letter.

[121] *Id.*

[122] *Id.*

[123] *See* BDA Letter.

The MSRB stated that it agreed that a more lengthy implementation period is appropriate, but that it does not believe a period of nearly a year is necessary, as the proposed rule change is designed primarily to create efficiencies in the customer account transfer process and the MSRB does not anticipate that the limited number of dealers subject to the amended rule would need to make significant changes to systems and/or policies and procedures.[124] To ease the extent of the burden created by the proposed rule change, the MSRB stated that it believes doubling the implementation period from three to six months from the date of approval is a sufficient amount of time for dealers to effect any changes necessary to achieve compliance.[125] In response to the comment from BDA, the MSRB proposed, in Amendment No. 1, to amend the effective date of the proposed rule change requested in the Notice of Filing from three months to six months from the date of approval.[126]

3. Economic Impact of the Proposed Rule Change

SIFMA stated that while it agrees that current Rule G–26 is not consistent with current securities industry standards and practices and that it likely creates ''uncertainties, inefficiencies and unnecessary costs associated with customer account transfers for all market participants'' but that the proposed rule change is not the most effective means for addressing these issues.[127] SIFMA stated that ''[h]aving different rules for account level transfers could result in: Additional compliance burdens, conflicting examiners from different regulators applying different rules to the same customer account transfer, and confusion among customers.'' [128]

The MSRB stated in Notice of Filing that it has evaluated the potential impacts on competition of the proposed rule change, including in comparison to reasonable alternative regulatory approaches, relative to the baseline in accordance with its Policy on the Use of Economic Analysis in MSRB Rulemaking,[129] and does not believe the proposed rule change imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[130]

4. Request for an Update and Harmonization of Relevant FINRA Rules

SIFMA and BDA requested that FINRA amend its Rule 11870 as soon as practicable to reflect the recent amendments to MSRB Rule G–12 relating to close-outs.[131] SIFMA also suggested that the Commission should direct FINRA to ''consolidate its provisions that relate to the transfer of securities into FINRA 11870'' and recommended that FINRA delete its Rule 11650 with its operative language being included as new FINRA 11870 Supplementary Material .04.[132]

The comments from BDA and SIFMA regarding their suggestion that FINRA amend its Rules 11870 and 11650 are beyond the scope of the proposed rule change.

IV. Discussion and Commission Findings

The Commission has carefully considered the proposed rule change, the comment letters received, the MSRB Response Letter, and Amendment No. 1. The Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB.

In particular, the proposed rule change, as modified by Amendment No. 1, is consistent with Sections 15B(b)(2), 15B(b)(2)(C) and 15B(b)(2)(G) of the Act.[133] Section 15B(b)(2) of the Act requires the MSRB to adopt rules to effect the purposes of this title with respect to transactions in municipal securities effected by brokers, dealers, and municipal securities dealers and advice provided to or on behalf of municipal entities or obligated persons by brokers, dealers, municipal securities dealers, and municipal advisors with respect to municipal financial products, the issuance of municipal securities, and solicitations of municipal entities or obligated persons undertaken by brokers, dealers, municipal securities dealers, and municipal advisors.[134] Section 15B(b)(2)(C) of the Act requires that the MSRB's rules be 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 municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, in general, to protect investors, municipal entities, obligated persons, and the public interest.[135] Section 15B(b)(2)(G) of the Act requires that the MSRB's rules prescribe records to be made and kept by municipal securities brokers, municipal securities dealers, and municipal advisors and the periods for which such records shall be preserved.[136]

The Commission believes that the proposed rule change is consistent with the provisions of Sections 15B(b)(2) [137] and 15B(b)(2)(C) [138] of the Act because it would re-establish consistency with the customer account transfer rules of other SROs by conforming to significant updates by the NSCC, the NYSE and FINRA that have relevance to municipal securities. The Commission further believes that including certain provisions from the other rules in the proposed rule change will make the transfer of customer securities account assets more flexible, less burdensome, and more efficient, while reducing confusion and risk to investors and allowing them to better move their securities to their dealer of choice. The Commission believes that the proposed rule change will promote fairness and provide greater efficiency in the transfer of customer accounts, which should prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, protect investors and the public interest.

The Commission believes that the proposed rule change is consistent with Section 15B(b)(2)(G) of the Act [139] because it would require dealers to document the procedures they follow to effect customer account transfers and to require explicitly written procedures for supervision of the same.

[124] *See* MSRB Response Letter and Amendment No. 1.

[125] *See* MSRB Response Letter and Amendment No. 1.

[126] *See* Amendment No. 1.

[127] *See* SIFMA Letter.

[128] *Id.*

[129] *See* Notice of Filing and Policy on the Use of Economic Analysis in MSRB Rulemaking, MSRB, available at: *http://msrb.org/rules-and-interpretations/economic-analysis-policy.*

[130] *See* Notice of Filing.

[131] *See* SIFMA Letter and BDA Letter.

[132] *See* SIFMA Letter.

[133] 15 U.S.C. 78*o*–4(b)(2); 78*o*–4(b)(2)(C) and 78*o*–4(b)(2)(G).

[134] *See* 15 U.S.C. 78*o*–4(b)(2).

[135] *See* 15 U.S.C. 78*o*–4(b)(2)(C).

[136] *See* 15 U.S.C. 78*o*–4(b)(2)(G).

[137] *See* 15 U.S.C. 78*o*–4(b)(2).

[138] *See* 15 U.S.C. 78*o*–4(b)(2)(C).

[139] *Id.*

In approving the proposed rule change, the Commission also has considered the impact of the proposed rule change, as modified by Amendment No. 1, on efficiency, competition, and capital formation.[140] The Commission 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 Commission believes the proposed rule change would apply equally to all municipal securities brokers and municipal securities dealers and may reduce inefficiencies that stem from uncertainty and confusion associated with existing Rule G–26. The Commission believes that the clarifications and revisions included in the proposed rule change will likely result in dealers processing of customer account transfers by dealer in a manner that more closely reflects the securities industry standard, which may, in turn, reduce operational risk to dealers and investors. Furthermore, the Commission believes that the proposed rule change will likely make the transfer of customer municipal securities account assets more flexible, less burdensome, and more efficient, while reducing confusion and risk to investors and allowing them to more efficiently and effectively transfer their municipal securities to their dealer of choice.

As noted above, the Commission received two comment letters on the filing. The Commission believes that the MSRB, through its responses and through Amendment No. 1, has addressed commenters' concerns.

For the reasons noted above, the Commission believes that the proposed rule change, as modified by Amendment No. 1, is consistent with the Act.

V. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 1 to the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use of the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MSRB–2017–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–MSRB–2017–03. 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 MSRB. 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–MSRB–2017–03 and should be submitted on or before August 23, 2017.

VI. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause for approving the proposed rule change, as amended by Amendment No. 1, prior to the 30th day after the date of publication of notice of Amendment No. 1 in the **Federal Register.** As discussed above, Amendment No. 1 modifies the proposed rule change by proposing a longer implementation period of six months rather than the previously proposed three months. The MSRB has proposed the revisions included in Amendment No. 1 to provide a sufficient amount of time for dealers to effect any changes necessary to achieve compliance with the proposed rule change. As noted by the MSRB, Amendment No. 1 does not alter the substance of the original proposed rule change and only provides a lengthier implementation period to address a commenter's concern and ease the limited burden of the proposed rule change on dealers.

For the foregoing reasons, the Commission finds good cause for approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis, pursuant to Section 19(b)(2) of the Act.

VIII. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[141] that the proposed rule change (SR–MSRB–2017–03) be, and hereby is, approved.

For the Commission, pursuant to delegated authority.[142]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16213 Filed 8–1–17; 8:45 am]

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[140] 15 U.S.C. 78c(f).

[141] 15 U.S.C. 78s(b)(2).

[142] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81251; File No. SR–BX–2017–034]

Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend BX Rules at Chapter IV, Section 6

July 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 27, 2017, NASDAQ BX, Inc. (''BX'' or ''Exchange'') 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 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 BX Rules at Chapter IV, Section 6, entitled ''Series of Options Contracts Open for Trading.''

The text of the proposed rule change is set forth below. Proposed new language is italicized; deleted text is in brackets.

* * * * *

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

Rules of NASDAQ BX

* * * * *

Options Rules

* * * * *

Chapter IV Securities Traded on BX Options

* * * * *

Sec. 6 Series of Options Contracts Open for Trading

(a)–(g) No change.

Supplementary Material to Section 6

.01

(a) and (b) No change.

(c) Notwithstanding any other provision regarding the interval of strike prices of series of options on Exchange-Traded Fund Shares in this rule, the interval of strike prices on SPDR® S&P 500® ETF (''SPY''), *iShares Core S&P 500 ETF (''IVV''),* and the SPDR® Dow Jones® Industrial Average ETF (''DIA'') options will be $1 or greater.

(d)–(f) No change.

.02–.09 No change.

* * * * *

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 NOM [sic] Rules at Chapter IV, Section 6, entitled ''Series of Options Contracts Open for Trading'' by modifying the strike setting regime for the iShares Core S&P 500 ETF (''IVV'') options. Specifically, the Exchange proposes to modify the interval setting regime for IVV options to allow $1 strike price intervals above $200.

The Exchange believes that the proposed rule change would make IVV options easier for investors and traders to use and more tailored to their investment needs. Additionally, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on units of the Standard & Poor's Depository Receipts Trust (''SPY''),[3] which is an exchange-traded fund (''ETF'') that is identical in all material respects to the IVV ETF.

The SPY and IVV ETFs are identical in all material respects. The SPY and IVV ETFs are designed to roughly track the performance of the S&P 500 Index with the price of SPY and IVV designed to roughly approximate 1/10th of the price of the S&P 500 Index. Accordingly, SPY and IVV strike prices—having a multiplier of $100—reflect a value roughly equal to 1/10th of the value of the S&P 500 Index. For example, if the S&P 500 Index is at 1972.56, SPY and IVV options might have a value of approximately 197.26 with a notional value of $19,726. In general, SPY and IVV options provide retail investors and traders with the benefit of trading the broad market in a manageably sized contract. As options with an ETP underlying, SPY and IVV options are listed in the same manner as equity options under the Rules.

However, pursuant to current Supplementary Material .01 to Chapter IV, Section 6, the interval between strike prices in series of options on ETPs, including IVV options will be $1 or greater where the strike price is $200 or less and $5.00 or greater where the strike price is greater than $200. In addition, pursuant to Supplementary Material .07(e) to Chapter IV, Section 6,

> The interval between strike prices on Short Term Option Series may be (i) $0.50 or greater where the strike price is less than $100, and $1 or greater where the strike price is between $100 and $150 for all classes that participate in the Short Term Options Series Program; (ii) $0.50 for classes that trade in one dollar increments in Related non-Short Term Options and that participate in the Short Term Option Series Program; or (iii) $2.50 or greater where the strike price is above $150. Related non-Short Term Option series shall be opened during the month prior to expiration of such Related non-Short Term Option series in the same manner as permitted in Supplementary Material to Section 6 at .07 and in the same strike price intervals that are permitted in Supplementary Material to Section 6 at .07.

The Exchange's proposal seeks to narrow the strike price intervals to $1 for IVV options above $200, in effect matching the strike setting regime for strike intervals in IVV options below $200 and matching the strike setting regime applied to SPY options. Currently, the S&P 500 Index is above 2000. The S&P 500 Index is widely regarded as the best single gauge of large cap U.S. equities and is widely quoted as an indicator of stock prices and investor confidence in the securities market. As a result, individual investors often use S&P 500 Index-related products to diversify their portfolios and benefit from market trends. Accordingly, the Exchange believes that offering a wide range of S&P 500 Index-based options affords traders and investors important hedging and trading opportunities. The Exchange believes that not having the proposed $1 strike price intervals above $200 in IVV significantly constricts investors' hedging and trading possibilities.

The Exchange proposes to amend Supplementary Material .01(c) of Chapter IV, Section 6 to allow IVV options to trade in $1 increments above a strike price of $200. Specifically, the Exchange proposes to amend Supplementary Material .01(c) of Chapter IV, Section 6 to state that notwithstanding other provisions limiting the ability of the Exchange to list $1 increment strike prices on equity and ETF options above $200, the interval between strike prices of series of options on Units of IVV will be $1 or greater. The Exchange believes that by having smaller strike intervals in IVV, investors would have more efficient hedging and trading opportunities due to the lower $1 interval ascension. The proposed $1 intervals, particularly above the $200 strike price, will result in having at-the-money series based upon the underlying IVV moving less than 1%.

The Exchange believes that the proposed strike setting regime is in line with the slower movements of broad-based indices. Furthermore, the proposed $1 intervals would allow option trading strategies (such as, for example, risk reduction/hedging strategies using IVV weekly options), to remain viable. Considering the fact that $1 intervals already exist below the $200 price point and that IVV is above the $200 level, the Exchange believes that continuing to maintain the artificial $200 level (above which intervals increase by $5), would have a negative effect on investing, trading and hedging opportunities, and volume.

The Exchange believes that the investing, trading, and hedging opportunities available with IVV options far outweighs any potential negative impact of allowing IVV options to trade in more finely tailored intervals above the $200 price point. The proposed strike setting regime would

[3] *See* Supplementary Material .01(c) to Chapter IV, Section 6. *See also* Securities Exchange Act Release No. 80913 (June 13, 2017), 82 FR 27907 (June 19, 2017) (SR–CBOE–2017–048) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Rule 5.5).

permit strikes to be set to more closely reflect values in the underlying S&P 500 Index and allow investors and traders to roll open positions from a lower strike to a higher strike in conjunction with the price movement of the underlying.

Pursuant to Chapter IV, Section 6, where the next higher available series would be $5 away above a $200 strike price, the ability to roll such positions is effectively negated. Accordingly, to move a position from a $200 strike to a $205 strike pursuant to the current rule, an investor would need for the underlying product to move 2.5%, and would not be able to execute a roll up until such a large movement occurred. With the proposed rule change, however, the investor would be in a significantly safer position of being able to roll his open options position from a $200 to a $201 strike price, which is only a 0.5% move for the underlying.

The proposed rule change will allow the Exchange to better respond to customer demand for IVV strike prices more precisely aligned with current S&P 500 Index values. The Exchange believes that the proposed rule change, like the other strike price programs currently offered by the Exchange, will benefit investors by providing investors the flexibility to more closely tailor their investment and hedging decisions using IVV options. By allowing series of IVV options to be listed in $1 intervals between strike prices over $200, the proposal will moderately augment the potential total number of options series available on the Exchange. However, the Exchange believes it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange also believes that Participants will not have a capacity issue due to the proposed rule change.

In addition, the Exchange represents that it does not believe that this expansion will cause fragmentation of liquidity. In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[4] which is an ETF that is identical in all material respects to the IVV ETF.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be 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 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 the Section 6(b)(5)[9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change will allow investors to more easily use IVV options. Moreover, the proposed rule change would allow investors to better trade and hedge positions in IVV options where the strike price is greater than $200, and ensure that IVV options investors are not at a disadvantage simply because of the strike price.

The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and the rules and regulations thereunder, and the rules of the Exchange. The rule change proposal allows the Exchange to respond to customer demand to allow IVV options to trade in $1 intervals above a $200 strike price. The Exchange does not believe that the proposed rule would create additional capacity issues or affect market functionality.

As noted above, ETF options trade in wider $5 intervals above a $200 strike price, whereas options at or below a $200 strike price trade in $1 intervals. This creates a situation where contracts on the same option class effectively may not be able to execute certain strategies such as, for example, rolling to a higher strike price, simply because of the arbitrary $200 strike price above which options intervals increase by $5. This proposal remedies the situation by establishing an exception to the current ETF interval regime for IVV options to allow such options to trade in $1 or greater intervals at all strike prices.

The Exchange believes that the proposed rule change, like other strike price programs currently offered by the Exchange, will benefit investors by giving them increased flexibility to more closely tailor their investment and hedging decisions. Moreover, the proposed rule change is consistent with a prior rule change on NASDAQ PHLX LLC.[10]

With regard to the impact of this proposal on system capacity, the Exchange believes it and OPRA have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its members will not have a capacity issue as a result of this proposal.

In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[11] which is an ETF that is identical in all material respects to the IVV ETF.

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. Rather, the Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Specifically, the Exchange believes that IVV options investors and traders will significantly benefit from the availability of finer strike price intervals above a $200 price point. In addition, the interval setting regime the Exchange proposes to apply to IVV options is currently applied to options on SPY,[12] which is an ETF that is identical in all material respects to the IVV ETF. Thus, applying the same strike setting regime to SPY and IVV options will help level the playing field for options on similar, competing ETFs.

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.

[4] *See* note 4 above [sic].

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

[10] *See* Securities and Exchange Act Release 34–72664 (July 24, 2014), 79 FR 44231 (July 30, 2014) (Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, Relating to SPY and DIA Options) (SR–Phlx–2014–046).

[11] *See* note 4 above [sic].

[12] *See* note 4 above [sic].

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) [13] of the Act and Rule 19b–4(f)(6) [14] thereunder. 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 if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6) [16] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[17] the Commission may 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 because this proposal permits listing IVV options in a manner permitted by the Chicago Board Options Exchange, Incorporated,[18] and will provide investors with an alternative venue for trading IVV options. 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 proposed rule change operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [20] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2017–034 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–BX–2017–034. 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–BX–2017–034, and should be submitted on or before August 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16271 Filed 8–1–17; 8:45 am]

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[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 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.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] *See* Securities Exchange Act Release No. 80913 (June 13, 2017), 82 FR 27907 (June 19, 2017) (SR–CBOE–2017–048).

[19] 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).

[20] 15 U.S.C. 78s(b)(2)(B).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81248; File Nos. SR–DTC–2017–013; SR–NSCC–2017–012; SR–FICC–2017–016]

Self-Regulatory Organizations; The Depository Trust Company; National Securities Clearing Corporation; Fixed Income Clearing Corporation; Notice of Filings of Proposed Rule Changes To Adopt the Clearing Agency Risk Management Framework

July 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 14, 2017, The Depository Trust Company (''DTC''), National Securities Clearing Corporation (''NSCC''), and Fixed Income Clearing Corporation (''FICC,'' and together with DTC and NSCC, the ''Clearing Agencies''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes as described in Items I, II and III below, which Items have been prepared primarily by the Clearing Agencies. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Clearing Agencies' Statement of the Terms of Substance of the Proposed Rule Changes

The proposed rule changes would adopt the Clearing Agency Risk Management Framework (''Framework'') of the Clearing Agencies, described below. The Framework would apply to both of FICC's divisions, the Government Securities Division (''GSD'') and the Mortgage-Backed Securities Division (''MBSD''). The Framework would be maintained by the Clearing Agencies to support their compliance with Rules 17Ad–22(e)(1),

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(e)(3), (e)(20), and (e)(21) under the Act, as described below.[3]

Although the Clearing Agencies would consider the Framework to be a rule, the proposed rule changes do not require any changes to the Rules, By-laws and Organization Certificate of DTC (''DTC Rules''), the Rulebook of GSD (''GSD Rules''), the Clearing Rules of MBSD (''MBSD Rules''), or the Rules & Procedures of NSCC (''NSCC Rules''), as the Framework would be a standalone document.[4]

II. Clearing Agencies' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the Clearing Agencies included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments they received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The Clearing Agencies have prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agencies' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

1. Purpose

The Clearing Agencies are proposing to adopt the Framework, which would describe the manner in which each of the Clearing Agencies (i) comprehensively manages legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by it (''Key Clearing Agency Risks''); (ii) maintains a well-founded, clear, transparent and enforceable legal basis for each aspect of its activities; (iii) identifies, monitors, and manages risks related to links it establishes with one or more clearing agencies, financial market utilities, or trading markets; and (iv) meets the requirements of its participants [5] and the markets it serves efficiently and effectively. The Framework would be maintained by the General Counsel's Office (''GCO'') of DTCC.[6] The Framework would provide that GCO, in coordination with all departments responsible for the processes described in the Framework, reviews the Framework at least annually.

The processes described in the Framework, and any policies, procedures or other documents created to support those processes, may be owned by other departments within DTCC, on behalf of each Clearing Agency. These processes, and any documents created to support those processes, would support the Clearing Agencies' compliance with the requirements of Rules 17Ad–22(e)(1), (e)(3), (e)(20), and (e)(21), and the Clearing Agencies may develop other processes or adopt other documents that further support these requirements and are not described in the Framework.[7]

Comprehensive Management of Key Clearing Agency Risks

The Framework would state that the Boards have delegated to DTCC management, on behalf of the Clearing Agencies, the responsibility for identifying, assessing, measuring, monitoring, mitigating and reporting risks through a process of developing individual risk tolerance statements for identified risks. The Framework would describe how these risk tolerance statements set out applicable risk controls and other measures used to manage risks, and how residual risks may be identified through this process for either further management or ''acceptance'' (which follows a defined escalation and approval process). The Framework would also state that DTCC management, on behalf of the Clearing Agencies, is responsible for the day-to-day management of those residual risks. Finally, the Framework would describe the governance around maintenance of those risk tolerance statements, which are reviewed and approved by a management committee and by the Risk Committee of the Boards at least annually, and are also provided to the Boards for their review and approval at least annually.

The Framework would describe how the Clearing Agencies employ a ''Three Lines of Defense'' approach as a sound risk management framework for comprehensively managing Key Clearing Agency Risks in order to support their compliance with the requirements of Rule 17Ad–22(e)(3).[8] The Framework would describe the roles of personnel and business units in this risk management approach, which includes (1) a first line of defense comprised of the various business lines and functional units that support the products and services offered by the Clearing Agencies (collectively, ''Clearing Agency Business/Support Areas''); (2) a second line of defense comprised of control functions that support the Clearing Agencies, including the organization's legal, privacy and compliance areas, as well as the DTCC Risk Department, which is specifically dedicated to risk management concerns (collectively, ''Clearing Agency Control Functions''); and (3) a third line of defense, which is performed by DTCC Internal Audit.

The Framework would identify the roles of each line of defense. The Framework would state that, as the first line of defense, each Clearing Agency Business/Support Area would, for example, identify Key Clearing Agency Risks applicable to its function, determine the best way to mitigate such risks, self-test internal controls, and create and implement actions plans for risk mitigation. The Framework would state that the role of the second line of defense includes, for example, working with the Clearing Agency Business/Support Areas on efforts to mitigate Key Clearing Agency Risks and providing tools to those groups to enable them to analyze, monitor, and proactively manage those risks. Finally, the Framework would identify the role of DTCC Internal Audit as the third line of defense as including, for example, directing its own resources to review and test key controls that help mitigate significant Key Clearing Agency Risks, then reporting on the results of that testing.

In connection with a description of the second and third lines of defense, the Framework would describe how personnel within the DTCC Risk Department and DTCC Internal Audit are provided with sufficient authority, resources, independence from management, and access to the Boards. The Framework would provide that the DTCC Risk Department and DTCC Internal Audit are functionally independent from all other Clearing Agency Business/Support Areas. The Framework would also describe how such personnel have a direct reporting line to, and oversight by, the Risk Committee of the Boards and the Audit Committee of the Boards, respectively,

[3] 17 CFR 240.17Ad–22(e)(1), (e)(3), (e)(20), and (e)(21).

[4] Capitalized terms not defined herein are defined in the DTC Rules, GSD Rules, MBSD Rules, or NSCC Rules, as applicable, *available at http://dtcc.com/legal/rules-and-procedures.*

[5] FICC and NSCC refer to their participants as ''Members,'' while DTC refers to its participants as ''Participants.'' These terms are defined in the Clearing Agencies' Rules. In this filing, as well as in the Framework, ''participant'' or ''participants'' refers to both the Members of FICC and NSCC and the Participants of DTC.

[6] The parent company of the Clearing Agencies is The Depository Trust & Clearing Corporation (''DTCC''). DTCC operates on a shared services model with respect to the Clearing Agencies. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides a relevant service to a Clearing Agency.

[7] 17 CFR 240.17Ad–22(e)(1), (e)(3), (e)(20), and (e)(21).

[8] 17 CFR 240.17Ad–22(e)(3).

which is supported by the charters of these committees.

The Framework would provide that the Clearing Agencies maintain a policy to govern the requirements for establishing, managing, and assessing the performance of internal committees and councils, including a set of senior management committees that provide oversight of the Three Lines of Defense approach to management of Key Clearing Agency Risks, as well as other aspects of the Clearing Agencies' risk management. The Framework would also describe the process by which the Clearing Agencies maintain risk management policies, procedures, Clearing Agencies' Rules, frameworks and other documents designed to identify, measure, monitor and manage Key Clearing Agency Risks. The Framework would describe policies maintained by the Clearing Agencies that (1) govern the steps taken to meet their regulatory requirements related to proposed rule change and advance notice filings pursuant to Section 19(b)(1) of the Act,[9] and the rules thereunder, and Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled the Payment, Clearing, and Settlement Supervision Act of 2010,[10] and the rules thereunder (collectively, ''Filing Requirements''); and (2) establish a set of standards and holistic approach for creating and managing risk management policies, procedures, Clearing Agencies' Rules, frameworks and other documents, which include required, periodic reviews as well as the governance for approval of such documents (''Document Standards''). The Framework would provide that, with respect to those documents that address Key Clearing Agency Risks, the Document Standards require annual approval by the Boards.

The Framework would describe certain documents that are subject to the respective policies governing the Filing Requirements and the Document Standards, described above. For example, the Framework would describe how the Clearing Agencies maintain the Clearing Agencies' Rules, which support the Clearing Agencies' ability to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of their activities in all relevant jurisdictions. Maintenance of the Clearing Agencies' Rules is supported by the policy governing the Filing Requirements and the Document Standards, described above. The Framework would state that the Clearing Agencies' Rules establish the membership onboarding process of the Clearing Agencies, which supports the enforceable legal basis for the Clearing Agencies' Rules. The Framework would also state that the Clearing Agencies may adopt and maintain other risk management frameworks, separate from the Framework, that address, in whole or in part, the management of other Key Clearing Agency Risks, including, for example, the management of operational, liquidity and market risks.

Information and Incentives for Participant Management of Risks

The Framework would describe how the Clearing Agencies support their compliance with Rule 17Ad–22(e)(3) by providing their respective participants with information and incentives to enable them, and, through them, their customers, to monitor, manage and contain the risks they pose to the respective Clearing Agencies. The Framework would identify some of the sources of the information that is made available to participants, including, for example, (1) materials on the DTCC Web site, such as the Clearing Agencies' Rules, user guides and training courses, and regularly updated disclosures made pursuant to the guidelines published by the Committee on Payment and Settlement Systems and the Technical Committee of the International Organization of Securities Commissions;[11] and (2) reports provided to Clearing Agency participants regarding their margin and liquidity requirements and their transaction volumes and values, as applicable.

The Framework would also describe some of the incentives used by the Clearing Agencies to enable their participants to monitor, manage and contain risks they pose to the Clearing Agencies, including, for example, (1) daily margin requirements, pursuant to the Clearing Agencies' Rules, which are calculated in close correlation to the risk each participant poses to the relevant Clearing Agency; and (2) other tools within the Clearing Agencies' Rules that enable the Clearing Agencies to enforce their and their participants' respective rights and obligations under those rules.

Management of Risks Related to Material Interdependencies and External Links

The Framework would describe some of the ways in which the Clearing Agencies regularly review the material risks they bear from and pose to other entities as a result of external links and material interdependencies. The Framework would identify some of the Clearing Agencies' external links that create material interdependencies between the Clearing Agencies and other entities party to such link, which may include, for example, links with their participants, settling banks, investment counterparties and liquidity providers, and links with vendors and other service providers. With respect to these links, the Framework would describe how the Clearing Agencies review and monitor any resulting risks, which is driven by the nature of the relationship.

For example, risks related to the Clearing Agencies' link to their respective participants and settling banks, as applicable, are addressed through tools found within the Clearing Agencies' Rules, as these entities are bound by the Rules.

Additionally, risks arising from links to vendors are identified, assessed, controlled, and monitored through a comprehensive review and vetting process. The Framework would describe how a risk-based approach is employed to assess the need and level of due diligence activities associated with the evaluation of new vendors before a contractual relationship is established and with the re-evaluation of existing vendors. The Framework would state that this process involves the review of certain information related to a proposed vendor relationship, which should focus on confidentiality, integrity, availability and recoverability related to that relationship. The Framework would also describe how risk related to existing vendor relationships is reviewed periodically, throughout the lifecycle of the relationship. The management of vendor relationships through the process that would be described in the Framework would also support the Clearing Agencies' maintenance of clear, understandable contracts that are consistent with relevant laws and regulations.

The Framework would describe the Clearing Agencies' management and monitoring of systemic risks, and how the Clearing Agencies utilize a series of comprehensive reviews that include input from a cross-functional group to identify, monitor and manage risks

[9] 15 U.S.C. 78s(b)(1).

[10] 12 U.S.C. 5465(e)(1).

[11] *See Principles for financial market infrastructures,* issued by the Committee on Payment and Settlement Systems and the Technical Committee of the International Organization of Securities Commissions (April 2012), *available at http://www.bis.org/publ/cpss101a.pdf.*

related to all Clearing Agency external links, in addition to links that create material interdependencies.

Scope of Services Responsive to Market Needs

The Framework would describe some of the ways in which the Clearing Agencies are efficient and effective in meeting the requirements of their participants and the markets they serve. The Framework would describe the Clearing Agencies' structured approach for the implementation of new initiatives, which includes conducting a comprehensive risk assessment of new initiatives that are in scope of this approach. These reviews address, among other matters, compliance with applicable laws, regulations and standards, and, in this way, support the Clearing Agencies' ability to demonstrate a well-founded legal basis for the activities to be conducted in connection with new initiatives.

The Framework would also describe the Clearing Agencies' role in industry-wide strategic initiatives through participation on industry working groups and through the development and publication of concept papers. The Framework would describe how the Clearing Agencies use periodic surveys and employ product-aligned customer service representatives to ensure clients receive the right level of responsiveness in order to support their needs. The Framework would describe how the Clearing Agencies have established a process for escalating and responding to certain customer complaints. The Framework would also describe the Clearing Agencies' Core Balanced Business Scorecard, which is used by the Clearing Agencies to review and track the effectiveness of their operations, information technology service levels, financial performance, human capital as well as their participants' experience.

Recovery and Orderly Wind-Down

The Framework would provide that the Clearing Agencies maintain policies and procedures to govern the development of plans for recovery or orderly wind-down. Such documents would define the roles and responsibilities of relevant business units in the development and documentation of the plans and would outline the general content of the plans.

2. Statutory Basis

The Clearing Agencies believe that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, the Clearing Agencies believe that the Framework is consistent with Section 17A(b)(3)(F) of the Act[12] and the subsections cited below of Rules 17Ad–22(e)(1), (e)(3), (e)(20), and (e)(21),[13] each promulgated under the Act, for the reasons described below.

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[14] As described above, the Framework would describe some of the ways the Clearing Agencies comprehensively manage Key Clearing Agency Risks, which include legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the Clearing Agencies. For example, the Framework would describe how the Clearing Agencies utilize a Three Lines of Defense approach to assessing, measuring, monitoring, mitigating, and reporting those risks, and would identify the roles and responsibilities of each line of defense within that approach. The Framework would also describe other risk management activities, including, for example the establishment and maintenance of certain management committees that would provide oversight to the Clearing Agencies' businesses and related risk management.

By describing some of the ways the Clearing Agencies manage their Key Clearing Agency Risks, the Framework would serve as a basis for the processes, policies, procedures and other documents that the Clearing Agencies may develop to facilitate those risk management activities. The activities that would be described within the Framework, and the policies, procedures or other documents that would be reasonably and fairly implied, thereby collectively allow the Clearing Agencies to continue the prompt and accurate clearance and settlement of securities and assure the safeguarding of securities and funds which are in their custody or control or for which they are responsible notwithstanding the risks that arise in or are borne by the Clearing Agencies. Therefore, the Clearing Agencies believe the Framework is consistent with the requirements of Section 17A(b)(3)(F) of the Act.[15]

Rule 17Ad–22(e)(1) under the Act requires, in part, that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to, provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions.[16] The Framework would describe how the Clearing Agencies maintain the Clearing Agencies' Rules, which are the key legal basis for each of the Clearing Agencies' respective activities described therein. The Clearing Agencies' Rules are incorporated by reference into participants' membership agreements, and, therefore, constitute an enforceable contract governing the rights and obligations of the Clearing Agencies and those participants. The Framework would describe how the Clearing Agencies' Rules are published on the DTCC Web site, and how the Clearing Agencies adhere to the Filing Requirements, which provide a clear, transparent and enforceable legal framework under which the Clearing Agencies' Rules are adopted and enforced. Through their compliance with the Filing Requirements, as would be described in the Framework, the Clearing Agencies articulate the legal basis for proposed changes to their activities, as described in the Clearing Agencies' Rules, in a clear and understandable way.

The Framework would also describe how the Clearing Agencies review and assess risk related to their contractual arrangements with vendors, service providers and other external parties with which the Clearing Agencies may establish links. The Framework would also describe the process by which the Clearing Agencies review new initiatives prior to implementation, which include a review of the legal risks that may be posed by those initiatives. For these reasons, the processes described in the Framework allow the Clearing Agencies to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions. Therefore, the Clearing Agencies believe the Framework is consistent with the requirements of Rule 17Ad–22(e)(1).[17]

The Clearing Agencies believe that the Framework is consistent with the

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] 17 CFR 240.17Ad–22(e)(1), (e)(3), (e)(20), and (e)(21).

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] *Id.*

[16] 17 CFR 240.17Ad–22(e)(1).

[17] *Id.*

requirements of the following subsections of Rule 17Ad–22(e)(3), cited below, for the reasons described below.[18]

Rule 17Ad–22(e)(3)(i) under the Act requires, in part, that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency, which includes risk management policies, procedures, and systems designed to identify, measure, monitor, and manage the range of risks that arise in or are borne by the covered clearing agency, that are subject to review on a specified periodic basis and approved by the board of directors annually.[19] The Framework would describe how the Clearing Agencies maintain comprehensive policies, procedures and other documents, including, for example, the Framework and certain other risk management frameworks, separate and apart from the Framework, which are designed to identify, measure, monitor and manage Key Clearing Agency Risks. The Framework would state that the Framework is reviewed least annually. The Document Standards, which would be described in the Framework, set a timeframe for the periodic review of these documents, and would, with respect to those documents that address Key Clearing Agency Risks, require annual approval by the Boards. By describing the process for the establishment, implementation, maintenance and enforcement of these risk management documents, the Clearing Agencies believe the Framework is consistent with the requirements of Rule 17Ad–22(e)(3)(i).[20]

Rule 17Ad–22(e)(3)(ii) under the Act requires, in part, that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency, which includes plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses.[21] The Framework would describe how the Clearing Agencies maintain policies and procedures that govern the development of plans for the recovery and orderly wind-down of the Clearing Agencies, and would provide that these policies and procedures would define the roles and responsibilities of relevant business units in the development and documentation of those plans. Therefore, by describing the policies and procedures maintained by the Clearing Agencies in order to prepare appropriate plans for the recovery and orderly wind-down of the Clearing Agencies, the Clearing Agencies believe the Framework is consistent with the requirements of Rule 17Ad–22(e)(3)(ii).[22]

Rule 17Ad–22(e)(3)(iii) under the Act requires, in part, that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency, which provides risk management and internal audit personnel with sufficient authority, resources, independence from management, and access to the board of directors.[23] Rule 17Ad–22(e)(3)(iv) under the Act requires, in part, that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency, which provides risk management and internal audit personnel with a direct reporting line to, and oversight by, a risk management committee and an independent audit committee of the board of directors, respectively.[24]

The Framework would describe how the Clearing Agencies use a Three Lines of Defense approach to the management of Key Clearing Agency Risks. In connection with this approach, the Framework would describe the roles of risk management and internal audit personnel as the second and third lines of defense. The Framework would describe how both the DTCC Risk Department and DTCC Internal Audit are functionally independent from all other Clearing Agency Business/Support Areas. The Framework would also describe how the senior management within both groups report directly to appropriate committees of the Boards, and how, through this reporting line, the groups have access to the Boards, as necessary. Therefore, through this description of the DTCC Risk Department's and DTCC Internal Audit's roles and functions, in connection with the Three Lines of Defense approach to risk management, the Clearing Agencies believe the Framework is consistent with the requirements of Rule 17Ad–22(e)(3)(iii) and (e)(3)(iv).[25]

Rule 17Ad–22(e)(20) under the Act requires, in part, that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to identify, monitor, and manage risks related to any link the covered clearing agency establishes with one or more other clearing agencies, financial market utilities, or trading markets.[26] The Framework would describe how the Clearing Agencies review both proposed and existing links with other entities, including those links that may result in material interdependencies. For example, the Framework would describe some of the ways the Clearing Agencies manage risks related to their links with, as applicable, participants, settling banks, investment counterparties and liquidity providers, vendors and service providers, and would also describe how the Clearing Agencies identify and address risks that have the potential of creating systemic impact. With respect to links with vendors and service providers, the Framework would describe how the Clearing Agencies, through the establishment, implementation, maintenance and enforcement of written policies and procedures, apply a comprehensive vendor review and vetting process that includes reviews of credit, operational, legal and other risks that may arise from that relationship. Therefore, by describing the various ways the Clearing Agencies identify and address risks related to links with other entities, the Clearing Agencies believe the Framework is consistent with the requirements of Rule 17Ad–22(e)(20).[27]

Rule 17Ad–22(e)(21) under the Act requires, in part, that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to

[18] 17 CFR 240.17Ad–22(e)(3).

[19] 17 CFR 240.17Ad–22(e)(3)(i).

[20] *Id.*

[21] 17 CFR 240.17Ad–22(e)(3)(ii).

[22] *Id.*

[23] 17 CFR 240.17Ad–22(e)(3)(iii).

[24] 17 CFR 240.17Ad–22(e)(3)(iv).

[25] *Id.*

[26] 17 CFR 240.17Ad–22(e)(20).

[27] *Id.*

be efficient and effective in meeting the requirements of its participants and the markets it serves, and have the covered clearing agency's management regularly review the efficiency and effectiveness of its (i) clearing and settlement arrangements; (ii) operating structure, including risk management policies, procedures, and systems; (iii) scope of products cleared or settled; and (iv) use of technology and communication procedures.[28] The Framework would describe some of the ways in which the Clearing Agencies review the efficiency and effectiveness of their businesses and operations. For example, the Framework would describe how the Clearing Agencies employ a structured approach to the pre-implementation reviews of new initiatives, including initiatives related to their clearing and settlement arrangements, scope of products cleared or settled, and use of technology and communication procedures. The Framework would also describe the Clearing Agencies' Core Balanced Business Scorecard, which is used to review the effectiveness of the Clearing Agencies' operations, information technology services levels, financial performance and other aspects of their business, including their respective participants' experiences. The Framework would also describe some of the steps the Clearing Agencies take in order to be efficient and effective in meeting the requirements of their participants and the markets they serve, including, for example, through the establishment, implementation, maintenance and enforcement of a written policy to address escalation, tracking and resolution of certain customer complaints. Therefore, by describing some of the ways in which the Clearing Agencies review the efficiency and effectiveness of their businesses and operations, the Clearing Agencies believe the Framework is consistent with the requirements of Rule 17Ad–22(e)(21).[29]

(B) Clearing Agencies' Statement on Burden on Competition

None of the Clearing Agencies believe that the Framework would have any impact, or impose any burden, on competition because the proposed rule changes reflect some of the existing methods by which the Clearing Agencies manage Key Clearing Agency Risks, and would not effectuate any changes to the Clearing Agencies' processes described therein as they currently apply to their respective participants.

[28] 17 CFR 240.17Ad–22(e)(21).

[29] *Id.*

(C) Clearing Agencies' Statement on Comments on the Proposed Rule Changes Received From Members, Participants, or Others

The Clearing Agencies have not solicited or received any written comments relating to this proposal. The Clearing Agencies will notify the Commission of any written comments received by the Clearing Agencies.

III. Date of Effectiveness of the Proposed Rule Changes, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the clearing agency consents, the Commission will:

(A) By order approve or disapprove such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule changes are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–DTC–2017–013, SR–NSCC–2017–012, or SR–FICC–2017–016 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–DTC–2017–013, SR–NSCC–2017–012, or SR–FICC–2017–016. One of these file numbers should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Clearing Agencies, and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–DTC–2017–013, SR–NSCC–2017–012, or SR–FICC–2017–016, and should be submitted on or before August 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16268 Filed 8–1–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81226; File No. SR–NYSE–2017–08]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1, To Amend Its Listing Standards for Closed-End Funds

July 27, 2017.

I. Introduction

On May 24, 2017, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its listing standards for closed-end funds. The proposed rule change was published for comment in the

[30] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Federal Register on June 12, 2017.[3] On June 29, 2017, NYSE filed Amendment No. 1 to the proposal.[4] The Commission received no comments on the proposed rule change. The Commission is publishing this notice to solicit comment on Amendment No. 1 to the proposed rule change from interested persons, and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1

The Exchange has proposed to modify its listing standards applicable to a closed-end management investment company registered under the Investment Company Act of 1940 (a ''Fund''). In its filing, the Exchange explained that this proposal would conform its initial and continued listing standards for Funds to the listing standards for Funds utilized by NYSE MKT LLC (''NYSE MKT'').[5]

Currently, the Exchange will generally authorize the listing of a Fund that meets the distribution and publicly held shares requirements contained in Sections 102.01A and 102.01B of the NYSE Listed Company Manual, respectively, if the Fund's market value of publicly held shares is $60,000,000, regardless of whether the listing concerns an initial public offering or an existing Fund.[6] Notwithstanding the requirement for market value of publicly held shares of $60,000,000, the Exchange will generally authorize the listing of all of the Funds in a group of Funds listed concurrently with a common investment adviser or investment advisers who are ''affiliated persons,'' as defined in Section 2(a)(3) of the Investment Company Act of 1940, as amended, if: (i) Total group market value of publicly held shares equals in the aggregate at least $200,000,000; (ii) the group market value of publicly held shares averages at least $45,000,000 per Fund; and (iii) no one Fund in the group has a market value of publicly held shares of less than $30,000,000.[7]

Under the proposal, the Exchange would generally authorize the listing of a Fund that has a market value of publicly held shares or net assets of $20,000,000.[8] Alternatively, the Exchange would generally authorize the listing of a group of Funds if: (i) Total group market value of publicly held shares or net assets equals in the aggregate at least $75,000,000; (ii) the group market value of publicly held shares or net assets averages at least $15,000,000 per Fund; and (iii) each Fund in the group has a market value of publicly held shares or net assets of at least $10,000,000.[9] With respect to the introduction of requirements concerning a Fund's net asset value (''NAV''),[10] the Exchange explained that Funds disclose NAV on at least a quarterly basis, and often more frequently, and that a Fund's share price typically trades at a premium or discount to NAV, with share price and NAV generally maintaining a close relationship.[11] According to the Exchange, this relationship between share price and NAV makes the market price of a Fund less reliant on the price discovery mechanism of a liquid trading market than is the case with operating companies, and therefore the Exchange believes that NAV is an appropriate additional or alternative measure of suitability for listing.[12] The Exchange explained that these revisions to the initial listing standards for Funds are based on the rules of NYSE MKT.[13]

Under current continued listing standards, the Exchange will promptly initiate suspension and delisting procedures with respect to a Fund if the average market capitalization of the entity over 30 consecutive trading days is below $15,000,000 or the Fund ceases to maintain its closed-end status.[14] The Exchange has proposed to replace the existing average market capitalization continued listing standard with a requirement that Funds not fall below $5,000,000 in both total market value of publicly held shares and net assets over any 60 consecutive calendar day period.[15] Shares held by directors, officers, or their immediate families and other concentrated holdings of 10 percent or more would be excluded in calculating the number of publicly held shares.[16] The Exchange explained that these changes to the continued listing standards for Funds are based on the rules of NYSE MKT.[17] According to the Exchange, it would monitor compliance with the publicly held shares requirement on an ongoing basis and ask any Fund whose total market value of publicly held shares fell below $5,000,000 over 60 calendar days to provide evidence that its net assets had exceeded $5,000,000 over the required period.[18] The Exchange explained that it would promptly initiate suspension and delisting procedures with respect to any Fund that could not demonstrate compliance with the net asset requirement at such time.[19]

In addition, current Exchange rules provide that the Exchange will notify the Fund if the average market capitalization falls below $25,000,000 and will advise the Fund of the delisting standard.[20] The Exchange has proposed to update this notification requirement, according to the Exchange, to reflect the reduced market capitalization component of the delisting standard and thus provide that the Exchange will notify a Fund if the total market value of publicly held shares over a 60

[3] *See* Securities Exchange Act Release No. 80867 (June 6, 2017), 82 FR 26964 (''Notice'').

[4] Amendment No. 1 revised the proposal to insert additional rule text to clarify the definition of public stockholders for purposes of determining adherence to the continued listing requirements for closed-end funds and to make conforming changes. Amendment No. 1 is available at: *https://www.sec.gov/comments/sr-nyse-2017-08/nyse201708-1832561-154372.pdf.*

[5] *See* Notice, *supra* note 3, at 26964.

[6] *See* NYSE Listed Company Manual, Section 102.04A.

[7] *See id.*

[8] *See* proposed NYSE Listed Company Manual, Section 102.04A.

[9] *See id.*

[10] The Exchange explained that the NAV of a Fund is the value of all Fund assets less liabilities, divided by the number of shares outstanding. *See* Notice, *supra* note 3, at 26964.

[11] *See id.* The Commission notes that most closed-end funds calculate NAV on a daily basis.

[12] *See id.*

[13] *See id.* (citing NYSE MKT Company Guide, Section 101(g)).

[14] *See* NYSE Listed Company Manual, Section 802.01B.

[15] *See* proposed NYSE Listed Company Manual, Section 802.01B. The Exchange also has proposed to fix a typographical error in Section 802.01B of the NYSE Listed Company Manual. *See* Notice, *supra* note 3, at 26965.

[16] *See* proposed NYSE Listed Company Manual, Section 802.01B; Amendment No. 1, *supra* note 4, at 7. Similarly, for purposes of the public stockholder requirement, as discussed below, ''public stockholders'' would exclude holders that are directors, officers, or their immediate families and holders of other concentrated holdings of 10 percent or more. *See* proposed NYSE Listed Company Manual, Section 802.01B; Amendment No. 1, *supra* note 4, at 7. The Exchange represented that it relies primarily on the beneficial ownership disclosure included in the issuers' registration statements and annual meeting proxy statements in calculating publicly held shares and public stockholders, but also refers to other Commission filings where appropriate and its determinations are made in accordance with Rule 13d–3 under the Act. The Exchange stated that this is its practice under all of its rules where these calculations must be made. The Exchange also stated that this is the practice of NYSE MKT and the Exchange believes that its approach is generally consistent with that of the NASDAQ Stock Market. *See* Amendment No. 1, *supra* note 4, at 3.

[17] *See* Notice, *supra* note 3, at 26964–65 (citing NYSE MKT Company Guide, Section 1003(b)(v)).

[18] *See* Notice, *supra* note 3, at 26965 n. 4.

[19] *See id.* According to the Exchange, no listed Fund is currently below compliance with the Exchange's continued listing standards. *See id.*

[20] *See* NYSE Listed Company Manual, Section 802.01B. Funds are not eligible to utilize the follow-up procedures in Sections 802.02 and 802.03 of the NYSE Listed Company Manual that can be used by companies that are below the Exchange's continued listing criteria. *See id.*

calendar day period falls below $10,000,000.[21]

Further, the Exchange would specify that the distribution standards for common stocks of operating companies set forth in Section 802.01A of the NYSE Listed Company Manual do not apply to Funds.[22] The Exchange is proposing new continued listing standards that apply only to Funds. Under the proposal, the Exchange would normally give consideration to the prompt initiation of suspension and delisting procedures with respect to the common stock of a Fund if: (i) The number of shares publicly held is less than 200,000; (ii) the total number of public stockholders is less than 300; [23] or (iii) the total market value of shares publicly held is less than $1,000,000 for more than 90 consecutive calendar days.[24]

II. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[25] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[26] which requires, among other things, that the rules of a national securities exchange be 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 mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. Section 6(b)(5) of the Act [27] also requires that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission notes that the proposed initial and continued listing standards are consistent with those listing standards currently utilized by NYSE MKT [28] and that the Commission received no comments on the Exchange's proposed rule change. The Commission believes that the adjustment of the threshold for total market value of publicly held shares below which the Exchange will notify a Fund of the delisting standard is consistent with the adjustment to the continued listing standards in this proposed rule change. Based on the foregoing, the Commission believes that the proposed rule change presents no novel regulatory issues and therefore finds the proposed rule change to be consistent with the Act.

IV. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 1 is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2017–08 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2017–08. 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–NYSE–2017–08, and should be submitted on or before August 23, 2017.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of the notice of Amendment No. 1 in the **Federal Register.** The Commission believes that the proposed changes to the description of the Exchange's method of calculating publicly held shares and public stockholders add clarity to the process. Accordingly, for the reasons noted above, the Commission finds good cause for approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis, pursuant to Section 19(b)(2) of the Act.[29]

VI. Conclusion

It is therefore ordered, pursuant to Section 19b(2) of the Act,[30] that the proposed rule change (SR–NYSE–2017–08), as modified by Amendment No. 1 thereto, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16207 Filed 8–1–17; 8:45 am]

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[21] *See* proposed NYSE Listed Company Manual, Section 802.01B; *see also* Notice, *supra* note 3, at 26965.

[22] *See* proposed NYSE Listed Company Manual, Section 802.01B.

[23] The current distribution standards require 400 total stockholders, which calculation does not exclude public stockholders. *See* NYSE Listed Company Manual, Section 802.01A.

[24] *See* proposed NYSE Listed Company Manual, Section 802.01B; Amendment No. 1, *supra* note 4, at 7; *supra* note 16 and accompanying text. In Amendment No. 1, the Exchange amended the rule language to make clear that the definitions of publicly held shares and public stockholders, as described above, apply to these sections as appropriate.

[25] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[26] 15 U.S.C. 78f(b)(5).

[27] *Id.*

[28] *See supra* notes 13 and 17 and accompanying text.

[29] 15 U.S.C. 78s(b)(2).

[30] 15 U.S.C. 78s(b)(2).

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81249; File No. SR–DTC–2017–010]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the DTC Operational Arrangements Necessary for Securities To Become and Remain Eligible for DTC Services in Order To Clarify and Update Provisions Relating to the Processing of Eligibility Requests and Servicing of Assets on Deposit at DTC

July 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 17, 2017, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and subparagraphs (f)(2) and (f)(4) of Rule 19b–4[4] thereunder. The proposed rule change was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of modifications to the DTC Operational Arrangements (Necessary for Securities to Become and Remain Eligible for DTC Services) (''OA'')[5] proposed in order to clarify and update provisions relating to the processing of eligibility requests and servicing of securities on Deposit at DTC, as more fully described below.[6]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The OA was first published by DTC in June 1987. It was then updated in June 1988, February 1992, December 1994, January 1998, May, 2002, January 2009, December 2011 and most recently in 2016.[7] The OA is designed to maximize the number of issues of securities that may be made eligible for DTC services, providing for the orderly processing of such securities and timely payments to Participants. DTC's experience demonstrates that when Participants, Issuers, Underwriters, Agents (as such terms are defined in the Rules[8] or in the OA[9]), and their counsel are aware of DTC's requirements, those requirements can be readily met in most instances. The purpose of this rule change is to revise the text of the OA in order to update and clarify DTC's processes in this regard. Additionally, some ministerial changes, changes to methods of notification, and clarifying language have been introduced, to provide a more concise description of OA procedures. In this regard, the proposed rule change would revise the text of the OA as set forth in the respective sections as described below:

OA Section	Revision
Important Legal Information	The proposed change would (i) update the most recent copyright date of the OA from 2016 to 2017 and (ii) make grammatical corrections and revise text for readability.
Section I.A.2. (Securities Eligible for DTC's Services).	The proposed rule change would (i) update a reference to a link for DTC securities eligibility documentation (ii) revise the defined term for Money Market Instruments from ''MMIs'' to ''MMI'' for consistency with the Rules and the DTC Settlement Service Guide[10] and (iii) revise a cross-reference to a footnote regarding the DTC Custody Service to refer to the section number the footnote appears in, rather than just the page number the footnote appears on.
Section I.A.4. (Standard Time Frames for Providing Underwriting Information to DTC).	The proposed rule change would revise text (i) for consistency with language in DTC's Fee Schedule,[11] to describe charges made to underwriters that fail to meet the requirements of this subsection as ''surcharges'' rather than ''fines,'' (ii) to move a reference to related standard time frames to earlier in the section for reference purposes and (iii) remove a link to the Underwriting Service Guide in respect to a reference to DTC's eligibility requirements, since the OA is the primary source for these requirements.
Section I.A.6. (Signature)	Change word usage in a sentence relating to methods of transmission, recording or storage of signatures, by replacing ''xeroxing'' with ''photocopying.''

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2) and (f)(4).

[5] *Available at http://www.dtcc.com/~/media/Files/Downloads/legal/issue-eligibility/eligibility/operational-arrangements.pdf.*

[6] Each term not otherwise defined herein has its respective meaning as set forth in the Rules, By-Laws and Organization Certificate of DTC (the ''Rules''), *available at http://www.dtcc.com/legal/rules-and-procedures.aspx* and the OA, *supra* note 5.

[7] *See* Securities Exchange Act Release Nos. 24818 (August 19, 1987), 52 FR 31833 (August 24, 1987) (SR–DTC–87–10); 25948 (July 27, 1988), 53 FR 29294 (August 3, 1988) (SR–DTC–88–13); 30625 (April 30, 1992), 57 FR 18534 (April 30, 1992) (SR–DTC–92–06); 35649 (April 26, 1995), 60 FR 21576 (May 2, 1995) (SR–DTC–94–19); 39894 (April 21, 1998), 63 FR 23310 (April 28, 1998) (SR–DTC–97–23); 45994 (May 29, 2002), 68 FR 35037 (June 11, 2003) (SR–DTC–2002–02); 59199 (January 6, 2009), 74 FR 1266 (January 12, 2009) (SR–DTC–2008–14); 65901 (December 6, 2011), 76 FR 77281 (December 12, 2011) (SR–DTC–2011–10); 77043 (February 3, 2016), 81 FR 6913 (February 9, 2016) (SR–DTC–2016–002); and 79122 (October 19, 2016), 81 FR 73450 (October 25, 2016) (SR–DTC–2016–010). A proposed change to amend the OA that was filed with the Commission on July 7, 2017, SR–DTC–2017–011 (''ATOP Rule Filing''), is pending implementation. *See* Securities Exchange Act Release No. 81096 (July 7, 2017), 82 FR 32406 (July 13, 2017) (SR–DTC–2017–011). The ATOP Rule Filing and its pending implementation date are discussed more fully below. *See infra* note 31.

[8] *See supra* note 6.

[9] *See supra* note 5.

OA Section	Revision
Section I.B.1.b. (Required Riders to LOR)	The proposed rule change would (i) revise text for readability, (ii) update a reference to a link for DTC securities eligibility documentation that includes various DTC forms Letters of Representation (''LOR'') and riders to the LOR, (iii) delete references to Exhibit C and Exhibit D of the OA that contain forms of the Blanket Letter of Representations (''BLOR'') and Issuer Letter of Representations (''ILOR''), respectively, which exhibits would be removed from the OA, as discussed below, and (iv) replace the deleted references to Exhibits C and D with links to the BLOR and ILOR. The proposed rule change would also add text noting that sample offering document language is available in the form of BLOR and ILOR.
Section I.B.1.d. (LOR Requirements for Certificated Securities).	The proposed rule change would remove a provision stating that DTC may be require an Agent to sign a ''Tender LOR'' for certificated issues with put features. The Tender LOR is used by DTC to obtain the Agent's agreement for DTC to use its procedures applicable to the processing of tenders for Securities with put features. However, DTC already maintains authority to use its procedures in this regard pursuant to the OA as set forth in Section V.B.2. (Put Features with Special Processing Requirements). Therefore, it is unnecessary for DTC to separately obtain a signed Tender LOR from Agents in this regard.
Section I.B.4.a. (Ownership Thresholds)	The proposed rule change would (i) revise the text to update links to documentation referenced by this section and (ii) revise the defined term for Segregation Account 100 service from ''SEG 100'' to ''Seg 100'' for consistency with other references to this service in the OA.
Section I.B.4.b. (Revisions to Eligible Securities)	The proposed rule change would update a cross-reference relating to information on altering the terms of an offer from referencing Section VI(A)(2)(d) to instead reference Section VI(C)(5)(c).
Section I.B.5. (Instruction Letters Regarding the Expiration of a Restrictive Period).	The proposed rule change would (i) correct the text of this section to add ''the Securities'' after ''Issuer of'' and (ii) add links to existing forms and requirements for Issuers and Agents to request the processing of exchanges relating to CUSIPs for securities that were originally restricted pursuant to Rule 144A and/or Regulation S and which have become unrestricted.
Section I.C.1. (Retail Certificates of Deposit)	The proposed rule change would make a grammatical change to the text of this section to improve readability.
Section I.C.2. (Unit Securities)	The proposed rule change would add clarifying language in this section relating to additional eligibility requirements for unit securities [12] for improved readability, including with respect to (i) CUSIP requirements for immediately separable Units versus Units separable after their initial closing date [13] and (ii) requirements as stated in this section relating to Units for which are separable into their components on a voluntary basis versus on a mandatory basis.
Section I.C.3. (New Issue Eligibility Requirements for Municipal Securities).	The proposed rule change would revise this section to update the link to a list of NIIDS Data Elements and related procedures.
Section I.C.5. (Non-U.S. Currency Denominated Securities).	The proposed rule change would revise this section to update a cross-reference to Section IV.B.3. by changing the referenced title of that section from ''Securities without an Option for U.S. Dollar Payment'' to ''Securities Denominated in a Non-U.S. Currency without an Option for U.S. Dollar Payment.''
Section I.D. (Compliance with Regulations)	The proposed rule change would make a technical correction to remove unnecessary numbering within the section.
Section I.E. (DTC Fee Schedule)	The proposed rule change would add this subsection to include the link to the DTC Fee Schedule [14] for transparency with respect to current exception processing fees, late fees and surcharges referred to in the OA.
Section II.A.1 (CUSIP Number Assignment)	The proposed rule change would make changes to the text of this section for clarity and improved readability with respect to an example provided within.
Section II.B.1. (Possession and Inspection)	The proposed rule change would (i) add text to this section [15] to insert a cross-reference to a related process concerning confirmation of FAST balances by an Agent and (ii) update the address for delivery of security certificates to the DTC Securities Processing Department.
Section II.B.2.a. (FAST)	The proposed rule change would add a link as a reference for additional information for Agents interested in becoming FAST Agents.
Section II.B.2.c. (DWAC)	The proposed rule change would add text to this section to clarify that DTC may require a FAST Agent to use the DWAC process for the separation of a Unit into its components.
Section II.B.3. (Transfer Turnaround Times)	The proposed rule change delete text in regard to monitoring by DTC of transfer turnaround times for Agents and preventing eligibility of an Agent that fails to comply. It is not practical for DTC to monitor transfer turnaround times since transfer turnaround times are established outside of DTC pursuant to Rule 17Ad–2 under the Act [16] and, pursuant to that rule, Agent reporting on compliance is required to be made to the SEC and the Agent's ''appropriate regulatory agency,'' if applicable.[17]
Section II.B.4.b. (Transfer Agent Required Notices).	The proposed rule change would revise the text of this section (i) to state that Agents should notify DTC by the effective date of the Agent's assuming or terminating services as Agent for an Issuer, or the Agent's change of name or address, by the effective date of the change, rather than at least 10 calendar days in advance, because receipt of such notice on the effective date is sufficient for DTC to timely update its records to reflect the applicable change and (ii) to update references to the form Agents use to notify DTC of such changes, including updating the applicable link to the form and inserting the DTC e-mail address that a completed form should be delivered to. Subsections within Section II.B.4.b. numbered and titled, respectively, ''(1) Termination of Transfer Agent Services,'' ''(2) Assumption of Transfer Agent Services'' and ''(3) Transfer Agent's Change of Name or Address,'' would become separate sections and would renumbered to an alphabetical format sequentially numbered with the other Sections of II.B.4.b. The section that would be renumbered Section II.B.4.c., (''Termination of Transfer Agent Services''), as mentioned above, would be revised for readability and clarity.

OA Section	Revision
Section II.B.4.c. (Business Contingency)	The proposed rule change would delete this subsection which relates to connectivity testing by transfer agents and paying agents that are Participants, because this subsection is duplicative of the Rules and unnecessary for inclusion in the OA.[18]
Section II.B.5. (Trustee Required Notices)	The proposed rule change would clarify and update text from original Section VI.B.4 (Trustee Requirements) and reposition the text to new Section II.B.5. (Trustee Required Notices).
Section III.A. (Record Date Requirements)	The proposed rule change would (i) revise the text of this section to clarify text relating to the option for Securities to pay distributions in one or more currencies and (ii) delete outmoded language regarding establishment of record dates by securities exchanges, since the establishment of the record date by the Issuer is not dependent on the date of an ex-date established by a securities exchange.
Section III.B. (Notices)	The proposed rule change would clarify this section to state that where an Issuer or Agent provides information or notice to DTC for distribution to Participants, the notice should include the terms of the event in addition to other relevant information as stated therein, including CUSIP numbers, payment information and any relevant instructions. The proposed rule change would also change a cross reference from Exhibit E to Exhibit C to reflect the deletion of certain exhibits, as described herein.
Section III.C. (Payment Instructions)	The proposed rule change would modify the text of this section to clarify that the prohibition against Agents deducting fees from distribution payments to DTC includes a prohibition against invoicing DTC for such fees.
Section III.C.1. (Income Payment Standards)	The proposed rule change would delete a paragraph from this section in regard to instructing Issuers to fund their Agents by 1 p.m. on a payable date since DTC has no visibility on the transfer of funds between Issuers and Agents and is therefore unable to enforce such a requirement.
Section III.C.2. (Redemption and Maturity Payment Standards).	The proposed rule change would (i) delete a paragraph from this section in regard to instructing Issuers to fund their Agents for redemption and maturity payments by 1 p.m. on a payable date since DTC has no visibility on the transfer of funds between Issuers and Agents and is therefore unable to enforce such a requirement, (ii) update a link referring to information about DTC principal and income processing, and (iii) delete a reference to a defunct email address for informational inquiries and replace it with contact information for DTC's client support team.
Section III.C.3. (Reorganization Payment Standards).	The proposed rule change would add e-mail addresses for DTC's reorganization department and a phone number to the DTCC customer service hotline to promote accessibility to DTC staff for questions regarding wire instructions and payment arrangements. The text of this section would also be revised to change ''pm'' to ''p.m.'' in connection with timeframe references appearing in two places.
Section III.D. (Additional Payment Arrangements/Policies/Procedures).	The proposed rule change would revise the text of this section (i) to clarify language for improved readability and scope and (ii) update references to DTC contact information.
Section III.D.1. (Redemption Payments with Presentation (''PWP'')).	The proposed rule change would revise this section to correct capitalization of a defined term.
Section III.D.2. (Compensation Claims Policy and Related Procedures).	The proposed rule change would add text for clarity and simplification to state DTC's policy with respect to DTC's ability to claim Paying Agents and Issuers that fail to pay DTC for a payment event on the scheduled payment date, rather than referring to a separate procedure in this regard. In addition, text regarding Agents ability to submit a claim to DTC for erroneous payments made to DTC would be deleted from this section as it is duplicative of information provided in Section III.D.3. of the OA—''Requests for Return of Funds.'' [19] In addition, Section III.D.2. would be renamed from ''Compensation Claims Policy and Related Procedures'' to ''Compensation Claims Policy.''
Section III.D.3. (Requests for Return of Funds)	The proposed rule change would delete references to the ''Return of Funds Procedure'' and contact information to obtain a copy of such procedure. The procedure is no longer separately provided because it was duplicative of this Section III.D.3. The proposed rule change would clarify the text of this section in subsection a. with respect to DTC's practice for the return of funds to Agents with regard to payments for which the Issuer has not paid the Agent and where the Agent has made erroneous payments to DTC. In addition, subsection a., currently titled ''Issuer Default/Bankruptcy Considerations'' would be changed to ''Issuer Default/Bankruptcy Considerations/Agent Not Funded by Issuer'' in order to clarify the scope of the subsection. The proposed rule change would revise subsection b. (Processing Errors) to add contact information for an Agent or Issuer to notify DTC in the event an Agent or Issuer makes an erroneous payment to DTC, and clarify DTC's existing practice of returning funds only to the bank account from which the erroneous payment was received. The purpose of this provision would be to ensure that funds are sent back only to the party that sent them to DTC and reduce the possibility of error or fraud in the transmission of the return of funds. The proposed rule change would also revise the text of this subsection for a grammatical change and readability.

OA Section	Revision
Section IV.A. (Dividend and Income Notification Procedures).	The proposed rule change would (i) revise the title and text of this section, which relates to payment notice information required from Agents, to (a) add the word ''Payment'' to the title so that the section would be named ''Dividend and Income Payment Notification Procedures,'' (b) remove a requirement that information provided to DTC under this section must include any income related to a corporate action, because DTC is able to determine this information from dividend and interest rate information that is required to be provided by an Issuer or Agent pursuant to this section and (c) clarify that payment notices for exchange traded funds (''ETFs'') are generally not required, unless specifically requested by DTC, because this information is sourced from securities exchanges on which the applicable ETF is listed, (ii) remove the requirement for parties that send an e-mail to DTC's Announcements Department to telephone DTC if an e-mail receipt is not received by them from DTC within an hour to confirm such notice was received and (iii) change the physical delivery address used for transmission of notices to DTC in the event electronic transmission is not available.
Section IV.A.1. (Structured Securities)	The proposed rule change would clarify that ''record date'' and ''payable date'' are required information that must be provided to DTC in connection with minimal notification of structured security rate information. In addition, the proposed rule change would remove the text ''preferably two business days'' from the description of the required timeframe to for minimum notification.
Section IV.A.1.a. (Non-Conforming Structured Securities).	The proposed rule change would revise the text of this section to provide a link to a copy of the Non-Conforming Structured Securities Attestation Letter.
Section IV.A.1.c. (Remittance Reporting to DTC for Structured Securities).	The proposed rule change would delete this section as it is outdated and no longer applicable.
Section IV.A.2. (American/Global Depositary Receipts (''ADR/GDR'')).	The proposed rule change would revise this section to update an email address provided to contact the DTC Announcements Department. The text of this section would also be revised to clarify that a notice of payment information for an American or Global Depository Receipt must include the record date in addition to other information as provided in the text of this section. The text of this section would also be revised to remove a reference to a preferred timeframe for submission of a notice of payment information. The text would also be revised to move the placement of ''payable date,'' which appears in a list of notice requirements, from below to above ''payment amount per share.''
Section IV.A.3. (Unit Investment Trust (''UIT'') Securities).	This section describes notice requirements for record date and other information that must be provided to DTC for distributions and payments on UITs. The proposed rule change would delete this section because it is no longer accurate. Securities Exchanges rather than Agents provide the information required by this Section to DTC.
Section IV.B. (Currency Payment Provisions)	The proposed rule change would update headings of subsections within this section to clarify their scope in relation Securities in Non-U.S. denominated currencies.
Section IV.C.1. (Dividend or Interest Rate Change).	The proposed rule change would revise this section to provide updated delivery information for notices by Issuers and Agents to DTC with respect to changes in dividend or interest rates, and replace a reference to ''Publication Date'' with ''payment date'' to reflect currently used terminology.
Section IV.C.2. (Reduction of Payment on Treasury or Repurchased Securities (for Cash Dividend or Interest Payment)).	This section describes the process by which an Agent may inform DTC that payment to a Participant of cash dividend and interest payments for a particular distribution on Securities the Participant is holding should be adjusted. The proposed rule change would revise this section to reflect an existing requirement for the Agent to provide a confirmation letter signed by the Participant that holds the subject shares whereby the Participant authorizes the adjustment in payment and includes an indemnification statement indemnifying DTC with respect to processing the adjustment.[20] The proposed rule change would also amend the text to update (i) this section with respect to information the Agent must provide to DTC with regard to the adjustment which DTC needs to process the adjustment promptly and accurately and (ii) contact information for the delivery of such information by the Agent to DTC. In addition, the proposed rule change would remove a provision from this section that states that instructions submitted to DTC in accordance with this section that are submitted outside of required timeframes will subject the responsible Participant to a disincentive fee. The disincentive fee is not necessary because it is in the best interest for the applicable responsible parties to submit these instructions timely to allow same-day distribution of applicable principal and income payments to Participants and beneficial owners, and the disincentive fee is not necessary for this purpose.
Section IV.D. (Additional Dividend Policies)	The proposed rule change would update the title of this section to reflect that the requirements constitute procedures of DTC. Therefore, the section would be retitled ''Additional Dividend Procedures.''
Section IV.D.1.a. (Voluntary Dividend Reinvestment and Securities with an Automatic Dividend Reinvestment (with an option to elect a cash dividend)).	The proposed rule change would revise this section to re-order an existing list of Agent requirements and add clarifying terms regarding (i) the timing of the Agent's acceptance of dividend reinvestment-related instructions from DTC, (ii) the agreement of the Agent that shares reinvested through DTC's Dividend Reinvestment Program (''DRP'') shall of the same Security as the issue paying the dividend, and (iii) a requirement, consistent with DTC's eligibility requirements, that reinvestment shares must carry transfer or ownership restrictions. The proposed rule change would also make changes to the text (i) for enhanced readability on the purpose and function of the DRP and (ii) update email and mailing address information for the delivery of instructions and security certificates to DTC.

OA Section	Revision
Section IV.D.1.b. (Automatic Dividend Reinvestment).	The proposed rule change would delete text stating that DTC may not make an issue from an Agent eligible if the Agent has a record of not complying with the provisions of this section as this is not a criterion for determining eligibility of an issue for a reinvestment program. DTC reviews issues for eligibility for inclusion in a reinvestment program by applying the criteria set forth in the OA on an issue-by-issue basis.
Section IV.D.2. (Stock Distributions to Holders of Record).	The proposed rule change would revise the text of this section to (i) rename the subsection from ''Stock Distributions to Holders of Record'' to become ''Stock/Pay-in-Kind (''PIK'') Distributions to Holders of Record'' and (ii) reflect the required information flow of notices for stock distributions to record date holders. The proposed text would also include a statement on the processing of bond-related ''Paid-in-kind distributions'' and variations.
Section IV.D.2.a. (Fractional Entitlements in Cash or Additional Roundup Shares).	The proposed rule change would (i) revise the text of this section to reflect that DTC no longer supports distribution of fractional shares; per SEC filing No. SR–DTC–2015–007,[21] (ii) revise language stating the timing by which an Issuer or Agent must provide DTC with the information DTC needs to collect Participant instructions (regarding liquidation or issuance of shares to satisfy Participant cash-in-lieu (''CIL'')/roundup entitlements)[22] and (iii) update an address for the delivery of physical securities to DTC.
Section IV.D.2.b. (Restriction Distribution Shares Issued).	The proposed rule change would clarify text relating to a requirement to send a notice to DTC and the information on such notice.
Section IV.D.3. (Reduction of Payment on Treasury or Repurchased Securities (for Stock Dividend Payments)).	The proposed rule change would revise this section to clarify Participant authorization requirements with regard to reductions of payment on treasury or repurchased shares for stock dividend payments, to add that the confirmation letter required pursuant to this section must contain an officer-level authorization for the applicable reduction.[23] In addition, the proposed rule change would remove a provision from this section that states that instructions submitted to DTC outside of required timeframes will subject the responsible Participants to a disincentive fee. The disincentive fee is not necessary because it is in the best interest for the applicable responsible parties to submit these instructions timely to allow same-day distribution of stock to Participants and beneficial owners, and the disincentive fee is not necessary for this purpose.
Section V.A. (Redemptions, Advance Refundings and Calls Inclusive of Sinking Funds and Mandatory Redemptions).	The proposed rule change would (i) delete a need to call DTC to confirm hardcopy/email notice receipt, (ii) clarify the need for the Agent to contact DTC the first time they use the spreadsheet submission process and (iii) conform the usage of the defined term ''PWP'' (i.e., Payment Without Presentation) with its initial definition in Section III.D.1.
Section V.A.2. Partial Redemptions for Auction Rate Securities (''ARS'') and Requests for ARS Lottery Results.	The proposed rule change would revise this section to (i) delete references to discretionary processing fees, relating to the release of lottery results, that are not charged, (ii) update contact information with respect to information on ARS processing and (iii) make grammatical changes to text for improved readability.
Section V.B.1. (Standards for Put Notifications)	This section relates to instructions from Issuers and Agents and information for the processing of optional puts and mandatory tenders.[24] The proposed rule change would revise this section and clarify text for purposes of completeness with regard to processing timeframes and information DTC requires to timely process optional puts and mandatory tenders. The proposed rule change would also revise the text to update DTC contact information.
Section V.B.2.b. (Collateralized Mortgage Obligations (''CMOs'') and Asset-Backed Securities (''ABSs'')).	The proposed rule change would revise the text of this section to clarify the scope and indicate that mortgage backed securities, in addition to CMOs and ABSs are covered by this section. The text of this section would also be revised to update DTC contact information, Web site references and revise wording for improved readability.
Section V.B.2.c. (Put ''Extendible'' Issues)[25]	The proposed rule change would clarify the text of this section to reflect the process as it has been established in practice in conjunction with Agents on this type of put. The proposed rule change would also revise the text of this section for enhanced readability and to update DTC contact and mailing information.
Section V.B.2.d. (Put Bonds (Repayment Options)).	The proposed rule change would revise the text to (i) clarify that late notification may result in late notification fees in accordance with the DTC Fee Schedule and (ii) update DTC contact and mailing information.
Section V.B.2.e. (Survivor Options)[26]	The proposed rule change would revise the text of this section to add the Web site location of the DTC Reorganizations Service Guide for further information on processing. The proposed rule change would also clarify that DTC does not monitor presentment of supporting documentation to an Agent for processing of survivor options.
Section VI.A. (Standards for Voluntary and Mandatory Reorganizations).	The proposed rule change would update the text of this section to clarify the notice and timing requirements for Issuers and Agents to allow DTC to timely process voluntary and mandatory corporate actions and update the title of the section to reflect that it pertains to notices. The proposed rule change would also add a cross reference to the DTC Fee Schedule for applicable fees.
Section VI.B.1. (Reduction of Payment on Treasury or Repurchased Securities).	The proposed rule change would shorten the amount of time in advance that Agents must provide to DTC (i) information as required by this section[27] and (ii) confirmation letters[28] to DTC, prior to the processing of adjustments to Participant accounts reflecting a reduced payment/distribution amount, in accordance with this section, from five business days to no later than three business days prior to the payment/distribution date of the entitlement. The change would more accurately reflect the amount of time required by DTC to receive the necessary information and confirmation letters in order to timely process such adjustments. The proposed rule change would revise the list of information DTC requires in connection with processing such adjustments in order to specify the information that DTC needs in order to promptly and accurately process an adjustment.[29] The proposed rule change would also revise DTC's contact information to reflect that the information should no longer be send to DTC via fax, but only via email.[30]

OA Section	Revision
Section VI.B.2. (Mandatory Separation of a Unit After the Closing Date).	The proposed rule change would move the text of former Section VI.A.2.i. to this newly numbered section.
Section VI.C. (Processing for Specific Voluntary Reorganizations).	The proposed rule change would change the numbering of former Section VI.A.2 to VI.C.[31] and rename it from ''Processing for Specific Voluntary Reorganization Features'' to ''Processing for Specific Voluntary Reorganizations.'' The proposed rule change would divide the content of the newly numbered section into 5 subsections reflecting, and separating for enhanced readability, the existing content of former Section VI.A.2.: 1. Unit Investment Trust. 2. Mortgage-Backed Securities with Monthly Early Redemption Features. 3. Rights Offers (Use of DTC's Automated Subscription Offer Program (''ASOP''). 4. Standards for Convertible Issues/Warrants/Rights; and 5. Voluntary Tenders/Exchanges/Mergers with Elections (Use of DTC's Automated Tender Offer Program (''ATOP''). Each of these subsections would be revised to clarify the text for enhanced readability and to provide enhanced detail on relevant notice and information requirements. The proposed rule change would also update DTC contact information and mailing addresses. Former subsection h (under form Section VI.A.2.) would be deleted and relevant text moved above in the new Section VI.C. to consolidate text regarding unit investment trusts within the section. The proposed rule change would also add text relating to processing of payment of cash for convertible securities setting forth existing requirements for processing such payments.
Section VI.D. (Chargeback of Reorganization Payments).	The proposed rule change would renumber subsection VI.A.2.j. to become its own subsection VI.D.
Section VI.E. (Proxy Related Procedures)	The proposed rule change would renumber former subsection VI.B. to become subsection VI.E. The content of this subsection would be revised to update DTC contact information and addresses and provide enhanced detail on consent and legal notices to be submitted by Issuers, Agents, trustees or other third parties to DTC. Accurate delivery of such notices to DTC facilitates the ability of DTC to process proxy-related requests and to make applicable notice information available to the industry.
Section VII.A. (Partial Redemption Exclusions)	The proposed rule change would change the name of the ''Call Notification Department'' to ''Redemption Notification Department'' to reflect the updated name of the department.
Section VII.B. (VRDO Interest Payment Information).	The proposed rule change would (i) delete the text regarding use of vendor/service bureaus that are obsolete and (ii) simplify notice requirements and related details and conform such requirements to existing practice.
Section VII.C. (Optional Tender Provisions)	The proposed rule change would update the link to information regarding DTC deliver orders and update DTC's contact information.
Section VII.D. (Mandatory Tender Provisions) ...	The proposed rule change would change the name of the ''Announcements Department'' to reflect the updated name of the department and update DTC's contact information.
Section VII.E. (Use of Credit Facilities)	The proposed rule change would update the text of this section to update DTC's mailing address.
Section VII.F. (Mandatory Tender Retention/Exclusion Provisions).	The proposed rule change would update the text of this section to add an email address for DTC's Reorganization Department to submit requests relating to DTC's mandatory exclusion procedures.
Section VIII. (Additional Operational Requirements for Cross-Currency and Other Warrants).	The proposed rule change would delete Section VIII. as it is obsolete and the remaining provisions of the OA shall apply to the securities covered by this Section.
Exhibit B. (Underwriting Standard Time Frames)	This exhibit contains the timeframes, referred to in Section I.A.4. of the OA, for information and/or materials needed by DTC to process an underwriting transaction and notify Participants in a timely fashion. The proposed rule change would update Exhibit B to: (i) Revise text to indicate that that materials and information for underwriting transactions are submitted to DTC via UW SOURCE, consistent with current practice as set forth in Section I.A.1., (ii) consolidate, for consistency, time frames for the submission of offering documentation and certain information submitted via UW SOURCE,[32] (iii) reduce the number of days in advance of a closing date for an underwriting transaction that a BLOR or ILOR, as applicable, of a U.S. Issuer must be submitted,[33] (iv) clarify that an Underwriter's failure to timely submit final offering documents would result in a surcharge in accordance with the Fee Schedule and (v) conform and clarify text within the exhibit for consistency and enhanced readability.
Exhibit C (BLOR)	The proposed rule change would remove this exhibit from the OA and move the document to the DTCC Web site. The link would be provided under Section I.B.1.b. of the OA.
Exhibit D (ILOR)	The proposed rule change would remove this exhibit from the OA and move the document to the DTCC Web site. The link would be provided under Section I.B.1.b. of the OA.
Exhibit E (Payments Time Frame chart)	The proposed rule change would remove Exhibit E which contains a chart outlining payment and notification timeframes. The timeframes in the chart are outdated and redundant of information provided in the body of the OA.
Exhibit F (Non-Conforming Structured Securities Attestation letter).	The proposed rule change would remove this exhibit from the OA and move the document to the DTCC Web site. The link to this document would be provided under Section IV.A.1.a. of the OA.[34]
Throughout OA	The proposed rule change would revise phone numbers, e-mail addresses, Web site locations of documents, mailing addresses throughout the OA generally to the extent not mentioned above. The proposed rule change would also generally revise text to, update and clarify processing timeframes, improve readability, correct grammar and update cross-references to the extent not already mentioned above. The proposed rule change would conform usage of the defined term ''Closing Date,'' as defined in Section I.A.5., throughout the OA.

Effective Date of Proposed Rule Change

The proposed rule change would be effective immediately.

[10] *Available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Settlement.pdf.*

[11] *Available at http://www.dtcc.com/~/media/Files/Downloads/legal/fee-guides/dtcfeeguide.pdf.*

[12] Unit securities or ''Units'' are securities comprised of two or more separate components. A Unit may be comprised of debt Securities, equity Securities and/or warrants. Units may separate into their component parts on or after the closing date of their issuance. *See* Section I.C.2. of the OA, *supra* note 5.

[13] For immediately separable Units, DTC requires CUSIPs only for each the components of the Unit, but not for the Unit itself. For Units that are not immediately separable, DTC requires a CUSIP for the Unit itself and each of the individual components of the Unit. *See* Section I.C.2. of the OA, *supra* note 5.

[14] *See supra* note 11.

[15] This section describes conditions that must be met for DTC to support distribution of securities issued on a closing date. *See* Section II.B.1 of the OA, *supra* note 5.

[16] 17 CFR 240.17Ad–2.

[17] *See* 17 CFR 240.17Ad–2.

[18] *See* Rule 2, *supra* note 6 at 22.

[19] *See* OA, *supra* note 5.

[20] The confirmation letter acts as the Participant's instruction to DTC pursuant to Rule 6 (Services) in this regard. *See* Rule 6, *supra* note 6. Pursuant to Rule 6 the Participant providing an instruction to DTC indemnifies DTC against any loss, liability or expense as a result of (a) any act done in reliance upon the authenticity of the instruction, (b) the inaccuracy of the information contained therein or (c) effecting transactions in reliance upon such information or instruction, so long as the transaction is effected in accordance with such information and instructions. *Id.*

[21] Securities Exchange Act Release No. 75487 (July 20, 2015), 80 FR 44178 (July 24, 2015) (SR–DTC–2015–007).

[22] The revised language would require such information be provided to DTC at least five business days prior to the processing of a stock distribution with a fractional entitlement, rather than ''approximately one to two weeks,'' as currently stated, because (a) the timeframe as currently stated may create uncertainty for responsible parties as to their obligations under this provision and (b) in DTC's experience, five business days is sufficient time to allow for timely processing in this regard.

[23] Pursuant to Rule 6, DTC acts for a Participant, subject to the Rules, on duly authorized instructions from the Participant. *See* Rule 6, *supra* note 6.

[24] An optional put is a provision under which the holder of securities may elect to have the securities repaid at the stated put price after giving notice to the tender agent within the required notification period. Persons not giving notice retain the securities. A mandatory tender is a provision under which all holders of the securities are ''cashed out'' at the stated put price on the payable date. Holders may have the right to retain their securities.

[25] An extendible put is relates to a Security subject to a ''put'' provision that may be exchanged for a new security, in accordance with the terms and conditions of such put, with a new maturity date.

[26] Survivor options relate to certain securities, which by their terms, may contain early redemption provisions in certain eventualities, such as the death of a beneficial owner.

[27] The list of information would also be revised, as discussed below.

2. *Statutory Basis*

Section 17A(b)(3)(F) of the Act [35] requires that the rules of the clearing agency be designed, *inter alia,* to promote the prompt and accurate clearance and settlement of securities transactions. DTC believes that the proposed rule change is consistent with this provision because it would update the OA to clarify text, provide additional detail on existing processes, update DTC's contact information and therefore provide Participants, Issuers and Agents with transparency with respect to DTC's eligibility and asset servicing processes. By providing such transparency, the proposed rule change would allow each of these parties greater transparency on processing of transactions in their Securities and, therefore, would promote the prompt and accurate clearance and settlement of securities transactions.

The proposed rule changes are also designed to be consistent with Rule 17Ad–22(e)(23) of the Act,[36] which was recently adopted by the Commission.[37] Rule 17Ad–22(e)(23) requires DTC, *inter alia,* to establish, implement, maintain and enforce written policies and procedures reasonably designed to (i) publicly disclose all relevant rules and material procedures, including key aspects of its default rules and procedures, and (ii) provide sufficient information to enable participants to identify and evaluate the risks, fees, and other material costs they incur by participating in the covered clearing agency. The proposed rule changes, as described above, would update DTC's OA with respect to rules, material procedures and certain fee provisions relating to DTC's securities eligibility and asset servicing processes. As such, DTC believes that the proposed changes would promote disclosure of relevant rules and material procedures and provide sufficient information to enable participants and other users of DTC's services to evaluate fees and other material costs of utilizing DTC's services, in accordance with the requirements of Rule 17Ad–22(e)(23), promulgated under the Act, cited above.

(B) Clearing Agency's Statement on Burden on Competition

DTC does not believe that the proposed rule change would have any impact on competition because the proposed changes merely relate to updates and clarifications of the OA which would not significantly affect the rights and obligations of users of DTC's services, and would not disproportionally impact any users.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not solicited and does not intend to solicit comments regarding the proposed rule change. DTC has not received any unsolicited written comments from interested parties. To

[28] The confirmation letter acts as the Participant's instruction to DTC pursuant to Rule 6 (Services) in with respect to the processing of the adjustments processed pursuant to this section of the OA. *See* Rule 6, *supra* note 6.

[29] Pursuant to this section, information currently required includes (i) Security description and CUSIP number(s), (ii) total number of treasury or repurchased shares, and (iii) Participant(s) account name(s) and number(s) holding such share positions. For the reason discussed above, the proposed rule change would delete (ii) above and add to the list of required information (a) total number of shares/principal value and (b) number of shares/principal value per Participant. The proposed rule change would also modify (iii) above to add ''/principal'' without a space after ''share.''

[30] The purpose of this change is to enhance efficiency and security of the processing of information in this regard by having it transmitted only to a secure DTC email account rather than by fax which requires additional physical processing to retrieve and maintain a record of the information. The proposed rule change would also eliminate the requirement for a sender to confirm DTC's receipt of the information.

[31] On July 7, 2017, DTC submitted the ATOP Rule Filing to the Commission pursuant to subparagraph (f)(6) of Rule 19b–4 under the Act, 17 CFR 240.19b–4(f)(6), to amend former Section VI.A.2. in the subsection titled ''Consents'' thereunder, in order to require Agents to use DTC's Automated Tender Offer Program to process consent solicitations for book-entry securities. *See* Securities Exchange Act Release No. 81096 (July 7, 2017), 82 FR 32406 (July 13, 2017) (SR–DTC–2017–011). By its terms, the ATOP Rule Filing would be implemented 30 days after the date of its filing date, or such shorter time as the Commission may designate (''ATOP Rule Filing Implementation Date''). *See* Id. Pursuant to the proposed rule change, as of the ATOP Rule Filing Implementation Date, the changes proposed under the ATOP Rule Filing would be incorporated into the corresponding subsection titled ''Consents'' under the renumbered Section VI.C. described herein.

[32] The number of days in advance of the closing date of an underwriting transaction that DTC must receive applicable offering documentation, as well as certain identifying information with respect to underwriters and securities relating to the transaction would be reduced to more accurately reflect the amount of lead time necessary for DTC to timely process an underwriting transaction.

[33] The related timeframe for non-U.S. Issuers to submit a BLOR or ILOR, as applicable, prior to a closing date of a transaction would not change due to the amount of time necessary to complete existing physical processing requirements for BLORS and ILORS of non-U.S. Issuers.

[34] *See* Section IV.A.1.a. of the OA, *supra* note 5.

[35] 15 U.S.C. 78q–1(b)(3)(F).

[36] 17 CFR 240.17Ad–22(e)(23).

[37] The Commission adopted amendments to Rule 17ad–22, including the addition of new subsection 17ad–22(e), on September 28, 2016. *See* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14). DTC is a ''covered clearing agency'' as defined by new Rule 17ad–22(a)(5) and must comply with subsection (e) of Rule 17Ad–22. *Id.*

the extent DTC receives written comments on the proposed rule change, DTC will forward such comments to the Commission.

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) [38] of the Act and paragraph (f) of Rule 19b–4 [39] 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–DTC–2017–010 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–DTC–2017–010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of DTC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–DTC–2017–010 and should be submitted on or before August 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16269 Filed 8–1–17; 8:45 am]

BILLING CODE 8011–01–P

[38] 15 U.S.C. 78s(b)(3)(A).

[39] 17 CFR 240.19b–4(f).

[40] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–381, OMB Control No. 3235–0434]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension: Rule 15g–2.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information provided for in Rule 15g–2 (17 CFR 240.15g–2) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 15g–2 (The ''Penny Stock Disclosure Rule'') requires broker-dealers to provide their customers with a risk disclosure document, as set forth in Schedule 15G, prior to their first non-exempt transaction in a ''penny stock.'' As amended, the rule requires broker-dealers to obtain written acknowledgement from the customer that he or she has received the required risk disclosure document. The amended rule also requires broker-dealers to maintain a copy of the customer's written acknowledgement for at least three years following the date on which the risk disclosure document was provided to the customer, the first two years in an accessible place. Rule 15g–2 also requires a broker-dealer, upon request of a customer, to furnish the customer with a copy of certain information set forth on the Commission's Web site.

The risk disclosure documents are for the benefit of the customers, to assure that they are aware of the risks of trading in ''penny stocks'' before they enter into a transaction. The risk disclosure documents are maintained by the broker-dealers and may be reviewed during the course of an examination by the Commission.

There are approximately 198 broker-dealers that could potentially be subject to current Rule 15g–2. The Commission estimates that approximately 5% of registered broker-dealers are engaged in penny stock transactions, and thereby subject to the Rule (5% × approximately 3,969 registered broker-dealers = 198 broker-dealers). The Commission estimates that each one of these firms processes an average of three new customers for penny stocks per week. Thus, each respondent processes approximately 156 penny stock disclosure documents per year. If communications in tangible form alone are used to satisfy the requirements of Rule 15g–2, then the copying and mailing of the penny stock disclosure document takes no more than two minutes. Thus, the total associated burden is approximately 2 minutes per response, or an aggregate total of 312 minutes per respondent. Since there are 198 respondents, the current annual burden is 61,776 minutes (312 minutes per each of the 198 respondents) or 1,030 hours for this third party disclosure burden. In addition, broker-dealers incur a recordkeeping burden of approximately two minutes per response when filing the completed penny stock disclosure documents as required pursuant to the Rule 15(g)(2)(c), which requires a broker-dealer to preserve a copy of the written acknowledgement pursuant to Rule 17a–4(b) of the Exchange Act. Since there are approximately 156 responses for each respondent, the respondents incur an aggregate recordkeeping burden of 61,776 minutes (198 respondents × 156 responses for each × 2 minutes per response) or 1,030 hours, under Rule 15g–2. Accordingly, the current aggregate annual hour burden associated with Rule 15g–2 (assuming

that all respondents provide tangible copies of the required documents) is approximately 2,060 hours (1,030 third party disclosure hours + 1,030 recordkeeping hours).

The burden hours associated with Rule 15g–2 may be slightly reduced when the penny stock disclosure document required under the rule is provided through electronic means such as email from the broker-dealer (*e.g.,* the broker-dealer respondent may take only one minute, instead of the two minutes estimated above, to provide the penny stock disclosure document by email to its customer). In this regard, if each of the customer respondents estimated above communicates with his or her broker-dealer electronically, the total ongoing respondent burden is approximately 1 minute per response, or an aggregate total of 156 minutes (156 customers × 1 minutes per respondent). Assuming 198 respondents, the annual third party disclosure burden, if electronic communications were used by all customers, is 30,888 minutes (156 minutes per each of the 198 respondents) or 515 hours. If all respondents were to use electronic means, the recordkeeping burden would be 61,776 minutes or 1,030 hours (the same as above). Thus, if all broker-dealer respondents obtain and send the documents required under the rules electronically, the aggregate annual hour burden associated with Rule 15g–2 is 1,545 (515 hours + 1,030 hours).

In addition, if the penny stock customer requests a paper copy of the information on the Commission's Web site regarding microcap securities, including penny stocks, from his or her broker-dealer, the printing and mailing of the document containing this information takes no more than two minutes per customer. Because many investors have access to the Commission's Web site via computers located in their homes, or in easily accessible public places such as libraries, then, at most, a quarter of customers who are required to receive the Rule 15g–2 disclosure document request that their broker-dealer provide them with the additional microcap and penny stock information posted on the Commission's Web site. Thus, each broker-dealer respondent processes approximately 39 requests for paper copies of this information per year or an aggregate total of 78 minutes per respondent (2 minutes per customer × 39 requests per respondent). Since there are 198 respondents, the estimated annual burden is 15,444 minutes (78 minutes per each of the 198 respondents) or 257 hours. This is a third party disclosure type of burden.

We have no way of knowing how many broker-dealers and customers will choose to communicate electronically. Assuming that 50 percent of respondents continue to provide documents and obtain signatures in tangible form and 50 percent choose to communicate electronically to satisfy the requirements of Rule 15g–2, the total aggregate burden hours would be 2,060 ((aggregate burden hours for sending disclosure documents and obtaining signed customer acknowledgements in tangible form × 0.50 of the respondents = 1,030 hours) + (aggregate burden hours for electronically signed and transmitted documents × 0.50 of the respondents = 773 hours) + (257 burden hours for those customers making requests for a copy of the information on the Commission's Web site)).

Written 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 will 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 collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 27, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16214 Filed 8–1–17; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 10070]

Notice of Information Collection Under OMB Emergency Review: Request for Approval To Travel to a Restricted Country or Area

ACTION: Notice of request for emergency OMB approval and public comment.

SUMMARY: The Department of State has submitted the information collection request described below to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. The purpose of this notice is to allow 21 days for public comment from all interested individuals and organizations. Emergency review and approval of this collection has been requested from OMB by September 1, 2017.

DATES: All public comments must be received by August 23, 2017.

ADDRESSES: Direct any comments on this emergency request to both the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB) and to Bureau of Consular Affairs, Passport Services Directorate.

You may submit comments to OMB by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include *Emergency Submission Comment on* ''*Request for Approval to Travel to a Restricted Country or Area*'' in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

You may submit comments to Bureau of Consular Affairs, Passport Services Directorate by the following methods:

- *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2017–0033'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: PRA_BurdenComments@state.gov.* You must include *Emergency Submission Comment on* ''*Request for Approval to Travel to a Restricted Country or Area*'' in the subject line of your message.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents,

to PPT Forms Officer, U.S. Department of State, CA/PPT/S/L/LA 44132 Mercure Cir, P.O. Box 1227, Sterling, VA 20166–1227, by phone at (202) 485–6373, or by email at *PPTFormsOfficer@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Request for Approval to Travel to a Restricted Country or Area.
- *OMB Control Number:* 1405–XXXX.
- *Type of Request:* Emergency Review.
- *Originating Office:* Bureau of Consular Affairs, Passport Services Directorate, Office of Legal Affairs and Law Enforcement Liaison (CA/PPT/S/L).
- *Form Number:* None.
- *Respondents:* Individuals applying for a U.S. passport containing a special validation in accordance with 22 CFR 51.64 to use a U.S. passport to travel to, in, or through a country or area as to which U.S. passports have been declared invalid for such travel pursuant to 22 U.S.C. 211a and Executive Order 11295 (August 5, 1966) and in accordance with 22 CFR 51.63(a).
- *Estimated Number of Respondents:* 100 respondents.
- *Estimated Number of Responses:* 200 responses.
- *Average Time per Response:* 45 minutes.
- *Total Estimated Burden Time:* 149 hours.
- *Frequency:* Twice per respondent's application.
- *Obligation To Respond:* Required to Obtain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden of this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public records. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Secretary of State may exercise authority, under 22 U.S.C. 211a, Executive Order 11295 (August 5, 1966), and 22 CFR 51.63, to invalidate all U.S. passports for travel to a country or area if he determines that any of three conditions exist: The country is at war with the United States; armed hostilities are in progress in the country or area; or there is imminent danger to the public health or physical safety of U.S. travelers in the country or area. The regulations of the Department of State provide that an individual's passport may be considered for validation for travel to, in, or through a country or area despite such restriction if the individual's travel is determined to fall within one of several categories established by the regulations. 22 CFR 51.64. Without the requisite validation, use of a U.S. passport for travel to, in, or through a restricted country or area may justify revocation of the passport for misuse under 22 CFR 51.62(a)(2) and subject the traveler to felony prosecution under 18 U.S.C. 1544 for misuse of a passport or other applicable laws.

The categories of persons specified in 22 CFR 51.64(b) as being eligible for consideration for passport validation are as follows:

(a) An applicant who is a professional reporter and journalist whose trip is for the purpose of collecting and making available to the public information about the restricted country or area;

(b) An applicant who is a representative of the American Red Cross or the International Committee of the Red Cross on official mission to the restricted country or area;

(c) An applicant whose trip to the restricted country or area is justified by compelling humanitarian considerations; or

(d) An applicant whose trip to the restricted country or area is otherwise in the national interest.

The proposed information collection solicits data necessary for the Passport Services Directorate to determine whether an applicant is eligible to receive a special validation in his or her U.S. passport book permitting the applicant to make one round-trip to a restricted country or area. The information requested consists of the applicant's name, a copy of the front and back of the applicant's valid government-issued photo identification card with the applicant's date of birth, current contact information, including telephone number and mailing address, and a statement explaining the reason that the applicant thinks his or her trip is in the national interest, supported by documentary evidence. Failure to provide the requested information will result in denial of a special validation to use a U.S. passport to travel to, in, or through a restricted country or area.

The estimated number of recipients represents the Department of State's estimate of the number of persons who will request special validations to use their U.S. passport to travel to the Democratic People's Republic of Korea (DPRK), following implementation of a passport restriction that will become effective thirty days after publication of the Secretary of State's determination that there is imminent danger to the public health or physical safety of U.S. travelers in the DPRK. At this time, there are no other countries or areas that are the subject of passport restrictions pursuant to 22 CFR 51.63. In its next request to continue collecting information from individuals applying for special validations to travel in, to, or through a restricted country or area, the Department of State will update the estimated number of recipients based on its experience.

Methodology

The Department of State will post instructions for individuals seeking to apply for a special validation to use a U.S. passport to travel to, in, or through a restricted country or area on travel information Web site maintained by the Department (*travel.state.gov*). Applicants at U.S. embassies and consulates abroad and at domestic passport agencies and centers will be directed to this Web site for additional information. The Web site will direct applicants to submit the requested information via email to the Passport Services Directorate (*PPTSpecialValidations@state.gov*) or by mail to Special Validations, U.S. Department of State, CA/PPT/L/LA, 44132 Mercure Circle, P.O. Box 1227, Sterling, VA 20166–1227.

Information collected in this manner will be used to facilitate the granting of special validations to U.S. nationals who are eligible. The primary purpose of soliciting the information is to establish whether an applicant is within one of the categories specified in the regulations of the Department of State codified at 22 CFR 51.64(b) and therefore eligible to be issued a U.S. passport containing a special validation enabling him or her to make one round-trip to a restricted country or area, and to facilitate the application for a passport of such applicants.

Dated: July 28, 2017.

Brenda S. Sprague,

Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.

[FR Doc. 2017–16286 Filed 8–1–17; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 10075]

30-Day Notice of Proposed Information Collection: Online Application for Nonimmigrant Visa; Correction

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to correct the contact information contained in the original 30-day notice (82 FR 33199) and allow 30 days for public comment.

DATES: The Department will accept comments from the public up to September 1, 2017.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents may be sent to *PRA_BurdenComments@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application for Nonimmigrant Visa.
- *OMB Control Number:* 1405–0182.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* CA/VO/L/R.
- *Form Number:* DS–160.
- *Respondents:* All Nonimmigrant Visa Applicants.
- *Estimated Number of Respondents:* 13,345,785.
- *Estimated Number of Responses:* 13,345,785.
- *Average Time per Response:* 75 Minutes.
- *Total Estimated Burden Time:* 16,682,231 hours.
- *Frequency:* Once per respondent.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Online Application for Nonimmigrant Visa (DS–160) is used to collect biographical information from individuals seeking a nonimmigrant visa. The consular officer uses the information collected to determine the applicant's eligibility for a visa.

Methodology

The DS–160 will be submitted electronically to the Department via the internet. The applicant will be instructed to print a confirmation page containing a bar coded record locator, which will be scanned at the time of processing.

Meredith McEvoy,

Acting Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2017–16226 Filed 8–1–17; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 10072]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Casanova: The Seduction of Europe'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Casanova: The Seduction of Europe,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Kimbell Art Museum, in Fort Worth, Texas, from on or about August 27, 2017, until, on or about December 31, 2017; the Fine Arts Museums of San Francisco, Legion of Honor, in San Francisco, California, from, on or about February 10, 2018, until on or about May 20, 2018, the Museum of Fine Arts, Boston, in Boston, Massachusetts, from, on or about July 1, 2018, until on or about October 8, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Julie Simpson in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467) or email: *section2459@state.gov.* The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–16258 Filed 8–1–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10074]

United States Passports Invalid for Travel to, in, or Through the Democratic People's Republic of Korea

ACTION: Notice of passport travel restriction.

SUMMARY: The Department of State is declaring all U.S. passports invalid for travel to the Democratic People's Republic of Korea (North Korea) unless the travel meets certain criteria.

DATES: The travel restriction is in effect on September 1, 2017.

FOR FURTHER INFORMATION CONTACT: Anita Mody, Bureau of Consular Affairs, Passport Services, Office of Legal Affairs, 202–485–6500.

SUPPLEMENTARY INFORMATION: The Department of State has determined that the serious risk to United States nationals of arrest and long-term detention represents imminent danger to the physical safety of United States nationals traveling to and within the Democratic People's Republic of Korea (DPRK), within the meaning of 22 CFR 51.63(a)(3). Therefore, pursuant to the authority of 22 U.S.C. 211a and Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.63(a)(3), all United States passports are declared invalid for travel to, in, or through the DPRK unless specially validated for such travel, as specified at 22 CFR 51.64. The restriction on travel to the DPRK shall be effective 30 days after publication of this Notice, and shall remain in effect for one year unless extended or sooner revoked by the Secretary of State.

Dated: July 21, 2017.

Rex W. Tillerson,

Secretary of State, Department of State.

[FR Doc. 2017–16287 Filed 8–1–17; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 10073]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''After Darkness: Southeast Asian Art in the Wake of History'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''After Darkness: Southeast Asian Art in the Wake of History,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Asia Society, in New York, New York, from on or about September 8, 2017, until on or about January 21, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Julie Simpson in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467) or email: *section2459@state.gov.* The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–16238 Filed 8–1–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10067]

Bureau of Political-Military Affairs; Rescission of Statutory Debarment and Reinstatement of Pratt & Whitney Canada Corporation Under the Arms Export Control Act and the International Traffic in Arms Regulations

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has rescinded the statutory debarment of, and reinstated Pratt & Whitney Canada Corporation, pursuant to the Department's authorities under the Arms Export Control Act and the International Traffic in Arms Regulations.

DATES: Rescission and reinstatement as of July 12, 2017.

FOR FURTHER INFORMATION CONTACT: Arthur Shulman, Acting Director, Office of Defense Trade Controls Compliance, Bureau of Political-Military Affairs, Department of State (202) 632–3384.

SUPPLEMENTARY INFORMATION: Section 38(g)(4) of the AECA, 22 U.S.C. 2778(g)(4), prohibits the issuance of export licenses or other approvals for the export of defense articles or defense services where the applicant, or any party to the export, has been convicted of violating the AECA and certain other U.S. criminal statutes enumerated at section 38(g)(1) of the AECA. In addition, section 127.7(b) of the ITAR provides for the statutory debarment of any person who has been convicted of violating or conspiring to violate the AECA. Persons subject to statutory debarment are prohibited from participating directly or indirectly in the export of defense articles, including technical data, or in the furnishing of defense services for which a license or other approval is required.

In June 2012, Pratt & Whitney Canada Corporation pleaded guilty to violating the AECA (U.S. District Court, District of Connecticut, 12–CR–146–WWE). Based on this plea, Pratt & Whitney Canada Corporation was ineligible in accordance with section 120.1 of the ITAR and was statutorily debarred, with certain exceptions, pursuant to section 127.7(b) of the ITAR. Notice of debarment of Pratt & Whitney Canada Corporation, 1000 boul. Marie-Victorin, Longueuil, Quebec, Canada J4G 1A1 (and all other Pratt & Whitney Canada Corporation locations) was published in the **Federal Register** (77 FR 40140, July 6, 2012).

In accordance with section 127.7 of the ITAR, the statutory debarment may be rescinded after consultation with other appropriate U.S. agencies, after a thorough review of the circumstances surrounding the conviction, and a finding that appropriate steps have been taken to mitigate any law enforcement concerns. The Department of State has consulted with other appropriate U.S. agencies and has determined that Pratt & Whitney Canada Corporation has taken appropriate steps to address the causes of the violations and to mitigate any law enforcement concerns.

Therefore, in accordance with section 38(g)(4) of the AECA and sections 127.7(b) and 127.11(b) of the ITAR, Pratt & Whitney Canada Corporation is eligible to be involved in ITAR-regulated activities and the statutory debarment is rescinded, effective July 12, 2017. Pratt & Whitney Canada Corporation may participate directly or indirectly in any activities that are subject to the ITAR.

Tina S. Kaidanow,

Acting Assistant Secretary, Bureau of Political-Military Affairs.

[FR Doc. 2017–15969 Filed 8–1–17; 8:45 am]

BILLING CODE 4710–25–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2017–0013]

Request for Comments To Compile the National Trade Estimate Report on Foreign Trade Barriers

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Section 181 of the Trade Act of 1974, as amended, requires the Office of the United States Trade Representative (USTR) annually to publish the National Trade Estimate Report on Foreign Trade Barriers (NTE). The Trade Policy Staff Committee (TPSC) is asking interested persons to submit written comments to assist the TPSC in identifying significant barriers to U.S. exports of goods, services, and U.S. foreign direct investment for inclusion in the NTE.

Section 1377 of the Omnibus Trade and Competitiveness Act of 1988 (Section 1377) requires USTR annually to review the operation and effectiveness of all U.S. trade agreements regarding telecommunications products and services that are in force with respect to the United States. USTR will consider written comments in response to this notice regarding the trade barriers pertinent to the conduct of the review called for in Section 1377.

DATES: We must receive all written comments no later than 11:59 p.m., October 25, 2017.

ADDRESSES: We strongly prefer electronic submissions made through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments in section 4 below. The docket number is USTR–2017–0013. For alternatives to on-line submissions, please contact Yvonne Jamison, Trade Policy Staff Committee, at (202) 395–3475.

FOR FURTHER INFORMATION CONTACT: Direct questions to Yvonne Jamison at (202) 395–3475.

SUPPLEMENTARY INFORMATION:

1. Background

The NTE sets out an inventory of the most important foreign barriers affecting U.S. exports of goods and services, U.S. foreign direct investment, and protection of intellectual property rights. The inventory facilitates U.S. negotiations aimed at reducing or eliminating these barriers. The report also provides a valuable tool in enforcing U.S. trade laws and strengthening the rules-based trading system. You can find the 2017 NTE Report on USTR's Web site at *http://www.ustr.gov* under the tab ''Reports''. To ensure compliance with the NTE's statutory mandate and the Trump Administration's commitment to focus on the most significant foreign trade barriers, USTR will be guided by the existence of active private sector interest in deciding which restrictions to include in the NTE.

2. Topics on Which the TPSC Seeks Information

To assist USTR in preparing the NTE, commenters should submit information related to one or more of the following categories of foreign trade barriers:

1. Import policies (*e.g.,* tariffs and other import charges, quantitative restrictions, import licensing, and customs barriers).

2. Government procurement restrictions (*e.g.,* ''buy national policies'' and closed bidding).

3. Export subsidies (*e.g.,* export financing on preferential terms, subsidies provided to equipment manufacturers contingent on export and agricultural export subsidies that displace U.S. exports in third country markets).

4. Lack of intellectual property protection (*e.g.,* inadequate patent, copyright, and trademark regimes).

5. Services barriers (*e.g.,* limits on the range of financial services offered by foreign financial institutions, regulation of international data flows, restrictions on the use of data processing, quotas on imports of foreign films, unnecessary or discriminatory technical regulations or standards for telecommunications services, and barriers to the provision of services by professionals).

6. Investment barriers (*e.g.,* limitations on foreign equity participation and on access to foreign government-funded R&D consortia, local content, technology transfer and export performance requirements, and restrictions on repatriation of earnings, capital, fees, and royalties).

7. Government-tolerated anticompetitive conduct of state-owned or private firms that restrict the sale or purchase of U.S. goods or services in the foreign country's markets.

8. Trade restrictions affecting electronic commerce (*e.g.,* tariff and non-tariff measures, burdensome and discriminatory regulations and standards, and discriminatory taxation).

9. Trade restrictions implemented through unwarranted sanitary and phytosanitary measures, including unwarranted measures justified for purposes of protecting food safety, and animal and plant life or health.

10. Trade restrictions implemented through unwarranted standards, conformity assessment procedures, or technical regulations (Technical Barriers to Trade) that may have as their objective protecting national security requirements, preventing deceptive practices, or protecting human health or safety, animal or plant life or health, or the environment, but that can be formulated or implemented in ways that create significant barriers to trade (including unnecessary or discriminatory technical regulations or standards for telecommunications products).

11. Other barriers (*e.g.,* barriers that encompass more than one category, such as bribery and corruption, or that affect a single sector).

In addition, Section 1377 (19 U.S.C. 3106) requires USTR annually to review the operation and effectiveness of all U.S. trade agreements regarding telecommunications products and services that are in force with respect to the United States. The purpose of the review is to determine whether any act, policy, or practice of a country that has entered into a trade agreement or other telecommunications trade agreement with the United States is inconsistent with the terms of such agreement or otherwise denies U.S. firms, within the context of the terms of such agreements, mutually advantageous market opportunities for telecommunications products and services.

We invite commenters to identify those barriers covered in submissions that may operate as ''localization barriers to trade.'' Localization barriers are measures designed to protect, favor, or stimulate domestic industries, services providers, and/or intellectual property at the expense of goods, services, or intellectual property from other countries, including the provision of subsidies linked to local production. For more information on localization barriers, please go to *http://www.ustr.gov/trade-topics/localization-barriers.*

Commenters should place particular emphasis on any practices that may violate U.S. trade agreements. The TPSC also is interested in receiving new or updated information pertinent to the barriers covered in the 2017 NTE as well as information on new barriers. If USTR does not include in the NTE information that it receives pursuant to this notice, it will maintain the information for potential use in future discussions or negotiations with trading partners.

3. Estimate of Increase in Exports

Each comment should include an estimate of the potential increase in U.S.

exports that would result from removing any foreign trade barrier the comment identifies, as well as a description of the methodology the commenter used to derive the estimate. Commenters should express estimates within the following value ranges: Less than $5 million; $5 to $25 million; $25 million to $50 million; $50 million to $100 million; $100 million to $500 million; or over $500 million. These estimates will help USTR conduct comparative analyses of a barrier's effect over a range of industries.

4. Requirements for Submissions

In order to be assured of consideration, we must receive your written comments in English by 11:59 p.m. on October 25, 2017. USTR strongly encourages commenters to make on-line submissions, using the *www.regulations.gov* Web site. On the first page of the submission, please identify it as ''Comments Regarding Foreign Trade Barriers to U.S. Exports for 2018 Reporting.'' Commenters providing information on foreign trade barriers in more than one country should, whenever possible, provide a separate submission for each country.

To submit comments via *www.regulations.gov,* enter docket number USTR–2017–0013 on the home page and click ''search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled ''Comment Now!'' For further information on using the *www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on ''How to Use Regulations.gov'' on the bottom of the home page. We will not accept hand-delivered submissions.

The *www.regulations.gov* Web site allows users to submit comments by filling in a ''Type Comment'' field or by attaching a document using an ''Upload File'' field. USTR prefers that you submit comments in an attached document. If you attach a document, please identify the name of the country to which the submission pertains in the ''Type Comment'' field. For example—''See attached comments with respect to (name of country).'' USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If you use an application other than those two, please indicate the name of the application in the ''Type Comment'' field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. Filers of submissions containing business confidential information also must submit a public version of their comments that we will place in the docket for public inspection. The file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments. Filers submitting comments containing no business confidential information should name their file using the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

As noted, USTR strongly urges submitters to file comments through *www.regulations.gov.* You must make any alternative arrangements with Yvonne Jamison in advance of transmitting a comment. You can contact Ms. Jamison at (202) 395–3475. General information concerning USTR is available at *www.ustr.gov.*

We will post comments in the docket for public inspection, except business confidential information. You can view comments on the *www.regulations.gov* Web site by entering the relevant docket number in the search field on the home page.

Edward Gresser,

Chair, Trade Policy Staff Committee, Office of the United States Trade Representative.

[FR Doc. 2017–16195 Filed 8–1–17; 8:45 am]

BILLING CODE 3290–F7–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Reallocation of Unused Fiscal Year 2017 Tariff-Rate Quota Volume for Raw Cane Sugar

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice of country-by-country reallocations of the fiscal year (FY) 2017 in-quota quantity of the World Trade Organization (WTO) tariff-rate quota (TRQ) for imported raw cane sugar.

DATES: This notice is applicable on August 2, 2017.

FOR FURTHER INFORMATION CONTACT: Ronald Baumgarten, Office of Agricultural Affairs, (202) 395–9583 or *Ronald_Baumgarten@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Additional U.S. Note 5 to Chapter 17 of the Harmonized Tariff Schedule of the United States (HTS), the United States maintains WTO TRQs for imports of raw cane and refined sugar.

Section 404(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(3)) authorizes the President to allocate the in-quota quantity of a TRQ for any agricultural product among supplying countries or customs areas. The President delegated this authority to the United States Trade Representative under Presidential Proclamation 6763 (60 FR 1007, January 4, 1995).

On May 6, 2016 (81 FR 27390), the Secretary of Agriculture established the FY2017 WTO TRQ for imported raw cane sugar at the minimum to which the United States is committed pursuant to the WTO Uruguay Round Agreements (1,117,195 metric tons raw value (MTRV) conversion factor: 1 metric ton = 1.10231125 short tons.). On May 27, 2016 (81 FR 33729), USTR provided notice of country-by-country allocations of the FY2017 in-quota quantity of the WTO TRQ for imported raw cane sugar. Based on consultation with quota holders, USTR is reallocating 86,495 MTRV of the original TRQ quantity from those countries that are unable to fill their FY2017 allocated raw cane sugar quantities. USTR is allocating the 86,495 MTRV to the following countries in the amounts specified below:

Country	FY 2017 raw cane sugar unused reallocation (MTRV)
Argentina	4,756
Australia	9,180
Belize	1,217
Brazil	16,038
Colombia	2,655
Costa Rica	1,659
Ecuador	1,217
El Salvador	2,876
Fiji	995
Guatemala	5,309
Guyana	1,327
Honduras	1,106
India	885
Jamaica	1,217
Malawi	1,106
Mauritius	1,327
Mozambique	1,438
Nicaragua	2,323
Panama	3,208
Peru	4,535
Philippines	14,932
South Africa	2,544
Swaziland	1,770

Country	FY 2017 raw cane sugar unused reallocation (MTRV)
Thailand	1,548
Zimbabwe	1,327

USTR based these allocations on the countries' historical shipments to the United States. The allocations of the raw cane sugar WTO TRQ to countries that are net importers of sugar are conditioned on receipt of the appropriate verifications of origin. Certificates for quota eligibility must accompany imports from any country for which an allocation has been provided.

Sharon E. Bomer Lauritsen,

Assistant U.S. Trade Representative, Agricultural Affairs and Commodity Policy.

[FR Doc. 2017–16289 Filed 7–31–17; 11:15 am]

BILLING CODE 3290–F7–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Fiscal Year 2017 Allocation of Additional Tariff-Rate Quota Volume for Raw Cane Sugar

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice of country-by-country allocations of additional Fiscal Year (FY) 2017 in-quota quantity of the tariff-rate quota (TRQ) for imported raw cane sugar as announced by Secretary of Agriculture on July 25, 2017.

DATES: This notice is applicable on August 2, 2017.

FOR FURTHER INFORMATION CONTACT: Ronald Baumgarten, Office of Agricultural Affairs, (202) 395–9583 or *Ronald_Baumgarten@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Additional U.S. Note 5 to Chapter 17 of the Harmonized Tariff Schedule of the United States (HTS), the United States maintains TRQs for imports of raw cane and refined sugar.

Section 404(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(3)) authorizes the President to allocate the in-quota quantity of a TRQ for any agricultural product among supplying countries or customs areas. The President delegated this authority to the United States Trade Representative under Presidential Proclamation 6763 (60 FR 1007, January 4, 1995).

On July 25, 2017 (82 FR 34472), the Secretary of Agriculture announced an additional in-quota quantity of the TRQ for raw cane sugar for the remainder of FY2017 (ending September 30, 2017) in the amount of 244,690 metric tons raw value (MTRV). The conversion factor is 1 metric ton equals1.10231125 short tons. This quantity is in addition to the minimum amount to which the United States is committed under the World Trade Organization (WTO) Uruguay Round Agreements (1,117,195 MTRV). The Department of Agriculture also has determined that all sugar entering the United States under the FY2017 raw sugar TRQ will be permitted to enter U.S. Customs territory through October 31, 2017, a month later than the typical entry date deadline. USTR is allocating this total quantity of 244,690 MTRV to the following countries in the amounts specified below:

Country	FY2017 raw cane sugar increase (MTRV)
Argentina	15,575
Australia	30,064
Belize	3,984
Brazil	13,962
Colombia	8,693
Costa Rica	5,433
Ecuador	3,984
El Salvador	9,417
Fiji	3,260
Guatemala	17,386
Guyana	4,347
Honduras	3,622
India	2,898
Jamaica	3,984
Malawi	3,622
Mauritius	4,347
Mozambique	4,709
Nicaragua	7,606
Panama	10,504
Peru	14,851
Philippines	48,898
South Africa	8,331
Swaziland	5,795
Thailand	5,071
Zimbabwe	4,347

USTR based these allocations on the countries' historical shipments to the United States. The allocations of the raw cane sugar TRQ to countries that are net importers of sugar are conditioned on receipt of the appropriate verifications of origin, and certificates for quota eligibility must accompany imports from any country for which an allocation has been provided.

Sharon E. Bomer Lauritsen,

Assistant U.S. Trade Representative, Agricultural Affairs and Commodity Policy.

[FR Doc. 2017–16288 Filed 7–31–17; 11:15 am]

BILLING CODE 3290–F7–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2017–0011]

Request for Comments and Notice of Public Hearing Concerning China's Compliance With WTO Commitments

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing.

SUMMARY: The interagency Trade Policy Staff Committee (TPSC) is seeking comments and will convene a public hearing to assist the Office of the United States Trade Representative (USTR) to prepare its annual report to Congress on China's compliance with the commitments made in connection with its accession to the World Trade Organization (WTO).

DATES: September 20, 2017: Deadline for filing requests to appear and a summary of expected testimony at the October 4, 2017 public hearing, and for filing pre-hearing briefs, statements, or comments concerning China's compliance with WTO commitments.

October 4, 2017: The TPSC will convene a public hearing in Washington, DC concerning China's compliance with WTO commitments.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments in section 3 below. The docket number is USTR–2017–0011. For alternatives to on-line submissions, please contact Yvonne Jamison, Trade Policy Staff Committee, at (202) 395–3475.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments or participation in the public hearing, contact Yvonne Jamison at (202) 395–3475. Direct all other questions to Terrence J. McCartin, Acting Assistant United States Trade Representative for China Affairs, at (202) 395–3900, or Philip D. Chen, Chief Counsel for China Enforcement, at (202) 395–3150.

SUPPLEMENTARY INFORMATION:

1. Background

China became a Member of the WTO on December 11, 2001. In accordance with section 421 of the U.S.-China Relations Act of 2000 (Pub. L. 106–286), by December 11th of each year USTR has to submit a report to Congress on China's compliance with commitments made in connection with its accession to the WTO, including both multilateral commitments and any bilateral

commitments made to the United States. In accordance with section 421, and to assist in preparing this year's report, the TPSC is soliciting public comments. You can view last year's report on USTR's Web site: *https://ustr.gov/sites/default/files/2015-Report-to-Congress-China-WTO-Compliance.pdf.*

The terms of China's accession to the WTO are contained in the Protocol on the Accession of the People's Republic of China (including its annexes) (Protocol), the Report of the Working Party on the Accession of China (Working Party Report), and the WTO agreements. You can find the Protocol and Working Party Report on the WTO Web site: *http://docsonline.wto.org* (document symbols: WT/L/432, WT/MIN(01)/3, WT/MIN(01)/3/Add.1, WT/MIN(01)/3/Add.2).

2. Public Comments and Hearing

USTR invites written comments and/or oral testimony on China's compliance with commitments made in connection with its accession to the WTO, including, but not limited to, commitments in the following areas:

a. Trading rights.

b. Import regulation (*e.g.,* tariffs, tariff-rate quotas, quotas, import licenses);

c. Export regulation.

d. Internal policies affecting trade (*e.g.,* subsidies, standards and technical regulations, sanitary and phytosanitary measures, government procurement, trade-related investment measures, taxes and charges levied on imports and exports).

e. Intellectual property rights (including intellectual property rights enforcement).

f. Services.

g. Rule of law issues (*e.g.,* transparency, judicial review, uniform administration of laws and regulations) and status of legal reform.

h. Other WTO commitments.

In addition, given the United States' view that China should be held accountable as a full participant in, and beneficiary of, the international trading system, USTR requests that commenters specifically identify unresolved compliance issues that warrant review and evaluation by USTR's China Enforcement Task Force.

We must receive written comments no later than Wednesday, September 20, 2017.

The TPSC will convene a public hearing on Wednesday, October 4, 2017. If necessary, the hearing will continue on the next business day. The hearing will be held at 1724 F Street NW., Washington, DC 20508 and will be open to the public and to the press. We must receive your written requests to present oral testimony at the hearing and pre-hearing briefs, statements, or comments by Wednesday, September 20, 2017. You must make the intent to testify notification in the ''Type Comment'' field under docket number USTR–2017–0011 on the *www.regulations.gov* Web site and you should include the name, address, telephone number and email address, if available, of the person presenting the testimony. You should attach a summary of the testimony by using the ''Upload File'' field. The name of the file also should include who will be presenting the testimony. Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the TPSC.

You should submit all documents in accordance with the instructions in section 3 below.

We will make a transcript of the hearing available on *www.regulations.gov* within approximately two weeks of the date of the hearing.

3. Requirements for Submissions

In order to be assured of consideration, we must receive your written comments and notifications of intent to testify in English by Wednesday, September 20, 2017. USTR strongly encourages commenters to make on-line submissions, using the *www.regulations.gov* Web site. On the first page of the submission, please identify it as ''China's WTO Compliance.''

To submit comments via *www.regulations.gov,* enter docket number USTR–2017–0011 on the home page and click ''search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled ''Comment Now!'' For further information on using the *www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on ''How to Use Regulations.gov'' on the bottom of the home page. We will not accept hand-delivered submissions.

The *www.regulations.gov* Web site allows users to submit comments by filling in a ''Type Comment'' field or by attaching a document using an ''Upload File'' field. USTR prefers that you submit comments in an attached document. If you attach a document, it is sufficient to type ''See attached'' in the ''Type Comment'' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If you use an application other than those two, please indicate the name of the application in the ''Type Comment'' field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. Filers of submissions containing business confidential information also must submit a public version of their comments that we will place in the docket for public inspection. The file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments. Filers submitting comments containing no business confidential information should name their file using the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

As noted, USTR strongly urges submitters to file comments through *www.regulations.gov.* You must make any alternative arrangements with Yvonne Jamison in advance of transmitting a comment. You can contact Ms. Jamison at (202) 395–3475. General information concerning USTR is available at *www.ustr.gov.*

We will post comments in the docket for public inspection, except business confidential information. You can view comments on the *www.regulations.gov* Web site by entering the relevant docket number in the search field on the home page.

Edward Gresser,

Chair, Trade Policy Staff Committee, Office of the United States Trade Representative.

[FR Doc. 2017–16204 Filed 8–1–17; 8:45 am]

BILLING CODE 3290–F7–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0180]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from four individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before September 1, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2017–0180 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the two-year period.

The four individuals listed in this notice have requested an exemption from the epilepsy prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

> Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8),* paragraphs 3, 4, and 5.]

The advisory criteria states the following:

If an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the Medical Examiner in consultation with the treating physician. Before certification is considered, it is suggested that a six-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a five-year period or more.

As a result of Medical Examiners misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified Medical Examiner based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders, (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness

[1] See *http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a* and *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

or any loss of ability to control a CMV.'' Since the January 15, 2013 notice, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in 49 CFR 391.41(b)(8).

To be considered for an exemption from the epilepsy prohibition in 49 CFR 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (MEP) (78 FR 3069).

II. Qualifications of Applicants

Shane A. Brackett

Mr. Brackett, 43, has a diagnosis of seizure disorder and been seizure-free since 1999. He is compliant with taking his anti-seizure medication. His physician states that he is supportive of Mr. Brackett receiving an exemption

Peter Connors

Mr. Connors, 25, has a diagnosis of seizure disorder and been seizure-free since 2009. He is compliant with taking his anti-seizure medication. His physician states that he is supportive of Mr. Connors receiving an exemption.

Brian D. Krise

Mr. Krise, 43, has a diagnosis of seizure disorder and been seizure-free since approximately 2002. He is compliant with taking his anti-seizure medication. His physician states that he is supportive of Mr. Krise receiving an exemption.

Daniel Maben

Mr. Maben, 49, has a history of head trauma in 1998 and two subsequent seizures. He has been seizure-free since 2002. He is compliant with taking anti-seizure medication. His physician states that he is supportive of Mr. Maben receiving an exemption.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the **DATES** section of the notice.

V. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0180 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0180 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: July 20, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–16244 Filed 8–1–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0066]

Federal Advisory Committee National Emergency Medical Services Advisory Council (NEMSAC) and Federal Interagency Committee on Emergency Medical Services (FICEMS); Notice of Meeting

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

ACTION: Notice of meeting.

SUMMARY: The NHTSA announces meetings of NEMSAC and FICEMS to be held consecutively in the Metropolitan Washington, DC area. This notice announces the date, time, and location of the meetings, which will be open to the public, as well as opportunities for public input to the NEMSAC and FICEMS. The purpose of NEMSAC, a nationally recognized council of emergency medical services representatives and consumers, is to advise and consult with DOT and the FICEMS on matters relating to emergency medical services (EMS). The purpose of FICEMS is to ensure coordination among Federal agencies supporting EMS and 9–1–1 systems.

DATES: The NEMSAC meeting will be held on August 14, 2017 from 8:30 a.m. to 4:00 p.m. EDT, and on August 15, 2017 from 8:30 a.m. to 12:00 Noon EDT. A public comment period will take place on August 14, 2017 between 11:15 a.m. and 11:45 a.m. EDT and August 15, 2017 between 10:45 a.m. and 11:15 a.m. EDT. Some NEMSAC subcommittees will meet in the same location on Monday, August 14, 2017 from 4 p.m. to 5 p.m. EDT. Written comments for the NEMSAC from the public must be received no later than August 7, 2017.

The FICEMS meeting will be held on August 15, 2017 from 1:00 p.m. to 3:00 p.m. EDT. A public comment period will take place on August 15, 2017 between approximately 2:40 and 2:55 p.m. EDT. Written comments for FICEMS from the public must be received no later than August 1, 2017.

ADDRESSES: The meetings will be held at the Capital Hilton, 1001 16th Street NW., Washington, DC 20036. Attendees should plan to arrive 10–15 minutes early.

FOR FURTHER INFORMATION CONTACT: Gamunu Wijetunge, U.S. Department of Transportation, Office of Emergency Medical Services, 1200 New Jersey Avenue SE., NTI–140, Washington, DC 20590, *Gamunu.Wijetunge@dot.gov* or 202–493–2793.

SUPPLEMENTARY INFORMATION: Notice of the NEMSAC meeting is given under the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App.). The NEMSAC is authorized under Section 31108 of the Moving Ahead with Progress in the 21st Century Act of 2012. The FICEMS is authorized under Section 10202 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU).

Tentative Agenda of the National EMS Advisory Council Meeting

The tentative NEMSAC agenda includes the following:

Monday, August 14, 2017 (8:30 a.m. to 11:45 a.m. EDT)

(1) Opening Remarks/Approval of December 1–2, 2016 Meeting Minutes
(2) Federal Liaison Update—Reports and Updates from the Departments of Transportation, Homeland Security, and Health & Human Services
(3) Disclosure of Conflicts of Interests by Members
(4) NEMSAC Committee Updates and Discussion on Pending Advisories
  a. Innovative Practices of EMS Workforce
  b. Patient Care, Quality Improvement and General Safety
  c. Provider and Community Education
(5) Public Comment Period (11:15 a.m. to 11:45 a.m. EDT)
(6) Recess for Lunch—11:45 a.m. to 1:15 p.m. EDT
(7) Reconvene for 3 Special Presentations—1:15 p.m. to 2:45 p.m. EDT (~1/2 hour each)
  a. Doug Kupas, M.D.—''Lights & Siren Use by EMS: Above All Do No Harm''
  b. Daniel Patterson, Ph.D.—''Fatigue in EMS Guidelines''
  c. FDA (TBD)—Pharmaceutical/ Medication Shortages
(8) Discussion on NEMSAC 2015–2017 Report—Review of two year's work

As needed, NEMSAC Committees will meet in Breakout Sessions from 4 p.m.–5 p.m.—(on-site and open to the public)

Tuesday, August 15, 2017 (8:30 a.m. to 12:00 Noon, EDT)

(1) Reconvene and Introductions (8:30 a.m.–8:45 a.m. EDT)
(2) Special Comments from Designated Federal Official (DFO), Chair and Vice Chair on last meeting of current 2015–2017 NEMSAC Membership and Update on Application Process for 2017–2019 and estimated timeline for Appointments. (8:45 a.m. to 9:30 a.m. EDT)
(3) NEMSAC Committee Reports/ Updates/Discussion (9:30 a.m.–10:30 a.m. EDT)
(4) Public Comment Period (10:45 a.m. to 11:15 a.m. EDT)
(5) NEMSAC Action on Committee Advisories and NEMSAC 2015–2017 Report
(6) NEMSAC Next Steps and Wrap Up, and Adjourn (11:45 a.m.–12 Noon EDT)

Tentative Agenda of the Federal Interagency Committee on EMS Meeting

Tuesday, August 15, 2017 (1:00 p.m. to 3:00 p.m. EST)

(1) Welcome, Introductions and Opening Remarks from Dave Fluty, Chair
(2) Review and Approval of Executive Summary of December 2, 2016 Meeting
(3) Update from the NEMSAC (Vince Robbins, NEMSAC Chair)
(4) EMS Agenda 2050
(5) Anthrax Vaccination for First Responders
(6) Opioid Overdose Epidemic Update
(7) NEMSIS Update
(8) NIH Research Update
(9) Technical Working Group (TWG) Committee Reports
  a. Evidence-based Practice and Quality
  b. EMS Data Standardization and Exchange
  c. EMS Systems Integration
  d. Safety, Education, and Workforce
(10) Other Emerging Issues in EMS from Federal Agencies and Agency Updates
(11) Public Comment Period (approximately 2:40 p.m. EST)
(12) Adjourn

Registration Information: These meetings will be open to the public; however, pre-registration is requested. Individuals wishing to attend must register online no later than August 7, 2017. For NEMSAC please register at: *http://www.cvent.com/d/v5qrzn/4W.* For assistance with NEMSAC registration, please contact Susan McHenry at *Susan.McHenry@dot.gov* or 202–366–6540. For FICEMS please register at: *http://www.cvent.com/d/p5qr2s/4W.* For assistance with FICEMS registration, please contact Gamunu Wijetunge at *Gamunu.Wijetunge@dot.gov* or 202–493–2793. There will not be a teleconference option for these meetings.

Public Comment: Members of the public are encouraged to comment directly to the NEMSAC and FICEMS during designated public comment periods. In order to allow as many people as possible to speak, speakers are requested to limit their remarks to 5 minutes. Written comments from members of the public will be distributed to NEMSAC or FICEMS members at the meeting and should reach the NHTSA Office of EMS no later than August 7, 2017. Written comments may be submitted by either one of the following methods: (1) You may submit comments by email: *nemsac@dot.gov* or *ficems@dot.gov* or (2) you may submit comments by fax: (202) 366–7149.

A final agenda as well as meeting materials will be available to the public online through *www.EMS.gov* on or before August 7, 2017.

Authority: 44 U.S.C. 35069(c)(2)(A).

Issued in Washington, DC, on July 27, 2017.

Jeffrey Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2017–16186 Filed 8–1–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held August 22, 2017, and August 23, 2017.

FOR FURTHER INFORMATION CONTACT: Gretchen Swayzer at 1–888–912–1227 or 469–801–0769.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Tuesday, August 22, 2017 and Wednesday, August 23, 2017, from 8:00 a.m. to 5:00 p.m. Eastern Standard Time. The public is invited to make oral comments or submit written statements for consideration. Notification of intent to participate must be made with Gretchen Swayzer. For more information please contact Gretchen Swayzer at 1–888–912–1227 or 469–801–0769, TAP Office, 4050 Alpha Rd, Farmers Branch, TX 75244, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: July 21, 2017.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–16014 Filed 8–1–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In accordance with section 999(a)(3) of the Internal Revenue Code of 1986, the Department of the Treasury is publishing a current list of countries which require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

On the basis of the best information currently available to the Department of the Treasury, the following countries require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

Iraq
Kuwait
Lebanon
Libya
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen

Dated: July 26, 2017.

Danielle Rolfes,

International Tax Counsel, (Tax Policy).

[FR Doc. 2017–16290 Filed 8–1–17; 8:45 am]

BILLING CODE 4810–25–P

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Vol. 82, No. 147

Wednesday, August 2, 2017

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