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Rules and Regulations

Federal Register
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SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

RIN 3245–AG67

Small Business Investment Companies: Passive Business Expansion and Technical Clarifications

AGENCY: U.S. Small Business Administration.

ACTION: Final rule and withdrawal of final rule.

SUMMARY: The U.S. Small Business Administration (SBA) is withdrawing the final rule concerning Small Business Investment Company (SBIC) investments in passive businesses that was published on December 28, 2016, and is replacing it with this final rule. This final rule expands SBIC permitted investments in passive businesses and includes new reporting and other requirements for passive investments. This rule also makes a few minor technical amendments.

DATES: As of August 18, 2017, the final rule published December 28, 2016 (81 FR 95424), delayed until March 21, 2017, on January 26, 2017 (82 FR 8499), further delayed until May 20, 2017, on March 21, 2017 (82 FR 14428), and further delayed until August 18, 2017, on May 2, 2017 (82 FR 20433), is withdrawn. The amendments in this rule are effective September 18, 2017.

FOR FURTHER INFORMATION CONTACT: Theresa Jamerson, Office of Investment and Innovation, (202) 205–7563 or *sbic@sba.gov.*

SUPPLEMENTARY INFORMATION:

I. Background Information

The SBIC Program is an SBA financing program authorized under Title III of the Small Business Investment Act of 1958, 15 U.S.C. 681 *et seq.* Congress created the Small Business Investment Company (SBIC) program to ''stimulate and supplement the flow of private equity capital and long-term loan funds, which small-business concerns need for the sound financing of their business operations and for their growth, expansion, and modernization, and which are not available in adequate supply. . . .'' 15 U.S.C. 661. Congress intended that the program ''be carried out in such manner as to insure the maximum participation of private financing sources.'' *Id.* In accordance with that policy, SBA does not invest directly in small businesses. Rather, through the SBIC Program, SBA licenses and provides debenture leverage (Leverage) to SBICs. SBICs are privately-owned and professionally managed for-profit investment funds that make loans to, and investments in, qualified small businesses using a combination of privately raised capital and Leverage guaranteed by SBA. SBA will guarantee the repayment of debentures issued by an SBIC up to a maximum of $150 million or three times the amount of the SBIC's qualifying private capital, whichever is less (although pursuant to SBA's regulations and credit policies, SBA rarely approves an SBIC to have a maximum amount of Leverage outstanding in excess of two times the amount of the SBIC's qualifying private capital).

SBICs are generally prohibited from investing in passive businesses under the Act. Prior to this final rule, the SBIC program regulations provided for the following two exceptions that allowed an SBIC to structure an investment utilizing a passive small business as a pass-through:

A. ''*Holding company exception*''—*§ 107.720(b)(2):* This exception provides conditions under which an SBIC may structure an investment through up to two levels of passive entities to make an investment in a non-passive business that is a subsidiary of the passive business directly financed by the SBIC. The regulation defines a subsidiary company as one in which the financed passive business directly or indirectly owns at least 50% of the outstanding voting securities. As an example, this exception allows an SBIC to finance ABC Holdings 1, a passive small business, with the proceeds flowing through ABC Holdings 2, another passive small business, and then to ABC Manufacturing, a non-passive small business in which ABC Holdings 1 owns directly or indirectly at least 50% of the outstanding voting securities.

B. ''*Blocker corporation exception*''—*§ 107.720(b)(3):* This exception enables a partnership SBIC, with SBA's prior approval, to provide financing to a small business through a passive, wholly-owned C corporation, but only if a direct financing would cause one or more of the SBIC's investors to incur Unrelated Business Taxable Income (UBTI). A passive C corporation formed under the second exception is commonly known as a blocker corporation.

On October 5, 2015, SBA published a proposed rule, Small Business Investment Companies: Passive Business Expansion and Technical Clarifications (80 FR 60077), to further expand the permitted use of passive businesses, provide clarification with regard to investments in such businesses, and make minor technical clarifications. SBA received three comments on the proposed rule, not including one comment that generally questioned the fairness of the Act as a whole and did not provide any specific comments on the rule. The three comments pertinent to the rule are addressed in Section II.

On December 28, 2016, SBA published a final rule regarding SBIC investments in passive businesses, 81 FR 95419, which had an effective date of January 27, 2017. On January 26, 2017, SBA published a notice in the **Federal Register** at 82 FR 8499, to delay the effective date of the final rule until March 21, 2017, and to re-open the rule for additional public comment in accordance with the memorandum dated January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review.'' SBA received one comment that supported the December 2016 final rule. On March 21, 2017, SBA published another notice to delay the effective date of the final rule until May 20, 2017, to give the new administration time to further consider the rule. 82 FR 14428. After completing its review, SBA issued another delay notice at 82 FR 20433 (May 2, 2017), which stated that SBA was considering removing a provision in the final rule published on December 28, 2016 that would allow SBICs to use a blocker corporation if an investor in an SBIC had elected to be taxed as a regulated investment company (RIC), and if a direct investment into the operating company

would jeopardize the investor's RIC status. As part of this document, SBA asked for additional comments regarding the removal of this provision, and delayed the effective date of the December 28, 2016 final rule until August 18, 2017. SBA received one comment in response to its proposed change. This comment is addressed in Section II.

SBA is withdrawing the final rule published on December 28, 2016, and is replacing it with this final rule. This final rule expands permitted investments in passive businesses, provides further clarification with regard to investments in such businesses, and adds certain requirements to improve SBA's ability to monitor such investments. The rule also includes a conforming change to the regulations regarding the amount of Leverage available to SBICs under common control to be consistent with the Consolidated Appropriations Act, 2016, Public Law 114–113, 129 Stat. 2242 (December 22, 2015), which increased the maximum amount of such Leverage from $225 million to $350 million.

II. Section-by-Section Analysis

This section discusses the comments SBA received on the proposed rule dated October 5, 2017 (80 FR 60077), as well as the comment received in response to the notice published on May 2, 2017 (82 FR 20433).

A. Passive Business Rules

Section 107.720—Small Businesses That May Be Ineligible for Financing

1. *Changes to Holding Company Exception § 107.720(b)(2):* SBA proposed revisions to § 107.720(b)(2) to explicitly permit an SBIC to form and finance a passive business that will either pass the proceeds through to or use the proceeds to acquire all or part of a non-passive business. These changes were intended to codify SBA's existing interpretation of the regulations.

SBA received two comments on § 107.720(b)(2) indicating that the proposed changes would be more effective if the passive business directly financed was not required to own at least 50 percent of the underlying active business. Commenters also suggested that SBICs be allowed to structure investments using passive investment vehicles ''irrespective of the number of parent entities involved so long as the parent entities in question directly or indirectly own or control at least 50 percent of the voting or economic interests of the active business.'' SBA received similar comments as part of the rulemaking process when it last proposed expanding the permitted use of passive businesses on December 23, 2013 (78 FR 77377). SBA considered these comments a second time in developing this final rule; however, neither set of comments was adopted. SBA believes that complex investment structures involving passive entities require more protections, not fewer. Although the new § 107.720(b)(4) should help address some of SBA's credit concerns with respect to these structures, SBA believes that the subsidiary relationship between the financed passive business and the active company must be maintained to facilitate SBA's access to the information and records needed to effectively monitor these transactions and to aid in the recovery of assets in the event of a default. SBA also maintains its position that effective monitoring of transactions with unlimited levels of passive companies would require resources well beyond those available to the Agency. Proposed § 107.720(b)(2) is adopted without change.

2. *Changes to Blocker Corporation Exception—§ 107.720(b)(3):* The proposed rule included the following changes to § 107.720(b)(3):

a. Removing the requirement to obtain SBA's prior approval to form a blocker corporation;

b. Permitting an SBIC to form a blocker corporation to enable any foreign investors to avoid effectively connected income (ECI) under the Internal Revenue Code;

c. Permitting a blocker corporation to provide financing to a second passive small business that passes the proceeds through to a non-passive small business in which it owns at least 50 percent of the outstanding voting securities (effectively permitting an investment structured with two levels of passive companies, one of which is the blocker corporation); and

d. Removing outdated language indicating that an SBIC's ownership of a blocker corporation formed under § 107.720(b)(3) will not constitute a violation of § 107.865(a). This provision was rendered unnecessary by a rule change in 2002 (67 FR 64789) that revised § 107.865(a) to permit an SBIC to exercise control over a small business for up to seven years without SBA approval.

SBA received comments on proposed § 107.720(b)(3) as discussed below:

a. Regulated Investment Company (RIC) Exception. All three commenters asked that the regulations provide an additional exception for SBICs that are wholly owned subsidiaries of Business Development Companies (BDCs). A BDC typically elects to be taxed as a RIC pursuant to Subchapter M of the Internal Revenue Code of 1986. In general, a RIC is not subject to U.S. Federal income taxes on income and gains that it distributes to stockholders, provided that it satisfies certain minimum distribution requirements. To qualify as a RIC, a BDC must satisfy certain source of income and asset-diversification tests; among other things, a RIC must generally derive at least 90% of its gross income for each taxable year from certain types of investment. In particular, the commenters explained that equity interests in pass-through entities (such as an LLC or S corporation) generate operating income that, if received or deemed received directly by a BDC, could disqualify the BDC from maintaining RIC status, and therefore, such interests must often be held through a blocker corporation. The commenters requested that § 107.720(b)(3) be revised to permit an SBIC to form a blocker corporation to avoid adverse tax consequences to an investor (typically a parent BDC) that has elected to be taxed as a RIC.

The final rule published on December 28, 2016 (81 FR 95419) adopted this comment. However, in the delay notice published on May 2, 2017 (82 FR 20433), SBA stated that it was considering removing this provision and solicited comment from the public on that proposed action. The notice cited SBA's concern that, in light of the increased complexities involved in monitoring and examining investments structured through blocker entities, the expanded use of such entities could increase risk to the SBIC program unless SBA were to increase examination resources to monitor these complex transactions. The notice further explained that while SBA expects limited use of blocker entities for the purposes of avoiding UBTI and ECI (because these situations apply to only a few SBICs), SBA would expect significantly greater usage of blocker entities by SBICs that are subsidiaries of BDCs that have elected to be taxed as RICs. Currently, there are 31 SBICs with BDC investors (BDC–SBICs) that collectively account for over 23% of SBA's outstanding Leverage, and SBA expects that most of them would make use of blocker entities if the RIC exception were to be finalized.

SBA received one comment stating that not including the RIC exception would prevent BDC–SBICs from taking equity positions and benefiting from the upside afforded by equity investments. While the commenter strongly

supported SBA's goal of protecting taxpayers, the commenter believed that this goal may be better served by including the RIC exception and thereby increasing a BDC–SBIC's potential for maximizing profits. The commenter further noted that the profits from a single successful equity investment can offset losses on other investments and that SBA's guarantee is protected by a BDC–SBIC's portfolio as a whole. The commenter suggested that SBA consider creating the RIC exception, but making the exception subject to SBA prior approval. SBA recognizes that not including the RIC exception for blocker corporations limits a BDC–SBIC's ability to execute some transactions; however, due to the large amount of outstanding Leverage held by BDC–SBICs, SBA remains concerned that these investments would unacceptably increase risk to SBA absent an increase in SBA's resources to monitor and examine such investments. Adding a requirement for SBA's prior approval of a blocker entity does not address this concern; SBA would still need to review and approve the transactions and examine each of the passive businesses used in the transaction. For this reason, this final rule does not include the RIC exception. SBA notes that BDC–SBICs may still take equity positions in small businesses not structured as pass through entities and also may invest using any passive structure permitted under § 107.720(b)(2).

b. Blocker Entity Form of Organization. At the proposed stage of this rule, SBA received two comments suggesting that non-corporate forms of organization should be permitted for blocker entities. The commenters explained that these structures are often ''more streamlined in terms of corporate formalities than a C corporation'' and suggested the regulations allow ''any entity that elects to be taxed as a corporation for Federal income tax purposes.'' SBA considered this suggestion to be overly broad, but partially adopted this suggestion in this final rule by allowing a blocker entity to be structured as an LLC that elects to be taxed as a corporation.

c. Two Level Holding Company Financing. Two commenters indicated that § 107.720(b)(3) should allow SBICs to structure a financing with a blocker entity coupled with two additional levels of passive holding companies as defined in § 107.720(b)(2). The commenters stated that the proposed rule puts an SBIC that requires a blocker entity to accommodate its investors at a disadvantage compared to other SBICs that do not require a blocker entity, since the blocker entity can only finance a single passive business entity that in turn makes an investment into an active business. For example, an SBIC with a foreign investor would not be able to participate in a financing that is structured as a two-level passive business financing under § 107.720(b)(2), if it also needed a separate passive business to serve as a blocker entity in order to avoid effectively connected income. If adopted, this suggestion would effectively permit up to three levels of passive businesses between the SBIC and the operating business. These additional levels of passive businesses impose a burden on SBA as regulator and increase the Agency's credit risk. SBA believes that two levels of passive businesses under either exception should provide SBICs with sufficient flexibility to operate successfully, and this final rule does not adopt the suggested change.

d. SBA did not receive any comments on the proposed change to § 107.720(b)(3) regarding the removal of outdated language. This rule adopts the change as proposed.

3. *Additional Passive Business Guidance—§ 107.720(b)(4):* The proposed rule identified SBA's concerns with regard to passive investments, including ensuring the financing dollars go to the eligible non-passive small business, fees being charged at each passive business level, and SBA's ability to access passive business financial records, especially in the case of a defaulting SBIC. To address these concerns, SBA proposed making the following changes in new § 107.720(b)(4), which would apply to any eligible passive investment made under § 107.720(b)(2) or (b)(3):

a. ''Substantially All'' Definition. Clarifying the meaning of ''substantially all'' in § 107.720(b)(2) and (b)(3) to mean 99 percent of the financing proceeds after deduction of actual application fees, closing fees, and expense reimbursements, which may not exceed those permitted under § 107.860.

b. Fee Requirements. Requiring fees charged by an SBIC or its Associate under §§ 107.860 and 107.900 to not exceed those permitted if the SBIC had directly financed the eligible Small Business and requiring any such fees received by an SBIC's Associate to be paid to the SBIC in cash within 30 days of receipt.

c. ''Portfolio Concern'' Clarification. Clarifying that both passive and non-passive businesses included in a financing are ''Portfolio Concerns''; therefore, they are subject to record keeping and reporting obligations with respect to any ''Portfolio Concern,'' defined in § 107.50 as ''a Small Business Assisted by a Licensee.''

SBA received 3 comments on proposed § 107.720(b)(4) as discussed below:

a. ''Substantially All'' Definition. Commenters suggested that the definition of ''substantially all'' be lowered to 95 percent of the proceeds instead of 99% of the proceeds because they were concerned that the 99 percent threshold ''may be too limiting and pose issues in deal structuring.'' SBA did not adopt this comment. The definition already excludes allowable fees and expense reimbursements permitted under §§ 107.860 and 107.900, and SBA believes that a 95 percent threshold could result in excessive expenses being charged by the passive businesses, effectively diverting proceeds from the intended operating business. Although this percentage may seem inconsequential, 4% of a $20 million financing represents $800,000 that could be diverted from the operating business.

b. Fee Requirements. Two commenters suggested removing the requirement that fees received by an Associate must be paid over in cash to the SBIC. They noted that SBIC program policy guidance known as TechNote 7a, which provides guidelines concerning allowable management expenses for leveraged SBICs (see *www.sba.gov/sbicpolicy*), already requires that 100% of fees collected under § 107.860 or § 107.900 must benefit the SBIC, either by being paid directly to the SBIC or (if paid to an Associate) through a corresponding reduction in the management fee paid by the SBIC, typically called a ''management fee offset.'' Commenters also indicated that management fee offsets have tax advantages relative to other approaches. Although SBA recognizes that management fee offsets can provide tax advantages, SBA did not adopt this suggestion because of the difficulty in monitoring investments utilizing passive businesses and identifying fees associated with each passive business in addition to those paid by the operating business.

c. ''Portfolio Concern'' Clarification. Two commenters indicated that the clarification of Portfolio Concern should be revised to apply only ''for the purposes of this part 107.720'' to avoid any unintended effects arising from the use of the term ''Portfolio Concern'' in other sections of the regulations. The commenters indicated that this adjustment would still allow SBA to retain the necessary information rights contemplated by the proposed rule. A search for the term ''Portfolio Concern''

within the regulations identified the following:

- § 107.50 defines ''Portfolio Concern'' as ''a Small Business Assisted by a Licensee.''
- §§ 107.600–107.660 describe record keeping and information requirements, including those for a Portfolio Concern.
- § 107.730 discusses conflicts of interest with regards to Portfolio Concerns.
- § 107.760 discusses how a change in size or activity affect the Licensee with regard to a Portfolio Concern.
- § 107.850 discusses restrictions on redemption of Equity Securities of a Portfolio Concern.

SBA believes that all of the requirements in these sections are applicable to passive business financings. Therefore, this suggestion was not adopted.

4. *Section 107.610 Required certifications for Loans and Investments.* The proposed rule also added a certification requirement to § 107.610 to require an SBIC that finances a business under § 107.720(b)(3) to certify as to the qualifying basis for such financing. The certification replaces the requirement for SBA prior approval of the formation and financing of a blocker corporation.

As previously discussed under the changes to § 107.720(b)(3) paragraph, the December 2016 final rule, 81 FR 95419 (December 28, 2016), would have permitted the formation of a blocker entity by an SBIC with an investor that had elected to be taxed as a RIC. Since this final rule does not include the RIC exception, that portion of the certification requirement has been removed from § 107.610 in this final rule. The final § 107.610 adopts the proposed rule (80 FR 60077) language with respect to the formation of blocker entities to accommodate investors subject to UBTI or ECI with minor technical changes to clarify these two permitted exceptions.

B. Technical Changes

SBA also proposed the following technical changes to the regulations:

1. *Section 107.50 Definition of terms.* Changing ''Associates's'' to ''Associate's''.

2. *Section 107.210 Minimum capital requirements for Licensees.* Modifying paragraph (a) of § 107.210 to allow both Leverageable Capital and Regulatory Capital to fall below the stated minimums if the reductions are performed in accordance with an SBA-approved wind-up plan per § 107.590(c), to conform with SBA's current oversight practices.

3. *Section 107.503 Licensee's adoption of an approved valuation policy.* Changing the last sentence of § 107.503(a) to indicate that valuation guidelines for SBICs may be obtained from the SBIC program's public Web site, *www.sba.gov/sbic.*

4. *Section 107.630 Requirement for Licensees to file financial statements with SBA (Form 468).* Removing current § 107.630(d), which provides a mailing address for submission of SBA Form 468, and re-designating paragraph (e) as paragraph (d). These instructions are no longer necessary because SBICs submit this information electronically using the SBA's web-based application.

5. *Section 107.1100 Types of Leverage and application procedures.* Correcting the misspelling of ''Yu'' to ''You'' and removing paragraph (c), which identifies where to send Leverage applications. This paragraph is unnecessary because the application forms provide these instructions.

None of the comments SBA received in response to the proposed rule were related to these technical changes. This final rule incorporates these changes as proposed.

C. Increase to Maximum Leverage to SBICs Under Common Control

Section 521 of the Consolidated Appropriations Act, 2016, amended section 303(b)(2) of the Act to increase the maximum amount of Leverage available to two or more SBICs under Common Control from $225 million to $350 million. SBA defines Common Control in 13 CFR 107.50 to mean a condition where two or more persons, either through ownership, management, contract, or otherwise, are under the control of one group or person. SBA presumes that two or more SBICs are under Common Control if, among other things, they have common officers, directors, or general partners. Currently, 13 CFR 107.1150(b) limits two or more SBICs under Common Control to the maximum aggregate amount of outstanding Leverage of $225 million, which amount is subject to further limitations under SBA's credit policies. Solely as a conforming change, this rule increases the maximum amount set forth in the regulation from $225 million to $350 million. This statutory change was not addressed previously because it had not yet been enacted when the rule was proposed. Now that it has, the technical change has been included to ensure consistency between the regulations and the current law.

Compliance With Executive Orders 12866, 12988, 13132, 13563, and 13771, the Paperwork Reduction Act (44 U.S.C. Ch. 35) and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Order 12866

The Office of Management and Budget has determined that this rule is not a ''significant'' regulatory action under Executive Order 12866. This is also not a ''major'' rule under the Congressional Review Act, 5 U.S.C. 801, *et seq.*

Executive Order 12988

This rule meets applicable standards set forth in section 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The rule does not have retroactive or presumptive effect.

Executive Order 13132

This final rule will not have substantial direct effects on the States, or the distribution of power and responsibilities among the various levels of government. Therefore, for the purposes of Executive Order 13132, Federalism, SBA determines that this rule has no federalism implications warranting the preparation of a federalism assessment.

Executive Order 13563

This final rule was developed in response to comments received on previously proposed amendments to these regulations on investments in passive businesses. *See* 78 FR 77377 (December 23, 2013). SBA received one set of comments on that proposed rule that suggested changes to further liberalize permitted financings to passive businesses under § 107.720(b). In response to the comment, SBA indicated in the related final rule published on October 21, 2014 (79 FR 62819), that it would further consider the suggested changes in a future rulemaking. As part of that reconsideration, SBA discussed the comments with industry representatives and solicited additional comments in the proposed rule published in October 2015 at 80 FR 60077. In December 2016, SBA published a final rule that reflected the industry feedback, as well as comments from the general public. 81 FR 95419 (December 28, 2016). After reconsideration of that published final rule in accordance with the memorandum, dated January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' as discussed above, on three separate occasions SBA delayed implementation of the rule.

SBA also solicited additional comments from the public. Any comments received in response to those requests were also considered in finalizing this rule.

Executive Order 13771

This rule is not an EO 13771 regulatory action because this rule is not significant under EO 12866.

Paperwork Reduction Act, 44 U.S.C. Ch. 35

SBA has determined that this rule would impose additional reporting and recordkeeping requirements under the Paperwork Reduction Act. In particular, this rule implements changes to the Portfolio Financing Report, SBA Form 1031 (OMB Control Number 3245–0078), to clarify information to be reported in Parts A, B, and C of the form. Both the proposed rule (80 FR 60077) and the December 2016 Final Passive Business Rule (81 FR 95419) included additional questions in a new Part D on the Form 1031 to collect information regarding Impact SBIC investments. These additions were related to the proposed rule, entitled ''Impact SBICs,'' published on February 3, 2016 (81 FR 5666), which would have defined a new class of SBICs in the regulations. However, because SBA is not finalizing that rule, these questions are no longer required and have been removed from the Form 1031. As a result, proposed Parts E and F have been designated as Parts D and E, respectively, in the revised Form 1031 and are discussed in detail below.

The title, description of respondents, description of the information collection and the changes to it are discussed below with an estimate of the revised annual burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

Title: Portfolio Financing Report, SBA Form 1031 (OMB Control Number 3245–0078).

Summary: SBA Form 1031 is a currently approved information collection. SBA regulations, specifically § 107.640, require all SBICs to submit a Portfolio Financing Report using SBA Form 1031 for each financing that an SBIC provides to a Small Business Concern within 30 days after closing an investment. SBA uses the information provided on Form 1031 to evaluate SBIC compliance with regulatory requirements. The form is also SBA's primary source of information for compiling statistics on the SBIC program as a provider of capital to small businesses. The proposed rule (80 FR 60077) invited the public to provide comments on the following changes to SBA Form 1031:

(1) *Clarifying that SBICs should report the non-passive Small Business Concern information in the Form 1031.* SBA has noted that SBICs sometimes report data on the passive Small Business Concern rather than the non-passive Small Business Concern when reporting financing information. SBA has clarified that the SBIC should report data on the non-passive Small Business Concern when reporting information on financings using passive businesses in the Form 1031 Part A—the Small Business Concern; Part B—the pre-financing data; and Part C—the financing information, with the exception of the financing dollars in Question 29. The amount of financing dollars provided by the SBIC should be the total amount of such financing, regardless of whether the dollars were provided directly or indirectly to the non-passive business concern. Example: The SBIC provides $5 million in equity to ABC Holding Corporation, which passes $4.98 million to the non-passive business, Acme Manufacturing LLC. In addition, the SBIC provides $5 million in debt directly to Acme Manufacturing LLC. The SBIC would report information on Acme Manufacturing LLC in Parts A, B, and C. However, the total financing dollars would be reported as $5 million in equity and $5 million in debt for a total of $10 million in total financing dollars.

(2) *Identifying financings using one or more passive businesses.* SBA has added a question on whether the financing utilizes one or more passive businesses as part of the financing, to help SBA identify these financings.

(3) *Adding information on passive business financings to aid in regulatory compliance monitoring.* SBA has also added a requirement under the new Part D for SBICs to upload a file in Portable Document Format (PDF) that contains the following information, which SBA will use to help assess whether the financing meets regulatory compliance:

(a) *Qualifying exception:* Identification of the passive business exception under which the financing is made (*i.e.,* § 107.720(b)(2) Exception for pass-through of proceeds to subsidiary, or § 107.720(b)(3) Exception for certain Partnership Licensees). If the SBIC indicates that the financing is made under § 107.720(b)(3), it would also indicate the qualifying basis for the financing (*i.e.,* financing would cause an investor in the fund to incur unrelated business taxable income or effectively connected income).

(b) *Passive Business Entities:* Identification of the name and employer ID number for each passive business entity used within the financing. This is needed so that SBA can identify all Portfolio Concerns involved in the financing.

(c) *Financing Structure Description:* A description of the financing structure, including the flow of the money between the SBIC and the non-passive Small Business Concern that receives the proceeds (including amounts and types of securities between each entity), and the ownership from the SBIC through each entity to the non-passive Small Business Concern. This information will help SBA assess that the Small Business Concern receives ''substantially all'' the financing dollars and the ownership percentages are in compliance with the regulations. This will also help SBA with SBICs transferred to the Office of Liquidation to identify the structure of the financing and aid in recovery of SBA leverage.

SBA did not receive any comments on the proposed changes. Therefore, except as described above, all other changes are adopted as final in this rule. SBA updated the below burden estimates from the December 2016 final rule (81 FR 31489) to remove the Impact SBIC burden estimate and update the estimates based on the SBIC portfolio as of June 2017, more recent SBIC financing data, and updated hourly costs.

Description of Respondents and Burden: As of June 2017 there were approximately 316 licensed SBICs. All of these SBICs are required to submit SBA Form 1031 for each financing. The current estimated number of responses (*i.e.,* number of financings) is 2,695 based on a recent three year period (FY 2014 through 2016). The current estimate indicates that it takes approximately 12 minutes to complete the form, for a total annual burden of 539 hours.

Neither the number of respondents nor the number of responses per year is expected to be affected by this rule. However, SBA estimates an increase in the burden hours as a result of the additional reporting in new passive business reporting section, as discussed below.

Passive Business Reporting. SBA believes that the SBIC should be able to provide the passive business information since it should be readily available as part of the financing. SBA estimates that providing the information will take on average an additional 30 minutes for those financings utilizing passive businesses, with no incremental burden for those financings that do not

use a passive business. SBA estimates that about 14% of the annual responses relate to passive businesses financings (based on financing data for the three year period of FYs 2014 through 2016). Based on the number of SBICs reporting such financings the total estimated annual hour burden resulting from Part D reporting would be 189.

Therefore, the total estimated annual hour burden for all SBICs submitting SBA Form 1031s in a year would be 728 hours.

The current cost estimate for completing SBA Form 1031 uses a rate of $35 per hour for an accounting manager to fill out the form. Using that same rate, the cost per form would change from $7 per form to $9.45 per form. However, SBA has increased its estimate of an hourly rate for an accounting manager to $46 per hour (estimated using *www1.salary.com/Accounting-Manager-hourly-wages.html* in May 2017), which rate results in a new cost per form of $12.43 for an aggregate cost of $33,488 for the 2,695 estimated responses.

This final rule also identifies information that an SBIC must maintain in its files to support the required changes. SBA believes that the SBICs should already be maintaining this information since a passive business by definition is a Portfolio Concern and the SBIC should be maintaining all documents needed to support each financing. The rule makes this expectation explicit. Furthermore, currently, an SBIC must maintain this information for it to effectively monitor and evaluate an investment that uses a passive business to finance a non-passive business. Therefore, SBA does not believe this recordkeeping requirement increases the burden.

The rule also requires a certification under § 107.610 when the SBIC makes a financing using the exemption in § 107.720(b)(3). This includes maintaining records supporting the certification. Since this regulation effectively replaces the requirement for SBICs to seek prior SBA approval, SBA does not believe this change will increase the burden.

Regulatory Flexibility Act, 5 U.S.C. 601–612

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601, requires administrative agencies to consider the effect of their actions on small entities, small non-profit businesses, and small local governments. Pursuant to the RFA, when an agency issues a rule, the agency must prepare a Final Regulatory Flexibility Act (FRFA) analysis which describes whether the impact of the rule will have a significant economic impact on a substantial number of small entities. However, Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an FRFA, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. This rule would affect all SBICs, of which there are currently 316. SBA estimates that approximately 98 percent of these SBICs are small entities. Therefore, SBA has determined that this rule would have an impact on a substantial number of small entities. However, SBA has determined that the economic impact on entities affected by the rule would not be significant. As discussed under the Paperwork Reduction Act section, SBICs would need to provide descriptions of the transactions in the Form 1031 for which the annual burden totals 189 hours for the 316 SBICs. Based on the estimated $46 per hour, the cost for each SBIC would be approximately $28 per year (189 hours divided by 316 SBICs multiplied by $46 per hour). The changes in the passive business regulation provide SBICs with additional flexibility to employ transaction structures commonly used by private equity or venture capital funds that are not SBICs.

SBA asserts that the economic impact of the rule, if any, would be minimal and beneficial to small SBICs. Accordingly, the Administrator of the SBA certifies that this rule would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 13 CFR Part 107

Investment companies, Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, the Small Business Administration amends 13 CFR part 107 as follows:

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

■ 1. The authority citation for part 107 continues to read as follows:

Authority: 15 U.S.C. 681, 683, 687(c), 687b, 687d, 687g, 687m.

§ 107.50 [Amended]

■ 2. Amend § 107.50 by removing from the definition of ''Lending Institution'' the term ''Associates's'' and adding in its place the term ''Associate's''.

■ 3. Amend § 107.210 by revising paragraph (a) introductory text to read as follows:

§ 107.210 Minimum capital requirements for Licensees.

(a) *Companies licensed on or after October 1, 1996.* A company licensed on or after October 1, 1996, must have Leverageable Capital of at least $2,500,000 and must meet the applicable minimum Regulatory Capital requirement in this paragraph (a), unless lower Leverageable Capital and Regulatory Capital amounts are approved by SBA as part of a Wind-Up Plan in accordance with § 107.590(c):

* * * * *

■ 4. Amend § 107.503 by revising the last sentence of paragraph (a) to read as follows:

§ 107.503 Licensee's adoption of an approved valuation policy.

(a) * * * These guidelines may be obtained from SBA's SBIC Web site at *www.sba.gov/sbic.*

* * * * *

■ 5. Amend § 107.610 by adding paragraph (g) to read as follows:

§ 107.610 Required certifications for Loans and Investments.

* * * * *

(g) For each passive business financed under § 107.720(b)(3), a certification by you, dated as of the closing date of the Financing, as to the basis for the qualification of the Financing under § 107.720(b)(3) and identifying one or more limited partners for which a direct Financing would cause those investors:

(1) To incur ''unrelated business taxable income'' under section 511 of the Internal Revenue Code (26 U.S.C. 511); or

(2) To incur ''effectively connected income'' to foreign investors under sections 871 and 882 of the Internal Revenue Code (26 U.S.C. 871 and 882).

§ 107.630 [Amended]

■ 6. Amend § 107.630 by removing paragraph (d) and redesignating paragraph (e) as paragraph (d).

■ 7. Amend § 107.720 by revising paragraphs (b)(2) and (3) and adding paragraph (b)(4) to read as follows:

§ 107.720 Small Businesses that may be ineligible for financing.

* * * * *

(b) * * *

(2) *Exception for pass-through of proceeds to subsidiary.* You may provide Financing directly to a passive business, including a passive business that you have formed, if it is a Small Business and it passes substantially all the proceeds through to (or uses substantially all the proceeds to acquire) one or more subsidiary companies, each of which is an eligible Small Business

that is not passive. For the purpose of this paragraph (b)(2), ''subsidiary company'' means a company in which the financed passive business either:

(i) Directly owns, or will own as a result of the Financing, at least 50 percent of the outstanding voting securities; or

(ii) Indirectly owns, or will own as a result of the Financing, at least 50 percent of the outstanding voting securities (by directly owning the outstanding voting securities of another passive Small Business that is the direct owner of the outstanding voting securities of the subsidiary company).

(3) *Exception for certain Partnership Licensees.* If you are a Partnership Licensee, you may form one or more blocker entities in accordance with this paragraph (b)(3). For the purposes of this paragraph, a ''blocker entity'' means a corporation or a limited liability company that elects to be taxed as a corporation for Federal income tax purposes. The sole purpose of a blocker entity must be to provide Financing to one or more eligible, unincorporated Small Businesses. You may form such blocker entities only if a direct Financing to such Small Businesses would cause any of your investors to incur ''unrelated business taxable income'' under section 511 of the Internal Revenue Code (26 U.S.C. 511) or to incur ''effectively connected income'' to foreign investors under sections 871 and 882 of the Internal Revenue Code (26 U.S.C. 871 and 882). Your ownership and investment of funds in such blocker entities will not constitute a violation of § 107.730(a). For each passive business financed under this section 107.720(b)(3), you must provide a certification to SBA as required under § 107.610(g). A blocker entity formed under this paragraph may provide Financing:

(i) Directly to one or more eligible non-passive Small Businesses; or

(ii) Directly to a passive Small Business that passes substantially all the proceeds directly to (or uses substantially all the proceeds to acquire) one or more eligible non-passive Small Businesses in which the passive Small Business directly owns, or will own as a result of the Financing, at least 50% of the outstanding voting securities.

(4) *Additional conditions for permitted passive business financings.* Financings permitted under paragraphs (b)(2) or (3) of this section must meet all of the following conditions:

(i) For the purposes of this paragraph (b), ''substantially all'' means at least 99 percent of the Financing proceeds after deduction of actual application fees, closing fees, and expense reimbursements, which may not exceed those permitted by § 107.860.

(ii) If you and/or your Associate charge fees permitted by § 107.860 and/or § 107.900, the total amount of such fees charged to all passive and non-passive businesses that are part of the same Financing may not exceed the fees that would have been permitted if the Financing had been provided directly to a non-passive Small Business. Any such fees received by your Associate must be paid to you in cash within 30 days of the receipt of such fees.

(iii) For the purposes of this part 107, each passive and non-passive business included in the Financing is a Portfolio Concern. The terms of the financing must provide SBA with access to Portfolio Concern information in compliance with this part 107, including without limitation §§ 107.600 and 107.620.

* * * * *

§ 107.1100 [Amended]

■ 8. Amend § 107.1100 by removing the term ''Yu'' in the second to the last sentence of paragraph (b) and adding in its place ''You'', and by removing paragraph (c).

§ 107.1150 [Amended]

■ 9. Amend § 107.1150 by removing the term ''$225 million'' in the first sentence of paragraph (b) and adding in its place ''$350 million''.

Dated: August 10, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–17456 Filed 8–17–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0699; Directorate Identifier 2017–NM–004–AD; Amendment 39–18968; AD 2017–15–08]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model CL–600–2E25 (Regional Jet Series 1000) airplanes. This AD requires modifying the bleed-air duct and detection system; and revising the maintenance or inspection program, as applicable. This AD was prompted by a report of a possibility that the shrouds of the high pressure bleed air ducts could deteriorate and their maximum permitted leakage rate could be exceeded. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective September 5, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 5, 2017.

We must receive comments on this AD by October 2, 2017.

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

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

For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0699.

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–2017–0699; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket

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

FOR FURTHER INFORMATION CONTACT: Joseph Catanzaro, Aerospace Engineer, Propulsion and Services Branch, ANE–173, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7366; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2016–35, dated November 16, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The MCAI states:

> It is possible for the shrouds of the High Pressure (HP) bleed air ducts located in the main wheel wells and overwing areas to deteriorate and consequently, their maximum permitted leakage rate could be exceeded. If a significant bleed air leak is not sensed by the detection system, hot air impingement may cause damage to the adjacent structure and system components or create a fire hazard.
>
> This [Canadian] AD is issued to mandate a modification of the bleed-air duct and detection system, as well as a revision of the Airworthiness Limitation tasks to correspond with this modification.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0699.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc. has issued Bombardier Service Bulletin 670BA–36–022, Revision B, dated December 20, 2016. The service information describes modifying the bleed-air duct and detection system.

Bombardier, Inc. has issued the following service information.

- Bombardier CRJ Series Regional Jet Airworthiness Limitations Temporary Revision ALI–0553, dated August 19, 2016, which describes an airworthiness limitation task for a detailed inspection of the protection jackets (shields) and insulating blankets located on top of the center wing and fuel tank and fuel vent lines for condition and security.
- Bombardier CRJ Series Regional Jet Airworthiness Limitations Temporary Revision ALI–0554, dated August 19, 2016, which describes an airworthiness limitation task for a functional check of the bleed air duct shrouds.
- Bombardier CRJ Series Regional Jet Airworthiness Limitations Temporary Revision ALI–0555, dated August 19, 2016, which describes an airworthiness limitation task for a detailed inspection of the bleed air duct coupling covers and detection manifolds.
- Bombardier CRJ Series Regional Jet Airworthiness Limitations Temporary Revision ALI–0556, dated August 19, 2016, which describes an airworthiness limitation task for a detailed inspection of the overwing shield and the protection jackets for condition and security.
- Bombardier CRJ Series Regional Jet Airworthiness Limitations Temporary Revision ALI–0557, dated August 19, 2016, which describes an airworthiness limitation task for a detailed inspection of the vent boot protection jackets for condition and security.

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

FAA's Determination and Requirements of This AD

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

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

FAA's Determination of the Effective Date

Since there are currently no domestic operators of this product, notice and opportunity for public comment before issuing this AD are unnecessary.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0699; Directorate Identifier 2017–NM–004–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

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

Costs of Compliance

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

We also estimate that it will take about 91 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts cost are not available. Based on these figures, we estimate the cost of this AD on U.S. operators to be $0, or $7,735 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 that this AD:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–15–08 Bombardier, Inc.: Amendment 39–18968; Docket No. FAA–2017–0699; Directorate Identifier 2017–NM–004–AD.

(a) Effective Date

This AD becomes effective September 5, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model CL–600–2E25 (Regional Jet Series 1000) airplanes, certificated in any category, serial numbers 19001 through 19048 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 36, Pneumatic.

(e) Reason

This AD was prompted by a report of a possibility that the shrouds of the high pressure bleed air ducts could deteriorate and their maximum permitted leakage rate could be exceeded. We are issuing this AD to prevent a bleed air leak from exceeding the maximum permitted leakage rate, which if not sensed by the detection system, could cause hot air impingement to damage the adjacent structure and system components or create a fire hazard.

(f) Compliance

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

(g) Modification

At the earlier of the times specified in paragraphs (g)(1) and (g)(2) of this AD: Modify the bleed-air duct and detection system, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–36–022, Revision B, dated December 20, 2016.

(1) Within 6,600 flight hours or 32 months, whichever occurs first after the effective date of this AD.

(2) Within the next 10,000-flight-hours scheduled maintenance check after the effective date of this AD.

(h) Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, by incorporating the service information specified in figure 1 to paragraph (h) of this AD. The initial compliance time for tasks 28–12–00–601 and 28–12–00–602 is at the later of the applicable times specified in the service information specified in figure 1 to paragraph (h) of this AD, or within 30 days after the effective date of this AD, whichever occurs later. The initial compliance times for tasks 25–85–00–101, 36–20–00–101, and 36–20–00–102 are specified in Figure 2 to paragraph (h) of this AD. When these temporary revisions (TRs) have been included in general revisions of the maintenance requirement manual (MRM), the general revisions may be inserted in the MRM, provided the relevant information in the general revision is identical to the TRs specified in figure 1 to paragraph (h) of this AD.

FIGURE 1 TO PARAGRAPH (h) OF THIS AD—TEMPORARY REVISIONS MAINTENANCE REQUIREMENTS

Temporary revision	Task No.	Maintenance requirements manual (MRM) part 2 section	Revision date
ALI–0553	25–85–00–101	1–25	August 19, 2016.
ALI–0554	36–20–00–101	1–36	August 19, 2016.
ALI–0555	36–20–00–102	1–36	August 19, 2016.
ALI–0556	28–12–00–601	4–28	August 19, 2016.
ALI–0557	28–12–00–602	4–28	August 19, 2016.

FIGURE 2 TO PARAGRAPH (h) OF THIS AD—INITIAL COMPLIANCE TIMES

Task No.	Initial compliance time (whichever occurs later)	
25–85–00–101	Before the accumulation of 8,000 total flight hours	Within 30 days after the effective date of this AD.
36–20–00–101	Before the accumulation of 10,000 total flight hours	Within 30 days after the effective date of this AD.
36–20–00–102	Before the accumulation of 10,000 total flight hours	Within 30 days after the effective date of this AD.

(i) No Alternative Actions or Intervals

After the maintenance or inspection program has been revised, as required by paragraph (h) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k)(1) of this AD.

(j) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service

Bulletin 670BA–36–022, dated May 30, 2016; or Bombardier Service Bulletin 670BA–36–022, Revision A, dated September 16, 2016.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2016–35, dated November 16, 2016, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0699.

(2) For more information about this AD, contact Joseph Catanzaro, Aerospace Engineer, Propulsion and Services Branch, ANE–173, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7366; fax 516–794–5531.

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

(m) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 670BA–36–022, Revision B, dated December 20, 2016.

(ii) Bombardier CRJ Series Regional Jet Airworthiness Limitations Temporary Revision ALI–0553, dated August 19, 2016.

(iii) Bombardier CRJ Series Regional Jet Airworthiness Limitations Temporary Revision ALI–0554, dated August 19, 2016.

(iv) Bombardier CRJ Series Regional Jet Airworthiness Limitations Temporary Revision ALI–0555, dated August 19, 2016.

(v) Bombardier CRJ Series Regional Jet Airworthiness Limitations Temporary Revision ALI–0556, dated August 19, 2016.

(vi) Bombardier CRJ Series Regional Jet Airworthiness Limitations Temporary Revision ALI–0557, dated August 19, 2016.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com*; Internet *http://www.bombardier.com.*

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

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

Issued in Renton, Washington, on July 13, 2017.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–15484 Filed 8–17–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9112; Product Identifier 2016–NM–091–AD; Amendment 39–18982; AD 2017–16–05]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. This AD was prompted by a report of a Krueger flap bullnose departing an airplane during taxi, which caused damage to the wing structure and thrust reverser. This AD requires a one-time detailed visual inspection for discrepancies in the Krueger flap bullnose attachment hardware, and related investigative and corrective actions, if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 22, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 22, 2017.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Staff, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9112.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9112; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Alan Pohl, Aerospace Engineer, Airframe Section, FAA, Seattle Aircraft Certification Office (ACO) Branch, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *alan.pohl@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. The NPRM published in the **Federal Register** on September 29, 2016 (81 FR 66874) (''the NPRM''). The NPRM was prompted by a report of a Krueger flap bullnose departing an airplane during taxi, which caused damage to the wing

structure and thrust reverser. The NPRM proposed to require a one-time detailed visual inspection for discrepancies in the Krueger flap bullnose attachment hardware, and related investigative and corrective actions, if necessary. We are issuing this AD to detect and correct missing Krueger flap bullnose hardware. Such missing hardware could result in the Krueger flap bullnose departing the airplane during flight, which could damage empennage structure and lead to the inability to maintain continued safe flight and landing.

Comments

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

Support for the NPRM

Vincent Romano, a private citizen, and United Airlines (UAL), stated their support for the NPRM.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing the Supplemental Type Certificate (STC) ST00830SE does not affect the actions specified in the NPRM.

We concur with the commenter. We have redesignated paragraph (c) of the NPRM as paragraph (c)(1) and added paragraph (c)(2) to this AD to state that installation of STC ST00830SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request To Reference the Latest Service Information

All Nippon Airways (ANA), American Airlines (AAL), Boeing, Jet2.com, TUIfly GmbH (HAP), UAL, and Kennedy Juma, requested revising the NPRM to reference Boeing Alert Service Bulletin 737–57A1327, Revision 1, dated September 28, 2016. Some commenters pointed out that the original issue had some errors in the illustrations and needed certain clarifications. ANA and Boeing also requested that we provide credit for accomplishing the original issue of the service information.

We agree that this final rule should reference the latest service information. Since we issued the NPRM, Boeing issued Boeing Alert Service Bulletin 737–57A1327, Revision 1, dated September 28, 2016. We have revised paragraphs (c)(1) (paragraph (c) of the proposed AD) and (g) of this AD to reference Boeing Alert Service Bulletin 737–57A1327, Revision 1, dated September 28, 2016, for accomplishment of the required actions. We have also revised this AD to provide credit for using Boeing Alert Service Bulletin 737–57A1327, dated May 20, 2016, to accomplish the required actions before the effective date of this AD.

Request To Correct the Latest Service Information

AAL requested that Boeing Alert Service Bulletin 737–57A1327, Revision 1, dated September 28, 2016, be corrected to address errors in Figures 1, 2, 3, and 4. AAL stated that these errors affect the depiction of how the clevis assembly, clevis, and bullnose hinge lug are attached to each other, and suggested that revising the figures to correct the errors would clarify which parts must be subject to the detailed inspection.

We acknowledge that Figures 1, 2, 3, and 4 of Boeing Alert Service Bulletin 737–57A1327, Revision 1, dated September 28, 2016, contain errors in the labeling of parts in the illustrations. However, the instructions in the tables in the figures correctly identify the parts and actions to be accomplished. Since the instructions are correct, the service bulletin adequately addresses the unsafe condition. We do not revise manufacturers' service information. However, Boeing might decide to revise Boeing Alert Service Bulletin 737–57A1327, Revision 1, dated September 28, 2016, to correct the errors. We have not changed the AD in this regard.

Request To Allow Alternate Replacement Procedure

AAL and Southwest Airlines (SWA) requested that we revise the NPRM to provide an option to replace cracked or deformed bullnose hinge lugs or clevis assemblies with bullnose hinge lugs or clevis assemblies instead of replacement with a Krueger flap assembly, as specified in paragraph 3.B.2.a.(1)(a)1) of Boeing Alert Service Bulletin 737–57A1327, Revision 1, dated September 28, 2016. AAL suggested that the replacement option could be done using certain sections of a component maintenance manual (CMM). SWA suggested the use of Boeing production installation drawings. Both AAL and SWA also stated that replacing only the affected bullnose hinge lugs or clevis assemblies would also reduce the cost of repair or replacement. SWA also stated that there is a limited inventory of Krueger flap assemblies and that limited inventory, combined with a 6-month compliance time could significantly impair operators.

We understand that the suggested replacement option might reduce the burden on operators. However, we do not agree to revise this AD to include the suggested changes. The repairs provided by the suggested sections of the CMM address normal wear-and-tear, and these repairs may not be appropriate for addressing damage that might result from an improperly attached Krueger flap. Boeing informed us that there is no procedure in the CMM that would provide step-by-step instructions to remove only the bullnose other than by use of the drawing system. Engineering instructions would be needed to ensure that the remainder of the flap assembly is serviceable and not damaged in addition to the damaged bullnose hinge lugs or clevis assembly, and that level of instruction would be too much detail for an AD. However, once we issue this AD, any person may request approval of an AMOC under the provisions of paragraph (i) of this AD. We have not changed the AD in this regard.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–57A1327, Revision 1, dated September 28, 2016. The service information describes procedures for a one-time detailed visual inspection for discrepancies in the Krueger flap bullnose attachment hardware, and related investigative and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 1,495 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of the Krueger flap bullnose hardware.	3 work-hours × $85 per hour = $255	None	$255	$381,225

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

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

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–16–05 The Boeing Company: Amendment 39–18982; Docket No. FAA–2016–9112; Product Identifier 2016–NM–091–AD.

(a) Effective Date

This AD is effective September 22, 2017.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–57A1327, Revision 1, dated September 28, 2016.

(2) Installation of Supplemental Type Certificate (STC) ST00830SE *(http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/354588EE63741A068625807D006726F6?OpenDocument&Highlight=st00830se)* does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report of a Krueger flap bullnose departing an airplane during taxi, which caused damage to the wing structure and thrust reverser. We are issuing this AD to detect and correct missing Krueger flap bullnose hardware. Such missing hardware could result in the Krueger flap bullnose departing the airplane during flight, which could damage empennage structure and lead to the inability to maintain continued safe flight and landing.

(f) Compliance

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

(g) Inspection of the Krueger Flap Bullnose

Within 6 months after the effective date of this AD, do a detailed inspection for discrepancies of the Krueger flap bullnose attachment hardware, and do all applicable related investigative and corrective actions,

in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1327, Revision 1, dated September 28, 2016. Do all applicable related investigative and corrective actions before further flight.

(h) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–57A1327, dated May 20, 2016.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO) Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

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

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

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

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(j) Related Information

(1) For more information about this AD, contact Alan Pohl, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *alan.pohl@faa.gov.*

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

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 737–57A1327, Revision 1, dated September 28, 2016.

(ii) Reserved.

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

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

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

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

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–16354 Filed 8–17–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9508; Directorate Identifier 2016–NM–065–AD; Amendment 39–18956; AD 2017–14–12]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2015–22–06 which applied to all Airbus Model A318, A319, A320, and A321 series airplanes. AD 2015–22–06 required revising the After Start Normal Procedures section of the airplane flight manual (AFM) to provide procedures that address latent failures in the spoiler and elevator computer (SEC). This AD requires installing new updated SEC software. This AD was prompted by reports that certain maintenance messages indicated the loss of elevator servo control monitoring performed by SEC 1, SEC 2, or both, during the engine start. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 22, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 22, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of November 20, 2015 (80 FR 68429, November 5, 2015).

ADDRESSES: For service information identified in this final rule, contact Airbus, Airworthiness Office–EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425 227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9508.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9508; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2015–22–06, Amendment 39–18311 (80 FR 68429, November 5, 2015) (''AD 2015–22–06''). AD 2015–22–06 applied to all Airbus Model A318, A319, A320, and A321 series airplanes. The NPRM published in the **Federal Register** on December 20, 2016 (81 FR 92749). The NPRM was prompted by reports that some maintenance messages pointed out the loss of elevator servo control monitoring performed by SEC 1, SEC 2, or both, during the engine start. The NPRM proposed to continue to require revision of the After Start Normal Procedures section of the AFM. The NPRM also proposed to require multiple actions depending on airplane configuration. For airplanes with SEC C that have received the previous Airbus modification to SEC hardware, the NPRM proposed to require a software update and revision to the AFM. For airplanes that have not received the modification, the NPRM proposed to require inspection of the currently installed SEC hardware to determine if it is affected by this AD and to complete a corrective action to update the software and AFM as required. We are issuing this AD to prevent an undetected loss of redundancy during flight if an affected SEC cannot control the related elevator servo control(s), which could result in reduced control of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive, 2016–0056, dated March 18, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A318 and A319 series airplanes, and Model A320–211, –212, –214, –231, –232, and –233, and A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

> Following the introduction of new Spoiler and Elevator Computer (SEC) hardware C Part Number (P/N) B372CAM0100 with software (SW) standards 122, 124 and 125 (identified by P/N B372CAM0101, P/N B372CAM0102 and P/N B372CAM0103, respectively, and hereafter referred to as an ''affected SEC software standard'' in this [EASA] AD), some airlines reported receiving maintenance messages, *e.g.* ''SEC OR WIRING FROM L or R ELEV POS MON XDCR'' and/or ''SEC OR WIRING FROM G or Y ELEV POS XDCR'', which are associated with servo control or elevator transducer monitoring. Such messages are triggered by a short data inconsistency due to power transients, when the engines are started.
>
> This condition, if not corrected, could lead to an undetected loss of redundancy during flight if an affected SEC cannot control the related elevator servo control(s), possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, EASA issued AD 2015–0191 [which corresponds to AD 2015–22–06] to require amendment of the applicable [Airbus] Airplane Flight Manual (AFM) to include the flight crew procedure necessary to recover full SEC redundancy.
>
> Since that [EASA] AD was issued, to fix the software deficiency, SEC software standard 126 (identified by P/N B372CAM0104) was developed, which is embodied in production through Airbus modification (mod) 161208 (installation of SEC software standard 126), and introduced in service through Airbus Service Bulletin (SB) A320–27–1252.
>
> For the reason described above, this [EASA] AD retains the AFM change requirements of EASA AD 2015–0191, which is superseded, and requires the removal and/or upgrade of [an affected] SEC.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9508.

Comments

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

Support for the NPRM

The Air Line Pilots Association, International (ALPA), expressed its full support for the NPRM.

Request To Extend Compliance Time for Replacement of Affected Software

American Airlines (AAL) requested that we revise the proposed AD to extend the proposed compliance time for replacement of the affected software from 3 months to 24 months. AAL mentioned that it has 121 airplanes, for a total of 363 SEC computers, and that the proposed compliance time of 3 months poses a significant burden on its ability to comply with the proposed requirements. AAL asserted that an increase in the specified compliance time would greatly decrease the burden with no added safety risk, due to the revision of the AFM specified in paragraph (g) of the proposed AD.

We do not agree to extend the specified compliance time. The operator provided no technical justification for revising this compliance time. Further, in developing an appropriate compliance time for this action, we considered the urgency associated with the subject unsafe condition, the availability of necessary replacement software, recommendations from the manufacturer, and the practical aspect of accomplishing the required modification within a period of time that corresponds to the normal scheduled maintenance for most affected operators. We have determined that a 3-month compliance time will ensure an acceptable level of safety and allow the software replacement to be done during regular maintenance schedules for most affected operators. However, under the provisions of paragraph (p)(1) of this AD, we will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the new compliance time would provide an acceptable level of safety. We have not changed this AD in this regard.

Request To Permit Replacement of SEC in Lieu of Software Standard 126

AAL requested that we revise paragraph (i)(l) of the proposed AD to allow replacement of the SEC in lieu of installation of SEC software standard 126. AAL suggested that we add a statement similar to paragraph (i)(2) of the proposed AD, to paragraph (i)(1) of the proposed AD, allowing replacement of the SEC to be accomplished in accordance with an installation method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA Design Organization Approval (DOA). AAL asserted that there are cases where the option to replace the SEC in accordance with the applicable Airbus airplane maintenance manual or other approved methods on airplanes having Airbus modification 39429 would benefit operators, especially given the 3-month compliance time.

We disagree with the request to revise paragraph (i)(1) of this AD. As specified in the MCAI, paragraph (i)(1) of this AD applies to airplanes with Airbus modification 39429 embodied in production and requires installing SEC software standard 126, which is the only approved corrective action. The instructions in paragraph (i)(2) of this AD only apply to airplanes that have not received the modification in production. However, under the provisions of paragraph (p)(1) of this AD, we will consider alternative replacements if sufficient data are submitted to substantiate that the alternative replacement would provide an acceptable level of safety. We have not changed this AD in this regard.

Request To Specify Latest Airbus Service Bulletin

Airbus requested that we revise the NPRM to reference Airbus Service Bulletin A320–27–1257, Revision 01, dated January 1, 2017, for the applicable software replacement required by paragraph (i)(2) of this AD. Airbus Service Bulletin A320–27–1257, dated December 18, 2015, was specified as the appropriate source of service information for the proposed SEC software replacement provided in the proposed AD. Airbus stated that Airbus Service Bulletin A320–27–1257, Revision 01, dated January 1, 2017, was issued to add a maintenance records check for determining the part number of the SEC software, and to correct a typographical error in a part number in a certain subtask.

We agree that this AD should specify Airbus Service Bulletin A320–27–1257, Revision 01, dated January 1, 2017. This service information corrects errors in Airbus Service Bulletin A320–27–1257, dated December 18, 2015, which were noted in the NPRM. No additional work is necessary for airplanes on which the actions were performed using Airbus Service Bulletin A320–27–1257, dated December 18, 2015. Therefore, we have changed this AD to refer to Airbus Service Bulletin A320–27–1257, Revision 01, dated January 1, 2017, as the appropriate source of service information for the applicable required SEC software replacement. We have also added paragraph (o) to this AD to provide credit for actions accomplished prior to the effective date of this AD, if those actions were performed using Airbus Service Bulletin A320–27–1257, dated December 18, 2015, and redesignated subsequent paragraphs accordingly.

Additional Changes to This AD

We have revised this AD to provide credit for the software replacement required by paragraph (i)(1) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–27–1252, dated November 6, 2015. We have also moved the content of note 1 to paragraph (g) of the proposed AD to the text in paragraph (g) of this AD. We have redesignated the subsequent note accordingly. In addition, we have revised paragraph (m) of this AD to clarify the provision for installation of equivalent software and hardware. The proposed AD referred to the effective date of this AD. This AD refers to the effective date of the MCAI.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

We reviewed the following service information:

- Airbus Service Bulletin A320–27–1252, Revision 01, dated February 18, 2016.
- Airbus Service Bulletin A320–27–1257, Revision 01, dated January 1, 2017.

This service information provides information for identifying affected SECs and updating the software on affected SECs. These documents are distinct since they apply to different airplane configurations.

We also reviewed Airbus A318/A319/A320/A321 Temporary Revision TR572, Issue 1.0, dated August 13, 2015, to the Airbus A318/A319/A320/A321 AFM. This service information describes the reset of SEC 1 and SEC 2 that must be done after engine start.

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

Costs of Compliance

We estimate that this AD affects 959 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
AFM revision (retained action from AD 2015–22–06)	1 work-hour × $85 per hour = $85	$0	$85	$81,515
Removal and replacement of SEC (new action)	4 work-hours × $85 per hour = $340	0	340	326,060

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–22–06, Amendment 39–18311 (80 FR 68429, November 5, 2015), and adding the following new AD:

2017–14–12 Airbus: Amendment 39–18956; Docket No. FAA–2016–9508; Directorate Identifier 2016–NM–065–AD.

(a) Effective Date

This AD is effective September 22, 2017.

(b) Affected ADs

This AD replaces AD 2015–22–06, Amendment 39–18311 (80 FR 68429, November 5, 2015) (''AD 2015–22–06'').

(c) Applicability

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

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

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

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

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

(d) Subject

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

(e) Reason

This AD was prompted by reports that certain maintenance messages were recorded within the post flight report (PFR) that indicated the loss of elevator servo control monitoring performed by spoiler and elevator computer (SEC) 1, SEC 2, or both, during the engine start. We are issuing this AD to prevent an undetected loss of redundancy during flight if an affected SEC cannot control the related elevator servo control(s), possibly resulting in reduced control of the airplane.

(f) Compliance

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

(g) Retained Airplane Flight Manual (AFM) Revision, With Revised Compliance Language

(1) This paragraph restates the requirements of paragraph (g) of AD 2015–22–06, with revised compliance language. For airplanes equipped with SEC hardware C part number (P/N) B372CAM0100 with software standards 122 (P/N B372CAM0101), 124 (P/N B372CAM0102), or 125 (P/N B372CAM0103), on SEC position 1 or 2, or both: Within 30 days after November 20, 2015 (the effective date of AD 2015–22–06), revise the After Start Normal Procedures section of the AFM to include the statement specified in figure 1 to paragraph (g) of this AD. This may be done by inserting a copy of this AD or Airbus A318/A319/A320/A321 Temporary Revision TR572, Issue 1.0, dated August 13, 2015, to the Airbus A318/A319/A320/A321 AFM, into the applicable AFM. When a statement identical to that in figure 1 to paragraph (g) of this AD has been included in the After Start Normal Procedures section of the general revisions of the AFM, the general revisions may be inserted into the AFM, and this AD or Airbus A318/A319/A320/A321 Temporary Revision TR572, Issue 1.0, dated August 13, 2015, to the Airbus A318/A319/A320/A321 AFM, may be removed from the AFM.

(2) Inserting a copy of AD 2015–22–06 into the applicable AFM is acceptable for compliance with the requirement of paragraph (g)(1) of this AD. When a statement identical to that in figure 1 to paragraph (g) of this AD has been included in the After Start Normal Procedures section of the general revisions of the AFM, the general revisions may be inserted into the AFM, and AD 2015–22–06 may be removed from the AFM.

FIGURE 1 TO PARAGRAPH (g) OF THIS AD—AFM TEMPORARY REVISION

AFTER START NORMAL PROCEDURE After both engines start: Turn OFF then ON SEC 1 and SEC 2 one after the other.

Note 1 to paragraph (g) of this AD: Airbus Operations Engineering Bulletin OEB–50 provides additional information on the subject addressed by this AD.

(h) Retained Parts Installation Limitation, With No Change

This paragraph restates the requirements of paragraph (i) of AD 2015–22–06, with no change. For all airplanes: As of November 20, 2015 (the effective date of AD 2015–22–06), do not install SEC hardware C P/N B372CAM0100 with software standard 122 (P/N B372CAM0101), 124 (P/N B372CAM0102), or 125 (P/N B372CAM0103), on SEC position 1 or 2, or both, on any airplane, unless the AFM of the airplane is revised concurrently with that installation, as required by paragraph (g) of this AD.

(i) New Requirement of This AD: Replacement of Software

Within 3 months after the effective date of this AD, comply with the actions in paragraph (i)(1) or (i)(2) of this AD, as applicable.

(1) For an airplane that has received Airbus modification 39429 (installation of SEC hardware C P/N B372CAM0100) in production: Install SEC software standard 126, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1252, Revision 01, dated February 18, 2016.

(2) For an airplane that has not received Airbus modification 39429 in production: Inspect to determine whether an affected SEC software standard is installed. Do the inspection in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1257, Revision 01, dated January 1, 2017, except as required by paragraph (n) of this AD. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the SEC C can be conclusively determined from that review. If an affected SEC software standard is found installed, replace the affected software standard using an installation 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).

(j) New Requirement of This AD: Compliance for Airplanes Having Airbus Modification 161208 Embodied in Production

An airplane on which Airbus modification 161208 has been embodied in production is compliant with the requirements of paragraph (i) of this AD, provided it is determined that no affected SEC software standard, as identified in paragraph (g) of this AD, is installed on that airplane.

(k) New Requirement of This AD: Disposition of AFM After Airplane Modification

After modification of an airplane as required by paragraph (i) of this AD, remove the information specified in Airbus A318/A319/A320/A321 TR572, Issue 1.0, dated August 13, 2015, to the Airbus A318/A319/A320/A321 AFM from the AFM of that airplane.

(l) New Requirement of This AD: Parts Installation Prohibition

As of the effective date of this AD, no person may install on any airplane an affected SEC software standard, or a SEC hardware C hosting an affected SEC software standard.

(m) New Provision of This AD: Installation of Equivalent Software and Hardware

Installation on an airplane of a SEC software standard, or of a SEC hardware standard, approved after April 1, 2016 (the effective date of EASA AD 2016–0056), is acceptable for compliance with the requirements of paragraph (i) of this AD for that airplane, provided the conditions specified in paragraphs (m)(1) and (m)(2) of this AD are met.

(1) The software and hardware standard, as applicable, is approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

(2) Replacement of the affected software standard is done using an installation method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

(n) Exceptions to Service Information Specifications

Subtask 271257–832–006–001 of Airbus Service Bulletin A320–27–1257, Revision 01, dated January 1, 2017, includes incorrect instructions. This AD requires that those instructions be followed as specified in paragraphs (n)(1) and (n)(2) of this AD.

(1) For Subtask 271257–832–006–001, instruction ''(b)'': If SEC C 126 software P/N B372CAM0104 is found, no further action is required by this AD.

(2) For Subtask 271257–832–006–001, instruction ''(c)'': If SEC C 122 software P/N B372CAM0101, SEC C 124 software P/N B372CAM0102, or SEC C 125 software P/N B372CAM0103 is found, do corrective actions using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

(o) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (i) of this AD, if those actions were performed before the effective date of this AD using the applicable service information specified in paragraph (o)(1) or (o)(2) of this AD.

(1) For airplanes that have received Airbus modification 39429 (installation of SEC hardware C P/N B372CAM0100) in production: Airbus Service Bulletin A320–27–1252, dated November 6, 2015.

(2) For airplanes that have not received Airbus modification 39429 in production: Airbus Service Bulletin A320–27–1257, dated December 18, 2015.

(p) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* Except as required by paragraph (n) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(q) Special Flight Permits

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed.

(r) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0056, dated March 18, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9508.

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

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

(s) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on September 22, 2017.

(i) Airbus Service Bulletin A320–27–1252, Revision 01, dated February 18, 2016.

(ii) Airbus Service Bulletin A320–27–1257, Revision 01, dated January 1, 2017.

(4) The following service information was approved for IBR on November 20, 2015 (80 FR 68429, November 5, 2015).

(i) Airbus A318/A319/A320/A321 Temporary Revision TR572, Issue 1.0, dated August 13, 2015, to the Airbus A318/A319/A320/A321 Airplane Flight Manual.

(ii) Reserved.

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

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

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

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–14471 Filed 8–17–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9052; Product Identifier 2016–NM–080–AD; Amendment 39–18983; AD 2017–16–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A300 series airplanes; 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); and Model A310 series airplanes. This AD was prompted by reports of failure of an aft hinge bolt assembly in the nose landing gear (NLG) aft doors. This AD requires replacement of the aft hinge bolt assembly in the left and right NLG aft doors, with new aft hinge bolt assemblies. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 22, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 22, 2017.

ADDRESSES: For service information identified in this final rule, 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 Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9052.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9052; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A300 series airplanes; 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); and Model A310 series airplanes. The NPRM published in the **Federal Register** on August 30, 2016 (81 FR 59546) (''the NPRM''). The NPRM was prompted by reports of failure of an aft hinge bolt assembly in the NLG aft doors. The NPRM proposed to require replacement of the aft hinge bolt assembly in the left and right NLG aft doors, with new aft hinge bolt assemblies. We are issuing this AD to prevent failure of an aft hinge bolt assembly in an NLG aft door while the airplane is in flight, which could lead to an in-flight loss of an NLG aft door, and damage to the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0100, dated May 24, 2016 (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 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); and Model A310 series airplanes. The MCAI states:

> An occurrence has been reported of failure of a nose landing gear (NLG) door aft hinge bolt assembly, Part Number (P/N) A53612600000. The result of laboratory investigations revealed that the aft hinge bolt rupture was initiated by fatigue crack development in the under head radius of the bolt, due to the lack of radius roll over and in combination with a non-optimised design.
>
> This condition, if not detected and corrected, could lead to in-flight loss of an aft NLG door, possibly resulting in damage to the aeroplane and injury to persons on the ground.
>
> Prompted by these findings, Airbus developed a new design aft hinge bolt assembly P/N A53612713000, introduced as Airbus modification (mod) 13741, to replace the existing bolt P/N A53612600000. Since the introduction of that mod, additional stress calculations demonstrated that the new bolt assembly, P/N A53612713000, cannot sustain fatigue loads up to the design Limit of Validity (LOV) of the affected aeroplanes.
>
> To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A300–53–0397, SB A310–53–2144 and SB A300–53–6186, to provide instructions for the repetitive replacement of the affected post-mod 13741 P/N A53612713000 aft hinge bolts.
>
> For the reasons described above, this [EASA] AD requires the replacement of all P/N A53612600000 aft hinge bolt assemblies, installed on the left hand (LH) and right hand (RH) NLG aft doors, with post-mod 13741 P/N A53612713000 aft hinge bolt assemblies, and, subsequently, the implementation of a life limit for those new bolt assemblies.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9052.

Comments

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

Request To Withdraw the NPRM

FedEx stated it does not agree that the proposed hinge bolt replacement is necessary, asserting that the severity of a failed condition does not equate to an unsafe condition on the airplane. FedEx explained that in the last 22 years of flight operations, it has not had a departure of the NLG door, nor has it seen any cracking of the aft hinge bolt.

From this statement, we infer that FedEx requested we withdraw the NPRM. We disagree with this request. Airbus has records of multiple instances of hinge bolt failures. Failure of an aft hinge bolt assembly in an NLG aft door while the airplane is in flight could lead to an in-flight loss of an NLG aft door, and damage to the airplane. We have not changed this AD in this regard.

Request To Allow Option for Repetitive Inspections

FedEx requested that a repetitive non-destructive test (NDT) technique be allowed as an option to replacing the affected bolts. FedEx stated that a routine NDT inspection would be best suited for this condition and that the affected bolts should only be replaced as an on-condition action. Further, FedEx stated that the proposed requirement to replace all affected bolts will be a financial burden on operators. FedEx also pointed out that the two bolts required for each airplane are $2,300, and these bolts will be required to be replaced every 10,000 flight cycles (approximately every 10 years). FedEx further requested that the FAA petition the EASA to revise the Airbus service information to permit the repetitive inspection as an option to the required bolt replacement.

We disagree with the commenter's request. The intent of this AD is to regularly replace the affected hinge bolt with a new one. The bolt loading and fatigue spectrum is complex, and the manufacturer is not able to substantiate a fatigue life to support a repeat inspection program. Therefore, we have made no changes to this AD in this regard. However, under the provisions of paragraph (k)(1) of this AD, we will consider requests for approval of an alternative method of compliance (AMOC) if sufficient data are submitted to substantiate that the change would provide an acceptable level of safety.

Request To Remove the Requirement To Replace Aft Hinge Bolts

United Parcel Service (UPS) requested that we revise the proposed AD to remove the requirement to replace aft hinge bolts. UPS contended that the more appropriate method for implementation of the repetitive 10,000-flight-cycle replacement of the hinge bolt assembly would be through a maintenance program revision, or incorporation into the Safe Life Airworthiness Limitation Items (SL ALI)—Part 1. Therefore, UPS recommended that we delete the proposed hinge bolt replacement, and

instead coordinate with EASA to revise the SL ALI to include the hinge bolt assembly.

We disagree with the commenter's request. Only parts that are identified as a safe life part are incorporated into the SL ALI. The specified hinge bolt does not meet the Airbus Airworthiness Limitations Section (ALS) Part 1 criteria for a safe life part. The hinge bolt does not have fatigue testing or demonstrated fatigue life analysis, which is required for safe life parts. We have not changed this AD in this regard.

Request To Combine Certain Service Information

UPS requested that, if its request to revise the proposed AD to remove the hinge assembly replacement is unacceptable to the FAA, we revise paragraph (h)(3) of this proposed AD to require removal and installation of a new bolt using only Airbus Service Bulletin A300–53–6182 and not list Airbus Service Bulletin A300–53–6186. UPS explained that the final result of the proposed AD is the replacement of the bolt in every case; however, Airbus Service Bulletin A300–53–6186 specifies doing an inspection of the bolt part number in addition to the replacement and is an added burden to the operator given the location of the identifying mark and the difficulty accessing that mark.

We disagree with the commenter's request because paragraphs (g) and (h) of this AD and the corresponding service information are necessary to distinguish between two different actions with different compliance times:

- Paragraph (g) of this AD and corresponding service information for the introduction of the bolt's new design.
- Paragraph (h) of this AD and corresponding service bulletin for regular bolt replacement, which includes an inspection for verification if the proper bolt part number was installed.

While it might be difficult for operators to identify the part number of the bolt when it is installed on the aircraft, the bolt is scheduled to be removed so it should not be difficult to verify that the correct part was installed. We have not changed this AD in this regard.

Request To Update Illustrated Parts Catalog (IPC) To Show the Post-Modification Part Number

UPS requested that the FAA coordinate with EASA and Airbus to ensure that the IPC is updated to show only the post-modification part number prior to the AD being issued. UPS was concerned that an outdated IPC creates opportunities for installation of the original, non-compliant bolt assembly.

We infer that UPS was also requesting that we delay publication of the final rule pending revision of the IPC. We disagree with this request. Airbus has informed the FAA that the IPC is scheduled to be revised. However, we do not consider that delaying this action until after the release of the manufacturer's revised IPC is warranted, since sufficient information currently exists in this AD and the required service information to address the identified unsafe condition. We have not changed this AD in this regard.

Clarification of Corrective Action

We have clarified the corrective actions in the introductory text of paragraph (h) of this AD by referring to paragraph (k)(2) of this AD.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD as proposed 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 Part 51

We reviewed the following Airbus service information.

- Airbus Service Bulletin A300–53–0396, dated November 25, 2015.
- Airbus Service Bulletin A300–53–6182, dated November 17, 2015.
- Airbus Service Bulletin A310–53–2142, dated November 17, 2015.

This service information describes procedures for replacement of the aft hinge bolt assemblies in the left and right NLG aft doors, with new aft hinge bolt assemblies. These documents are distinct since they apply to different airplane models and configurations.

We also reviewed the following Airbus service information.

- Airbus Service Bulletin A300–53–0397, dated January 18, 2016.
- Airbus Service Bulletin A300–53–6186, dated January 18, 2016.
- Airbus Service Bulletin A310–53–2144, dated January 18, 2016.

This service information describes procedures for replacement of the aft hinge bolt assemblies in the left and right NLG aft doors, with new aft hinge bolt assemblies. The replacement includes an inspection to verify if the proper bolt part number was installed and repair if the proper bolt part number was not installed. These documents are distinct since they apply to different airplane models and configurations.

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

Costs of Compliance

We estimate that this AD affects 157 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement	9 work-hours × $85 per hour = $765	$2,000	$2,765	$434,105

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.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–16–06 Airbus: Amendment 39–18983; Docket No. FAA–2016–9052; Product Identifier 2016–NM–080–AD.

(a) Effective Date

This AD is effective September 22, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus airplanes identified in paragraphs (c)(1) through (c)(6) of this AD, certificated in any category, all manufacturer serial numbers.

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

(2) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(3) Model A300 B4–605R and B4–622R airplanes.

(4) Model A300 F4–605R and F4–622R airplanes.

(5) Model A300 C4–605R Variant F airplanes.

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

(d) Subject

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

(e) Reason

This AD was prompted by reports of failure of an aft hinge bolt assembly in the nose landing gear (NLG) aft doors. We are issuing this AD to prevent failure of an aft hinge bolt assembly in an NLG aft door while the airplane is in flight, which could lead to an in-flight loss of an NLG aft door, and damage to the airplane.

(f) Compliance

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

(g) Replacement of Aft Hinge Bolt Assemblies Having Part Number (P/N) A53612600000

Before the accumulation of 10,000 total flight cycles since first flight of the airplane, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later: Replace each aft hinge bolt assembly having P/N A53612600000 on the left and right NLG aft doors, with a new hinge bolt assembly having P/N A53612713000, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD.

(1) Airbus Service Bulletin A300–53–0396, dated November 25, 2015.

(2) Airbus Service Bulletin A310–53–2142, dated November 17, 2015.

(3) Airbus Service Bulletin A300–53–6182, dated November 17, 2015.

(h) Replacement of Aft Hinge Bolt Assemblies Having P/N A53612713000

Within 10,000 flight cycles after modification of an airplane as required by paragraph (g) of this AD: Replace each aft hinge bolt assembly having P/N A53612713000 on the left and right NLG aft doors, with a new aft hinge bolt assembly having P/N A53612713000 on the left and right NLG aft doors, in accordance with the Accomplishment Instructions of the applicable service information specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD, except where the service information specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD specifies to contact Airbus for instructions, before further flight repair using the procedure in paragraph (k)(2) of this AD. Repeat the replacement thereafter at intervals not to exceed 10,000 flight cycles.

(1) Airbus Service Bulletin A300–53–0397, dated January 18, 2016.

(2) Airbus Service Bulletin A310–53–2144, dated January 18, 2016.

(3) Airbus Service Bulletin A300–53–6186, dated January 18, 2016.

(i) Parts Installation Prohibition (P/N A53612600000)

After modification of an airplane NLG aft door as required by paragraph (g) of this AD, do not install an aft hinge bolt assembly having P/N A53612600000 on any NLG aft door of that airplane.

(j) Parts Installation Limitation (P/N A53612713000)

After removal of an aft hinge bolt assembly having P/N A53612713000 from an airplane NLG aft door, as required by paragraph (h) of this AD, do not install an aft hinge bolt assembly having that part number on that airplane unless it is a new aft hinge bolt assembly.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, 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 Section, send it to the attention of the person identified in paragraph (l)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC–REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, 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.

(3) *Required for Compliance (RC):* If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in

an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0100, dated May 24, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9052.

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

(m) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A300–53–0396, dated November 25, 2015.

(ii) Airbus Service Bulletin A300–53–0397, dated January 18, 2016.

(iii) Airbus Service Bulletin A300–53–6182, dated November 17, 2015.

(iv) Airbus Service Bulletin A300–53–6186, dated January 18, 2016.

(v) Airbus Service Bulletin A310–53–2142, dated November 17, 2015.

(vi) Airbus Service Bulletin A310–53–2144, dated January 18, 2016.

(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.*

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

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

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

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–16359 Filed 8–17–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0068; Product Identifier 2014–SW–076–AD; Amendment 39–18981; AD 2017–16–04]

RIN 2120–AA64

Airworthiness Directives; Romtex Anjou Aeronautique (Romtex) Torso Restraint Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Romtex torso restraint systems (restraint systems) installed on but not limited to Airbus Helicopters Model AS350B2, AS350B3, EC130B4, EC130T2, and AS355NP helicopters. This AD requires replacing certain restraint system buckles. This AD was prompted by a report of several restraint system buckle knobs breaking. The actions of this AD are intended to correct an unsafe condition on these products.

DATES: This AD is effective September 22, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of September 22, 2017.

ADDRESSES: For service information identified in this final rule, contact Romtex Anjou Aeronautique, Strada Livezii nr. 98, 550042, Sibiu, Romania; telephone +40 269 243 918; email *seatbelts@anjouaero.com.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0068.

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–2017–0068; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

On February 17, 2017, at 82 FR 10971, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Romtex restraint systems with a rotary buckle sub-assembly (buckle assembly) with a part number and serial number listed in Romtex Service Bulletin No. 358SB–14–101, Revision 1, dated December 12, 2014. These restraint systems are installed on, but not limited to, Airbus Helicopters Model AS350B2, AS350B3, EC130B4, EC130T2, and AS355NP helicopters. The NPRM proposed to require inspecting the buckle assembly to determine whether the straps release, marking the seat as inoperative if the buckle fails to release the straps, and replacing the buckle assembly within 180 hours time-in-service (TIS). The NPRM also proposed to prohibit installing the affected buckle assemblies on any helicopter. The proposed requirements were intended to prevent a restraint system strap from failing to release from the buckle, preventing occupants from exiting the helicopter during an emergency.

The NPRM was prompted by AD No. 2014–0279, dated December 19, 2014, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Romtex Model 358 torso restraint systems installed on Airbus Helicopters Model EC130T2, AS350B2, and AS350B3 helicopters. EASA advises that ruptures have occurred on the upper side (knob) of several rotary buckles installed on these restraint systems. EASA states the material used in two batches of the buckle assembly were altered by a supplier, resulting in a specification different from the approved design data. The EASA AD states that this condition could prevent the release of the restraint system straps as intended after an emergency landing. To address this unsafe condition, the EASA AD requires inspecting the buckle

assembly for proper operation, replacing or marking as inoperative any buckle assembly that fails to release the straps before further flight, and replacing all buckle assemblies within 6 months. The EASA AD also prohibits installing these buckle assemblies on any aircraft.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM.

FAA's Determination

These products have been approved by the aviation authority of Romania and are approved for operation in the United States. Pursuant to our bilateral agreement with Romania, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed except we are correcting the name in the related service bulletin from Romtex to Anjou Aero. This change is consistent with the intent of the proposals in the NPRM and will not increase the economic burden on any operator nor increase the scope of this AD.

Differences Between This AD and the EASA AD

The EASA AD requires compliance within 30 days for the buckle inspection and 6 months for replacement; this AD requires the inspection within 30 hours TIS and replacement within 180 hours TIS. The EASA AD does not apply to Model EC130B4 and AS355NP helicopters, and this AD does.

Related Service Information Under 1 CFR Part 51

We reviewed Anjou Aero Service Bulletin No. 358SB–14–101, Revision 1, dated December 12, 2014 (SB 358SB–14–101), which specifies removing from service certain part-numbered and serial-numbered buckle assemblies, consisting of the rotary buckle, belt, and attachment.

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

Costs of Compliance

We estimate that this AD affects 893 helicopters of U.S. Registry.

We estimate that operators will incur the following costs in order to comply with this AD. At an average labor rate of $85 per hour, inspecting the buckle assembly requires about .5 work-hour, for a cost per helicopter of $43 and a total cost of $38,399 for the fleet. Replacing each buckle assembly requires about .5 work-hour, and required parts will cost $42,000, for a cost per helicopter of $42,043 and a total cost to U.S. operators of $37,544,399.

According to the Anjou Aero service information, 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 by Anjou Aero. Accordingly, 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 helicopters identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–16–04 Romtex Anjou Aeronautique (Romtex) Torso Restraint Systems: Amendment 39–18981; Docket No. FAA–2017–0068; Product Identifier 2014–SW–076–AD.

(a) Applicability

This AD applies to Romtex torso restraint systems (restraint systems) with a rotary buckle sub-assembly (buckle assembly) with a part number and serial number as listed in the Effectivity, paragraph 1.2, of Anjou Aero Service Bulletin No. 358SB–14–101, Revision 1, dated December 12, 2014. These restraint systems are installed on, but not limited to, Airbus Helicopters Model AS350B2, AS350B3, EC130B4, EC130T2, and AS355NP helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a broken buckle knob. This condition could result in a restraint system strap failing to release from the buckle, preventing occupants from exiting the helicopter during an emergency.

(c) Effective Date

This AD becomes effective September 22, 2017.

(d) Compliance

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

(e) Required Actions

(1) Within 30 hours time-in-service (TIS), inspect each restraint system for correct operation.

(i) If the straps do not release from the buckle assembly, placard the seat as inoperative. Within 180 hours TIS, replace

the buckle assembly with a buckle assembly not identified in paragraph (a) of this AD.

(ii) If the straps release, within 180 hours TIS, replace the buckle assembly with a buckle assembly not identified in paragraph (a) of this AD.

(2) Do not install a restraint system with a buckle assembly identified in paragraph (a) of this AD on any helicopter.

(f) Alternative Methods of Compliance (AMOCs)

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

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

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2014–0279, dated December 19, 2014. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2017–0068.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2500 Cabin Equipment/Furnishings.

(i) Material Incorporated by Reference

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

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

(i) Anjou Aero Service Bulletin No. 358SB–14–101, Revision 1, dated December 12, 2014.

(ii) Reserved.

(3) For Anjou Aero service information identified in this AD, contact Romtex Anjou Aeronautique, Strada Livezii nr. 98, 550042, Sibiu, Romania; telephone +40 269 243 918; email *seatbelts@anjouaero.com.*

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

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

Issued in Fort Worth, Texas, on July 27, 2017.

Scott A. Horn,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2017–16438 Filed 8–17–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2017–0571]

RIN 1625–AA08

Special Local Regulation; Choptank River, Cambridge, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing special local regulations for certain waters of the Choptank River. This action is necessary to provide for the safety of life on these navigable waters located in Cambridge, MD, during a high-speed power boat racing event scheduled from August 19, 2017 through August 20, 2017. This rulemaking prohibits persons and vessels from being in the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or Coast Guard Patrol Commander.

DATES: This rule is effective from 8:30 a.m. on August 19, 2017, until 5:30 p.m. on August 20, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0571 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ronald Houck, Waterways Management Division, Sector Maryland-National Capital Region, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
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

On May 17, 2017, The Kent Narrows Racing Association of Chester, MD notified the Coast Guard that it will be conducting power boat races from 9 a.m. until 5 p.m. on August 19, 2017 and August 20, 2017. The high-speed power boat racing event consists of approximately 60 participants competing on a designated 1-mile oval course in the Choptank River in a cove located between Hambrooks Bar and the shoreline at Cambridge, MD. In response, on July 10, 2017, the Coast Guard published a notice of proposed rulemaking (NPRM) titled ''Special Local Regulation; Choptank River, Cambridge, MD'' in the **Federal Register** (82 FR 31733). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this paddle race. During the comment period that ended August 9, 2017, we received no comments. No public meeting was requested, and none was held.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest because immediate action is needed to respond to the potential safety hazards associated with a power boat racing event. Hazards from the power boat racing event include participants operating within and adjacent to designated navigation channels and interfering with vessels intending to operate within those channels, as well as operating within approaches to local public and private marinas and other facilities. Additionally, the public has been notified of the event by the event sponsor via local media.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233, which authorizes the Coast Guard to establish and define special local regulations. The COTP Maryland-National Capital Region has determined that potential hazards associated with the power boat racing would be a safety concern for anyone intending to operate within certain waters of the Choptank River in Cambridge, MD. The purpose of this rulemaking is to protect event participants, spectators and transiting vessels on certain waters of the Choptank River before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a special local regulation, which will be enforced from 8:30 a.m. until 5:30 p.m. on August 19, 2017, and from 8:30 a.m. until 5:30 p.m. on August 20, 2017. The regulated area covers all navigable waters within Hambrooks Bay and Choptank River west and south of a line commencing at the shoreline, at latitude 38°35′00″ N., longitude 076°04′43″ W., thence east to latitude 38°35′00″ N., longitude 076°04′23.7″ W., thence north to latitude 38°35′22.7″ N., longitude 076°04′23.7″ W., thence northwest to latitude 38°35′42.2″ N., longitude 076°04′51.1″ W., at Hambrooks Bar Light LLNR 24995, thence southwest to latitude 38°35′34.2″ N., longitude 076°05′12.3″ W., terminating at the Hambrooks Bay breakwall as it intersects the shoreline. This rule provides additional information about areas within the regulated area, their definitions, and the restrictions that apply to mariners. These areas include ''Race Area,'' ''Buffer Zone'' and ''Spectator Area''.

The duration of the regulated area is intended to ensure the safety of vessels and these navigable waters before, during, and after the power boat racing event, scheduled to occur during August 19–20, 2017. Except for participants, no vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP Maryland-National Capital Region or Coast Guard Patrol Commander. The regulatory text appears at the end of this document.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size and enforcement duration of the regulated area, which will impact a small designated area of the Choptank River for 18 hours. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule allows vessels to seek permission to enter the regulated area, and vessel traffic will be able to safely transit the regulated area once the Coast Guard Patrol Commander deems it safe to do so.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that 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 implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area lasting for a total of 18 hours (enforcement period). It is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration (REC) is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.35–T05–0571 to read as follows:

§ 100.35–T05–0571 Special Local Regulation; Choptank River, Cambridge, MD.

(a) *Definitions*—(1) *Captain of the Port Maryland-National Capital Region* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or a Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

(3) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(4) *Spectator* means any person or vessel not registered with the event sponsor as a participant or an official patrol vessel.

(5) *Participant* means any person or vessel participating in the Thunder on the Choptank event under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Maryland-National Capital Region.

(b) *Regulated area.* All coordinates reference Datum NAD 1983.

(1) *Coordinates:* The following location is a regulated area: All navigable waters within Hambrooks Bay and Choptank River west and south of a line commencing at the shoreline, at latitude 38°35′00″ N., longitude 076°04′43″ W., thence east to latitude 38°35′00″ N., longitude 076°04′23.7″ W., thence north to latitude 38°35′22.7″ N., longitude 076°04′23.7″ W., thence northwest to latitude 38°35′42.2″ N., longitude 076°04′51.1″ W., at Hambrooks Bar Light LLNR 24995, thence southwest to latitude 38°35′34.2″ N., longitude 076°05′12.3″ W., terminating at the Hambrooks Bay breakwall as it intersects the shoreline.

(2) *Race area:* Located within the waters of Hambrooks Bay and Choptank River, in an area bound to the north by the Hambrooks Bay breakwall and bounded to the east by a line drawn along longitude 076°04′37″ W.

(3) *Buffer zone:* All waters within Hambrooks Bay and Choptank River (with the exception of the Race Area designated by the marine event sponsor) bound to the north by the breakwall and continuing along a line drawn from the east end of breakwall located at latitude 38°35′27.6″ N., longitude 076°04′50.1″ W., thence southeast to latitude 38°35′17.7″ N., longitude 076°04′29″ W., thence south to latitude 38°35′01″ N., longitude 076°04′29″ W., thence west to the shoreline at latitude 38°35′01″ N., longitude 076°04′41.3″ W.

(4) *Spectator area:* All waters of the Choptank River, eastward and outside of Hambrooks Bay breakwall, thence bound by line that commences at latitude 38°35′27.6″ N., longitude 076°04′50.1″ W., thence southeast to latitude 38°35′21.3″ N., longitude 076°04′37.2″ W., thence southeast to latitude 38°35′21.3″ N., longitude 076°04′37.2″ W., thence northeast to latitude 38°35′27.8″ N., longitude 076°04′30.5″ W., thence northwest to latitude 38°35′42.2″ N., longitude 076°04′51.1″ W., at Hambrooks Bar Light LLNR 24995, thence south to and terminating at the point of origin.

(c) *Special local regulations.* (1) The Captain of the Port Maryland-National Capital Region or the Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol and then proceed only as directed.

(ii) All persons and vessels shall comply with the instructions of the Official Patrol.

(iii) When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course.

(3) The Coast Guard Patrol Commander may terminate the event, or the operation of any participant, at any time it is deemed necessary for the protection of life or property.

(4) The Race Area is an area described by a line bounded by coordinates provided in latitude and longitude that outlines the boundary of a Race Area within the regulated area defined in paragraph (b)(2) of this section. The actual placement of the Race Area will be determined by the marine event sponsor within the designated boundaries. Only participants and official patrol vessels are allowed to enter the Race Area.

(5) The Buffer Zone is an area that surrounds the perimeter of the Race Area within the regulated area defined in paragraph (b)(3) of this section. The purpose of a Buffer Zone is to minimize potential collision conflicts with participants and spectators or nearby transiting vessels. This area provides separation between the Race Area and Spectator Area or other vessels that are operating in the vicinity of the regulated area defined in paragraph (b)(1) of this section. Only participants and official patrol vessels are allowed to enter the Buffer Zone.

(6) The Spectator Area is an area described by a line bounded by coordinates provided in latitude and longitude that outlines the boundary of a spectator area within the regulated area defined in paragraph (b)(4) of this section. Spectators are only allowed inside the regulated area if they remain within the Spectator Area. All spectator vessels shall be anchored or operate at a no-wake speed while transiting within

the Spectator Area. Spectators may contact the Coast Guard Patrol Commander to request permission to either enter the Spectator Area or pass through the regulated area. If permission is granted, spectators must enter the Spectator Area or pass directly through the regulated area as instructed at safe speed and without loitering.

(7) The Coast Guard Patrol Commander and official patrol vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz). Persons and vessels desiring to transit, moor, or anchor within the regulated area must obtain authorization from Captain of the Port Maryland-National Capital Region or Coast Guard Patrol Commander. The Captain of the Port Maryland-National Capital Region can be contacted at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). The Coast Guard Patrol Commander can be contacted on Marine Band Radio, VHF–FM channel 16 (156.8 MHz).

(8) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio.

(d) *Enforcement.* The Coast Guard may be assisted with marine event patrol and enforcement of the regulated area by other federal, state, and local agencies.

(e) *Enforcement periods.* This section will be enforced from 8:30 a.m. until 5:30 p.m. on August 19, 2017, and from 8:30 a.m. until 5:30 p.m. on August 20, 2017.

Dated: August 15, 2017.

Michael W. Batchelder,

Commander, U.S. Coast Guard, Acting Captain of the Port Maryland-National Capital Region.

[FR Doc. 2017–17513 Filed 8–17–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0766]

Drawbridge Operation Regulation; Willamette River, Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the upper deck of the Steel Bridge across the Willamette River, mile 12.1, in Portland, OR. The deviation is necessary to support the removal and replacement of roadway pavement. This deviation allows the upper lift span of the bridge to remain in the closed-to-navigation position to ensure the safety of construction crew members.

DATES: This deviation is effective from 4 a.m. to 11:59 p.m. on October 7, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0766, is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

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

SUPPLEMENTARY INFORMATION: Union Pacific Railroad Company (UPRR), bridge owner, has requested a temporary deviation from the operating schedule for the Steel Bridge across the Willamette River, at mile 12.1, in Portland, OR. The deviation is necessary to accommodate roadway improvements. Oregon Department of Transportation will be removing and replacing pavement on the upper lift roadway. The Steel Bridge is a double-deck lift bridge with a lower lift deck and an upper lift deck which operate independent of each other. To facilitate this paving operation, the upper deck will remain in the closed-to-navigation position. When the lower deck is in the closed-to-navigation position, the bridge provides 26 feet of vertical clearance above Columbia River Datum 0.0; and in open-to-navigation position, the vertical clearance is 71 feet above Columbia River Datum 0.0. The deviation period is from 4 a.m. to 11:59 p.m. on October 7, 2017. The lower deck for the Steel Bridge will continue to operate in accordance with 33 CFR 117.897(c)(3)(ii), and at the end of this deviation period, the upper deck of the Steel Bridge will resume operating in accordance with 33 CFR 117.897(c)(3)(ii).

Waterway usage on this part of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft. Vessels able to pass through the bridge with the lower deck in the open-to-navigation position or upper deck in the closed-to-navigation position may do so at any time. The upper lift of the Steel Bridge will not be able to open for emergencies; however, the lower lift will be able to open for emergencies, and there is no immediate alternate route for vessels to pass. The Coast Guard has conducted public outreach regarding this closure of the upper deck on the subject bridge to known mariners that transit on the river. The Coast Guard has not received any objections to this temporary deviation from the operating schedule. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: August 15, 2017.

Steven Michael Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2017–17523 Filed 8–17–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0521]

RIN 1625–AA00

Safety Zone; Kaskaskia River, Evansville, IL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone for all navigable waters on the Kaskaskia River between mile marker (MM) 9.0 and MM 11.0. This action is necessary to provide for the safety of life on these navigable waters near Evansville, IL during high speed boat races. Entry of vessels or persons into this safety zone is prohibited unless authorized by the Captain of the Port Upper Mississippi River (COTP) or a designated representative.

DATES: This rule is effective from 8 a.m. on September 16, 2017, through 6 p.m. on September 17, 2017.

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

www.regulations.gov, type USCG–2017–0521 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Sean Peterson, Chief of Prevention, U.S. Coast Guard; telephone 314–269–2332, email *Sean.M.Peterson@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Upper Mississippi River
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 preceded this final rule with a Notice of Proposed Rulemaking (NPRM). The NPRM was published in the **Federal Register** on June 21, 2017, (82 FR 28290). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to high speed boat races on the Kaskaskia River in Evansville, IL. The NPRM listed dates and times of enforcement of the safety zone. During the comment period that ended July 21, 2017, we received no comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Upper Mississippi River (COTP) has determined that potential hazards associated with the high speed boat races will cause safety concerns. The purpose of this rule is to ensure safety of life, vessels and the navigable waters in the safety zones, before, during, and after the scheduled event.

IV. Discussion of the Comments, Changes, and the Rule

As noted above, during the comment period for our NPRM that published June 21, 2017, no comments were received. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a safety zone from 8 a.m. on September 16, 2017 through 6 p.m. on September 17, 2017. The zone will be enforced from 8 a.m. through 6 p.m. each day. The safety zone will cover all navigable waters between MM 9.0 and 11.0 on the Kaskaskia River in Evansville, IL. The duration of the zone is intended to ensure the safety of vessels and participants on the navigable waters before, during, and after the scheduled high speed boat practices and races. Entry of vessels or persons into this safety zone is prohibited without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the regulated area. Vessel traffic will be able to safely navigate through the affected area before and after the scheduled event. The safety zone will only be enforced for a period of 10 hours on each of 2 days on 2 miles of navigable waters. Entry into the safety zones established through this rulemaking may be requested from the COTP or a designated representative; requests will be considered on a case-by-case basis.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes,

or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.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 a safety zone lasting for 10 hours on 2 days, during daylight hours and restricts transit on a section of the Kaskaskia River extending 2 miles. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

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.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0521 to read as follows:

§ 165.T08–0521 Safety Zone; Kaskaskia River, Evansville, IL.

(a) *Location.* The following area is a safety zone: all navigable waters of the Kaskaskia River between MM 9.0 and MM 11.0, Evansville, IL.

(b) *Definitions.* As used in this section, a ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Upper Mississippi River (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or a designated representative.

(2) To request entry into the safety zone, contact the COTP or a designated representative via VHF–FM channel 16, or Coast Guard Sector Upper Mississippi River by telephone at 314–269–2332. Those persons authorized to be in the safety zone must comply with all lawful orders or directions given to them by the COTP or a designated representative.

(d) *Enforcement period.* This section will be enforced each day from 8 a.m. through 6 p.m. on September 16 and 17, 2017.

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

Dated: August 15, 2017.

Scott A. Stoermer,

Captain, U.S. Coast Guard, Captain of the Port Upper Mississippi River.

[FR Doc. 2017–17512 Filed 8–17–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 668

[Docket ID ED–2017–OPE–0090]

Program Integrity: Gainful Employment

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Announcement of applicable dates; request for comments.

SUMMARY: The Department, in this document, establishes new deadlines for submitting notices of intent to file alternate earnings appeals and for submitting alternate earnings appeals. The Department also announces additional information that will be considered when evaluating alternate earnings appeals.

DATES: We must receive comments on or before September 18, 2017.

The deadline to submit a notice of intent to file an alternate earnings appeal is October 6, 2017. The deadline to file an alternate earnings appeal is February 1, 2018.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via U.S. mail, commercial delivery, or hand delivery. We will not accept comments by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to this site?''
- *U.S. Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments, address them to Scott Filter, U.S. Department of Education, 400 Maryland Ave. SW., Room 6W253, Washington, DC 20202.

Privacy Note: The Department's policy for comments received from members of the public (including comments submitted by mail, commercial delivery, or hand delivery) is to make these submissions available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available on the internet.

FOR FURTHER INFORMATION CONTACT: Scott Filter, U.S. Department of

Education, 400 Maryland Ave. SW., Room 6W253, Washington, DC 20202. Telephone: (202) 453–7249 or by email at: *Scott.Filter@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On January 6, 2017, the Department announced dates by which institutions subject to the Department's gainful employment (GE) regulations must comply with certain provisions of the GE regulations relating to the submission of alternate earnings appeals. On June 15, 2017, the Department announced its intention to negotiate issues related to gainful employment. On July 5, 2017, the Department announced that it would publish a **Federal Register** document to establish a new deadline for institutions to submit alternate earnings appeals in light of the Court Order in *American Association of Cosmetology Schools* v. *DeVos,* Civil Action No. 17–0263, D.D.C. June 28, 2017 (Court Order).

The Department establishes October 6, 2017, as the deadline for all programs to file a notice of intent to file alternate earnings appeal. The Department establishes February 1, 2018, as the deadline for all programs to file an alternate earnings appeal. However, programs are encouraged to submit their appeals before this deadline. These deadlines and the associated timelines are being established on a one-time basis to comply with the Court Order. Although the Court Order only applies to institutions that are members of the American Association of Cosmetology Schools, the Court noted concerns with the response threshold required for the graduate surveys used for all programs in the alternate earnings appeal under 34 CFR 668.406, and the Department is establishing these new deadlines for all programs subject to the GE regulations in 34 CFR part 668. Institutions that have already submitted a notice of intent to file an alternate earnings appeal, or an alternate earnings appeal, do not have to resubmit those items or amend their alternate earnings appeal in connection with the modified submission requirements described below. Institutions that wish to supplement an alternate earnings appeal that has already been submitted may do so, and should contact Department staff to make those arrangements on or before October 6, 2017.

To further comply with the Court Order, for alternate earnings appeals based on a graduate survey, the Department will not enforce § 668.406(b)(3) or (c) to the extent these provisions require that a graduate survey contain responses from all students that are not exempted under § 668.404(e), nor will the Department require a 50 percent threshold response rate. Instead, the Department will evaluate all graduate surveys, regardless of response rate, provided the submissions include the number of responses, the response rate, and a nonresponse bias analysis, as well as any other information the Department requests. The Department will consider the response rate, the nonresponse bias analysis, and any other information requested by the Secretary that indicates that the responses are a reliable measure of the program graduates' true earnings.

Furthermore, for alternate earnings appeals based on data from State-sponsored data systems, the Department will not enforce § 668.406(b)(3) or (d) to the extent these provisions require that an appeal include earnings data for all students that are not exempted under § 668.404(e), nor will the Department enforce § 668.406(d) to the extent that provision requires a 50 percent threshold to be met, or the earnings of 30 students to be included, before the Department will consider an alternate earnings appeal. Instead, the Department will consider the validity of appeals using State-sponsored data on a case-by-case basis, taking into account the response rate and other information requested by the Secretary.

In modifying the alternate appeals submission requirements, the Department seeks to reduce the burden on institutions in conducting these appeals while still ensuring that institutions provide enough information for the Department to determine whether the program graduates for whom alternate earnings data are provided are a valid representation of the overall cohort. Institutions must still submit the certifications and attestations required by § 668.406(c)(2) and (d)(3), as applicable, except to the extent inconsistent with anything in this document.

Institutions intending to file a notice of intent to appeal do not have to issue warnings to students unless they fail to timely submit an alternate earnings appeal or the appeal is resolved.

We invite your comments on this action. We will consider these comments in determining whether to take any future action in connection with the upcoming negotiated rulemaking.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature of this site, you can limit your search to documents published by the Department.

Dated: August 14, 2017.

Betsy DeVos,

Secretary of Education.

[FR Doc. 2017–17423 Filed 8–17–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 170104016–7732–02]

RIN 0648–XF138

Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Approval of Modifications to a Regulatory Exemption for Groundfish Sectors

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

ACTION: Final rule.

SUMMARY: Through this action, NMFS approves a change to a regulatory exemption for sector vessels in the Northeast multispecies fishery for fishing years 2017 and 2018. This action is necessary to respond to a request from sectors to change a previously approved exemption. The change is intended to increase the use of the sector exemption, which allows sector vessels to combine small-mesh exempted fishing trips and

groundfish trips, and to provide sector vessels with additional fishing opportunities.

DATES: The modified regulatory exemption is effective August 17, 2017, through April 30, 2019.

ADDRESSES: Copies of each sector's final operations plan are available from the NMFS Greater Atlantic Regional Fisheries Office: John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Kyle Molton, Fishery Management Specialist, (978) 281–9236. To review **Federal Register** documents referenced in this rule, you can visit: *http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies*.

SUPPLEMENTARY INFORMATION:

Background

A sector is a group of persons (three or more persons, none of whom have an ownership interest in the other two persons in the sector) holding limited access groundfish permits who have voluntarily entered into a contract and agree to certain fishing restrictions for a specified period of time. Sectors are self-selecting, meaning each sector can choose its members. The Northeast multispecies sector management system allocates a portion of the NE multispecies stocks to each sector. These annual sector allocations are known as annual catch entitlements (ACEs) and are based on the collective fishing history of a sector's members. Sectors may receive allocations of large-mesh NE multispecies stocks with the exception of Atlantic halibut, windowpane flounder, Atlantic wolffish, and ocean pout, which are non-allocated species. The ACEs are a portion of a stock's annual catch limit (ACL) available to commercial NE multispecies vessels within a sector. A sector determines how to harvest its ACEs and may decide to limit operations to fewer vessels.

Sectors submit operations plans and contracts to us for approval. We must approve a sector's operations plan in order to allocate ACE to the sector and for the sectors to operate. Because sectors elect to receive an allocation under a quota-based system, the Northeast Multispecies Fishery Management Plan (FMP) grants sector vessels several ''universal'' exemptions from the FMP's effort controls. Sectors may request additional exemptions to streamline operations for sector vessels and to increase economic opportunities. We review these requests for consistency with the NE Multispecies FMP and other FMPs, as well as for resource and community impacts. We may approve requested exemptions that benefit sector vessels and that are consistent with the goals and objectives of the relevant FMPs. Sectors are prohibited from requesting exemptions from permitting restrictions, gear restrictions designed to minimize habitat impacts, and most reporting requirements.

Modified Sector Exemption

Modifications to the Sectors Small-Mesh Fishery Exemption Area

On April 28, 2017, we published an interim final rule (82 FR 19618) that approved sector operations plans, granted regulatory exemptions for sectors, and provided preliminary allocations of annual catch entitlements to sectors for the start of the 2017 fishing year . This interim final rule included consideration of a request from sectors to modify the Sectors Small-Mesh Fishery Exemption, which was first granted in fishing year 2015.

This exemption allows vessels to combine sector and small-mesh fishery trips in two discrete areas in Southern New England. Vessels may first target groundfish with large-mesh trawl gear and then switch to small-mesh trawl gear to target exempted fishery species like squid. These combined trips are more efficient and allow sector vessels to increase revenue and profitability on a single trip. There are additional requirements for gear modifications on the small-mesh portion of the trip to reduce bycatch of groundfish, and all legal groundfish caught on the small-mesh portion of the trip must be kept and counted against the sector's allocation. A vessel using this exemption is still required to meet the same at-sea monitoring coverage as normal groundfish trips, and is also required to submit a catch report through its Vessel Monitoring System (VMS) unit when switching gears.

The previously approved small-mesh sector exemption area includes two discrete areas, one that parallels the southern shore of Long Island to the waters just off Narragansett Bay, and a second area south of Martha's Vineyard (Figure 1). Sectors requested to modify the area to include all of statistical areas 537, 539 and 613, which would expand the geographic footprint of the exemption area, to better reflect fishing practices in the area and increase efficiency and opportunities for sector vessels (Figure 2). We received one public comment on this proposed change to the Sectors Small-Mesh Fishery Exemption. The comment supported approval of the modification to the exemption as proposed.

We are granting the modification to the exemption area, but as noted in the April 28, 2017, interim final rule, we are excluding areas that overlap with existing year-round groundfish closed areas or southern windowpane flounder accountability measure (AM) areas, regardless of whether the AMs are triggered, to be consistent with the goals and objectives of the NE Multispecies FMP. We are excluding the overlapping southern windowpane flounder AM areas because of concerns about potential interactions with windowpane flounder and other regulated groundfish species within the AM area. As with all sector exemptions, we will continue to monitor the use of the updated exemption, as well as any future changes to area management that the New England Fishery Management Council recommends.

All other requirements of the Sectors Small-Mesh Fishery Exemption remain unchanged from those previously approved and implemented. Vessels using the exemption must fish with one of three trawl gear modifications when using small mesh: Drop-chain sweep with a minimum of 12 inches (30.48 cm) in length; a large-mesh belly panel with a minimum of 32-inch (81.28-cm) mesh size; or an excluder grate secured forward of the codend with an outlet hole forward of the grate with bar spacing of no more than 1.97 inches (5.00 cm) wide. These gear modifications, when fished properly, have been shown to reduce the catch of legal and sub-legal groundfish stocks.

As in previously approved versions of the exemption, in order to facilitate proper coverage levels and assist with enforcement, the vessel is required to declare their intent to use small mesh to target small-mesh species by submitting a trip start hail through its VMS unit prior to departure. Trips declaring this exemption must stow their small-mesh gear and use their large-mesh gear first, and once finished with the large mesh, must submit a Multispecies Catch Report via VMS of all catch on board at that time and indicate that the small-mesh gear will now be fished. Once the Catch Report is sent, the vessel can then deploy small-mesh with the required modifications in the specific areas (see map above), outside of the Nantucket Lightship Closed Area, at which point, the large mesh cannot be redeployed. Any legal-sized allocated groundfish stocks caught during these small-mesh hauls must be landed and the associated landed weight (dealer or vessel trip

report (VTR)) will be deducted from the sector's ACE.

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Figure 1. Previously Approved Sectors Small-Mesh Fishery Exemption Areas, and Overlapping Southern Windowpane Accountability Measure and Groundfish Closed Areas.

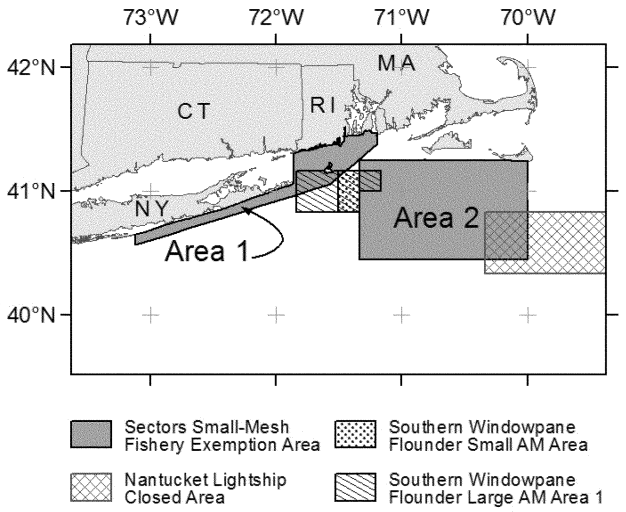
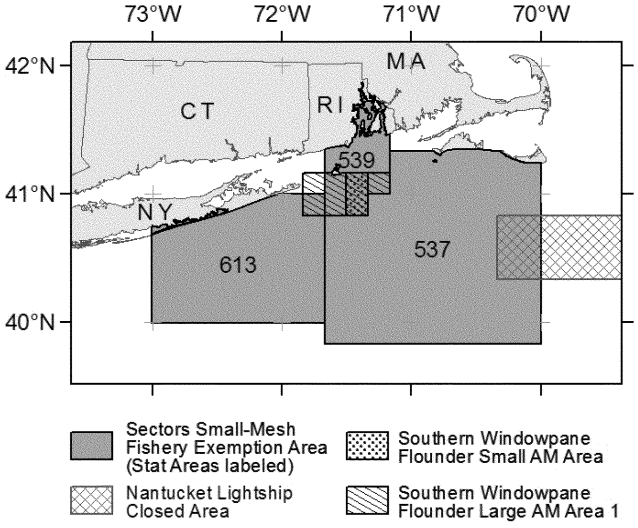


Figure 2. Modified Sectors Small-Mesh Fishery Exemption Area, and Overlapping Southern Windowpane Accountability Measure and Groundfish Closed Areas.



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Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator (AA) has determined that this final rule is consistent with the NE Multispecies FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This action is exempt from the procedures of Executive Order 12866 because this action contains no implementing regulations.

This final rule is not an E.O. 13771 regulatory action because it is not significant under E.O. 12866.

This final rule does not contain policies with Federalism or ''takings'' implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

The AA finds good cause, under authority provided in 5. U.S.C. 553(d)(1), to waive the 30-day delay in effective date because a delay in effectiveness would be contrary to the public interest. This rule does not impose any new requirements or costs on industry for which industry needs time to prepare to comply. Groundfish sectors requested this exemption to provide greater operational flexibility and to increase fishing opportunities. Delaying its effectiveness would unnecessarily restrict their fishing and lead to lost economic opportunity and efficiencies for sector vessels. Additionally, the small-mesh exemption is typically used by sector vessels in the fall. Because this rule changes the exemption area to increase use of the exemption, a delay in effectiveness would prevent sector vessels from the benefit of this change for the fall 2017 season, thus undermining the intent of the rule. The interim final rule, which proposed this action, was originally delayed as a result of the untimely submission of Framework Adjustment 56 by the New England Fishery Management Council, which prevented us from coordinating the publishing of the sector rule and the Framework 56 rulemaking in time for May 1, 2017 start of the 2017 fishing year. For all of these reasons, a 30-day delay in effectiveness of this rule would be contrary to the public interest.

This final rule is exempt from the procedures of the Regulatory Flexibility Act because the preceding interim final rule was issued without opportunity for prior notice and comment.

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

Dated: August 15, 2017.

Chris Oliver,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–17522 Filed 8–17–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF614

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea Subarea

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating projected unused amounts of Bering Sea subarea (BS) pollock from the incidental catch allowance to the directed fisheries. This action is necessary to allow the 2017 total allowable catch (TAC) of pollock to be harvested.

DATES: Effective August 15, 2017, until 2400 hrs, A.l.t., December 31, 2017.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the 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 2017 pollock incidental catch allowance in the BS was established as 47,210 metric tons (mt) by the 2017 and 2018 final harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017), and as adjusted by reallocations (82 FR 31925, July 11, 2017), in accordance with § 679.20(a)(5)(i)(A)(*1*) and the American Fisheries Act (AFA) (Pub. L. 105–277, Division C, Title II).

As of August 9, 2017, the Administrator, Alaska Region, NMFS, has determined that approximately 21,000 (mt) of pollock remain in the incidental catch allowance. Based on projected harvest rates of other groundfish species and the expected incidental catch of pollock in those fisheries, the Regional Administrator has determined that 4,000 mt of pollock specified in the incidental catch allowance will not be necessary as incidental catch. Therefore, NMFS is apportioning the projected unused amount, 4,000 mt, of pollock from the incidental catch allowance to the directed fishing allowances established pursuant to § 679.20(a)(5)(i)(A). Pursuant to the pollock allocation requirements set forth in § 679.20(a)(5)(i), this transfer will increase the allocation to catcher vessels harvesting pollock for processing by the inshore component by 2,000 mt, to catcher/processors and catcher vessels harvesting pollock for processing by catcher/processors in the offshore component by 1,600 mt, and to catcher vessels harvesting pollock for processing by motherships in the offshore component by 400 mt. Pursuant to § 679.20(a)(5)(i)(A)(*4*), 8.5 percent of the 1,600 mt allocated to catcher/processors in the offshore component, 136 mt, will be available for harvest only by eligible catcher vessels delivering to listed catcher/processors. Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), an additional 8 mt or 0.5 percent of the catcher/processor sector allocation of pollock will be available to unlisted AFA catcher/processors.

Pursuant to § 679.20(a)(5)(i)(A), Tables 4 and 5 of the 2017 and 2018 final harvest specifications for groundfish in the BSAI are revised as follows:

TABLE 4—FINAL 2017 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]

[Amounts are in metric tons]

Area and sector	2017 Allocations	2017 A season [1]		2017 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
Bering Sea subarea TAC [1]	1,361,600	n/a	n/a	n/a
CDQ DFA	136,400	61,380	38,192	75,020
ICA [1]	43,210	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,181,991	531,896	330,957	650,095
AFA Inshore	590,995	265,948	165,479	325,047
AFA Catcher/Processors [3]	472,796	212,758	132,383	260,038
Catch by C/Ps	432,609	194,674	n/a	237,935
Catch by CVs [3]	40,188	18,084	n/a	22,103
Unlisted C/P Limit [4]	2,364	1,064	n/a	1,300
AFA Motherships	118,199	53,190	33,096	65,009
Excessive Harvesting Limit [5]	206,848	n/a	n/a	n/a
Excessive Processing Limit [6]	354,597	n/a	n/a	n/a
Aleutian Islands subarea ABC	36,061	n/a	n/a	n/a
Aleutian Islands subarea TAC [1]	2,400	n/a	n/a	n/a
CDQ DFA	0	0	n/a	0
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	0	0	n/a	0
Area harvest limit: [7]				
541	10,818	n/a	n/a	n/a
542	5,409	n/a	n/a	n/a
543	1,803	n/a	n/a	n/a
Bogoslof District ICA [8]	500	n/a	n/a	n/a

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

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

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

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

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

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

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

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

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

TABLE 5—FINAL 2018 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]

[Amounts are in metric tons]

Area and sector	2018 Allocations	2018 A season [1]		2018 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
Bering Sea subarea TAC [1]	1,345,000	n/a	n/a	n/a
CDQ DFA	134,500	60,525	37,660	73,975
ICA [1]	47,210	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,163,291	523,481	325,721	639,810
AFA Inshore	581,645	261,740	162,861	319,905
AFA Catcher/Processors [3]	465,316	209,392	130,289	255,924
Catch by C/Ps	425,764	191,594	n/a	234,170
Catch by CVs [3]	39,552	17,798	n/a	21,754
Unlisted C/P Limit [4]	2,327	1,047	n/a	1,280
AFA Motherships	116,329	52,348	32,572	63,981
Excessive Harvesting Limit [5]	203,576	n/a	n/a	n/a
Excessive Processing Limit [6]	348,987	n/a	n/a	n/a
Aleutian Islands subarea ABC	40,788	n/a	n/a	n/a
Aleutian Islands subarea TAC [1]	19,000	n/a	n/a	n/a

TABLE 5—FINAL 2018 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]—Continued

[Amounts are in metric tons]

Area and sector	2018 Allocations	2018 A season [1]		2018 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
CDQ DFA	1,900	760	n/a	1,140
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	14,700	14,355	n/a	345
Area harvest limit [7]				
541	12,236	n/a	n/a	n/a
542	6,118	n/a	n/a	n/a
543	2,039	n/a	n/a	n/a
Bogoslof District ICA [8]	500	n/a	n/a	n/a

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

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

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

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

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

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

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

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

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

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of projected unused amounts of BS pollock from the incidental catch allowance to the directed fisheries. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 9, 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 taken under 50 CFR 679.20, and is exempt from review under Executive Order 12866.

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

Dated: August 15, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–17501 Filed 8–15–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 159
Friday, August 18, 2017

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

[Doc. No. AMS–SC–17–0036; SC17–982–1 PR]

Hazelnuts Grown in Oregon and Washington; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the Hazelnut Marketing Board (Board) to increase the assessment rate established for the 2017–2018 and subsequent marketing years from $0.005 to $0.006 per pound of hazelnuts handled under the marketing order (order). The Board locally administers the order and is comprised of growers and handlers of hazelnuts operating within the area of production. The Board's membership also includes one public member. Assessments upon hazelnut handlers are used by the Board to fund reasonable and necessary expenses of the program. The marketing year begins July 1 and ends June 30. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by September 18, 2017.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov*. Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov*. All comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Dale Novotny, Marketing Specialist, or Gary D. Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: *DaleJ.Novotny@ams.usda.gov* or *GaryD.Olson@ams.usda.gov*.

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202)720–8938, or Email: *Richard.Lower@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement No. 115 and Order No. 982, both as amended (7 CFR part 982), regulating the handling of hazelnuts grown in Oregon and Washington, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 12866, 13563, and 13175. Additionally, because this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See the Office of Management and Budget's (OMB) 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).

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Oregon and Washington hazelnut handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable hazelnuts beginning on July 1, 2017, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rule would increase the assessment rate for the 2017–2018 and subsequent marketing years from $0.005 to $0.006 per pound of hazelnuts.

The order provides authority for the Hazelnut Marketing Board (Board), with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members and alternate members of the Board are growers and handlers of Oregon and Washington hazelnuts. The Board's membership also includes one public member and an alternate public member, neither of whom are involved in the production or handling of hazelnuts. The Board members are familiar with the program's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2000–2001 and subsequent marketing years, the Board recommended, and USDA approved, an assessment rate that would continue in

effect from marketing year to marketing year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other information available to USDA.

The Board met on May 17, 2017, and unanimously recommended 2017–2018 marketing year expenditures of $878,627 and an assessment rate of $0.006 per pound of hazelnuts handled. In comparison, last year's budgeted expenditures were $765,598. The assessment rate of $0.006 per pound is $0.001 per pound higher than the rate currently in effect.

The major expenditures recommended by the Board for the 2017–2018 marketing year include $210,590 for administrative expenses, $111,000 for a crop survey, $342,037 for promotional activities, $35,000 for consulting, and $180,000 for undesignated emergency/miscellaneous expenses. Budgeted expenses for these items in the 2016–2017 marketing year were $138,088, $96,000, $234,510, $35,000, and $262,000, respectively. The increase in administrative expenses reflects the addition of an administrative staff member. The budget increase for marketing and promotion expenditures reflects the Board's desire to improve domestic hazelnut's share of the edible nut market and to increase consumer awareness of Oregon and Washington hazelnut products.

The assessment rate recommended by the Board was derived at an annual meeting of the Board where budgetary matters for the forthcoming marketing year were discussed. After an open discussion with growers, handlers, and industry personnel, the Board established a crop estimate for the 2017–2018 marketing year. The Board considered the crop estimate, the recommended 2017–2018 marketing year expenses, and the Board's financial reserve when it recommended the assessment rate increase.

Shipments for the year are estimated to be 80,000,000 pounds, which should provide $480,000 in assessment income at the $0.006 per pound assessment rate. Income derived from handler assessments, along with funds from the Board's authorized reserve and other income, would be adequate to cover budgeted expenses. Section 982.62(a) of the order specifies that the financial reserve is not to exceed approximately one marketing year's operational expenses. The Board expects its financial reserve to be $316,881 at the beginning of the 2017–2018 marketing year and $117,348 at the end of the year, which would be within the reserve limit authorized under the order.

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other available information.

Although this assessment rate would be in effect for an indefinite period, the Board would continue to meet prior to or during each marketing year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Board meetings are available from the Board or USDA. Board meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate Board recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Board's 2017–2018 marketing year budget, and those for subsequent marketing years, would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

According to the Board, there are approximately 800 growers of hazelnuts in the production area and approximately 17 handlers subject to regulation under the marketing order. Small agricultural producers (growers) are defined by the Small Business Administration (SBA) as those having annual receipts less than $750,000, and small agricultural service firms (handlers) are defined as those whose annual receipts are less than $7,500,000 (13 CFR 121.201).

According to the latest National Agricultural Statistic Service (NASS) data, 2015 grower prices averaged $1.40 per pound. With a total production of 62,000,000 pounds in the same year, the farm gate value for hazelnuts in 2015 totaled $86.8 million ($1.40 per pound multiplied by 62,000,000 pounds). Taking the total 2015 value of production for hazelnuts and dividing it by the approximate number of hazelnut growers provides an average return per grower of $108,500. It is estimated by the Board that approximately 98 percent of hazelnut growers under the marketing order have annual receipts less than $750,000. Therefore, a majority of hazelnut growers are considered small entities under the SBA standards.

According to the Board, four of the approximately 17 hazelnut handlers process and ship 80 percent of the total crop. An estimation of handler receipts can be calculated using the same 2015 farm gate value of $86.8 million from NASS, described above. Multiplying $86.8 million by 80 percent ($86.8 million × 80 percent = $69.4 million) and dividing by four indicates that the largest hazelnut handlers received an estimated $17.4 million each. Dividing the remaining 20 percent ($17.4 million) by the remaining 13 handlers yields average annual receipts of $1.3 million per handler. Therefore, under SBA's definition of a small business, about 24 percent of handlers could be considered large businesses and about 76 percent could be considered small businesses. Thus, the majority of hazelnut handlers in Oregon and Washington may be classified as small entities.

This proposal would increase the assessment rate established for the Board and collected from handlers for the 2017–2018 and subsequent marketing years from $0.005 to $0.006 per pound of hazelnuts handled. The Board unanimously recommended 2017–2018 expenditures of $878,627 and an assessment rate of $0.006 per pound. The proposed assessment rate of $0.006 per pound is $0.001 per pound higher than the 2016–2017 rate. The quantity of assessable hazelnuts for the 2017–2018 marketing year is estimated at 80,000,000 pounds. Thus, the $0.006 per pound rate should provide $480,000 in assessment income. This amount, along with the Board's reserve funds and other income, should be adequate to cover budgeted expenses.

The major expenditures recommended by the Board for the 2017–2018 marketing year include $210,590 for administrative expenses, $111,000 for a crop survey, $342,037 for promotional activities, $35,000 for consulting, and $180,000 for undesignated emergency/miscellaneous expenses. Budgeted expenses for these items in the 2016–2017 marketing year were $138,088, $96,000, $234,510, $35,000, and $262,000, respectively.

The Board believes there is a need to expand its promotion and outreach

activities to increase consumers' awareness of, and desire for, Oregon and Washington hazelnuts in the edible tree nut market. The Oregon and Washington hazelnut industry has experienced a large amount of growth in new orchard plantings in recent years. The supply of hazelnuts grown in the production area is expected to increase greatly as newly planted trees come into nut bearing age (approximately 3 to 7 years after planting, depending on the variety of hazelnut tree). The proposed increase to the assessment rate is necessary to fund expanded promotional activities intended to assist marketing of the anticipated increased supply of hazelnuts in the forthcoming years.

Prior to arriving at this budget and assessment rate, the Board considered information from various sources, such as the Board's Budget and Personnel Committee, representatives from private research firms, and input from industry personnel. Alternative expenditure levels were discussed by these groups, based upon the relative value of various activities to the hazelnut industry. Many growers at the May 17, 2017, meeting were in favor of even greater spending by the Board on promotional activities for hazelnuts, while handlers were more conservative.

The Board ultimately determined that 2017–2018 marketing year expenditures of $878,627 were appropriate, and the recommended assessment rate, when combined with reserve funds and other income, would generate sufficient revenue to meet its budgeted expenses. Further, the Board will maintain a $180,000 emergency fund throughout the 2017–2018 marketing year in order to cover any unforeseen or emergency operational expenses. If the 2017–2018 emergency funds are not expended, the resulting operating reserve would not exceed the limit authorized under the order.

A review of historical information and preliminary information pertaining to the upcoming marketing year indicates that the grower price for the 2017–2018 marketing year could range between $0.81 and $1.80 per pound (NASS, 2017). Therefore, the estimated assessment revenue for the 2017–2018 marketing year as a percentage of total grower revenue could range between 0.74 and 0.33 percent, respectively.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to growers. However, these costs would be offset by the benefits derived by the operation of the marketing order. In addition, the Board's meeting was widely publicized throughout the Oregon and Washington hazelnut industry, and all interested persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Board meetings, the May 17, 2017, meeting was a public meeting, and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178, Vegetable and Specialty Crops. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large Oregon and Washington hazelnut handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed action.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses*. Any questions about the compliance guide should be sent to Richard Lower at the previously-mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. Thirty days is deemed appropriate because: (1) The 2017–2018 marketing year begins on July 1, 2017, and the marketing order requires that the rate of assessment for each marketing year apply to all assessable hazelnuts handled during such marketing year; (2) the Board needs to have sufficient funds to pay its expenses, which are incurred on a continuous basis; and (3) handlers are aware of this action, which was unanimously recommended by the Board at a public meeting and is similar to other assessment rate actions issued in the past.

List of Subjects in 7 CFR Part 982

Hazelnuts, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 982 is proposed to be amended as follows:

PART 982—HAZELNUTS GROWN IN OREGON AND WASHINGTON

■ 1. The authority citation for 7 CFR part 982 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 982.340 is revised to read as follows:

§ 982.340 Assessment rate.

On and after July 1, 2017, an assessment rate of $0.006 per pound is established for Oregon and Washington hazelnuts.

Dated: August 15, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–17488 Filed 8–17–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

20 CFR Part 1011

[Docket No. VETS–2017–0001]

RIN 1293–AA21

HIRE Vets Medallion Program

AGENCY: Veterans' Employment and Training Service (VETS), Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: VETS is publishing this Notice of Proposed Rulemaking (NPRM) to propose regulations implementing the Honoring Investments in Recruiting and Employing (HIRE) American Military Veterans Act of 2017 (HIRE Vets Act of 2017 or Act). The HIRE Vets Act requires the Department of Labor (DOL, Department) to annually solicit and accept voluntary information from employers for consideration of employers to receive a HIRE Vets Medallion Award. VETS will review

applications and notify recipients of their awards, and announce their names at a time that coincides with Veterans' Day. The Act establishes specific criteria at two levels, ''gold'' and ''platinum,'' for large employers (those with 500 or more employees) and allows the Department of Labor discretion in establishing additional criteria for each large employer award level and criteria for small and medium employers to qualify for similar awards. The NPRM proposes the application process and criteria that VETS intends to use to receive, review, and process applications; verify the information provided; and award the HIRE Vets Medallion Award to those employers meeting the criteria and deserving of the award.

The Act establishes a fund, designated as the ''HIRE Vets Medallion Award Fund'' and requires the Secretary to assess a reasonable fee from the applicants to cover the costs associated with carrying out the HIRE Vets Medallion Award program. The NPRM provides the fee amount and how to submit the fee. These awards are intended to recognize employer efforts to recruit, employ, and retain our Nation's veterans.

DATES: To be assured of consideration, comments must be received on or before September 18, 2017.

ADDRESSES: You may send comments, identified by RIN number 1293–AA21, by one of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the Web site instructions for sending comments; or

Mail or Hand Delivery Courier: Please submit all written comments (including disk and CD–ROM submissions) by hand delivery, express mail, messenger, or courier service to: Randall Smith, Veterans' Employment and Training Service, U.S. Department of Labor, Room S–1325, 200 Constitution Avenue NW., Washington, DC 20210.

Please submit your comments by only one method. Comments received by means other than those listed above or received after the comment period has closed will not be reviewed. VETS will post all comments received on *http://www.regulations.gov* without making any change to the comments, 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. VETS cautions commenters not to include personal information such as Social Security Numbers, personal addresses, telephone numbers, and email addresses in their comments as such information will become viewable by the public on the *http://www.regulations.gov* Web site. It is the commenter's responsibility to safeguard his or her information. Comments submitted through *http://www.regulations.gov* will not include the commenter's email address unless the commenter chooses to include that information as part of his or her comment.

Postal delivery in Washington, DC, may be delayed due to security concerns. Therefore, VETS encourages the public to submit comments through the *http://www.regulations.gov* Web site.

Comments concerning information collection requirements should be directed to: Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, Veterans' Employment and Training Service, Office of Management and Budget, Room 10235, Washington, DC 20503, fax: (202) 395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov.* Please submit your comments by only one method. Receipt of submissions will not be acknowledged; however, the sender may request confirmation that a submission has been received by telephoning VETS at (202) 693–4700 or TTY (877) 889–5627 (these are not toll-free numbers).

Docket: For access to the docket to read background documents or comments received, go to the Federal eRulemaking portal at *http://www.regulations.gov.* VETS will also make all the comments received available for public inspection during normal business hours, 8:15 a.m. to 4:45 p.m. at: Room S–1325, 200 Constitution Avenue NW., Washington, DC 20210. If you need assistance to review the comments, VETS will provide you with appropriate aids such as readers or print magnifiers. VETS will make copies of the rule available, upon request, in large print and as an electronic file on computer disk. VETS will consider providing the proposed rule in other formats upon request. To schedule an appointment to review the comments and/or to obtain this NPRM in an alternate format, please contact VETS at the address listed above or at (202) 693–4700 or TTY (877) 889–5627 (these are not toll-free numbers).

FOR FURTHER INFORMATION CONTACT: Contact Randall Smith, Veterans' Employment and Training Service, U.S. Department of Labor, Room S–1325, 200 Constitution Avenue NW., Washington, DC 20210, *email: HIREVETS.NPRM@dol.gov, telephone:* (202) 693–4700 or TTY (877) 889–5627 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The HIRE Vets Act was enacted on May 5, 2017, as Division O of the Consolidated Appropriations Act, 2017, Public Law 115–31. The purpose of the Act is to create a voluntary program for recognizing efforts by employers to recruit, employ, and retain veterans through a HIRE Vets Medallion Award (the award). The Act requires the Department of Labor to issue regulations establishing the HIRE Vets Medallion Program (Medallion Program).

In preparation for drafting a rule to implement the Act, VETS conducted three stakeholder sessions during the week of June 5, 2017. During these stakeholder sessions, VETS obtained input from large, medium, and small employers, veterans service organizations, military service organizations, and other interested parties. The Department of Labor invites comments on this proposed rule by all interested parties.

Section-by-Section Analysis

Subpart A—Introduction to the Regulations for the HIRE Vets Act

Section 1011.000: What is the HIRE Vets Medallion Program?

Proposed § 1011.000 provides a description of the goals and purposes of the Medallion Program. This language is derived from the language in sec. 2(a) of the Act, which states that the HIRE Vets Medallion Program is a program through which the Department of Labor will solicit voluntary applications from employers for the award.

Section 1011.005: What definitions apply to the Medallion Program regulations?

Proposed § 1011.005 contains proposed definitions for this part. Each definition is discussed individually below.

Active Duty: The definition of ''active duty'' relates to the pay differential criterion used for the large employer, medium employer, and small employer awards in proposed §§ 1011.000(b)(8), 1011.105(b)(5)(ii), and 1011.110(b)(4)(iv). To satisfy this criterion, employers must provide employees serving on active duty in the United States National Guard or Reserve with compensation that is sufficient, in combination with the employee's active duty pay, to achieve a combined level of income commensurate with the employee's salary prior to undertaking active duty. To ensure simplicity, the

proposed rule's definition of active duty is consistent with the definition used at 10 U.S.C. 101(d)(1) (defining active duty for purposes of the armed forces). However, VETS requests comments on whether this definition is appropriate for this program.

Dedicated Human Resources Professional: The term ''dedicated human resources professional'' is used in the human resources criterion for the large employer platinum award established in sec. 3(b)(1)(C)(iv) of the Act and implemented in proposed § 1011.100(b)(7). This proposed definition clarifies that to satisfy this criterion, an employer may either employ an individual who devotes 100 percent of their time to supporting the hiring, training, and retention of veteran employees (for purposes of this rule, ''veteran employees'' refers to employees who are veterans) or the equivalent of a full-time employee. For example, three full-time employees who devote fifty percent, thirty percent, and twenty percent of their time, respectively, to supporting the hiring, training, and retention of veteran employees would satisfy this criterion. Any other combination of time dedicated to this objective that equals one full-time employee would also satisfy this criterion. Because most human resources professionals do not dedicate all of their time to a single objective, this clarification will retain flexibility for employers while also ensuring that veteran employees receive sufficient human resources support.

Additionally, this definition does not require that the human resources professionals be employees of the applicant. An applicant can satisfy this criterion by contracting out these services so long as those contracted services otherwise meet this definition.

Finally, as with the Human Resources Veterans' Initiative, the Dedicated Human Resources Professional must provide support in all three of the following areas: hiring, training, and retention.

Employee: The proposed rule defines ''employee'' as any individual for whom the employer furnishes an IRS Form W–2, with the exception of temporary workers. Although many other definitions of employee exist in Federal law, most of those definitions are for purposes of enforcing Federal protections. For the purposes of the Medallion Program, VETS will defer to how an employer categorizes its workers for tax purposes. This definition simplifies the burden on employers in assessing whether they meet the award criteria.

The proposed definition of ''employee'' includes both permanent full-time and permanent part-time employees. Permanent part-time employees are included in addition to permanent full-time employees because many disabled veterans rely on part-time positions and because basing the award on calculations of all permanent employees seems a more accurate reflection of veteran employment.

Although VETS supports the hiring of veterans in all positions, including temporary positions, the proposed rule excludes temporary workers from the definition of employee. The proposed rule has this exclusion because of the retention criterion for large employers, which requires that certain veteran employees be retained for at least twelve months. The inclusion of temporary workers in the definition of employee would thus foreclose employers and industries that hire large numbers of temporary workers from consideration for the award. Instead, this exclusion ensures that employers that retain a large percentage of veterans in permanent positions are not excluded simply because of the fact that some of their business is seasonal in nature.

Additionally, although the proposed regulation does not explicitly exempt workers who work outside of the United States from the definition of employee, tying the definition of employee to the IRS Form W–2 effectively excludes workers outside of the United States from the definition of employee, unless those workers are U.S. citizens or permanent residents, because those workers do not receive IRS Form W–2s. The proposed rule excludes most workers who work outside of the United States (other than those noted in the previous sentence) from the definition of employee because it does not seem reasonable to measure employment of veterans by including workers not in the United States and the inclusion of such workers may make it difficult for otherwise meritorious employers to satisfy the veteran hiring and retention criteria. However, the proposed rule does not exclude those U.S. citizens or permanent residents who might work outside of the United States and still receive an IRS Form W–2 in order to limit the amount of analysis employers must go through in assessing their employee population for the purposes of this rule.

Employer: The proposed definition of ''employer'' derives from the definition at sec. 8(a) of the Act. In addition to including the statutory language, the definition of ''employer'' clarifies that VETS will distinguish employers based on their Employer Identification Numbers, as described by the IRS in their regulations implementing 26 U.S.C. 6109 at 26 CFR 301.7701–12. In drafting this definition, VETS evaluated how to incorporate franchises, subsidiaries, and retail branches into the definition of employer. VETS settled on the proposed definition because it is the simplest definition for employers to implement and is reflective of how employers define themselves. However, the proposed rule creates an exemption from this definition where an IRS-recognized third party furnishes an employee's IRS Form W–2 pursuant to 26 CFR 31.3504–1, 26 CFR 31.3504–2, or 26 U.S.C. 7705. This exemption is to ensure that deserving employers are not barred from an award because they have used one of the mechanisms identified in the previous sentence.

The definition of employer includes local governments and tribal governments. However, VETS proposes to exclude foreign governments from the definition of employer. VETS makes this proposal to avoid any apparent conflict that could occur as a result of granting a foreign government an award.

This definition also allows an independently owned franchise or a subsidiary to apply for its own award.

VETS requests comments on whether this is an appropriate definition of employer.

Human Resources Veterans' Initiative: This proposed definition applies to the small employer and medium employer award criteria at proposed §§ 1011.105(b)(5)(i) and 1011.110(b)(4)(iii). This criterion is a variation on the dedicated human resources professional criterion for the large employer platinum award. Instead of needing to employ a dedicated human resources professional (as defined above), an employer satisfies the human resources veterans' initiative criterion if the employer provides hiring, training, and retention support for veteran employees. Employers must provide support in all three of these areas. An employer would not satisfy this criterion if it only provided support in one or two of these areas. This adjusted definition recognizes that not all small and medium employers will employ dedicated human resources professionals.

Additionally, this definition does not require that this support be provided by employees of the applicant. An applicant can satisfy this criterion by contracting out or partnering with a third-party that provides this support so long as the support provided otherwise meets this definition. One way an employer may satisfy the hiring support portion of the human resources

veterans' initiative criterion is by partnering with an American Job Center that is part of the nationwide workforce development system as defined in Section 3(67) of the Workforce Innovation and Opportunity Act.

Post-Secondary Education: The term ''post-secondary education'' is used in the tuition assistance program criterion established for large employers in sec. 3(b)(1)(C)(vi) of the Act. To satisfy this criterion, an employer must have a tuition assistance program to support employees' attendance in post-secondary education during the term of their employment. The proposed definition of ''post-secondary education'' is consistent with the definition of ''program of education'' in the G.I. Bill (38 U.S.C. 2002), but it is simplified to provide clear guidance for employers to use as they apply for the award. Under the proposed definition, any tuition assistance program that supports employees' attendance in post-secondary courses, including courses that lead to an associates or bachelor's degree or higher; a recognized post-secondary credential; or an apprenticeship would be acceptable.

Salary: The proposed rule defines ''salary'' as an employee's base pay. The definition of salary relates to the pay differential criterion used for the large employer, medium employer, and small employer awards in proposed §§ 1011.100(b)(8), 1011.105(b)(5)(ii), and 1011.110(b)(4)(iv). VETS proposes to use base pay to define salary because base pay is the standard measure for pay differential. However, VETS seeks comments on whether any of the following should also be included in the definition of salary: Overtime, shift differential, bonuses, tips, commissions, vacation and holiday pay, retirement and other related benefits, stock options and awards, profit sharing, etc.

The proposed definition of ''salary'' does not set a specific formula for determining salary. Because this is an awards program, the method for calculating salary can be determined by the employer so long as that determination is reasonable and applied consistently across all employees. For example, it might be reasonable for an employer to determine an employee's salary by using the employee's annual salary associated with their job description. It might also be reasonable for an employer to determine an employee's salary by looking at an employee's average wages over the course of several months prior to the employee's active duty. However, it would likely be unreasonable for an employer to use an employee's wages from a pay period in which the employee spent much of the pay period on unpaid leave.

Temporary Worker: The proposed definition of ''temporary worker'' provides additional clarity as to which non-permanent employees are excluded from the definition of employee. This proposed definition states that temporary workers are those who are hired with the intention that they be retained for less than a year and who actually are retained for less than a year. A worker retained for more than a year is considered an employee for the purposes of this regulation so long as that worker meets the rest of the requirements to qualify as an employee.

Veteran: The proposed definition of ''veteran'' is the statutory definition of veteran in sec. 8(c) of the Act. VETS recognizes that most employers determine which employees are veterans according to the employee's self-identification. VETS does not expect employers to change these practices in order to guarantee that every employee who self-identifies as a veteran meets the definition of veteran set out in this proposed section and in the Act. VETS' primary concern is that an employer applying for an award informs VETS as accurately as it is reasonably able to as to the number of veterans that it employs.

Additionally, consistent with the definition of veteran at 38 U.S.C. 101, the term is limited to veterans of the U.S. Armed Forces. Consequently, veterans who served in foreign militaries do not come within the definition of veteran for the purpose of determining whether an employer qualifies for a HIRE Vets Medallion Award.

VETS: This term is defined for clarity. This term refers to the Veterans' Employment Training Service of the Department of Labor.

Section 1011.010: Who is eligible to apply for a HIRE Vets Medallion Award?

Proposed § 1011.010 defines the entities that are eligible to apply for an award. An employer that employs at least one employee may qualify for an award so long as the employer satisfies all of the criteria and application requirements under this part.

Section 1011.015: What are the different types of the HIRE Vets Medallion Awards?

Proposed § 1011.015 describes the different types of HIRE Vets Medallion Awards for which an employer may apply.

Paragraph (a) describes the three different employer size award categories. This paragraph implements the language at secs. 3(b)(1)(A) & 3(b)(2) of the Act, which define the employer size requirements for each category of award. Paragraph (a)(4) clarifies that the correct category of award for which an employer is eligible is determined by the employer's number of employees as of December 31 of the year prior to the year in which the employer applies for a HIRE Vets Medallion Award. For the purposes of this section, employee is defined as described in § 1011.005.

Paragraph (b) establishes the different levels of award within each category. The Act provided for these levels for the large employer awards in sec. 3(b)(1)(B)–(C). Sec. 3(b)(2) of the Act also requires VETS to establish ''similar awards'' for the small and medium employers. Consequently, the proposed regulations employ the gold and platinum distinctions for the small and medium employers.

Subpart B—Award Criteria

The proposed rule provides specific award criteria for the large employer gold and platinum awards. Although the number of criteria an employer is required to satisfy in the proposed rule differs by award, the large employer criteria established by statute are generally incorporated across the large employer, medium employer, and small employer awards. Consequently, this introduction to Subpart B will describe the criteria generally. The preamble for the specific award provisions at proposed §§ 1011.100, 1011.105, 1011.110 will describe the extent to which any of the criteria differ for the purposes of a particular award.

Hiring Criterion: In sec. 3(b)(1)(B)(i), the Act requires that veterans constitute not less than 7 percent of all employees hired during the prior calendar year for the large employer gold award. Sec. 3(b)(1)(C)(ii) similarly establishes a 10 percent hiring requirement for a large employer platinum award.

The Act is clear that employers cannot satisfy this criterion by rounding up. The percentage of employees hired in the prior calendar year must be not less than the required percentage. Consequently, even if 6.99 percent of a large employer's new hires for the prior calendar year were veterans, the employer would not qualify for the large employer gold award. Likewise, 9.99 percent would not qualify a large employer for the large employer platinum award.

Retention Criterion: The Act also establishes a retention criterion for the large employer awards. For the large employer gold award, sec. 3(b)(1)(B)(ii) of the Act requires employers to have

retained not less than 75 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired in order to be eligible for the award. Sec. 3(b)(1)(C)(iii) of the Act makes this an 85 percent requirement for the large employer platinum award.

This language is somewhat complex; consequently, this preamble offers an example of the application of this criterion for an application that is submitted in 2020 for a large employer gold award. To satisfy the retention criterion, the employer applying in 2020 will need to look at all of the veteran employees it hired in 2018. If 75 percent of those veteran employees hired in 2018 were retained for at least 12 months from the date of hire, then the employer satisfies this criterion.

As with the hiring criterion, the retention criterion contains the term ''not less than.'' Consequently, a retention percentage of 74.99 would not satisfy the large employer gold criterion, and a retention percentage of 84.99 would not satisfy the large employer platinum criterion.

Employee Veteran Organization or Resource Group Criterion: Sec. 3(b)(1)(B)(iii) of the Act sets out a criterion that requires employers to have established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring. Per the language of the statute, this must be a distinct organization or group. Although admirable, an employer would not satisfy this criterion if the employer provided coaching and mentoring to veteran employees but did so without having established an organization or group. Additionally, the organization or group must still be in existence as of December 31 of the year prior to the calendar year in which the employer applies for the award. For example, if an employer applies for an award in 2020, the organization or group must still be in existence on December 31, 2019.

Leadership Program Criterion: The Act also sets out a leadership program criterion at sec. 3(b)(1)(B)(iv). To satisfy the leadership program criterion, employers must have established programs to enhance the leadership skills of veteran employees during their employment. A leadership program does not need to be provided exclusively to veterans in order to satisfy this criterion. For example, an employer could satisfy this criterion by offering a program to enhance leadership skills to all employees as long as veteran employees may participate. The primary concern for this criterion is that veterans have the opportunity to enhance their leadership skills and not that such programs only benefit veterans.

As with the employee veteran organization or resource group criterion, the leadership program must be in existence as of December 31, of the year prior to the calendar year in which the employer applies for the award.

Human Resources Criteria: Sec. 3(b)(1)(C)(iv) of the Act establishes a criterion related to human resources support for veterans. Unlike the previous criteria, the human resources requirements vary based on the size of employer. Requirements for the human resources criteria are discussed in additional detail in the introduction to the small employer and medium employer award criteria.

Pay Differential Criterion: The Act also sets out a pay differential criterion in sec. 3(b)(1)(C)(v). To satisfy this criterion, employers must provide each of its employees serving on active duty in the United States National Guard or Reserve with compensation sufficient, in combination with the employee's active duty pay, to achieve a combined level of income commensurate with the employee's salary prior to undertaking active duty. This criterion contains a couple of key terms—active duty and salary—that are defined in proposed § 1011.005 and explained in the corresponding definitions preamble text.

Additionally, VETS requests comments on whether to establish a minimum amount of time that an employer must provide the pay differential in order to satisfy the criterion. Currently, the proposed regulation offers no minimum, which means that the employer must provide the differential for as long as the employee is on active duty.

Tuition Assistance Program Criterion: Finally, the Act at sec. 3(b)(1)(C)(vi) includes a criterion that requires an employer to establish a tuition assistance program to support veteran employees' attendance in post-secondary education during the term of their employment. As with the leadership program criterion, this benefit need not be exclusively for veteran employees as long as veteran employees are able to benefit from it. Additionally, this assistance may take many forms, including financial assistance, leave assistance, or discounts on postsecondary education. Postsecondary education is defined in § 1011.005.

Other Criteria: In addition to the criteria established by the Act for large employers, sec. 3(b)(1)(E) permits the VETS to establish additional criteria. As discussed in the preamble for proposed § 1011.120, VETS has established an additional criterion regarding veteran-specific labor violations. VETS requests comments on what other criteria it should establish, such as criteria connecting employers to the workforce development system.

Section 1011.100: What are the criteria for the large employer HIRE Vets Medallion Award?

Proposed § 1011.100 sets out the criteria for the large employer awards as established in sec. 3(b)(1)(B)–(C) of the Act. These criteria are described in greater detail in the introduction to this subpart.

Paragraph (a)(1) implements sec. 3(b)(1)(A) of the Act, which states the size requirements for the large employer award.

Paragraph (a)(2) includes the criterion, further explained in proposed § 1011.120, that employers are not eligible for an award if they have violated certain labor protections.

Paragraphs (a)(3)–(6) implement the additional criteria for the large employer gold award at sec. 3(b)(1)(B) of the Act.

Paragraph (b) sets out the requirements for the large employer platinum award.

As with paragraph (a)(1), paragraph (b)(1) implements sec. 3(b)(1)(A) of the Act, which states the size requirements for the large employer award.

Paragraph (b)(2), as with paragraph (a)(2), includes the criterion, further explained in proposed § 1011.120, that employers are not eligible for an award if they have violated certain labor protections.

Paragraphs (b)(3)–(b)(6) set out the large employer gold criteria in section 3(b)(1)(B) of the Act that also apply to the large employer platinum criteria per sec. 3(b)(1)(C)(i).

Paragraph (b)(7) implements the dedicated human resources professional criterion at sec. 3(b)(1)(C)(iv) of the Act. ''Dedicated human resources professional'' is further explained in proposed § 1011.005 (the definitions section) and the accompanying preamble text. Additionally, as further explained in proposed § 1011.115, there is an exemption for employers with 5,000 or fewer employees.

Paragraphs (b)(8) and (b)(9) set out the criteria at sec. 3(b)(1)(C)(v)–(vi) of the Act.

Small and Medium Employer Awards

Sec. 3(b)(2) of the HIRE Vets Act authorizes VETS to establish criteria for small and medium employers. In examining which criteria should apply to the awards for small and medium employers, this proposed rule attempts to balance two sometimes conflicting objectives. First, this rule seeks to ensure simplicity by keeping unique criteria for which employers must familiarize themselves to a minimum. Second, the proposed rule attempts to take into account the potentially different structures and resources of small and medium employers.

In balancing these objectives, the proposed rule adopts most of the large employer criteria for the small and medium employer awards, but the criteria for small and medium employers differ in three fundamental ways.

First, instead of requiring the small and medium employers to meet all of the criteria outlined for the large employers, the criteria for the small and medium employers include more options and alternatives. For example, employers applying for the small platinum award need only have two of the five forms of integration assistance identified for the large employer platinum award. Likewise, instead of needing to meet both the hiring criterion and the retention criterion, small and medium employers must meet either the hiring criterion or a criterion that includes retention and veteran employee percentage.

The second major difference is the inclusion of this ''veteran employee percentage'' criterion for the small and medium employers. For small and medium employers who might not meet the hiring criterion, they may qualify for an award if they meet the retention requirements and if a certain percentage (7 percent for the gold and 10 percent for the platinum) of the employer's employees during the last year were veterans. The proposed rule includes this option to allow small and medium employers who did not hire last year, but demonstrated their commitment to veteran employment by hiring the year before, to receive a medallion for their longer term veteran hiring efforts.

This proposed veteran employee percentage criterion is required in addition to the retention criterion to ensure that the employer has provided a commitment to veteran employment. Because small and medium employers have the choice between meeting the hiring criterion or the retention criterion, if the percentage of veteran employees criterion was not added to the retention criterion, an employer with 499 employees could qualify for an award even if it only had a single veteran employee (so long as it had hired that veteran employee two years ago and had retained that veteran employee for at least twelve months). The addition of the veteran employee percentage criterion ensures employers are making substantive efforts to employ veterans even if they do not meet the hiring criterion. The veteran employee percentage criterion uses 7 percent as the minimum requirement for the gold award and 10 percent for the platinum. These percentages were selected to reflect the requirements of the hiring criterion. VETS requests comments on whether a small or medium employer that meets the other criteria but does not meet the hiring or retention criteria should receive an award if that employer meets the veteran employee percentage test. The Department also requests comments on whether percentages other than 7 and 10 should be used for this criterion.

The proposed rule also establishes that to measure this veteran employee percentage criterion, an employer must use a snapshot analysis of what percentage of its employees were veterans on December 31 of the year prior to the year in which the employer applies for the award. VETS also requests comments on whether a snapshot on December 31 is an appropriate way to measure this criterion.

Finally, the human resources criterion for small and medium employer awards differs from the human resources criterion for the large employer awards. Small and medium employers often do not have the same human resource support as large employers. Consequently, under this proposed rule, small and medium employers are instead required to meet a similar requirement of providing hiring, training, and retention services for veteran employees. This is further described in the definition of ''human resources veterans' initiative'' at proposed § 1011.005.

Section 1011.105: What are the criteria for the medium employer HIRE Vets Medallion Award?

Proposed § 1011.105 sets out the criteria for the medium employer gold and platinum awards. Paragraph (a) contains the requirements for the medium employer gold award and paragraph (b) contains the requirements for the medium employer platinum award.

Paragraph (a)(1) implements sec. 3(b)(2)(B) of the Act, which states that the medium employer award is for employers with more than 50 but fewer than 500 employees.

Paragraph (a)(2) includes the criterion, further explained in proposed § 1011.120, that employers are not eligible for an award if they have violated certain labor protections.

Paragraph (a)(3) sets out a criterion with two alternatives. To satisfy this criterion, employers must meet at least one of the two alternative criteria: The hiring criterion or the retention plus veteran employee percentage criterion. So long as the employer meets at least one of the two alternative criteria, it need not meet the other.

Paragraph (a)(4) sets out another criterion with alternatives. This criterion is similar to the large employer gold award criteria in that it includes both forms of integration assistance included in the large employer gold award. However, unlike with the large employer gold award, medium employers applying for the gold award need only have one of the two forms of integration assistance: Either an employee veteran organization/resource group or a leadership program; the medium employer need not have both to satisfy this criterion. However, VETS requests comments as to rather the employer should be required to meet both of these requirements for the medium employer gold award.

Paragraphs (b)(1)–(5) set out the requirements for the medium employer platinum award. Paragraphs (b)(1)–(3) are the same requirements that paragraphs (a)(1)–(3) establish for the medium employer gold award. However, the percentages in paragraph (b)(3) are higher than those at (a)(3) to reflect the higher standard to which platinum applicants will be held. Paragraph (b)(4) is similar to the medium employer gold integration assistance requirements in paragraph (a)(4). However, paragraph (b)(4) requires the employer to have both an employee veteran organization/resource group and a leadership program. This difference also reflects the fact that recipients of the platinum awards should be held to a higher standard.

Paragraph (b)(5) is an additional requirement that distinguishes the medium employer platinum award from the medium employer gold award. Paragraph (b)(5) requires that applicants for the medium employer platinum award must also offer one of the forms of integration assistance required for the large employer platinum award. By allowing applicants for the medium employer platinum award to choose between the various forms of integration assistance that qualify an employer for

the large employer platinum award, the proposed rule recognizes that medium employers will likely not have as many resources as large employers. However, by still requiring applicants for the medium employer platinum award to provide at least one of these forms of integration assistance, the proposed rule ensures that the prestige of the medium employer platinum award is commensurate with that of the large employer platinum award.

Section 1011.110: What are the criteria for the small employer HIRE Vets Medallion Award?

Proposed § 1011.110 sets out the criteria for the small employer gold and platinum awards. Paragraph (a) contains the requirements for the small employer gold award and paragraph (b) contains the requirements for the small employer platinum award.

Paragraph (a)(1) implements sec. 3(b)(2)(A) of the Act, which states that the small employer award is for employers with 50 or fewer employees.

Paragraph (a)(2) includes the criterion, further explained in § 1011.120, that employers are not eligible for an award if they have violated certain labor protections.

Paragraph (a)(3) sets out a criterion with two alternatives. To satisfy this criterion, employers must meet at least one of the two alternative criteria: The hiring criteria or the retention plus veteran employee percentage criteria. So long as the employer meets at least one of the two alternative criteria, it need not meet the other.

Paragraphs (b)(1)–(4) set out the requirements for the small employer platinum award.

Paragraphs (b)(1)–(3) are the same requirements that paragraphs (a)(1)–(3) establish for the small employer gold award. However, the percentages in paragraph (b)(3) are higher than those at (a)(3) to reflect the higher standard to which platinum applicants will be held. Paragraph (b)(4) is an additional requirement that distinguishes the small employer platinum award from the small employer gold award. This criterion requires that an employer have at least two of the five forms of integration assistance identified for the large employer platinum award. This proposal allows small employers to have additional flexibility in recognition of the differences in their resources and structure from large employers while also ensuring that recipients of the platinum award are held to a high standard in providing support for their veteran employees.

Section 1011.115: Is there an exemption for certain large employers from the dedicated human resources professional criterion for the large employer platinum HIRE Vets Medallion Award?

Proposed § 1011.115 implements sec. 3(b)(1)(D) of the Act, which provides an exemption for large employers who employ 5,000 or fewer employees from needing to satisfy the full-time dedicated human resources professional criterion for the large employer platinum award that is set out in § 1011.100(b)(7) of this proposed rule. For additional information on how this regulation defines ''dedicated human resources professional,'' please see the definitions section of this proposed rule at § 1011.005 and accompanying preamble.

Section 1011.120: Under what circumstances will VETS find an employer ineligible to receive a HIRE Vets Medallion Award for a violation of labor law?

Proposed § 1011.120 outlines the circumstances that would disqualify or delay an employer from receiving a HIRE Vets Medallion Award. The HIRE Vets Medallion Award recognizes those employers that recruit, employ, and retain veterans. Consistent with this goal, VETS proposes to disqualify from consideration those employers that have incurred violations under labor laws protecting veterans as administered by, or in conjunction with, VETS and the Office of Federal Contract Compliance Programs (OFCCP). Additionally, VETS proposes that employers debarred from holding federal contracts pursuant to the laws identified in this section would also be ineligible for the duration of the debarment, as would employers that, pursuant to the laws identified in this section, have had contracts terminated within a specified period of time prior to the issuance of an award. Finally, § 1011.120 would provide VETS with the discretion to delay the issuance of an award if it has information indicating that a significant violation of one of these laws has occurred that could lead to one of the disqualifying events discussed above.

Proposed paragraph (a) of this section provides that any employer with an adverse labor law decision, stipulated agreement, contract debarment, or contract termination (as defined in proposed paragraphs (b) through (e) of this section), pursuant to specifically enumerated laws administered by VETS, will not be eligible to receive an award. The proposed list of specifically enumerated laws includes the following:

- Uniform Services Employment and Reemployment Rights Act (USERRA);
- Vietnam Era Veterans' Readjustment Assistance Act, as amended (VEVRAA).

An adverse labor law decision is defined in proposed paragraph (b) of this section as a civil or criminal court judgment, a final administrative merits determination of an administrative adjudicative board or commission, or a decision of an administrative law judge or other administrative judge that is not appealed and that becomes the final agency action. The term ''civil or criminal court judgment'' is intended to include any final judgment of a trial court or appellate court level that has not been overturned at the time the award is to be issued. The proposed paragraph (b) goes on to establish a timeframe within which such decisions would render an employer ineligible for an award: A decision issued in the calendar year prior to the year in which applications are solicited; or in the calendar year in which applications are solicited, up until the issuance of the award.

A stipulated agreement that would disqualify an employer from receiving an award is defined in proposed paragraph (c) of this section. This definition includes any agreement, including a settlement agreement, conciliation, agreement, consent decree, or other similar document, which contains an admission that the employer violated any of the laws outlined in paragraph (a). An agreement that states that it does not constitute evidence or admission of wrongdoing would not fall under this definition. As with paragraph (b), this proposed paragraph also sets forth that any such agreement that was entered into in the calendar year prior to the year in which applications are solicited, or in the calendar year in which applications are solicited up until the issuance of the award, would render the employer ineligible for an award. VETS seeks comments on whether certain violations of these laws should not result in disqualification.

Proposed paragraphs (d) and (e) define the terms ''contract debarment'' and ''contract termination,'' respectively. They cover debarments or terminations of federal contracts effected through an order or voluntary agreement pursuant to any of the laws listed in proposed paragraph (a). Accordingly, as proposed, these definitions would not cover employers whose federal contracts were debarred or terminated pursuant to laws other than those identified in paragraph (a). Proposed paragraph (e) clarifies that, for contract terminations, the same

ineligibility timeframe as in paragraphs (b) and (c) applies—a termination that occurred in the calendar year prior to the year in which applications are solicited, or in the calendar year in which applications are solicited up until the issuance of the award. For debarments, proposed paragraph (d) sets forth that an employer will be ineligible for the duration of time the debarment is in effect, regardless of when it was first entered.

Proposed paragraph (f) states that, even in the absence of the specific triggering events in proposed paragraphs (b) through (e), if VETS has credible information indicating that a significant violation of one of the laws in paragraph (a) may have occurred that could potentially result in one of the triggering events requiring disqualification, VETS retains the discretion to delay granting an award.

VETS specifically requests comments on several provisions of this section. First, VETS seeks comments on whether to expand the list to include additional laws administered by, or in conjunction with, the Department, such as the Fair Labor Standards Act; the Occupational Safety and Health Act of 1970 (OSHA); or the Mine Safety and Health Act. The proposed language is limited to laws that provide labor protections specific to veterans because the focus of this rule is on the hiring and retention of veterans.

Second, VETS is specifically interested in comments on the proposed basis for disqualifying an employer from receiving an award, including the scope of the definitions set forth in paragraphs (b) through (e), whether additional disqualifying events should be added, and whether the stated timeframes in which one of these triggering events will disqualify an employer should be adjusted. Third, VETS seeks comments on whether it should consider the nature of the violation (*e.g.,* the magnitude of the violation; whether an applicant committed more than one violation during the relevant time period) as a factor in whether a violation is disqualifying. Fourth, VETS requests specific comment as to whether contract debarments under additional laws should disqualify an employer from receiving an award. VETS notes that changes to the labor violations included in this section will impact the cost of the program and, therefore, the application fees. A dramatic increase in the number of violations triggering disqualification would likely result in a noticeable increase to the application fees. Finally, with regard to proposed paragraph (f), VETS seeks comments on whether it is advisable to delay awards in those circumstances where it has information suggesting a significant violation may have occurred, whether ''credible information suggesting a significant violation'' is an appropriate standard, and/or whether a different standard should be set.

Subpart C—Application Process

Section 1011.200: How will VETS administer the HIRE Vets Medallion Award process?

Proposed § 1011.200 implements the requirements in sec. 2(b) of the Act regarding the award application process. Proposed § 1011.200 retains the statutory language with minor adjustments for context.

Section 1011.205: What is the timing of the HIRE Vets Medallion Award process?

Proposed § 1011.205 sets out the timing for the awards.

The introductory paragraph implements the language in sec. 3(a)(1) of the Act and cross-references the application cap section.

Paragraph (a) establishes a timeframe for when an employer's actions may qualify it for an award. This language is necessary in order to clarify what time period the award covers and to make the award process administratively feasible. Additionally, this language is consistent with the requirement in sec. 3(a)(2) of the Act, which states that VETS shall require the submission of information from employers about efforts from the calendar year prior to that in which the award is to be awarded.

Paragraphs (b)–(e) reflect the statutory language at sec. 2(c) of the Act but paragraph (c) of § 1011.205 provides additional clarity to employers about when applications are due.

Paragraph (f) implements the statutory language at sec. 2(c)(5) of the Act. Additionally, paragraph (f) clarifies that applicants who receive a denial will also receive notice of the denial along the same timeline as the award notices.

Section 1011.210: How often can an employer receive the HIRE Vets Medallion Award?

Proposed § 1011.210 repeats the language in sec. 2(d) of the Act, which sets limitations on how frequently an employer is eligible to receive an award.

Section 1011.215: How will the employer complete the application for the HIRE Vets Medallion Award?

Proposed § 1011.215 describes the application process and implements requirements in sec. 3(a) of the HIRE Vets Act.

Paragraph (a) implements sec. 3(a)(2) of the Act.

Paragraph (b) makes clear that VETS may request information in addition to information relevant to determining whether an employer qualifies for an award. VETS may collect other information that might support the awards program, such as success stories. This paragraph is authorized under sec. 3(a)(2) of the Act, which authorizes VETS to require applicants to provide information in addition to information governing eligibility for an award.

Paragraph (c) implements the attestation requirement of sec. 3(a)(2) of the Act and clarifies that the individual providing the attestation can be an equivalent official if an employer does not have a chief executive officer or chief human resources officer.

Paragraph (d) provides that the application form will be made available on the HIRE Vets Web site maintained by VETS.

Paragraph (e) describes how applicants can submit the application form. VETS requires all applicants to submit the completed application electronically unless the applicant requests a reasonable accommodation under paragraph (f). Electronic submittal is more efficient and less costly to the applicant and to the agency for processing.

Paragraph (f) describes how VETS will provide a reasonable accommodation to applicants.

Paragraph (g) provides that if an employer's application is deemed incomplete, VETS will attempt to contact the employer for the missing information using the contact information provided on the application. Should the applicant not respond within the timeframe provided, the application will be deemed incomplete and will be denied.

Section 1011.220: How will VETS verify a HIRE Vets Medallion Award application?

Proposed § 1011.220 implements the requirements at sec. 3(a)(3) of the Act, which require the Secretary to verify all information provided in the applications to the extent that such information is relevant in determining whether or not an employer should receive an award or in determining the appropriate level of award. The second sentence of proposed § 1011.220 explains that this verification will be conducted by reviewing the information that the employer is required to submit with the application. The application will require that employers provide information to show that they have met the criteria for the awards and to attest

to the veracity of that information. VETS has narrowly tailored its request for additional information to minimize the cost of applying for the award and because the requirement that the chief executive officer, the chief human resources officer, or an equivalent official attest under penalty of perjury that the information provided is accurate will provide a strong deterrent against false applications.

Section 1011.225: Under what circumstances will VETS conduct further review of an application?

Proposed § 1011.225 establishes that VETS may conduct further review of an application if VETS becomes aware of facts that indicate the application might have included incorrect information or that the applicant is ineligible under § 1011.120. The proposed section describes the circumstances under which VETS will conduct this further review. This is intended to ensure that awards are only given to employers who actually meet the award criteria. If VETS initiates such review prior to issuing the Award, VETS will not be required to meet the timeline requirements in this part.

Section 1011.230: Under what circumstances can VETS deny or revoke an award?

Proposed § 1011.230 describes the circumstances under which VETS can deny or revoke an award. Paragraph (a) applies before the receipt of an award, and paragraph (b) applies after the receipt of an award. Under both paragraphs (a) and (b), VETS may either deny or revoke an award, as applicable, based on an employer's failure to provide documentation, VETS' determination that the employer's chief executive officer, the chief human resources officer, or an equivalent official falsely attested to information provided with an award application, or the determination that an employer is ineligible to receive an award pursuant to § 1011.120. VETS notes that it can deny or revoke an award for both intentional and unintentional false statements by an employer's chief executive officer, the chief human resources officer, or an equivalent official.

Paragraph (b)(4) states that VETS may also revoke an award for violations of the display restrictions at § 1011.405.

Paragraph (c) includes the reconsideration process that will be followed if VETS decides to deny or revoke an award.

Subpart D—Fees and Caps

Section 1011.300: What are the application fees for the HIRE Vets Medallion Award?

Proposed § 1011.300 sets out the application fees for the HIRE Vets Medallion Awards.

Paragraph (a) summarizes the requirement in sec. 5(b) of the Act that the Secretary must establish an application fee that covers the cost of the program.

Paragraph (b) explains that VETS periodically will use the Implicit Price Deflator for Gross Domestic Product (GDP Price Deflator) published by the U.S. Department of Commerce to adjust the fee for inflation. The GDP Price Deflator measures inflation by taking the current prices of all domestic production of final goods and services in the U.S. economy (nominal GDP) and converting it into constant-dollars to measure the change in price levels. The GDP includes the output from the entire U.S. economy and will include any changes in consumption or investment. To capture the price increases that occur year to year in the cost of material and services, it will be necessary to escalate the fee using the GDP Deflator, which should capture the inflation occurring in the economy.

Paragraph (b)(1) clarifies the process VETS will use if it needs to make a significant adjustment to the fee for any reason other than inflation.

Paragraph (b)(2) provides that VETS will round the fee to the nearest dollar. VETS would do this for the administrative ease of both the agency and the applicants.

The fees identified in the paragraph (b) table were reached by analyzing the costs of the program and the amount of review each application will require. This analysis is discussed further in the ''Application Fee'' section of the Regulatory Procedures section of this preamble.

Paragraph (c) provides that fees will be submitted by applicants under the HIRE Vets Medallion Program using the U.S. Treasury *pay.gov* system or an equivalent system. *Pay.gov* provides a proven, secure electronic payment method that facilitates employers paying the requisite fee to apply for the award. *Pay.gov* (*https://www.pay.gov*) will allow employers to make electronic payments to the Federal government using the Internet. Instructions for making the application fee payment will be included in the instructions for the application form. This method of payment provides an efficient and effective method of receiving and tracking fee payments for the Act.

Paragraph (d) provides that the application fees are nonrefundable.

Section 1011.305: May VETS set a limit on how many applications will be accepted in a year?

Proposed § 1011.305 provides that VETS may limit how many applications it will accept in a given year. The proposed rule includes this provision so that VETS can prevent the system for reviewing applications from being overwhelmed by the number of applications in the first few years of the program. Should VETS decide to set a limit for how many applications will be accepted in a year, it will provide notice in advance of the application acceptance period on this number of applications that will be accepted.

Subpart E—Design and Display

Section 1011.400: What does a successful applicant receive?

Proposed § 1011.400 describes what recipients of the HIRE Vets Medallion Award will receive.

Paragraph (a) implements the statutory language at sec. 3(c) of the Act.

Paragraph (b) explains that VETS will create a digital image of the Medallion for recipients to use. This provision is proposed because recipients will likely want to display the award on digital platforms.

Section 1011.405: What are the restrictions on display and use of the HIRE Vets Medallion Award?

Proposed § 1011.405 implements sec. 4 of the Act.

Subpart F—Requests for Reconsideration

Section 1011.500: What is the process to request reconsideration of a denial or revocation?

Proposed § 1011.500 describes the reconsideration process applicants may use to request reconsideration over the denial of an award, the revocation of an award, or the denial of a particular award level. Because the reconsideration process applies to a voluntary award and because any reconsideration process must be paid for out of applicant fees, VETS has proposed a simple and limited reconsideration process to prevent a complicated reconsideration process from driving up the costs of the award application fees.

Paragraph (a) describes the circumstances under which an applicant may request reconsideration for a determination and the timeline for that request. Paragraph (a) also clarifies

where a request for reconsideration must be submitted.

Paragraph (b) describes what an employer must include in its request for reconsideration.

Paragraph (c) states that VETS may request additional evidence or explanation from an employer requesting reconsideration.

Paragraph (d) provides the timeline for VETS to respond to a request for reconsideration with a determination about whether to grant or deny the request.

Paragraph (e) states that no additional Department review is available. Therefore, no additional administrative review is available anywhere in the Department.

Subpart G—Record Retention

Section 1011.600: What are the record retention requirements for the HIRE Vets Medallion Award?

This section is necessary to protect the integrity of the awards. VETS chose a record retention period of two years to provide sufficient time to examine any issues that arise from applications while not being unduly burdensome to applicants.

Regulatory Procedures

Executive Orders 12866 and 13563: Regulatory Planning and Review

Introduction

Executive Order 13563 directs agencies to propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs; tailor the regulation to impose the least burden on society, consistent with achieving the regulatory objectives; and in choosing among alternative regulatory approaches, select those approaches that maximize net benefits. Executive Order 13563 recognizes that some benefits are difficult to quantify and provides that, where appropriate and permitted by law, agencies may consider and discuss qualitatively values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.

Under Executive Order 12866, the Office of Management and Budget (OMB) must determine whether a regulatory action is significant and therefore subject to the requirements of that Executive Order and to review by OMB. 58 FR 51735. Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule that: (1) Has an annual effect on the economy of $100 million or more, or adversely affects in a material way a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as economically significant); (2) creates serious inconsistency or otherwise interferes with an action taken or planned by another agency; (3) materially alters the budgetary impacts of entitlement grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. *Id.*

The Office of Management Budget did not find rule significant under Executive Order 12866 and, therefore, waived review. We analyzed costs and benefits of this rule using 2016 employment and wage data from the Bureau of Labor Statistics. The cost analysis uses a ten year time horizon. This benefits analysis is qualitative and appears at the end of this section. Since the benefits analysis is qualitative, there will be no analysis of net benefits (benefits minus costs). VETS's estimates of costs are presented as follows:

- Veteran employment and potential eligibility for the award—Estimates how many employers may meet the application requirements of the award.
- Unit costs—Estimates the unit costs of complying with the application requirements of the award.
- Participation rates—Estimates how many eligible employers will potentially choose to apply for the award.
- Government costs—Estimates the costs to the government for processing the applications and the costs to develop the system to support the review and approval process.
- Total annualized costs—Estimates the total annualized private and government costs of the program.

Costs for this regulation are uncertain due partly to the program being entirely new with no obvious equivalents; VETS cannot anticipate the number of employers that will choose to participate in the program. For this reason, this analysis contains estimates that are based on very limited data. This is the first veteran hiring award established by the Department to recognize employers for their accomplishments in recruiting, retaining, and hiring veterans. VETS welcomes comments on all of the estimates provided below.

Veteran Employment and Potential Eligibility for the Award

As of 2016 there were 20.9 million veterans,[1] making up 10 percent of the civilian non-institutionalized population over the age of 18. While the total number of veterans varies over time, there are between 240,000 and 360,000 service members who leave military service each year according to a 2013 White House report.[2] In 2016 there were 10 million veterans employed according to data collected from the Current Population Survey and reported by the Bureau of Labor Statistics (BLS) making up close to 7 percent of the U.S. employed population.

The three leading industry sectors for veteran employment are Manufacturing (NAICS code 31–33), with 1.3 million veterans; Wholesale and retail trade (NAICS code 42, 44–45) with 1.1 million veterans; and Professional and business services (NAICS code 54–56) with 1.1 million veterans. Evaluating veteran employment as a percentage of total employment by industry highlights the various industries where veterans make up more than 7 percent of the employed population. Based on the data, it appears there are many industries where a typical employer can readily meet the basic criteria of hiring 7 percent or more veteran employees while it may be more difficult in other industries.

Veteran employment levels at the 3 digit NAICS level (industry subsectors) were mapped to BLS data from the Current Employment Survey to derive veteran employment as a percentage of total employees by NAICS code. The results of this comparison are presented in Table 1. A majority of private industry subsectors have veteran employment with 7 percent or higher; the industries with the highest percentages were the Petroleum and coal products industry with 22.4 percent veteran employment, followed by Utilities with 20.5 percent veteran employment. The two industries with the lowest percentage of veteran employment are: Management of companies and enterprises with 0.5 percent and Internet publishing and broadcasting and web search portals with 1.0 percent veteran employment. Other industry sectors where the percentage of veterans employed is

[1] Bureau of Labor Statistics, U.S. Department of Labor, Current Population Survey, 2016.

[2] Watson, Ben, (2014) Veteran Unemployment Rate Drops, But Still Outpaces the Rest of the Country. *www.defenceone.com,* May 2,2014. Retrieved from: *http://www.defenseone.com/news/2014/05/D1-Watson-veteran-unemployment-rate-drops-still-outpaces-rest-country/83692/.*

lower than the national average are Healthcare and Social assistance sector with 3.5 percent, and the Accommodations and food services sector with 1.6 percent veteran employment. The concentration of veteran employment in Utilities and Manufacturing industries is a reflection of the type of military experience many veterans offer when seeking jobs that match their skill set.

TABLE 1—VETERAN EMPLOYMENT IN 2016

Industry	Veteran employment [1] (in thousands)	Total employment [2] (in thousands)	Percent of veterans employed (%)
Total Employment	10,129	151,423	6.7
Mining, quarrying, and oil and gas	92	626	14.7
Construction	588	6711	8.8
Manufacturing	1,285	12,348	10.4
Durable goods manufacturing	898	7,719	11.6
Nonmetallic mineral products	39	408	9.6
Primary metals and fabricated metal products	156	1,763	8.8
Machinery manufacturing	125	1,080	11.6
Computers and electronic products	113	1,048	10.8
Electrical equipment and appliances	30	383	7.8
Transportation equipment	269	1,625	16.6
Wood products	34	392	8.7
Furniture and fixtures	28	389	7.2
Miscellaneous manufacturing	103	591.	17.4
Nondurable goods manufacturing	387	4,629	8.4
Food manufacturing	92	1,554	5.9
Beverage and tobacco products	26	233	11.2
Textiles, apparel, and leather	23	371	6.2
Paper and printing	76	818	9.3
Petroleum and coal products	25	112	22.4
Chemicals	106	811	13.1
Plastics and rubber products	38	699	5.4
Wholesale and retail trade	1,090	21,687	5.0
Wholesale trade	260	5,867	4.4
Retail trade	830	15,820	5.2
Transportation and utilities	753	5,546	13.6
Transportation and warehousing	638	4,989	12.8
Utilities	114	556	20.5
Information	180	2,772	6.5
Publishing, except Internet	15	730	2.1
Motion pictures and sound recording industries	13	420	3.1
Radio and TV broadcasting and cable subscriptions programming	42	269	15.6
Internet publishing and broadcasting and web search portals	2	201	1.0
Telecommunications	96	795	12.1
Data processing, hosting, and related services	10	300	3.3
Libraries, archives, and other information services	2	59	3.4
Financial activities	496	8,285	6.0
Finance and insurance	309	6,142	5.0
Finance	174	3,559	4.9
Insurance	135	2,583	5.2
Real estate and rental and leasing	187	2,143	8.7
Real estate	146	1,559	9.4
Rental and leasing services	41	583	7.0
Professional and business services	1,092	20,136	5.4
Professional and technical services	658	8,877	7.4
Management, administrative, and waste services	433	11,259	3.8
Management of companies and enterprises	11	2,241	0.5
Administrative and support services	384	8,613	4.5
Waste management and remediation services	38	405	9.4
Education and health services	826	22,616	3.7
Educational services	161	3,560	4.5
Health care and social assistance	664	19,056	3.5
Hospitals	266	5,025	5.3
Health services, except hospitals	322	10,396	3.1
Social assistance	76	3,636	2.1
Leisure and hospitality	344	15,620	2.2
Arts, entertainment, and recreation	128	2,235	5.7
Accommodation and food services	216	13,386	1.6
Accommodation	49	1,947	2.5
Food services and drinking places	167	11,439	1.5
Other services	351	5,685	6.2
Other services, except private households	337	4,961	6.8
Repair and maintenance	150	1,289	11.6
Personal and laundry services	68	1,445	4.7

TABLE 1—VETERAN EMPLOYMENT IN 2016—Continued

Industry	Veteran employment [1] (in thousands)	Total employment [2] (in thousands)	Percent of veterans employed (%)
Membership associations and organizations	119	2,950	4.0
Government—Local [3]	708	14,339	4.9

Source:
[1] Bureau of Labor Statistics, Current Population Survey, 2016.
[2] Bureau of Labor Statistics, Current Employment Statistics, 2016.
[3] U.S. Census of Governments, 2012.
(See Spreadsheets, Exhibit X for all sources and derivation).

The job posting site Indeed[3] identified five occupational categories where veterans have the highest levels of employment. These are: Transportation and Material Moving, Installation Maintenance and Repair, Protective Service, Management, and Construction and Extraction. Many veterans find the skills and experience they developed while in the military align better with these occupations, making the transition to a civilian job easier.[3]

Due to the fact the proposed award program requires a fee, it was determined that employers with less than five employees, are relatively unlikely to participate in the program (although they are still eligible to apply for the award if they choose). Very small employers with less than 5 employees will most likely not hire often or may not choose to invest resources in actions that would qualify them for the award program, thus this analysis contains three groupings of employer size: small employers with 5 to 49 employees; medium employers with 50 to 499 employees; and large employers with over 500 employees. These groupings were based on the availability of data in the U.S. Census Bureau, 2014 Statistics of U.S. Businesses (SUSB),[4] which closely approximates the definition of small, medium and large employers in the statute. The SUSB data showed a total of 2,361,000 employers with more than four employees. However, knowing the percentage of veterans in an industry's work force does not indicate how many employers in that industry can meet the quantitative criteria for receiving the award. For example, if 7 percent of an industry's workforce is veterans there will be many employers that are above and below this average in any given year's hiring. In order to estimate the number of potentially eligible employers (those meeting the quantitative criteria) in an industry, we need to be able to estimate the effects of turnover on the ability to meet retention criteria, the percentage of employers that hire 7 percent or more veterans, and the percentage with 7 percent employees in their current work forces. VETS welcomes comments on the estimates of veteran employment, and the percentage of employers in industries that meet or exceed the proposed hiring criteria of 7 percent veterans.

The effects of turnover on the ability to meet retention criteria may be the most difficult quantitative criteria to estimate. Average separation rates across all industries are such that if veterans are typical of all workers, a 75 percent retention rate would be difficult to meet.[5] However, published separation rates include seasonal and temporary employments, which are excluded under the definition of ''employee'' and subsequently from the calculation of retention rates in this proposed rule. Absent more detailed data, VETS assumes that half of the employers able to meet a 7 percent hiring rate will not be able to meet a requirement for 75 percent retention. VETS welcomes comments on the estimates of employment turn over, and the percentage of employers in industries able to meet the retention criteria.

For this analysis, if we make the simplifying assumptions that the percentage of veterans currently in the workforce are typical of available new hires in an industry, and that each new hire and each employee have an equal chance of being a veteran, then we can use the binomial distribution to estimate the probability that an employer has more than 7 percent veterans among new hires or more than 7 percent veterans among existing employees. The binomial distribution is designed to calculate the probability that 7 percent or more employees in a set of employees are veterans given the probability of an event (whether a given new hire or employee is a veteran). The application of the binomial distribution requires estimates of the number of new hires per year and the number of employees. For this purpose, VETS used U.S. Census Bureau, 2014 Statistics of U.S. Businesses (SUSB) [6] data on the number of employers and employees for small employers, medium employers and large employers. These averages of new hires were 13 employees per employer for small employers, 123 employees per employer for medium employers and 3,000 employees per employer for large employers. VETS estimated that these employers would hire 25 percent of their workforce in any given year. The SUSB data shows a total of 2,311,602 employers with more than four employees. Of these, VETS estimates that 424,952, or 18 percent of all employers in the size range, would be potentially eligible for the program.

The complete formulas for the probability calculation are given in the spread sheets (Docket exhibit X). There are four probabilities needed for these calculations:

PH = probability more than 7 percent of new hires are veterans;

PE = the probability that more than 7 percent of employees are veterans;

PR = the probability that 75 percent of veteran hires are retained (estimated to be .5 in all cases); and

[3] Culbertson, Daniel, (2016) A Deep Look at the Data: How Are Veterans Doing in Today's Workforce? Indeed blog, November 10, 2016. Retrieved from: *http://blog.indeed.com/2016/11/10/veterans-employment/*.

[4] U.S. Census Bureau, 2014. Statistics of U.S. Businesses Annual Datasets by Establishment Industry: U.S & States, NAICS, detailed employment sizes. Accessed on 6/15/2017 at *https://www.census.gov/data/datasets/2014/econ/susb/2014-susb.html*.

Eligibility estimates by VETS. See text and spreadsheets (exhibit X).

[5] Bureau of Labor Statistics (BLS) Job Openings and Labor Turnover (2017). News Release; For release 10:00 a.m. (EDT), July 11, 2017 *https://www.bls.gov/news.release/pdf/jolts.pdf*.

[6] U.S. Census Bureau, 2014. Statistics of U.S. Businesses Annual Datasets by Establishment Industry: U.S & States, NAICS, detailed employment sizes. Accessed on 6/15/2017 at *https://www.census.gov/data/datasets/2014/econ/susb/2014-susb.html*.

Eligibility estimates by VETS. See text and spreadsheets (exhibit X).

PLYH = the probability that an employer hired at least one veteran in the year prior to the current year.

Given these probabilities the formula used in the calculations for small and medium employers is:

Total probability = PH + (1–PH)*PE*PLYH*PR

For large employers, the formula is somewhat simpler:

Total Probability = PH + (1 – PH)*PLYH*PR

Table 2 shows the results for the estimate of potentially eligible employers by size class and industry.

TABLE 2—ESTIMATE OF ELIGIBLE EMPLOYERS

Industry	Total employers (5+)	Potentially eligible employers			
		Small employers (5–49)	Medium employers (50–499)	Large employers (500+)	Total
Forestry, logging, fishing, hunting, and trapping	2,837	536	389	93	1,017
Mining, quarrying, and oil and gas extraction	9,350	3,377	1,322	0	4,700
Construction	204,561	51,059	8,464	915	60,438
Nonmetallic mineral products	6,136	1,430	699	244	2,374
Primary metals and fabricated metal products	35,064	7,638	3,613	1,025	12,276
Machinery manufacturing	14,706	3,928	2,432	682	7,043
Computers and electronic products	7,439	1,743	1,279	519	3,541
Electrical equipment and appliances	3,359	553	398	210	1,161
Transportation equipment	6,458	2,121	1,575	550	4,246
Wood products	7,325	1,588	705	165	2,457
Furniture and fixtures	7,641	1,417	456	84	1,958
Miscellaneous manufacturing	11,429	5,057	1,344	340	6,741
Food manufacturing	13,073	1,812	722	59	2,593
Beverage and tobacco products	2,653	773	247	90	1,110
Textiles, apparel, and leather	6,238	998	264	24	1,286
Paper and printing	14,483	3,426	1,404	350	5,179
Petroleum and coal products	710	253	197	113	563
Chemicals	6,476	1,746	1,341	589	3,676
Plastics and rubber products	7,397	788	517	18	1,323
Wholesale trade	133,958	15,239	2,664	2	17,905
Retail trade	258,174	37,563	4,402	42	42,007
Transportation and warehousing	61,190	20,258	6,418	2,245	28,921
Utilities	2,837	1,185	640	194	2,019
Publishing, except Internet	9,340	455	37	0	493
Motion pictures and sound recording industries	4,802	395	30	0	425
Radio and TV broadcasting and cable subscriptions programming	2,857	1,127	344	111	1,582
Telecommunications	3,705	1,097	498	160	1,755
Data processing, hosting, and related services	4,885	334	88	0	422
Libraries, archives, and other information services	3,237	269	37	0	307
Finance	33,143	3,767	1,228	8	5,003
Insurance	33,515	4,844	476	14	5,334
Real estate	47,711	12,428	2,509	778	15,714
Rental and leasing services	9,613	1,774	424	166	2,364
Professional and technical services	205,067	42,079	7,476	2,116	51,670
Management of companies and enterprises	23,944	66	6	0	72
Administrative and support services	108,014	12,007	2,405	3	14,415
Waste management and remediation services	8,782	2,240	570	168	2,977
Educational services	43,887	4,718	1,320	1	6,039
Hospitals	3,407	16	388	36	441
Health services, except hospitals	247,348	20,285	1,726	0	22,011
Social assistance	67,460	3,486	270	0	3,756
Arts, entertainment, and recreation	42,698	6,202	1,700	59	7,962
Accommodation	29,467	1,935	130	0	2,065
Food services and drinking places	273,382	10,708	262	0	10,970
Repair and maintenance	61,091	20,895	1,820	610	23,325
Personal and laundry services	58,697	7,987	395	0	8,382
Membership associations and organizations	121,174	13,647	1,017	0	14,664
Government—Local	40,882	0	8,273	0	8,273
Total	2,311,602	337,247	74,922	12,784	424,952

Source: U.S. Census Bureau, 2014. Statistics of U.S. Businesses Annual Datasets by Establishment Industry: U.S & States, NAICS, detailed employment sizes. Accessed on 6/15/2017 at *https://www.census.gov/data/datasets/2014/econ/susb/2014-susb.html.*

U.S. Census Bureau, 2012. Government Organization Summary Report: 2012. Accessed on 7/21/2017 at *https://www2.census.gov/govs/cog/g12_org.pdf.*

Eligibility estimates by VETS.

See text and spreadsheets (Exhibit X).

Unit Cost

Using the information provided in the stakeholder meetings, and estimates from similar analysis done by other Department of Labor agencies, burden costs were estimated by employer size for each aspect of the application process including rule familiarization, collection, filling out the form, and follow-up/requests for reconsideration. VETS invites public comment on the steps employers would have to take to apply for the award program, how long each step would take and who would be involved in the process of applying for the award.

Rule familiarization costs are estimated to take one hour for all employers regardless of size; this is based on OSHA's recordkeeping rule updated in 2014.[7] This activity would typically be performed by a human resources manager at a large or medium size employer or by a person with equivalent responsibilities at a small employer. Using the data from the May 2016 BLS Occupational Employment survey (OES), the mean hourly wage of the human resources manager is $57.79. For the purposes of this analysis, VETS estimates a fully loaded wage rate, including fringe benefits and overhead, resulting in a doubling of the OES wage rate.[8] The total hourly wage being used to estimate the cost of familiarization is $115.58. The regulation is structured by employer size which would not require employers to consider all aspects of eligibility but only those that pertain to their size. For these reasons one hour was estimated for rule familiarization of the award program requirements of eligibility and the application form instructions.

The eligibility requirements for the award program require that all employers compile information needed to fill out the application form and retain the information for two years. VETS estimated this would require 5 hours for large employers and 3 hours for medium and small employers. Each criterion for eligibility will have an entry in the application form. Information requested will include the following: Employer address and other identifying information, veteran employment data, descriptions of the relevant veteran programs, and descriptions of the benefits offered to veterans. These estimates are an average for the gold and platinum award requirements. This activity will likely be performed by human resource specialists for a large or medium size employer. Using the data from the May 2016 BLS Occupational Employment survey (OES), the mean hourly wage of the human resources specialist is $31.20. Adding overhead and fringe benefits, the fully loaded hourly wage rate used to estimate the collection of information is $62.40. For a small employer, this activity is anticipated to be done by a payroll and timekeeping clerk, the mean hourly wage for this position as reported by BLS is $20.95, and adding the fringe benefits and overhead results in an hourly wage of $41.90.

Three hours of labor was estimated by VETS for a medium and small employer to compile information for the form, this was determined based on the number of award criteria, and due to human resources staff in medium and small employers being more familiar with the day to day management of an employer. At the stakeholder meetings held the week of June 5, 2017, smaller employers stated all the information needed to apply would come directly from the owner and would be easily obtained. VETS estimated five hours for large employers due to the additional information required to match the criteria for eligibility and the time for a human resource manager to determine if the programs offered by the employer meet the regulation criteria. Larger employers at the stakeholder meetings provided a range of one to four days, based on their past experience in applying for other award programs such as the Employer Support of the Guard and Reserve (ESGR) Freedom Award.[9] The application form for VETS's award program requires employers to provide employment and descriptive information for as many as seven fields to as few as two fields depending on the size of the employer and the award level. This is less time consuming than the information requested for the ESGR Freedom Award. For these reasons, an average of five hours was estimated for large employers, and an average of three hours was estimated for medium and small employers to collect and retain needed information.

Large and medium size employers are expected to incur the cost for running a query to identify the number of veterans hired and veterans retained for the years requested on the application form. The majority of large and medium employers will have a database system for managing their workforce; this system typically includes the hire date and various demographic information about their employees. Running a query specifically for this application form is estimated to take two hours by a database administrator at a large or medium size employer according to comments received from the stakeholder meeting in early June of 2017. Using the data from the May 2016 BLS Occupational Employment survey (OES), the mean wage of the database administrator is $41.89. Adding overhead and fringe benefits,[10] the total wage used to estimate the cost of this task is $83.78. Small employers with less than 50 employees typically do not manage their workforce using a database, and due to the closer interactions among employees at small employers, the payroll clerk would know most of the employees individually. Thus, a small employer would not have a need to run a query.

Once the information has been gathered by an employer, applicants will need to enter the information in the form and enter the payment information needed on *www.pay.gov;* this was estimated to take 2 hours for a large employer, 1.5 hours for a medium employer, and 1 hour for a small employer. These burden estimates are an average for the gold and platinum award requirements. Large employers are expected to take 2 hours due to the additional criteria required to be eligible for the award, this activity would be done by a human resource specialist. A medium employer is expected to take 1.5 hours because there are fewer criteria than a large employer, this activity would be done by a human resource specialist. Using the data from the May 2016 BLS Occupational Employment survey (OES), the mean wage of a human resource specialist is $31.20. Adding overhead and fringe benefits, the total wage used to estimate the cost of this task is $62.40. A small employer is estimated to take 1 hour because there are fewer criteria than a medium size employer. For a small employer, a payroll and timekeeping clerk would most likely perform this task, with a mean hourly wage of $20.95 as reported in the BLS 2016 OES, with

[7] Occupational Injury and Illness Recording and Reporting Requirements: North American Industry Classification System Update and Reporting Revisions (docket number: OSHA–2010–0019–0127).

[8] The value of two is recommended by HHS in HHS, Guidelines for Regulatory Analysis, 2016, p. 33.

[9] Employer Support of The Guard and Reserve Freedom Award is given to employers who are nominated to recognize those that support their employees who serve in the Guard and Reserve. There are up to 15 awards presented each year by frim size and to the public sector. *http://www.freedomaward.mil/.*

[10] Bureau of Labor Statistics (BLS) Occupational Employment Statistics (OES) (2017). Fringe markup is from the following BLS release: Employee Costs for Employee Compensation news release text; For release 10:00 a.m. (EDT), June 9, 2017. *https://www.bls.gov/news.release/pdf/ecec.pdf.*

added fringe benefits and overhead, results in an hourly wage of $41.90.

The form requires the attestation of an executive (CEO, CFO, or equivalent) that the information on the form is accurate and true. It is expected that this would take 15 minutes for all employers applying for the award and would most likely require the executive to take the time to review the form. For a large and medium size employer, this activity will be performed by an executive with a mean hourly wage of $93.44 as reported in the BLS 2016 OES, then adding fringe benefits and overhead the hourly wage for this task would be $186.88. At a small employer where the executive positions may not exist, this task may be done by someone with equivalent responsibilities and duties, such as the owner. For the purposes of estimating the cost of attestation for small employers we are using the wage rate of a human resource manager with a mean hourly wage of $57.79 as reported in the BLS 2016 OES, adding fringe benefits and overhead results in a fully loaded wage for this task of $115.58. For a smaller employer, the position of a general and operations manager would be similar to the owner of the firm, the mean hourly wage is $58.70 as reported in the BLS 2016 OES, adding fringe benefits and overhead results in a fully loaded wage for this task of $117.40.

Following up on incomplete applications is estimated to take 30 minutes for 5 percent of employers applying, and a request for reconsideration would take 30 minutes for 1 percent of employers applying. At a large and medium size employer, following up on an application would be done by the human resource specialist with an hourly wage of $62.40 (including fringe benefits and overhead), and a reconsideration would be done by a human resource manager with an hourly wage of $115.58 (including fringe benefits and overhead). At a small employer, the payroll clerk may likely follow up on an application, with an hourly wage of $41.90 (including fringe benefits and overhead), and the human resource manager equivalent would be involved in a reconsideration of a denied application, with an hourly wage of $115.58 (including fringe benefits and overhead). The majority of large and medium employers have a human resource staff which manage different aspects of the workforce, or outsource the managing of the database for tracking the employer's workforce over time. As a result, large and medium employers are expected to have the same occupations involved in the process of applying for the award, while a different set of occupations were identified for small employers which typically do not have dedicated human resource staff or a database administrator.

TABLE 3—BURDEN COSTS BY EMPLOYER SIZE

Tasks by employer size	Resource	Wage	Hours	Cost
Large Employers:				
Rule familiarization	HR manager	$116	1.0	$116
Data collection large employers	HR specialists	62	5.0	312
Query report large employers	DB Administrators	84	2.0	168
Filling form, large employers	HR specialists	62	2.0	125
Executive signature	Executive	187	0.25	47
Follow up (assume 5 percent)	HR specialists	62	0.5	31
Reconsideration if denied award (1 percent)	HR manager	116	0.5	58
Average unit cost per employer				857
Medium Employer Activities:				
Rule familiarization	HR manager	116	1.0	116
Data collection medium employers	HR specialists	62	3.0	186
Query report medium employers	DB Administrators	84	2.0	168
Filling form medium employers	HR specialists	62	1.5	93
Executive signature	Executive	187	0.25	47
Follow up (assume 5 percent)	HR specialists	62	0.5	31
Reconsideration if denied award (1 percent)	HR manager	116	0.5	58
Average unit cost per employer				699
Small Employer Activities:				
Rule familiarization	HR manager	116	1.0	116
Data collection small employers	Payroll and timekeeping clerks	42	3.0	126
Filling form, small employers	Payroll and timekeeping clerks	42	1.0	42
Executive signature	HR manager	116	0.25	29
Follow up (assume 5 percent)	Payroll and timekeeping clerks	42	0.5	21
Reconsideration if denied award (1 percent)	HR manager	116	0.5	58
Average unit cost per employer				392

Source: Bureau of Labor Statistics, Occupational Employment Statistics 2016.
(See Spreadsheets, Exhibit X for all sources and derivation)

The burden estimates were mainly driven by the duration of time expected for each aspect of the application process, and the type of occupation identified as performing the various activities for the employer size.

Government Costs

The cost to the government involves the intake, review, verification, processing of the applications, and notification/distribution of the award. To efficiently process applications, VETS will develop and maintain a system to electronically receive, review applications to determine eligibility and issue the awards. The cost for such a system would include IT hardware and software, IT maintenance, helpdesk costs, and VETS program management personnel costs. VETS has estimated lifecycle costs. The estimated cost of creating an application system and form is approximately $933,100 which

annualized over 10 years at a 3 percent discount rate results in a cost of $109,388 per year.

The business process for the intake, review, and processing of applications was estimated using average wage data from BLS Occupation codes for each phase including solicitation, application processing, application review, award notification, and reporting to Congress. The cost to the government for processing is estimated to be $2.6 million dollars per year based on 10,728 applications being processed per year.

As part of the business process there will be costs associated with program outreach, messaging, and notification of award winners. This is estimated to cost $245,086 annually. An outreach specialist is estimated to spend 1,140 hours involved in these tasks. The outreach specialists with an hourly wage rate of $45.42 as reported by OPM for a GS 13 in 2017;[11] plus fringe benefits and overhead the hourly wage for this task would be $90.84. These tasks will also involve a program manager spending 1,000 hours with an hourly wage rate of $53.67 GS 14, plus fringe benefits and overhead the hourly wage would be $107.36. An IT specialist GS 12 would also be involved in supporting tasks with messaging and recognition of award winners, spending 100 hours with an hourly wage of $38.20, plus fringe benefits and overhead the hourly wage would be $76.40.

The application process will require support from contractors to set up the process, the receipt of the forms and the processing of the applications; this is estimated to cost $1,896,940 annually. A program specialist will spend 200 hours annually with a mean hourly wage rate of $59.31 as reported in the BLS 2016 OES,[12] plus fringe benefits and overhead, would be $118.62. An IT specialist will spend 40 hours to support these activities with an hourly wage rate of $42.25,[13] plus fringe benefits and overhead the hourly wage is $84.50. The program manager[14] is estimated to spend 151 hours processing applications, with an hourly wage rate of $58.7, plus fringe benefits and overhead the hourly wage is $117.40. A Program specialist[15] will perform the bulk of the application review tasks, this will total 18,569 hours with an hourly wage rate of $35.99 plus fringe benefits and overhead the hourly wage will be $71.98. As part of the review process of the applications, VETS will need to verify applicants do not have adverse labor law decisions, stipulated agreements, contract debarments, or contract terminations, against them under the Uniform Services Employment and Reemployment Rights Act (USERRA); or the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA).

This verification process will involve VETS and the Office of Federal Contract Compliance Programs (OFCCP) checking their databases for award applicants. VETS estimates it will take each agency, OFCCP and VETS, an average of 15 minutes per application for this review. A GS -13 would perform the check with a loaded hourly wage of $90.84 and spend 13 minutes per employer on the list, and a GS–15 with a loaded hourly wage of $126.28 would spend 2 minutes per employer on the list verifying the findings in the initial check. The IT process developed to support this review will be maintained by a contractor[16] spending 240 hours with a loaded hourly wage of $84.50, (hourly mean wage from BLS without fringe benefits or overhead is $42.25).

The notification of the award will also be executed by a contractor, and will involve 50 hours of a program manager's[17] time with a loaded hourly wage of $117.40, and 40 hours of a program specialist[16] time with a loaded hourly wage of $71.98.

The oversight of the contract for the application processing will be done by VETS personnel. This will take 312 hours of a program manager's time (GS–14) with a loaded hourly wage of $107.36, and 120 hours of a program specialist's time (GS–13) with a loaded hourly wage of $90.84.

The statute requires a report to congress; this will be done by VETS personnel, and will cost a total of $10,406 dollars annually. This task will take a program manager (GS–14) 80 hours with a loaded hourly wage of $107.36 and another 20 hours of time for a program specialist's time (GS–13) with a loaded hourly wage of $90.84.

VETS invites public comment on the cost of developing a system to accept and review applications.

Application Fee

The HIRE Vets Act provides that the Secretary may assess a reasonable fee on employers that apply for receipt of a HIRE Vets Medallion Award and that the amount of the fee must be sufficient to cover the costs associated with carrying out the HIRE Vets Act. The proposed fee will cover the costs of solicitation, processing applications, vetting for violations, and award notifications, as well as the maintenance cost of the IT system used in the processing of applications.

In processing the applications, VETS will need to verify the information on the form being submitted by employers. Given that the number of criteria varies by employer size, and will consequently require additional review by VETS, the fee will vary by employer size to reflect the cost of reviewing additional criteria. For example, the large employer platinum award requires the applicant to provide five types of integration assistance. However, the small employer platinum award only requires that the applicant provide two types of integration assistance. Consequently, the large employer award will take longer to review than the small employer award.

In recognition of these differences in the number of criteria and information needing to be reviewed and verified as part of processing awards, the fees will be graduated to reflect the differences in the amount of review VETS would need to perform for large, medium, and small employers. The proposed fee for large employers is $495 per applicant, the proposed fee for medium employers is $190 per applicant, and the proposed fee for small employers is $90 per applicant, which covers the anticipated cost to VETS for processing 4,152 applications in the first year. The fees were estimated by taking the average cost to VETS of $300 per application, and multiplying it using factors of time which reflect the added information needed to review. Large employers would take VETS 1.6 times longer than the estimated average cost to process the application, for medium employers it would be 0.6 times the average cost, and for small employers it would be 0.3 times the average costs. VETS invites public comment on what is an appropriate fee amount for employer sizes, which will enable VETS to recover costs as required.

[11] OPM *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2017/DCB_h.pdf.*

[12] BLS OES occupation code 11–2031 Public Relations and Fundraising Managers.

[13] BLS OES occupation code 15–0000 Computer and Mathematical Occupations.

[14] BLS OES occupation code 11–1021 General and Operations Managers.

[15] BLS OES occupation code 13–1199 Business Operations Specialists.

[16] BLS OES occupation code 15–0000 Computer and Mathematical Occupations.

[17] BLS OES occupation code 11–1021 General and Operations Managers.

TABLE 4—GOVERNMENT COSTS

Application processing	Employers		
	4,152	6,228	10,728
Solicitation	$245,086	$245,086	$245,086
Receipt and Processing	565,828	823,693	1,382,564
Violation Vetting by VETS and OFCCP	200,119	299,335	514,376
Award Notification	160,333	236,118	400,366
Contract Oversight	44,397	44,397	44,397
IT Support and maintenance	20,280	20,280	20,280
Report to Congress	10,406	10,406	10,406
Total Processing Cost	1,246,449	1,679,315	2,617,473
Average government cost per application	300	270	244
Sunk Development Costs:			
Development of Application System	.....	.....	98,625
Application Form Development	.....	.....	834,474
Total Development Costs	.....	.....	933,099

Source: OSHA, Directorate of Standards and Guidance, Office of Regulatory Analysis.
(See Spreadsheets, Exhibit X for all sources and derivation.)
Average cost per application = total processing cost/# of employer.

Participation and Costs per Year

CBO originally developed an estimate that 4,000 employers would participate in the program in the first year. This estimate was based on the assumption that only 2 percent of employers would be potentially eligible and 25 percent of medium and large employers potentially eligible would apply for the program. In CBO's estimate, small employers were excluded from being able to apply based on an earlier version of the HIRE Vets bill. If CBO had included small employers in their estimate using the same methodology the number of employers applying would increase to close to 50,000 employers.

As noted above, VETS, making use of BLS veteran' labor force participation rate data, estimates that far more than 2 percent of employers that are eligible may choose to participate. Due to the lack of data for more accurate participation rates, VETS assumes that approximately 4,119 employers will apply in the first year, but that this would increase to 6,228 employers in the second year and 10,728 per year in succeeding years. Table 5 shows the estimated participation rates by size class for each year, and resulting estimated costs of applications.

TABLE 5—ESTIMATED PARTICIPATION RATES AND NUMBERS OF APPLICANTS BY YEAR

Size class	1st Year participation rate (%)	1st Year number of applicants	2nd Year participation rate (%)	2nd Year number of applicants	3rd Year participation rate (%)	3rd Year number of applicants
Small	0.1	304	0.2	674	0.6	2,023
Medium	3.0	2,248	4.0	2,997	6.5	4,870
Large	12.5	1,601	20.0	2,557	30	3,835
Total	NA	4,152	NA	6,228	NA	10,728

VETS Estimates (See Spreadsheets, Exhibit X for all sources and derivation)

Table 6 shows the result of multiplying the employer unit costs of applying for the award, developed in the previous Unit Cost section, by the number of anticipated participants to obtain the costs by size class and total application cost for each year. These costs reflect the time and resources incurred by the employer when applying for the award program; this includes all the tasks discussed in the previous Unit Cost section.

TABLE 6—EMPLOYER APPLICATION COSTS BY YEAR

Size class	1st Year costs	2nd Year costs	3rd Year costs
Small	$95,215	$211,589	$634,767
Medium	1,377,355	1,836,473	2,984,269
Large	1,230,468	1,965,603	2,948,405
Total	2,703,038	4,013,666	6,567,441

VETS Estimates, (See Spread Sheets, Exhibit X for all sources and derivation)

There are multiple factors which would contribute to the participation rate of large, medium, and small employers, such as the fee for applying, amount of outreach by VETS, and the potential benefits received by the

employers receiving the award. The problem here is a classically difficult one in economics—that of estimating demand for new products. In this case, we have little data and few comparable products on which to base an estimate. VETS is aware that the total costs are dependent on the number of employers that apply and the number could be much lower or higher than VETS baseline estimates.

At the stakeholder meetings, some representatives from larger employers stated their willingness to pay up to several thousand dollars, while representatives for smaller employers didn't specify a fee amount they would be willing to pay. It would seem reasonable to assume a fee of more than several hundred dollars would discourage many small employers from applying. The total cost, burden plus fees, is estimated to range from $404 for small employers to $1,264 for large employers. Depending on the success of outreach and other messaging, these efforts could attract more applicants than CBO's estimate. Over the long term, employers will want to apply if there are quantifiable benefits in the form of increased revenue if this award attracts more customers, and by increasing the pool of veteran applicants when they are hiring. These factors have the potential of increasing the number of participating employers to close to 50,000. Higher participation would result in increased costs relative to the overall cost burden and overall government cost. However, considering all costs, the program will most likely not have costs in excess of $100 million per year. Such costs would only occur if 100 percent of potentially eligible medium and large employers apply and 25 percent of potentially eligible small employers apply every year.

VETS invites public comment on the level or participation by industry and employer size.

Total Annualized Costs

VETS estimated annualized costs to employers for participation in this award program over a 10 year period using 3 percent and 7 percent discount rates based on the costs of application and costs to the government developed above. These total costs are provided in Table 7.

TABLE 7—TOTAL ANNUALIZED COSTS OF THE PROPOSED RULE

Cost element	Annualized costs at 3% ($)	Annualized costs at 7% ($)	First year costs (if different from annualized costs) ($)
Costs for Preparing Applications	5,845,415	5,735,649	2,703,038
Costs to Government of Processing Application (To be reimbursed through fees)	2,357,854	2,318,462	1,246,449
Total Private Sector Costs, including Fees for Government Processing	8,203,269	8,054,111	3,949,487
Costs to Government for Developing System (Not reimbursed by fees)	109,388	132,852	933,099
Total	8,312,657	8,186,963	4,882,586

VETS Estimates (See Spreadsheets, Exhibit X for details)

Alternatives

VETS considered alternative quantitative criteria for small and medium size employers. One alternative would be to change the proposed criteria for small and medium employers that require applicants to have both a retention rate of 75 percent (for gold)/85 percent (for platinum) and a veteran employee percentage of 7 percent (for gold)/10 percent (for platinum). Instead, this first proposed alternative criterion would drop the veteran employee percentage requirement. Keeping all the participation rates the same, VETS estimates that this change would increase the number of potentially eligible employers by 38 percent, participation in the program by 19 percent, and would increase annualized costs from approximately $8 million per year to $11.9 million a year. This alternative has the disadvantage that it would allow employers who have not recently achieved a 7 percent hiring goal to win the award.

VETS also considered an option in which small and medium employers could qualify if they met either of the following: (1) 7 percent of the employer's new hires during the previous year were veterans, or (2) if a total of 7 percent of the employees it hired over the last two years were veterans and the employer retained 75 percent of those veterans hired in the first year of that timeframe (previous year of the previous year). This alternative broadens the hiring eligibility timeframe. This option also slightly increases program eligibility but it does so by significantly increasing small employer eligibility while lowering eligibility for medium employers. VETS felt that this was not a useful effect given medium employers are more likely to participate in the program.

VETS also examined an option in which the only hiring/retention criteria for small and medium size employers would be that 7 percent of new hires over the last two years are veterans along with a 75 percent retention criteria from the first of the two years (previous year of the previous year). Under this option, employers would no longer be able to satisfy the hiring/retention criterion solely by having 7 percent of its new hires in the previous year be veterans. This approach also increased small employer eligibility at the expense of decreasing medium employers' eligibility. Again, because of expected high participation rates by medium employers, VETS decided not to adopt this alternative.

None of these estimates take into account the cost savings to both the private sector and the government of this alternative. VETS is interested in comments on these and other alternative criteria for medium and small employers.

Benefits

The main purpose of the medallion is to recognize and award employers who have not only recruited and retained veterans for positions in their workforce but also established employee development programs for veterans and offered benefits to improve retention.

The unemployment rate of veterans trends lower than the civilian unemployment rate, but regionally the unemployment rate for veterans can vary from a low of 1.8 percent in Indiana to a high of 7.6 percent in the

District of Columbia, as reported in the March 2016 release of the Employment Situation of Veterans by BLS. The higher unemployment rate for veterans can be attributed to the labor market in the District of Columbia which is mostly composed of professional and services industry occupations where historically there are lower employment rates for veteran workers. These veterans are experienced, mission focused, responsible, independent, and capable workers who often face difficulties finding jobs that match their skills. In a 2016 Forbes article [18] highlighting veterans issues as they adjusted to the civilian workforce, the top challenges reported for veterans are a lack of training or education for the work, lack of advancement opportunities, and employers undervaluing their military experience.

Employers will want to apply for the award if there are quantifiable benefits in the form of increased revenue generated by attracting more or repeat customers, or a better pool of veteran applicants for jobs.

Many employers who seek out veterans to hire have stated there are many benefits in attracting veterans, such as the experience they bring, more focused attention, and the ability to work independently.[19] Employers who attain the proposed award will be able to market themselves as a veteran friendly employer and be able to attract more veterans for job openings.

VETS invites public comment regarding the type of benefits an employer who receives this award would gain.

Regulatory Flexibility Certification

For regulatory flexibility purposes for this rule, economic impacts are considered significant in any given sector if costs are greater than 1 percent of revenues or 5 percent of profits. For the purpose of determining impacts on small employers, VETS considered costs as a percentage of revenues and profits by industry sector for employers with 5 to 500 employees. Table 8 shows the minimum and maximum impacts for each three digit sector within the two-digit sector shown. (Full impacts and derivation are given in the spreadsheets, Exhibit X). Table 8 shows that no industry sector has costs in excess of 1 percent of revenues or 5 percent of profits. Further it should be noted that small employers are only subject to this rule if they choose to apply for the award. Thus no small business needs to incur the costs unless they believe that the benefits exceed the costs for them.

TABLE 8—ECONOMIC IMPACTS

NAICS	Title	Average revenue per establishment	Average cost to revenues		Average cost to profits	
			Minimum (%)	Maximum (%)	Minimum (%)	Maximum (%)
11	Agriculture, Forestry, Fishing, and Hunting	4,244,996	0.009	0.026	0.176	0.844
21	Mining	13,371,157	0.002	0.009	0.068	0.068
22	Utilities	21,521,736	0.003	0.003	*−0.220	*−0.220
31–33	Manufacturing	10,225,679	0.002	0.021	0.030	0.485
42	Wholesale Trade	20,024,426	0.002	0.006	0.014	0.203
44–45	Retail Trade	3,928,643	0.005	0.042	0.243	0.243
48–49	Transportation	5,700,083	0.004	0.039	0.051	4.545
51	Information	4,990,489	0.009	0.020	*−0.165	0.192
52	Finance and Insurance	5,367,956	0.007	0.019	0.015	0.314
53	Real Estate	4,371,291	0.007	0.025	0.038	0.566
54	Professional, Scientific, and Technical Services	2,986,458	0.020	0.020	0.517	0.517
55	Management	2,306,072	0.026	0.026	0.131	0.131
56	Administrative and Support, Waste Management and Remediation Services.	2,727,336	0.018	0.030	0.426	0.765
61	Educational Services	2,514,535	0.024	0.024	0.522	0.522
62	Health Care	8,435,099	0.003	0.051	0.052	0.964
71	Arts, Entertainment, and Recreation	2,963,512	0.014	0.039	0.236	2.414
72	Accommodation and Food Services	1,381,321	0.033	0.065	0.505	1.224
81	Other Services	1,319,709	0.030	0.094	1.222	2.905

Source: VETS based on data from IRS (U.S. Internal Revenue Service), 2013. Corporation SourceBook, 2013. *http://www.irs.gov/uac/SOI-Tax-Stats-Corporation-Source-Book:-U.S.-Total-and-Sectors-Listing,* Accessed by ERG, 2016.

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See Spreadsheets, Exhibit X, for full derivation.

*Negative profit rates reported for these industries.

As a result of these considerations, per § 605 of the Regulatory Flexibility Act, VETS certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. VETS requests comments on this certification.

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Paperwork Reduction Act

Overview

The proposed regulations contain collections of information (paperwork) requirements that are subject to review by the Office of Management and Budget (OMB). The Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.,* and its implementing regulations, 5 CFR part 1320, require that VETS consider the impact of paperwork and other information collection burdens imposed on the public. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person may generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Solicitation of Comments

VETS prepared and submitted an Information Collection Request (ICR) for the collections of information contained in the proposed regulations and the HIRE Vets Medallion Award application to OMB for review in accordance with 44 U.S.C. 3507(d). This NPRM allows a 30-day public comment period for the public to comment on the collections of information contained in the proposed rule. However, the PRA requires that Agencies provide a 60-day notice in the **Federal Register** requesting public comment on the collections of information in accordance with 44 U.S.C. 3506(c). VETS is publishing a companion notice elsewhere in this issue of the **Federal Register** allowing the public 60 days to comment on the collections of information contained in the proposal.

VETS solicits comments on these collections of information and the HIRE Vets Medallion Award application and their associated estimated burden hours and costs. VETS also requests comments on the following items:

- Whether the proposed collection of information requirements and application are necessary for the proper performance of VETS' functions, including whether the information is useful;
- The accuracy of VETS' estimate of the burden (time and cost) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility and clarity of the information collected; and
- Ways to minimize the compliance burden on employers, such as by using automated or other technological techniques for collecting and transmitting information.

Members of the public who wish to comment on the paperwork requirements in this proposal must send their written comments to: Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, VETS (RIN 1293–AA21), Office of Management and Budget, Room 10235, Washington, DC 20503, fax: (202) 395–6881 (this is not a toll-free number), or email: *OIRA_submission@omb.eop.gov.* VETS encourages commenters also to submit their comments on these paperwork requirements to VETS, see section Addresses for instructions on submitting comments to VETS.

Proposed Collection of Information Requirements

The regulations implementing the Act require VETS to annually solicit and accept voluntary information from employers for consideration of employers to receive a HIRE Vets Medallion Award. The Act establishes specific criteria at two levels, gold and platinum, for large employers (those with 500 employees or more) and allows VETS discretion in establishing criteria for small and medium employers to qualify for similar awards.

The NPRM proposes the application process and criteria that VETS intends to use to receive, review, and process applications, verify the information provided and award the HIRE Vets Medallion Award to those employers meeting the criteria and deserving of the award. VETS developed the HIRE Vets Medallion Award application Forms [VETS–1011LP, VETS–1011LG, VETS–1011MP, VETS–1011MG, VETS–1011SP, VETS–1011SG] for employers to complete and submit to VETS to fulfill the regulatory requirements to receive an award. The Act establishes a fund, designated as the ''HIRE Vets Medallion Award Fund'' and requires the Department to assess a reasonable fee from the applicants to cover the costs associated with carrying out the HIRE Vets Medallion program. The NPRM provides the fee amount and how to submit the fee.

The proposed rule provides specific award criteria for the large employers to qualify for the gold and platinum awards. Although the number of criteria an employer is required to satisfy in the proposed rule differs by award, the large employer criteria established by statute are generally incorporated across the large employer, medium employer, and small employer awards. The applications would require employers to provide information to meet award criteria dependent upon the size of the employer and the reward the employer is requesting, gold or platinum. The following table provides the corresponding regulatory citation:

PROPOSED REGULATORY PROVISION

Employer size	Gold Award	Platinum Award
Large	§ 1011.100(a)	§ 1011.100(b)
Medium	§ 1011.105(a)	§ 1011.105(b)
Small	§ 1011.110(a)	§ 1011.110(b)

The proposal also states that VETS may require additional information in support of the application for the HIRE Vets Medallion Award (§ 1011.215(b)). Also, employers are required to maintain information relied upon to

complete the application for two years after the application is submitted to VETS (Subpart G, § 1011.600).

Title of Collection: Honoring Investments in Recruiting and Employing American Military Veterans Act.

OMB Control Number: 1293–0NEW.

Total Estimated Number of Annualized Respondents: 7,036.

Total Estimated Number of Annualized Responses: 34,245.

Frequency: On Occasion.

Total Estimated Annual Time Annual Burden hours: 58,716.

Total Estimated Annual Other Costs Burden: $1,847,746.

The application solicits the information VETS will review and evaluate to determine if an employer will receive an award, and if so, whether the award will be a gold or platinum award. Employers are required to maintain material used to complete that application for additional verification if needed or in case VETS becomes aware of facts that may indicate information submitted on the application may be incorrect.

Small Business Regulatory Enforcement Fairness Act of 1996

VETS has determined that this proposed rulemaking does not impose a significant economic impact on a substantial number of small entities under the RFA; therefore, VETS is not required to produce any Compliance Guides for Small Entities, as mandated by the SBREFA.

Unfunded Mandates Reform Act of 1995

For purposes of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, this NPRM does not include any Federal mandate that may result in excess of $100 million in expenditures by state, local, and Tribal governments in the aggregate or by the private sector.

Executive Order 13132 (Federalism)

VETS has reviewed this proposed rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have ''federalism implications.'' This proposed rule will not ''have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

Executive Order 13084 (Consultation and Coordination With Indian Tribal Governments)

This NPRM does not have Tribal implications under Executive Order 13175 that would require a Tribal summary impact statement. The NPRM would not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal government and Indian Tribes or on the distribution of power and responsibilities between the Federal government and Indian Tribes.

Plain Language

VETS drafted this NPRM in plain language.

Effects on Families

Section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Pub. L. 105–277, 112 Stat. 2681) requires the assessment of the impact of this proposed rule on family well-being. A rule that is determined to have a negative effect on families must be supported with an adequate rationale. VETS has assessed this proposed rule in light of this requirement and determined that this NPRM would not have a negative effect on families

Executive Order 13045 (Protection of Children)

This NPRM would have no environmental health risk or safety risk that may disproportionately affect children.

Environmental Impact Assessment

A review of this NPRM in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.;* the regulations of the Council on Environmental Quality, 40 CFR 1500 *et seq.;* and DOL NEPA procedures, 29 CFR part 11, indicates the NPRM would not have a significant impact on the quality of the human environment. There is, thus, no corresponding environmental assessment or an environmental impact statement.

Executive Order 13211 (Energy Supply)

This NPRM is not subject to Executive Order 13211. It will not have a significant adverse effect on the supply, distribution, or use of energy.

Executive Order 12630 (Constitutionally Protected Property Rights)

This NPRM is not subject to Executive Order 12630 because it does not involve implementation of a policy that has takings implications or that could impose limitations on private property use.

Executive Order 12988 (Civil Justice Reform Analysis)

This NPRM was drafted and reviewed in accordance with Executive Order 12988 and will not unduly burden the Federal court system. The NPRM was: (1) Reviewed to eliminate drafting errors and ambiguities; (2) written to minimize litigation; and (3) written to provide a clear legal standard for affected conduct and to promote burden reduction.

List of Subjects in 20 CFR Part 1011

Employment, Veterans, Employer Recognition, Medallion.

For the reasons discussed in the preamble, VETS proposes to add 20 CFR part 1011 to read as follows:

PART 1011—HIRE VETS MEDALLION PROGRAM

Subpart A—General Provisions

Subpart B—Award Criteria

Subpart C—Application Process

Authority: Division O, Pub. L. 115–31, 131 Stat. 135.

Subpart A—Introduction to the Regulations for the HIRE Vets Act

§ 1011.000 What is the HIRE Vets Medallion Program?

The HIRE Vets Medallion Program is a voluntary employer recognition program administered by the Department of Labor's Veterans' Employment and Training Service. Through the HIRE Vets Medallion Program, The Department of Labor solicits voluntary applications from employers for the HIRE Vets Medallion Award. The purpose of this Award is to recognize efforts by applicants to recruit, employ, and retain veterans and to provide services supporting the veteran community.

§ 1011.005 What definitions apply to the Medallion Program Regulations?

Active Duty in the United States National Guard or Reserve means active duty as defined in 10 U.S.C. 101(d)(1).

Dedicated Human Resources Professional means either a full-time professional or the equivalent of a full-time professional dedicated exclusively to supporting the hiring, training, and retention of veteran employees. Two half-time professionals, for example, are equivalent to one full-time professional.

Employee means any individual for whom the employer furnishes an IRS Form W–2, excluding temporary workers.

Employer means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employee opportunities, except for the Federal Government or any State or foreign government. For the purposes of this regulation, VETS will recognize employers based on the Employer Identification Number, as described in 26 CFR 301.7701–12, used to furnish an IRS Form W–2 to an employee. However, in the case of an agent designated pursuant to 26 CFR 31.3504–1, a payor designated pursuant to 26 CFR 31.3504–2, or a Certified Professional Employer Organization recognized pursuant to 26 U.S.C. 7705, the employer shall be the common law employer, client, or customer, respectively, instead of the entity that furnishes the IRS Form W–2.

Human Resources Veterans' Initiative means an initiative through which an employer provides support for hiring, training, and retention of veteran employees.

Post-secondary education means post-secondary level education or training courses that would be acceptable for credit towards at least one of the following: associates or bachelor's degree or higher, any other recognized post-secondary credential, or an apprenticeship.

Salary means an employee's base pay.

Temporary worker means any worker hired with the intention that the worker be retained for less than one year and who is actually retained for less than one year.

Veteran has the meaning given such term under 38 U.S.C. 101.

VETS means the Veterans' Employment and Training Service of the Department of Labor.

§ 1011.010 Who is eligible to apply for a HIRE Vets Medallion Award?

All employers who employ at least one employee are eligible to apply for a HIRE Vets Medallion Award. To qualify for a HIRE Vets Medallion Award, an employer must satisfy all application requirements.

§ 1011.015 What are the different types of the HIRE Vets Medallion Awards?

(a) There are three different categories of the HIRE Vets Medallion Award:

(1) *Large Employer Awards* for employers with 500 or more employees.

(2) *Medium Employer Awards* for employers with more than 50 but fewer than 500 employees.

(3) *Small Employer Awards* for employers with 50 or fewer employees.

(4) The correct category of Award is determined by the employer's number of employees as of December 31 of the year prior to the year in which the employer applies for an Award.

(b) Within each Award category, there are two levels of Award:

(1) A Gold Award; and

(2) A Platinum Award.

Subpart B—Award Criteria

§ 1011.100 What are the criteria for the large employer HIRE Vets Medallion Award?

(a) *Gold Award.* To qualify for a large employer gold HIRE Vets Medallion Award, an employer must satisfy all of the following criteria:

(1) The employer is a large employer as specified in § 1011.015 of this part;

(2) The employer is not found ineligible under § 1011.120 of this part;

(3) Veterans constitute not less than 7 percent of all employees hired by such employer during the prior calendar year;

(4) The employer has retained not less than 75 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired;

(5) The employer has established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring; and

(6) The employer has established programs to enhance the leadership skills of veteran employees during their employment.

(b) *Platinum Award.* To qualify for a large employer platinum HIRE Vets Medallion Award, an employer must satisfy all of the following criteria:

(1) The employer is a large employer as specified in § 1011.015 of this part;

(2) The employer is not found ineligible under § 1011.120 of this part;

(3) Veterans constitute not less than 10 percent of all employees hired by such employer during the prior calendar year;

(4) The employer has retained not less than 85 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired;

(5) The employer has established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring;

(6) The employer has established programs to enhance the leadership skills of veteran employees during their employment;

(7) The employer employs a dedicated human resources professional as defined in § 1011.005 of this part to support hiring, training, and retention of veteran employees;

(8) The employer provides each of its employees serving on active duty in the

United States National Guard or Reserve with compensation sufficient, in combination with the employee's active duty pay, to achieve a combined level of income commensurate with the employee's salary prior to undertaking active duty; and

(9) The employer has a tuition assistance program to support veteran employees' attendance in postsecondary education during the term of their employment.

§ 1011.105 What are the criteria for the medium employer HIRE Vets Medallion Award?

(a) *Gold Award.* To qualify for a medium employer gold HIRE Vets Medallion Award, an employer must satisfy all of the following criteria:

(1) The employer is a medium employer per § 1011.015 of this part;

(2) The employer is not found ineligible under § 1011.120 of this part;

(3) The employer has achieved at least one of the following:

(i) Veterans constitute not less than 7 percent of all employees hired by such employer during the prior calendar year; or

(ii) The employer has achieved both of the following:

(A) The employer has retained not less than 75 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired; and

(B) On December 31 of the year prior to the year in which employer applies for the HIRE Vets Medallion Award, at least 7 percent of the employer's employees were veterans; and

(4) The employer has at least one of the following forms of integration assistance:

(i) The employer has established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring; or

(ii) The employer has established programs to enhance the leadership skills of veteran employees during their employment.

(b) *Platinum Award.* To qualify for a medium employer platinum HIRE Vets Medallion Award, an employer must satisfy all of the following criteria:

(1) The employer is a medium employer as specified in § 1011.015 of this part;

(2) The employer is not found ineligible under § 1011.120 of this part;

(3) The employer has achieved at least one of the following:

(i)Veterans constitute not less than 10 percent of all employees hired by such employer during the prior calendar year; or

(ii) The employer has achieved both of the following:

(A) The employer has retained not less than 85 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired; and

(B) On December 31 of the year prior to the year in which employer applies for the HIRE Vets Medallion Award, at least 10 percent of the employer's employees were veterans;

(4) The employer has the following forms of integration assistance:

(i) The employer has established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring; and

(ii) The employer has established programs to enhance the leadership skills of veteran employees during their employment; and

(5) The employer has at least one of the following additional forms of integration assistance:

(i) The employer has established a human resources veterans' initiative;

(ii) The employer provides each of its employees serving on active duty in the United States National Guard or Reserve with compensation sufficient, in combination with the employee's active duty pay, to achieve a combined level of income commensurate with the employee's salary prior to undertaking active duty; or

(iii) The employer has a tuition assistance program to support veteran employees' attendance in postsecondary education during the term of their employment.

§ 1011.110 What are the criteria for the small employer HIRE Vets Medallion Award?

(a) *Gold Award.* To qualify for a small employer gold HIRE Vets Medallion Award, an employer must satisfy all of the following criteria:

(1) The employer is a small employer as specified in § 1011.015 of this part;

(2) The employer is not found ineligible under § 1011.120 of this part; and

(3) The employer has achieved at least one of the following:

(i) Veterans constitute not less than 7 percent of all employees hired by such employer during the prior calendar year; or

(ii) The employer has achieved both of the following:

(A) The employer has retained not less than 75 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired; and

(B) On December 31 of the year prior to the year in which employer applies for the HIRE Vets Medallion Award, at least 7 percent of the employer's employees were veterans.

(b) *Platinum Award.* To qualify for a small employer platinum HIRE Vets Medallion Award, an employer must satisfy all of the following criteria:

(1) The employer is a small employer as specified in § 1011.015 of this part;

(2) The employer is not found ineligible under § 1011.120 of this part;

(3) The employer has achieved at least one of the following:

(i) Veterans constitute not less than 10 percent of all employees hired by such employer during the prior calendar year; or

(ii) The employer has achieved both of the following:

(A) The employer has retained not less than 85 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired; and

(B) On December 31 of the year prior to the year in which employer applies for the HIRE Vets Medallion Award, at least 10 percent of the employer's employees were veterans; and

(4) The employer has at least two of the following forms of integration assistance:

(i) The employer has established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring;

(ii) The employer has established programs to enhance the leadership skills of veteran employees during their employment;

(iii) The employer has established a human resources veterans' initiative;

(iv) The employer provides each of its employees serving on active duty in the United States National Guard or Reserve with compensation sufficient, in combination with the employee's active duty pay, to achieve a combined level of income commensurate with the employee's salary prior to undertaking active duty;

(v) The employer has a tuition assistance program to support veteran employees' attendance in postsecondary education during the term of their employment.

§ 1011.115 Is there an exemption for certain large employers from the dedicated human resources professional criterion for the large employer platinum HIRE Vets Medallion Award?

Yes. Employers who employ 5,000 or fewer employees need not have a dedicated human resources professional to support the hiring and retention of veteran employees. An employer with 5,000 or fewer employees can satisfy the criterion at § 1011.100(b)(7) by employing at least one human resources professional whose regular work duties include supporting the hiring, training, and retention of veteran employees.

§ 1011.120 Under what circumstances will VETS find an employer ineligible to receive a HIRE Vets Medallion Award for a violation of labor law?

(a) Any employer with an adverse labor law decision, stipulated agreement, contract debarment, or contract termination, as defined in paragraphs (b) through (e) of this section, pursuant to either of the following labor laws, as amended, will not be eligible to receive an Award:

(1) Uniform Services Employment and Reemployment Rights Act (USERRA); or

(2) Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA);

(b) For purposes of this section, an adverse labor law decision means any of the following, issued in the calendar year prior to year in which applications are solicited or the calendar year in which applications are solicited up until the issuance of the Award, in which a violation of any of the laws in paragraph (a) is found:

(1) A civil or criminal judgment;

(2) A final administrative merits determination of an administrative adjudicative board or commission; or

(3) A decision of an administrative law judge or other administrative judge that is not appealed and that becomes the final agency action.

(c) For purposes of this section, a stipulated agreement means any agreement (including a settlement agreement, conciliation agreement, consent decree, or other similar document) to which the employer is a party, entered into in the calendar year prior to the year in which applications are solicited or the calendar year in which applications are solicited up until the issuance of the Award, that contains an admission that the employer violated any of the laws in paragraph (a).

(d) For purposes of this section, a contract debarment means any order or voluntary agreement, pursuant to the laws listed in paragraph (a), that debars the employer from receiving any future federal contract. Employers shall be ineligible for an Award for the duration of time that the contract debarment is in effect.

(e) For purposes of this section, a contract termination means any order or voluntary agreement, pursuant to the laws listed in paragraph (a), that terminates an existing federal contract prior to its completion. Employers shall be ineligible for the Award if this termination occurred in the calendar year prior to the year in which applications are solicited or the calendar year in which applications are solicited up until the issuance of the Award.

(f) VETS may delay issuing an Award to an employer if, at the time of the Award is to be issued, VETS has credible information that a significant violation of one of the laws in paragraph (a) of this section may have occurred that could lead to an employer being disqualified pursuant to any of paragraphs (b) through (e) of this section.

Subpart C—Application Process

§ 1011.200 How will VETS administer the HIRE Vets Medallion Award process?

The Secretary of Labor will annually—

(a) Solicit and accept voluntary applications from employers in order to consider whether those employers should receive a HIRE Vets Medallion Award;

(b) Review applications received in each calendar year;

(c) Notify such recipients of their Awards; and

(d) At a time to coincide with the annual commemoration of Veterans Day—

(1) Announce the names of such recipients;

(2) Recognize such recipients through publication in the **Federal Register**; and

(3) Issue to each such recipient—

(i) A HIRE Vets Medallion Award; and

(ii) A certificate stating that such employer is entitled to display such HIRE Vets Medallion Award.

§ 1011.205 What is the timing of the HIRE Vets Medallion Award process?

VETS will review all timely applications that fall under any cap established in § 1011.305 of this part to determine whether an employer should receive a HIRE Vets Medallion Award, and, if so, of what level.

(a) *Performance period*—except as otherwise noted in § 1011.120 of this part, only the employer's actions taken prior to December 31 of the calendar year prior to the calendar year in which applications are solicited will be considered in reviewing the award.

(b) *Solicitation period*—VETS will solicit applications not later than January 31 of each calendar year for the HIRE Vets Medallion Award to be awarded in November of that calendar year.

(c) *End of acceptance period*—VETS will stop accepting applications on April 30 of each calendar year for the Awards to be awarded in November of that calendar year.

(d) *Review Period*—VETS will finish reviewing applications not later than August 31 of each calendar year for the Awards to be awarded in November of that calendar year.

(e) *Selection of recipients*—VETS will select the employers to receive HIRE Vets Medallion Awards not later than September 30, of each calendar year for the Awards to be awarded in November of that calendar year.

(f) *Notice of awards and denials*—VETS will notify employers who will receive HIRE Vets Medallion Awards not later than October 11, of each calendar year for the Awards to be awarded in November of that calendar year. VETS will also notify applicants who will not be receiving an Award at that time.

§ 1011.210 How often can an employer receive the HIRE Vets Medallion Award?

An employer who receives a HIRE Vets Medallion Award for one calendar year is not eligible to receive a HIRE Vets Medallion Award for the subsequent calendar year.

§ 1011.215 How will the employer complete the application for the HIRE Vets Medallion Award?

(a) VETS will require all applicants to provide information to establish their eligibility for the HIRE Vets Medallion Award.

(b) VETS may request additional information in support of the application for the HIRE Vets Medallion Award.

(c) The chief executive officer, the chief human resources officer, or an equivalent official of each employer applicant must attest under penalty of perjury that the information the employer has submitted in its application is accurate.

(d) Interested employers can access the application form via the HIRE Vets Web site accessible from *https://www.dol.gov/vets/.*

(e) Applicants will complete the application form and submit it electronically.

(f) Applicants who need a reasonable accommodation in accessing the

application form, submitting the application form, or submitting the application fee may contact VETS at (202) 693–4700 or TTY (877) 889–5627 (these are not toll-free numbers).

(g) Should the information provided on the application be deemed incomplete, VETS will attempt to contact the applicant. The applicant must respond with the additional information necessary to complete the application form within 5 business days or VETS will deny the application.

§ 1011.220 How will VETS verify a HIRE Vets Medallion Award application?

VETS will verify all information provided by an employer in its application to the extent that such information is relevant in determining whether or not such employer meets the criteria to receive a HIRE Vets Medallion Award or in determining the appropriate level of HIRE Vets Medallion Award for that employer to receive. VETS will verify this information by reviewing all information provided as part of the application.

§ 1011.225 Under what circumstances will VETS conduct further review of an application?

If at any time VETS becomes aware of facts that indicate that the information provided by an employer in its application was incorrect or that the employer does not satisfy the requirements at § 1011.120, VETS may conduct further review of the application. As part of that review, VETS may request information and/or documentation to confirm the accuracy of the information provided by the employer in its application or to confirm that the employer is not ineligible under § 1011.120. Depending on the result of the review, VETS may either deny or revoke the Award. If VETS initiates such review prior to issuing the Award, VETS will not be required to meet the timeline requirements in this part.

§ 1011.230 Under what circumstances can VETS deny or revoke an Award?

(a) *Denial of Award.* VETS may deny an Award for any of the following reasons:

(1) The applicant fails to provide information and/or documentation as requested under § 1011.225 of this part;

(2) VETS determines that the chief executive officer, the chief human resources officer, or an equivalent official of the applicant falsely attested that the information on the application was true; or

(3) The employer is ineligible to receive an Award pursuant to § 1011.120 of this part.

(b) *Revocation of Award.* Once the HIRE Vets Medallion Award has been awarded, VETS may revoke the recipient's Award for the following reasons:

(1) The HIRE Vets Medallion Award recipient fails to provide information and/or documentation as requested under § 1011.225 of this part;

(2) VETS determines that the chief executive officer, the chief human resources officer, or an equivalent official of the recipient falsely attested that the information on the application was true;

(3) The employer was ineligible to receive an Award pursuant to § 1011.120 of this part; or

(4) The employer violated the display restrictions at § 1011.405 of this part.

(c) If VETS decides to deny or revoke an Award, it will provide the employer with notice of the Department's decision. An employer may request reconsideration of VETS' decision to deny or revoke an Award pursuant to § 1011.500 of this part.

Subpart D—Fees and Caps

§ 1011.300 What are the application fees for the HIRE Vets Medallion Award?

(a) The Act requires the Secretary to establish a fee sufficient to cover the costs associated with carrying out the HIRE Vets Medallion Program.

(b) The table in this paragraph sets forth the fees an employer must pay to apply for the HIRE Vets Medallion Award. VETS will adjust the fees periodically according to the Implicit Price Deflator for Gross Domestic Product published by the U.S. Department of Commerce and notify potential applicants of the adjusted fees.

(1) If a significant adjustment is needed to arrive at a new fee for any reason other than inflation, then a proposed rule containing the new fees will be published in the **Federal Register** for comment.

(2) VETS will round the fee to the nearest dollar.

APPLICATION FEES

Small Employer Fee	$90.00
Medium Employer Fee	190.00
Large Employer Fee	495.00

(c) All applicants must submit the appropriate application processing fee for each application submitted. This fee is based on the fee table provided at § 1011.300(b) of this part. Payment of this fee must be made electronically through the U.S. Treasury pay.gov system or an equivalent.

(d) Once a fee is paid, it is nonrefundable, even if the employer withdraws the application or does not receive a HIRE Vets Medallion Award.

§ 1011.305 May VETS set a limit on how many applications will be accepted in a year?

Yes, VETS may set a limit on how many applications will be accepted in any given year.

Subpart E—Design and Display

§ 1011.400 What does a successful applicant receive?

(a) The Award will be in the form of a certificate and will state the year for which it was awarded.

(b) VETS will also provide a digital image of the medallion for recipients to use, including as part of an advertisement, solicitation, business activity, or product.

§ 1011.405 What are the restrictions on display and use of the HIRE Vets Medallion Award?

It is unlawful for any employer to publicly display a HIRE Vets Medallion Award, in connection with, or as a part of, any advertisement, solicitation, business activity, or product—

(a) for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression that the employer received the Award through the HIRE Vets Medallion Program, if such employer did not receive such Award through the HIRE Vets Medallion Program; or

(b) for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression that the employer received the Award through the HIRE Vets Medallion Program for a year for which such employer did not receive such Award.

Subpart F—Requests for Reconsideration

§ 1011.500 What is the process to request reconsideration of a denial or revocation?

(a) An applicant may file a request for reconsideration of the VETS' decision to deny or revoke a HIRE Vets Medallion Award or of VETS' decision as to the level of Award by mailing a request for reconsideration to the following address no later than fifteen business days after the date of VETS' notice of its decision. Requests for reconsideration must be sent to: HIRE Vets Medallion Program, DOL VETS, 200 Constitution Ave. NW., Room S1325, Washington, DC 20210.

(b) Requests for reconsideration pursuant to paragraph (a) of this section must contain the following:

(1) The employer name and identification number;

(2) The reason for the request; and

(3) An explanation, accompanied by any necessary documentation to support its explanation, of why VETS' decision was incorrect.

(c) VETS may request from the employer filing such request any additional evidence or explanation it finds necessary for reconsideration.

(d) Within thirty business days after the later of the receipt of the request or the receipt of any additional evidence or explanation requested, VETS will issue a determination about whether to grant or deny the request.

(e) No additional Department of Labor review is available.

Subpart G—Record Retention

§ 1011.600 What are the record retention requirements for the HIRE Vets Medallion Award?

Applicants must retain a record of all information used to support an application for the HIRE Vets Medallion Award for two years from the date of application.

J.S. Shellenberger,

Deputy Assistant Secretary for the Veterans' Employment and Training Service, U.S. Department of Labor.

[FR Doc. 2017–17249 Filed 8–17–17; 8:45 am]

BILLING CODE 4510–79–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2017–0446; FRL–9966–04–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation Number 3

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of a portion of the State Implementation Plan (SIP) revisions submitted by the State of Colorado on February 25, 2015. The revisions are to Colorado Air Quality Control Commission (Commission) Regulation Number 3, Parts A, B and D. The amendments the EPA is proposing to act on include: Revisions to provisions for permitting emissions for particulate matter less than 2.5 micrograms ($PM_{2.5}$) in Part D, modifications to the provisions for filing revised Air Pollution Emission Notices (APEN) in Part A and updates to public notice publication requirements in Part B. This action is being taken under section 110 of the Clean Air Act (CAA).

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2015–0493 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kevin Leone, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6227, *leone.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

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

1. *Submitting Confidential Business Information (CBI).* Do not submit CBI to EPA through *http://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to the EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** volume, date and page number);
- Follow directions and organize your comments;
- 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 for it to be reproduced;
- Provide specific examples to illustrate your concerns, and suggest alternatives;
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats; and,
- Make sure to submit your comments by the comment period deadline identified.

II. Background

Revisions to $PM_{2.5}$ Significant Impact Level (SIL) and Significant Monitoring Concentration (SMC) Provisions

Colorado's SIP submittal revises the SIL and SMC provisions for $PM_{2.5}$ in the State's Prevention of Significant Deterioration (PSD) permitting program. On January 22, 2013, the United States Court of Appeals for the District of Columbia Circuit vacated the SILs for $PM_{2.5}$ and allowed the EPA to reconsider the provisions for SMCs. *Sierra Club* v. *EPA,* 705 F.3d 458 (D.C. Cir. 2013). On December 9, 2013, the EPA issued a final rule that removes the $PM_{2.5}$ SIL from EPA's PSD regulations and revised the threshold for SMCs (78 FR 73698). The EPA set the $PM_{2.5}$ SMC concentration at zero micrograms per cubic meter instead of removing $PM_{2.5}$ entirely from the SMC provisions because a zero micrograms per cubic meter threshold means there is no air quality impact below which a reviewing authority has the discretion to exempt a source from the $PM_{2.5}$ monitoring requirements, but that monitoring is still required. As a result of this court decision and the EPA's rulemaking, Colorado removed the SILs for $PM_{2.5}$ from Part D, Section V.A.2.c set the SMC monitoring concentration to zero in Part D, Section VI.B.3.a(iii).

Revisions to APEN Reporting

Colorado's regulations in Part A, Section II.A. require:

> [N]o person shall allow emissions of air pollutants from, or construction, modification or alteration of, any facility, process, or activity which constitutes a stationary source, except residential structures, from which air pollutants are, or are to be, emitted unless and until an Air Pollution Emission Notice and the associated Air Pollution Emission Notice fee has been filed with the Division with respect to such emission.

Colorado has revised its APEN reporting requirements to clarify when a revised APEN is required due to a significant change in annual actual emissions. The revision would clarify that the thresholds for determining significant changes are based on individual emission units, not facility-wide, actual emissions on a pollutant-by-pollutant basis. For example, an APEN reporting 150 tons per year (tpy) of carbon monoxide (CO) and 10 tpy of $PM_{2.5}$ would need to update CO emissions using the ''one hundred tpy or more'' threshold in Part A, Section II.C.2.b.(iii), and update $PM_{2.5}$ emissions using the ''less than one hundred tpy'' threshold in Part A, Section II.C.2.b.(i). Without this proposed clarification (actual emissions on a pollutant-by-pollutant basis) a significant change was based on the source's aggregate annual actual emissions, which required sources to file revised APENs more often.

Colorado has also revised Part A, Section II.C.b(i)–(iii), Section II.C.4.a. and b. to clarify that APENs filed solely to update an expired APEN, change the owner or operator, or report a significant change in emissions need only report actual annual emissions (which is the equivalent of controlled emissions if the source utilizes emission control equipment). APENs filed to update control equipment or modify a permit limitation would continue to report both uncontrolled actual and controlled actual emissions. This revision simplifies and streamlines the requirements for filing revised APENs, because the source's actual annual emissions are the relevant information for inventory and fee purposes when reporting past years' emissions or reporting significant changes in annual actual emissions.

Revisions to Public Notice Requirements

Colorado has revised its provisions for public notice of a minor source permit application to update the publication requirements in Part B, Section III.C.4. Regulation 3 in the SIP requires the State to publish public notice of certain proposed minor source construction permit applications, including sources that apply for a permit to limit the potential to emit criteria pollutants, in a newspaper of general distribution in the area where the proposed project will be located or by other such method reasonably designed to ensure effective public notice. Recently, Colorado has found that some areas where construction permitting projects require public notice are proposed no longer have newspapers of general circulation. Therefore, in order to provide effective public notice, Colorado has revised its minor source public notice publication requirements to include other means authorized by state statute and federal regulation that are designed to provide public notice of the applicable permitting action. Further, by utilizing other means of public notice such as the State Web site, Colorado will provide broader notice for a longer timeframe than a one-day publication in a newspaper.

III. What are the changes that EPA is proposing to approve?

Under CAA section 110(l), EPA cannot approve a SIP revision that interferes with any requirement concerning attainment, reasonable further progress, or any other applicable requirement of the Act. The February 25, 2015 revisions to Regulation 3 Part D, Section VI.A.2.c and VI.B.3.a.(iii) of the Colorado SIP would not interfere with the applicable requirements of the Act. The revisions to the PSD program in Part D, Regulation 3 comply with the requirements of 40 CFR 51.166 as revised by the EPA in response to the D.C. Circuit Court of Appeals decision regarding $PM_{2.5}$ SILs and SMCs. See 78 FR 73698. This proposal is limited to the revisions pertaining to $PM_{2.5}$; we are not proposing to re-approve any existing provisions in the Colorado SIP regarding source impact analysis and ambient monitoring. As the revisions removing $PM_{2.5}$ SILs and SMCs are in accordance with the EPA's 2013 removal of $PM_{2.5}$ SILs and SMCs from 40 CFR 51.166 and the revisions strengthen the SIP, we are proposing to approve the revisions. We are also proposing to approve the conforming change to the introductory statement in VI.A.2., which includes the deletion of the phrase at the end of the sentence (", as clarified for any relevant air pollutant in Section VI.A.2.c.:''). The revisions to Part A, Section II.C.b(i)–(iii), Section II.C.4.a. and b. comply with section 110(l) because the revisions are limited to the filing of revised APENs that are designed to update Colorado's emissions inventory or used to calculate emissions fees. The revisions to the public notice minor source permitting requirements comply with section 110(l) because as discussed below, we propose to interpret that revisions are consistent with our regulations and guidance.

Colorado's February 25, 2015 submittal also revises its APEN requirements. The APEN revisions in Part A clarify that, for purposes of filing a revised APEN, the thresholds for determining significant changes are based on the emission unit's actual emissions on a pollutant-by-pollutant basis, not total facility-wide emissions. These revisions also clarify that APENs filed for the following purposes need only report actual emissions: Solely to update an APEN before it expires; change in the owner or operator of any facility, process of activity; or report a significant change in emissions. APENs filed to update control equipment or modify a permit limitation would continue to report both uncontrolled actual and controlled actual emissions. The revisions to Part A, Section II.C.2.b(i)–(iii), Section II.C.4.a. and b streamline the requirements for filing revised APENs because the sources actual annual emissions is the relevant information for emissions inventory and fee purposes.

The CAA contains three programs governing construction of new and modified stationary sources, collectively referred to as new source review (NSR): Minor NSR, PSD, and nonattainment NSR.[1] The revisions in the February 25, 2015 submittal to the public notice requirements in Regulation 3, Part B, Section III.C.4 apply only to the minor NSR program. They do not apply to the PSD and nonattainment NSR permit programs, which have separate public notice requirements in Regulation 3, Part D, Section IV.A.

Requirements for the minor NSR program are provided in 40 CFR 51.160 to 51.164. With respect to public notice of minor NSR approvals, the state must provide ''a notice by prominent advertisement in the area affected.'' 40 CFR 51.161(b)(3). On April 17, 2012, the EPA issued a guidance memorandum stating that we intended to interpret ''prominent advertisement'' in a media-neutral fashion.[2] The memorandum explained that states could meet the requirement by publication of the notice

[1] For a detailed discussion of the three programs, please see (for example) 76 FR 38748 (July 1, 2011).

[2] Memorandum from Janet McCabe, Principal Deputy Assistant Administrator, Office of Air and Radiation, to Regional Administrators, entitled ''Minor New Source Review Program Public Notice Requirements under 40 CFR 51.161(b)(3) (Apr. 17, 2012), available at *https://www.epa.gov/sites/production/files/2015–07/documents/pubnot.pdf.*

in appropriate newspaper, or could opt to publish the notice using other media so long as it would be reasonable to conclude that the public would have routine and ready access to the alternative publishing venue and the use of the alternative venue would be consistent with the state's law or SIP.[3]

On October 18, 2016 (81 FR 71613) the EPA revised the public notice requirements for Clean Air Act permitting programs.[4] In the 2016 final action, the EPA also revised the April 17, 2012 interpretation of ''prominent advertisement'' in 40 CFR 51.161(b)(3) for the minor NSR program by extending it to ''synthetic minor'' permits, that is, permits that contain legally and practically enforceable restrictions that result in the source not being subject to major NSR requirements. 81 FR 71617.

In this action, the EPA proposes to interpret ''prominent advertisement'' in similar fashion, that is, as media neutral and satisfied by any publishing venue to which it would be reasonable to conclude the public has routine and ready access. The February 25, 2015 SIP revisions require the public notice to be published in either a newspaper of general distribution in the area in which the source is or will be located, or by other means necessary to assure notice to the affected public, including posting notice on the publicly accessible portion of the Division's Web site. We propose to determine that this is adequate as ''prominent advertisement.'' We are not proposing to reassess Colorado's minor NSR program with respect to public participation processes generally; we are only proposing to act on revisions that affect the publication of the notice specifically. This proposal is limited to the revisions as they apply to the SIP and criteria pollutants; we are not proposing action on provisions regarding ''federal hazardous air pollutants'' that are covered under authorities.

For the reasons expressed above, EPA is proposing to approve revisions to Regulation 3, Parts A, B and D and Appendix A from the February 25, 2015 submittal as shown in Table 1 below. Appendix A was revised as a conforming change to the APEN revisions. We are also proposing to approve the renumbering and formatting changes for the definition of ''emission unit'' in Regulation 3, Part D, I.A.13.a.; and II.A.13.a.(i)–(ii).

TABLE 1—LIST OF COLORADO REVISIONS THAT EPA IS PROPOSING TO APPROVE

Revised sections in February 10, 2015 submission proposed for approval
Regulation Number 3, Part A:
II.C.2.b.(i)–(iii); and II.C.4.a. and b.
Regulation Number 3, Part B:
III.C.4.
Regulation Number 3, Part D:
I.A.13.a.; II.A.13.a.(i)–(ii); VI.A.2.; VI.A.2.c.; and VI.B.3.a.(iii)
Appendix A

The EPA is not acting on revisions from Colorado's February 25, 2015 submittal related to greenhouse gas and carbon dioxide equivalent (CO2e) revisions and the associated renumbering which was a result of Colorado's proposed greenhouse gas revisions in Parts A and D. These revisions will be acted on in a separate future rulemaking.

IV. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Colorado Air Quality Control Commission (Commission) Regulation Number 3, Parts A, B and D discussed in section III of this preamble. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Orders Review

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations (42 U.S.C. 7410(k), 40 CFR 52.02(a)). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves some state law as meeting federal requirements; this proposed action 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 Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and,
- Does not provide 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).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Greenhouse gases, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

[3] *Id.* at 1.

[4] The EPA also revised requirements for posting approval documents for public inspection to allow for posting the documents at a physical location or on a public Web site identified by the state or local agency. 81 FR 71629. Colorado's February 25, 2015 submittal retains (with a minor grammatical change) the currently approved method of posting the materials at the county clerk's office for the county in which the source is or will be located.

Dated: July 26, 2017.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

[FR Doc. 2017–17219 Filed 8–17–17; 8:45 am]

BILLING CODE 6560–50–P?≤

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 158

[EPA–HQ–OPP–2015–0683; FRL–9965–54]

RIN 2070–AK41

Pesticides; Technical Amendment to Data Requirements for Antimicrobial Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a correction pertaining to the ''200 ppb (parts per billion) level'' described in the antimicrobial pesticides data requirements regulation to clarify that the 200 ppb level is based on total estimated daily dietary intake for an individual and not on the amount of residue present on a single food, as is incorrectly implied by the current regulatory text. This change is intended to enhance understanding of the data required to support an antimicrobial pesticide registration and does not alter the burden or costs associated with these previously-promulgated requirements. Through this action, EPA is not proposing any new data requirements or any other revisions (substantive or otherwise) to existing requirements.

DATES: Comments must be received on or before October 17, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2015–0683, by one of the following methods:

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

FOR FURTHER INFORMATION CONTACT: Cameo Smoot, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; (703) 305–5454; email address: *smoot.cameo@epa.gov.*

I. Executive Summary

A. Does this action apply to me?

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

- NAICS code 325320, Pesticide and Other Agricultural Chemical Manufacturing, *e.g.,* pesticide manufacturers or formulators of pesticide products, importers, exporters, or any person or company who seeks to register a pesticide product or to obtain a tolerance for a pesticide product.

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

This action is issued under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* and the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d).

C. What action is the Agency taking?

EPA is proposing a single correction to the data requirements for antimicrobial pesticide products that are codified in 40 CFR part 158, subpart W. EPA is not proposing any other changes (substantive or otherwise) or any new data requirements. The correction to the ''200 ppb level'' described in 40 CFR 158.2230(d) will clarify that the 200 ppb level is based on total estimated daily dietary intake for an individual and not on the amount of residue present on a single food, as is incorrectly implied by the current regulatory text.

D. What are the incremental costs and benefits of this action?

No new data requirements are proposed and this correction does not result in any new burden or costs being imposed. The proposed change represents a technical correction; therefore, registrants will not submit more studies than they are currently submitting in their application packages. As a result, this change will not cause any increase in the cost to register an antimicrobial pesticide product.

EPA believes the correction should provide registrants with more specific information such that it could reduce the number of consultations (emails, phone calls, and meetings) registrants seek to ensure that they are correctly interpreting the regulations before they begin their testing programs. Applicants may save time and money by better understanding when studies are needed and by not submitting unneeded studies. Submission of all required studies at the time of application may reduce potential delays in the registration process, thereby allowing products to enter the market earlier. The clarity derived from having more understandable data requirements may be especially important to small firms and new firms entering the industry who may have less experience with the pesticide registration program than those firms that routinely work with the Agency.

Although we believe that the correction reduces uncertainty and will result in a decrease in the number of inquiries registrants may make to EPA seeking clarification on this particular point, EPA did not attempt to determine whether or not, or the extent to which, the correction might result in any cost savings for the registrants or for EPA. Because EPA is not proposing any new data requirements and also made sure not to increase the frequency at which the existing data are required, EPA determined there is no need to perform an economic analysis for this proposed rulemaking.

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

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one

complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

Under FIFRA, every pesticide product must be registered (or specifically exempted from registration under FIFRA section 25(b)) by EPA before the pesticide may be sold or distributed in the United States. To obtain a registration, an applicant or registrant must demonstrate to the Agency's satisfaction that, among other things, the pesticide product, when used in accordance with widespread and commonly recognized practice, will not cause ''unreasonable adverse effects'' to humans or the environment.

Under FIFRA, anyone seeking to register a pesticide product is required to provide information to EPA that demonstrates, among other things, that the product can be used without posing unreasonable adverse effects on the environment. The FFDCA section 408 dietary safety factor is incorporated into FIFRA's definition of ''unreasonable adverse effects on the environment.'' Moreover, EPA has authority under FFDCA to establish a tolerance or an exemption from the need for a tolerance for a pesticide chemical residue in or on food, provided there is a reasonable certainty that no harm will result from aggregate exposures to the residues of the pesticide product, including all anticipated dietary exposures and all other exposures for which there is reliable information. EPA's data requirement regulations in 40 CFR part 158 outline the kinds of data and related information typically needed to register a pesticide product. The data requirements are organized by major pesticide type (*e.g.,* conventional, biochemical, microbial, or antimicrobial), scientific discipline (*e.g.,* toxicology or residue chemistry) and major use sites (*e.g.,* outdoor vs. indoor, terrestrial, aquatic, or greenhouse).

The data requirements in 40 CFR part 158 were first promulgated in 1984 (49 FR 42856, October 24, 1984), and principally focused on the data needed to register agricultural pesticide chemicals. In the **Federal Register** of October 26, 2007, EPA promulgated a final rule to revise and update the data requirements for conventional pesticides (72 FR 60934) (FRL–8106–5). Also on October 26, 2007, EPA promulgated a rule to specifically describe the data requirements for biochemical and microbial pesticides (72 FR 60988) (FRL–8109–8). In the **Federal Register** of May 8, 2013, the data requirements specific to antimicrobial pesticides were promulgated (78 FR 26936) (FRL–8886–5) and became effective on July 8, 2013.

III. Legal Challenge to the 2013 Rule, Resulting Settlement Agreement, and This Proposal

On July 3, 2013, the American Chemistry Council (ACC) filed a petition for judicial review of the 2013 final rule, entitled ''Data Requirements for Antimicrobial Pesticides'' (78 FR 26936, May 8, 2013), in the United States Court of Appeals for the District of Columbia Circuit. (American Chemistry Council, Inc. v. Environmental Protection Agency, No.13–1207 (D.C. Cir.)). On July 8, 2013, the final rule became effective.

EPA and ACC subsequently entered into a settlement agreement that addressed ACC's petition for judicial review of the 40 CFR part 158, subpart W data requirements rule. The settlement agreement, which became effective on March 2, 2015, is available at *http://www.regulations.gov* using the docket identifier EPA–HQ–OPP–2008–0110–0139. Under the settlement agreement with ACC, EPA agreed to propose by September 2, 2017, a correction to the current language at 40 CFR 158.2230(d) referring to the 200 ppb level as ''the concentration of the antimicrobial residues in or on the food item'' in order to make the language consistent with the U.S. Food and Drug Administration's (FDA) policy set forth in ''Guidance for Industry, Preparation of Food Contact Notifications for Food Contact Substances: Toxicology Recommendations. Final Guidance. April 2002.'' A copy of the FDA guidance has been placed in the docket for this proposed rulemaking. Accordingly, the proposal clarifies that the 200 ppb level established in the rule is based on total estimated daily dietary intake, and not on the amount of residue present on a single food item or commodity. As part of its obligations under the settlement agreement, EPA previously addressed this issue in interim guidance issued on April 30, 2015. This guidance is available on EPA's Web site *at https://www.epa.gov/pesticide-registration/epa-data-requirements-registration-antimicrobial-pesticides-part-158w.*

IV. Request for Comments

The Agency invites the public to provide its views and suggestions for the proposed change in this document, and will formally respond to any comments on this proposed change at the time of issuing a final rule. EPA is particularly interested in comments and any suggestions for better characterizing the benefits of burden reduction or savings resulting from this correction.

V. FIFRA Review Requirements

In accordance with FIFRA sections 21 and 25(a), EPA submitted a draft of this proposed rule to the Secretary of the U.S. Department of Agriculture (USDA), and the Secretary of the Department of Health and Human Services (HHS), with copies to the appropriate Congressional Committees (*i.e.,* the Committee on Agriculture in the U.S. House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate). On June 1, 2017, USDA completed their review of the draft proposed rule and informed EPA that they did not have any comments. On July 17, 2017, HHS completed their review of the draft proposed rule and provided two comments. First, with regard to the section II. Background summary paragraph about FIFRA and FFDCA authority, HHS submitted suggested text to avoid the suggestion that the FFDCA contains provisions related to the registration of a pesticide product, and also inserted language concerning ''aggregate'' exposures. EPA has addressed the comments submitted by HHS in the proposed rule and has provided additional clarifying language. The proposed rule now states that ''Under FIFRA, anyone seeking to register a pesticide product is required to provide information to EPA that demonstrates, among other things, that the product can be used without posing unreasonable adverse effects on the environment. The FFDCA section 408 dietary safety factor is incorporated into FIFRA's definition of ''unreasonable adverse effects on the environment.'' Moreover, EPA has authority under FFDCA to establish a tolerance or an exemption from the need for a tolerance for a pesticide chemical residue in or on food, provided there is a reasonable certainty that no harm will result from aggregate exposures to the residues of the pesticide product, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' In the second HHS comment, HHS suggested that we specifically identify the FDA policy cited in the draft proposed rule. In

response, EPA has specifically identified the FDA policy and placed a copy of the FDA's ''Guidance for Industry, Preparation of Food Contact Notifications for Food Contact Substances: Toxicology Recommendations. Final Guidance. April 2002,'' in the docket for this action.

Under FIFRA section 25(d), EPA also submitted a draft of this proposed rule to the FIFRA Scientific Advisory Panel (SAP). The SAP waived its review of the proposed rule on June 2, 2017, because the proposed rule does not contain scientific issues that warrant review by the Panel.

VI. Statutory and Executive Order Reviews

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

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). In addition, since this action does not contain a new requirement or impose any new burden or costs, the burden reduction and controlling provisions in Executive Order 13771 (82 FR 9339, February 3, 2017), do not apply. Although we believe that the correction reduces uncertainty and will result in a decrease in the number of inquiries registrants may make to EPA seeking clarification on this particular point, EPA did not attempt to determine whether or not, or the extent to which, the correction might result in any cost savings for the registrants or for EPA.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection requirements that would require additional review or approval by OMB under the PRA, 44 U.S.C. 3501 *et seq.* The information collection requirements associated with the submission of data under 40 CFR part 158 have already been approved by OMB pursuant to the PRA and are covered by the following existing Information Collection Requests (ICRs):

- The information collection activities associated with the establishment of a tolerance are currently approved under OMB Control No. 2070–0024 (EPA ICR No. 0597).
- The information collection activities associated with the application for a new or amended registration of a pesticide are currently approved under OMB Control No. 2070–0060 (EPA ICR No. 0277).
- The information collection activities associated with the generation of data for registration review are currently approved under OMB Control No. 2070–0174 (EPA ICR No. 2288).
- The information collection activities associated with the generation of data for experimental use permits are currently approved under OMB Control No. 2070–0040 (EPA ICR No. 0276).

This proposed rule does not involve a change in information collection activities associated with the generation of data for antimicrobial pesticide products or devices. EPA believes no additional burden for data submission would be imposed by the simple correction in this proposed rule. The most that may be needed is for an applicant to become familiar with the change. Although we believe that the correction reduces uncertainty and will result in a decrease in the number of inquiries registrants may make to EPA seeking clarification on this particular point, EPA did not attempt to determine whether or not, or the extent to which, the correction might result in any cost savings for the registrants or for EPA. EPA is seeking comment on this point in particular.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* The small entities directly regulated by this proposed rule are small manufacturers of antimicrobial pesticide products.

After considering the economic impacts of this proposed rule on small entities, EPA certifies that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the rule on small entities.'' 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

There will not be significant adverse economic impacts on a substantial number of small entities by the simple correction proposed. On the contrary, all registrants of pesticide products, regardless of size, will benefit equally by receiving the clearer editorial and/or technical direction, likely reduce the number of requests for further clarification of data requirements, and likely enjoy a more streamlined registration process.

We continue to be interested in the potential impacts of the correction in this proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded federal mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. Accordingly, this action is not subject to the requirements of UMRA, 2 U.S.C. 1501 *et seq.*

E. Executive Order 13132: Federalism

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

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

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have any effect on tribal governments, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Thus, Executive Order 13175 does not apply to this action.

EPA specifically solicits additional comment on this proposed action from tribal officials.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory

actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

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

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866, nor does it affect energy supply, distribution or use.

I. National Technology Transfer and Advancement Act (NTTAA)

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

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

This action does not involve special consideration of environmental justice related issues as specified in Executive Order 12898 (59 FR 7629, February 16, 1994), because this action does not address human health or environmental risks or otherwise have any disproportionate high and adverse human health or environmental effects on minority, low-income or indigenous populations.

List of Subjects in 40 CFR Part 158

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

Dated: August 4, 2017.

Louise P. Wise,

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

Therefore, the EPA proposes to amend 40 CFR part 158 as follows:

PART 158—[AMENDED]

■ 1. The authority citation for part 158 continues to read as follows:

Authority: 7 U.S.C. 136–136y; subpart U is also issued under 31 U.S.C. 9701.

■ 2. In § 158.2230, revise paragraph (d) to read as follows:

§ 158.2230 Antimicrobial toxicology.

* * * * *

(d) *200 parts per billion (ppb).* The 200 ppb level was originally used by the Food and Drug Administration with respect to the concentration of residues in or on food for tiering of data requirements for indirect food use biocides. The Agency has also adopted this same residue level for determining toxicology data requirements for indirect food uses of antimicrobial pesticides. The 200 ppb level is the concentration of antimicrobial residues in the total estimated daily dietary intake.

* * * * *

[FR Doc. 2017–17339 Filed 8–17–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2016–0597; FRL–9965–96]

40 CFR Part 711

RIN 2070–AK31

Negotiated Rulemaking Committee; Chemical Data Reporting; Requirements for Inorganic Byproduct Chemical Substances; Notice of Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rulemaking committee meeting.

SUMMARY: EPA is giving notice that it is holding two additional meetings of the Negotiated Rulemaking Committee (Committee) established on June 5, 2017. The objective of the Committee is to negotiate a proposed rule that would limit chemical data reporting requirements under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, for manufacturers of any inorganic byproduct chemical substances when such byproduct chemical substances are subsequently recycled, reused, or reprocessed. The purpose of the Committee is to conduct discussions in a good faith attempt to reach consensus on proposed regulatory language. This negotiation process is required by the TSCA. This notice announces the details of two upcoming meetings of the Committee, which are both open to the public, and which serve as the third and fourth meetings of the Committee.

DATES: The third Committee meeting will be held on September 13, 2017, from 9 a.m. to 5 p.m. and on September 14, 2017, from 9 a.m. to 3 p.m. The fourth Committee meeting will be held on October 25, 2017, from 9 a.m. to 5 p.m. and on October 26, 2017, from 9 a.m. to 3 p.m.

ADDRESSES: The third meeting will take place at Ronald Reagan Building and International Trade Center, Oceanic Suite, 1300 Pennsylvania Ave NW., Washington, DC 20004, while the fourth meeting will be held at William Jefferson Clinton East Building, Room 1153, 1201 Constitution Avenue NW., Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the public meetings may contact Jonah Richmond, Designated Federal Officer (DFO), Conflict Prevention and Resolution Center, Office of General Counsel, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–0210; email address: *Richmond.jonah@epa.gov*. General information about the Committee, as well as any updates concerning the meetings announced in this notice, may be found at *https://www.epa.gov/chemical-data-reporting/negotiated-rulemaking-committee-chemical-data-reporting-requirements*.

For information on access or services for individuals with disabilities, or to request accommodation for a disability, please contact the DFO, preferably at least ten days prior to the meetings to give EPA as much time as possible to process your request.

For technical information contact: Susan Sharkey, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8789; email address: *Sharkey.susan@epa.gov*.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture (including manufacture as a byproduct chemical substance and including import) chemical substances listed on the TSCA Inventory. The following list of North American Industrial Classification System (NAICS) codes are not intended to be exhaustive, but rather provides a guide to help readers determine whether this action may apply to them:

1. Chemical manufacturers and importers (NAICS codes 325 and 324110; *e.g.,* chemical manufacturing and processing and petroleum refineries).

2. Chemical users and processors who may manufacture a byproduct chemical substance (NAICS codes 22, 322, 331, and 3344; *e.g.,* utilities, paper manufacturing, primary metal manufacturing, and semiconductor and other electronic component manufacturing).

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

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–2016–0597, 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. Background

A. What action is the agency taking?

As required by the Negotiated Rulemaking Act of 1996 (NRA), EPA is giving notice that the agency is holding two additional meetings of the Negotiated Rulemaking Committee. The objective of this Committee is to develop a proposed rule providing for limiting chemical data reporting requirements, under TSCA section 8(a), for manufacturers of any inorganic byproduct chemical substances when such byproduct chemical substances are subsequently recycled, reused, or reprocessed. This negotiation process, which includes the establishment of a federal advisory committee, is required by TSCA section 8(a)(6), as amended by the Frank. R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Act).

This Committee is a statutory advisory committee under the Federal Advisory Committee Act, 5 U.S.C. App. 2 § 9(a)(1). In accordance with Section 9(c) of the Federal Advisory Committee Act, 5 U.S.C. App. I § 9(c), EPA prepared a charter for the establishment of the Negotiated Rulemaking Committee. Copies of the Committee's charter have been filed with the appropriate congressional committees, the Library of Congress. The first two meetings of the Committee were on June 8 and 9, 2017, and August 16 and 17, 2017 (82 FR 25790) (FRL–9961–92). The Committee's charter and those meetings' agendas and materials are available in the docket supporting this activity [EPA–HQ–OPPT–2016–0597] and available online at *https://www.epa.gov/chemical-data-reporting/negotiated-rulemaking-committee-chemical-data-reporting-requirements*.

This notice announces the details of the third and fourth meetings of the Committee. These meetings have been scheduled for the dates indicated under **DATES**, and are open to the public. A notice of any Committee meeting must be published no later than 15 days before the date of that meeting. Delay in having these meetings will result in challenges in meeting the statutory deadline for the negotiated rulemaking.

III. Participation by Non-Members

A. Attending Meetings

EPA values public input during this process. The meetings announced in this notice are open to the public, so interested parties may observe the meetings and communicate their views in the appropriate time and manner, as defined in each meeting's agenda. Consistent with the requirements of FACA, formal meeting materials and summaries will be available online.

B. Oral Statements

In general, individuals or groups requesting an oral presentation at a public meeting will be limited to five minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should submit requests by email to *ecdrweb@epa.gov* one week prior to the meeting dates, in order to be placed on the list of public speakers.

C. Written Statements

Written statements will be accepted throughout the advisory process; however, for timely consideration, statements should be supplied by email to *ecdrweb@epa.gov* one week prior to the meeting dates. Members of the public should be aware that written comments, including personal contact information, if included, may be posted to the Committee Web site as well as placed in the EPA docket supporting this activity. Copyrighted material will not be posted without explicit permission of the copyright holder. Additionally, EPA will invite public comment on any proposed rule resulting from the Committee's deliberations.

IV. Meeting Schedule and Agenda

A. Meeting Schedule

Committee meetings are one and a half days each, and held in Washington, DC, unless the Committee decides otherwise. If any additional meetings are required, the Committee will separately announce those meetings subsequent to the meetings being announced in this notice.

B. The Third and Fourth Committee Meetings

The third Committee meeting will be held on September 13, 2017, from 9 a.m. to 5 p.m. and on September 14, 2017, from 9 a.m. to 3 p.m. The fourth Committee meeting will be held on October 25, 2017, from 9 a.m. to 5 p.m. and on October 26, 2017, from 9 a.m. to 3 p.m. Both meetings are open to the public. Meeting details and agenda information will be available online at *https://www.epa.gov/chemical-data-reporting/negotiated-rulemaking-committee-chemical-data-reporting-requirements*, as well as in the EPA docket supporting this activity.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: August 8, 2017,

Wendy Cleland-Hamnett,

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

[FR Doc. 2017–17416 Filed 8–17–17; 8:45 am]

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Notices

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Friday, August 18, 2017

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 15, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 18, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Scanner Capability Assessment of SNAP-Authorized Small Retailers (SCANR) Study.

OMB Control Number: 0584—NEW.

Summary of Collection: The SCANR Study will provide FNS with an understanding of the extent to which small retailers participating in the Supplemental Nutrition Assistance Program (SNAP) are able to meet Section 4002 of the Agricultural Act of 2014 (2014 Farm Bill) requirement that all authorized SNAP retailers use scanning technologies at the point of sale (POS) to redeem SNAP benefits. Understanding the number of small retailers that lack scanning systems, the costs of adopting and maintaining scanning systems, and the barriers small retailers face in adopting the technology are key to informing rulemaking for the 2014 Farm Bill requirement.

Need and Use of the Information: This study will result in a comprehensive description of the scanner capability of small SNAP-authorized retailers that will provide FNS with information to inform rulemaking for the 2014 Farm Bill requirement. Cost estimates from the industry interviews and follow-up interviews with retailers and data from secondary sources will be used to estimate store-level costs for adopting scanning systems with different levels of functionality. The cost estimates will account for all costs associated with the purchase, installation, and maintenance of scanning systems. Using the store-level costs and data from the SCANR Survey on the number of small SNAP-authorized retailers without scanning systems, the study will also include the total cost estimate for all small SNAP-authorized retailers to comply with the 2014 Farm Bill requirements. Finally, the study will include a descriptive assessment of the technological and economic barriers small SNAP retailers face in adopting and using scanning systems.

Description of Respondents: Business-for-profit.

Number of Respondents: 1,443.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 370.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–17472 Filed 8–17–17; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection Comment Request—Supplemental Nutritional Assistance Program Education (SNAP Ed) Connection Resource Sharing Form

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 this notice announces the Food and Nutrition Service's intent to request approval to collect information via an online form. This is a revision of a currently approved information collection request which was transferred from Agricultural Research Service. This voluntary form will be used by SNAP Education (SNAP-Ed) instructors and nutrition education material developers to submit materials for review and possible inclusion in the SNAP-Ed Library (formerly known as the SNAP-Ed Connection Resource Finder). The following materials may be submitted: Obesity prevention education materials targeting Supplemental Nutrition Assistance Program eligible persons; materials related to the development, implementation, administration and evaluation of SNAP Education programs; reports or other materials that demonstrate the effectiveness of SNAP-Ed funded programs; other materials developed by SNAP-Ed funded programs. The SNAP-Ed Library may be used by SNAP-Ed instructors and others to easily search for resources and to learn about the work of other SNAP-Ed programs.

DATES: Comments on this notice must be received by 60 days after date of publication in the **Federal Register** to be assured of consideration.

ADDRESSES: Comments may be sent to: Usha Kalro, Food and Nutrition Service, Supplemental Nutrition Assistance Program, Program Administration and Accountability Division, SNAP-Ed Connection, 3101 Park Center Drive, Room 822, Alexandria, VA 22302, telephone (703) 305–2397 or via Fax-703 305 0928. Submit electronic comments to *snap-edconnection@fns.usda.gov;* comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m. Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia 22302.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collected should be directed to Usha Kalro at usha *kalro@fns.usda.gov*.

SUPPLEMENTARY INFORMATION:

Title: SNAP-Ed Connection Resource Sharing Form.

Form Number:

OMB Number: 0584–0625.

Expiration Date: 10/30/2017.

Type of Request: Revision of existing data collection.

Abstract: We are requesting an update to the name of this form. The previous data collection was titled the Food Stamp Nutrition Connection Sharing Form. The name change from Food Stamp to SNAP was based on the Farm Bill, The Food, Conservation, and Energy Act of 2008 (Pub. L. 110–234, H.R. 2419, 122 Stat. 923, Section 4001 enacted May 22, 2008, also known as the 2008 U.S. Farm Bill).

The Web site is developed and maintained at the USDA Food and Nutrition Service. The SNAP-Ed Connection is a resource Web site for SNAP-Ed administrators and educators. SNAP-Ed educators (*e.g.,* State Agencies, Business or Federal Government, such as the Center for Disease Control) use the SNAP-Ed Connection Web site to locate curricula, participant materials, nutrition research, administrative documents, and information regarding SNAP-Ed program development, implementation and evaluation. This resource Web site helps SNAP-Ed instructors find the tools and information they need to implement high-quality evidence-based obesity prevention programs. Instructors may complete the form online. Respondents will provide contact information, ordering information, and information about the resource they are submitting.

The SNAP-Ed Library is an online database of SNAP-Ed related materials. The SNAP-Ed Connection Resource Sharing Form gives SNAP-Ed instructors, as well as those who develop nutrition education materials, the opportunity to voluntarily share information about resources that can be used to administer, develop, implement, evaluate or showcase SNAP-Ed programs. Information collected via this form enables the SNAP-Ed Connection staff to review materials for possible inclusion in the SNAP-Ed Library. SNAP-Ed instructors and other interested parties then search this database via the SNAP-Ed Connection Web site *https://snaped.fns.usda.gov* to locate materials of interest. By using this database, SNAP-Ed funded programs can share resources with each other, reduce duplication of efforts, and improve program quality. SNAP-Ed funded programs can also learn about useful nutrition education materials created by other organizations.

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 on the proposed collection of information, including the validity of the methodology and assumptions that were used; (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 those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Affected Public: 12 State Agencies, 12 Business, and 1 Federal Government (Respondents are SNAP-Ed instructors and others educators who develop nutrition education materials)

Estimated Number of Respondents: 25.

Estimated Number of Responses per Respondent: 4.44.

Estimated Total Annual Response: 111.

Estimated Time per Response: 0.167 (10 minutes).

Estimated Total Annual Burden on Respondents: 18.54 (rounded up to 19 burden hours).

Affected public	Type of respondent	Number of respondents	Frequency per respondents	Total annual response	Average time per response (hours)	Total annual burden hours
State, Local or Tribal Agencies	SNAP Ed (nutrient education instructors).	14	5	70	0.167	11.69
Business-for-not-for-profit	SNAP Ed (nutrient education instructors).	10	4	40	0.167	6.68
Federal Government (such as CDC).	SNAP Ed (nutrient education instructors).	1	1	1	0.167	0.167
Total Respondents Cost	.....	25	4.44	111	0.167	18.54

Dated: August 10, 2017.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2017–17517 Filed 8–17–17; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Nevada and Placer Counties Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Nevada and Placer Counties Resource Advisory Committee (RAC) will meet in Truckee, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act of 2000 (the Act) and operates in compliance with the

Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following Web site: *http://cloudapps-usda-gov.force.com/FSSRS/RAC_Page?id=001t0000002JcwUAAS.*

DATES: The meeting will be held on Monday, September 11, 2017, at 9:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Truckee Ranger Station, Conference Room, 10811 Stockrest Springs Road, Truckee, California.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Truckee Ranger Station.

FOR FURTHER INFORMATION CONTACT: Michael Woodbridge, RAC Coordinator, by phone at 530–478–6205 or via email at *mjwoodbridge@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Welcome and oriententation of members,
2. Federal Advisory Committee Act overview,
3. Development of project ranking citeria and voting process,
4. Elect a RAC chairperson,
5. Project proponent presentations, and
6. Review and selection of project proposals.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing at least one week prior to the meeting to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Michael Woodbridge, RAC Coordinator, 631 Coyote Street, Nevada City, California 95959; by email to *mjwoodbridge@fs.fed.us,* or via facsimile to 530–478–6109.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 17, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–17450 Filed 8–17–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Davy Crockett–Sam Houston Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Davy Crockett–Sam Houston Resource Advisory Committee (RAC) will meet in Ratcliff, Texas. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *http://cloudapps-usda-gov.force.com/FSSRS/RAC_Page?id=001t0000002JcvhAAC.*

DATES: The meeting will be held on September 7, 2017, from 3:00 p.m. to 5:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at Davy Crockett Ranger District, Conference Room, 18551 State Highway 7 East, Kennard, Texas. Participants who would like to attend by teleconference or by video conference, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Davy Crockett Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Michelle Rowe, RAC Coordinator, by phone at 936–655–2299 extension 224 or via email at *lrowe@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Introduce new members,
2. Elect a chairman, and
3. Review and approve new RAC projects.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 1, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Gerald Lawrence, Jr., Designated Federal Officer, Davy Crockett Ranger District, 18551 State Highway 7 East, Kennard, Texas 75847; by email to *glawrence@fs.fed.us,* or via facsimile to 936–655–2817.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**.

All reasonable accommodation requests are managed on a case by case basis.

Dated: July 10, 2017.

Glenn Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–17451 Filed 8–17–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Fresno and Madera Counties Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Fresno and Madera Counties Resource Advisory Committee (RAC) will meet in Clovis, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act.

DATES: The meeting will be held on September 7, 2017, from 6:00 p.m. to 8:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Sierra National Forest (NF) Supervisor's Office, 1600 Tollhouse Road, Clovis, California.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Sierra NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Julie Roberts, RAC Coordinator, by phone at 559–297–0706 or via email at *jaroberts@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Discuss and agree on general operating procedures,
2. Elect a chair,
3. Review project proposals, and
4. Possibly vote to recommend project proposals for Title II Funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by August 25, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Julie Roberts, RAC Coordinator, Sierra NF Supervisor's Office, 1600 Tollhouse Road, Clovis, California 93611; by email to *jaroberts@fs.fed,* or via facsimile to 559–294–4809.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 10, 2017.

Glenn Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–17453 Filed 8–17–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Nevada and Placer Counties Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Nevada and Placer Counties Resource Advisory Committee (RAC) will meet in Truckee, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act of 2000 (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following Web site: *http://cloudapps-usda-gov.force.com/FSSRS/RAC_Page?id=001t0000002JcwUAAS.*

DATES: The meeting will be held on Thursday, September 7, 2017, at 9:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Truckee Ranger Station, Conference Room, 10811 Stockrest Springs Road, Truckee, California.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Truckee Ranger Station.

FOR FURTHER INFORMATION CONTACT: Michael Woodbridge, RAC Coordinator, by phone at 530–478–6205 or via email at *mjwoodbridge@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Welcome and oriententation of members,
2. Federal Advisory Committee Act overview,
3. Development of project ranking citeria and voting process,
4. Elect a RAC chairperson,
5. Project proponent presentations, and
6. Review and selection of project proposals.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing at least one week prior to the meeting to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Michael Woodbridge, RAC Coordinator, 631 Coyote Street, Nevada City, California 95959; by email to *mjwoodbridge@fs.fed.us,* or via facsimile to 530–478–6109.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 17, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–17452 Filed 8–17–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

West Virginia Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The West Virginia Resource Advisory Committee (RAC) will meet in Elkins, West Virginia. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *https://cloudapps-usda-gov.secure.force.com/FSSRS/RAC_Page?id=001t0000002JcuqAAC*.

DATES: The meeting will be held on September 19, 2017, from 10:00 a.m.–1:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held in the Monongahela National Forest Headquarters Building, First Floor Conference Room, 200 Sycamore Street, Elkins, West Virginia. Participants who would like to attend by teleconference or by video conference, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Monongahela National Forest Headquarters Building. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Julie Fosbender, RAC Coordinator, by phone at 304–636–1800 extension 169 or via email at *jfosbender@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to evaluate and recommend Title II project proposals.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 13, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Julie Fosbender, RAC Coordinator, Monongahela National Forest Headquarters Building, 200 Sycamore Street, Elkins, West Virginia 26241; by email to *jfosbender@fs.fed.us*; or via facsimile to 304–637–0582.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 5, 2017.

Glenn Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–17449 Filed 8–17–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Olympic Peninsula Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Olympic Peninsula Resource Advisory Committee (RAC) will meet in Forks, Washington. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *http://www.fs.usda.gov/main/olympic/workingtogether/advisorycommittees.*

DATES: The meeting will be held on September 12, 2017, from 9:00 a.m. to 5:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Olympic Peninsula Natural Resources Center, 1455 South Forks Avenue, Forks, Washington.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Olympic National Forest (NF) Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Susan Piper, RAC Coordinator, by phone at 360–956–2435 or via email at *spiper@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review project proposals; and
2. Make recommendations for Title II funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 1, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Susan Piper, RAC Coordinator, Olympic NF Supervisor's Office, 1835 Black Lake Boulevard Southwest, Olympia, Washington 98512; by email to *spiper@fs.fed.us,* or via facsimile to 360–956–2330.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language

interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 17, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–17454 Filed 8–17–17; 8:45 am]

BILLING CODE 3411–15–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meetings

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meetings.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) plans to hold its regular committee and Board meetings in Washington, DC, Monday through Wednesday, September 11–13, 2017 at the times and location listed below.

DATES: The schedule of events is as follows:

Monday, September 11, 2017
10:00 a.m.–4:00 p.m. Planning and Evaluation
Tuesday, September 12, 2017
10:00 a.m.–11:00 a.m. Ad Hoc Committee on Frontier Issues
11:00 a.m.–11:30 a.m. Ad Hoc Committee on Design Guidance
11:30 a.m.–Noon Budget Committee
1:30 p.m.–4:00 p.m. Technical Programs Committee
Wednesday, September 13, 2017
1:30 p.m.–3:00 p.m. Board Meeting

ADDRESSES: Meetings will be held at the Access Board Conference Room, 1331 F Street NW., Suite 800, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact David Capozzi, Executive Director, (202) 272–0010 (voice); (202) 272–0054 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting scheduled on the afternoon of Wednesday, September 13, 2017, the Access Board will consider the following agenda items:

- Approval of draft meeting minutes: March 15 and July 12, 2017 (vote)
- Ad Hoc Committee Reports: Design Guidance and Frontier Issues
- Budget Committee
- Planning and Evaluation Committee
- Technical Programs Committee
- Election Assistance Commission Report
- Executive Director's Report
- Public Comment (final 15 minutes of the meeting)

Members of the public can provide comments either in-person or over the telephone during the final 15 minutes of the Board meeting on Wednesday, September 13, 2017. Any individual interested in providing comment is asked to pre-register by sending an email to *bunales@access-board.gov* with the subject line ''Access Board meeting—Public Comment'' with your name, organization, state, and topic of comment included in the body of your email. All emails to register for public comment must be received by Wednesday, September 6, 2017. Registered commenters will be provided with a call-in number and passcode before the meeting. Commenters will be called on in the order by which they pre-registered. Due to time constraints, each commenter is limited to two minutes. Commenters on the telephone will be in a listen-only capacity until they are called on.

All meetings are accessible to persons with disabilities. An assistive listening system, Communication Access Realtime Translation (CART), and sign language interpreters will be available at the Board meeting and committee meetings.

Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants (see *www.access-board.gov/the-board/policies/fragrance-free-environment* for more information).

You may view the Wednesday, September 13, 2017 meeting through a live webcast from 1:30 p.m. to 3:00 p.m. at: *www.access-board.gov/webcast.*

David M. Capozzi,

Executive Director.

[FR Doc. 2017–17497 Filed 8–17–17; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–889]

Dioctyl Terephthalate From the Republic of Korea: Antidumping Duty Order

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Department) and the International Trade Commission (ITC), the Department is issuing an antidumping duty (AD) order on dioctyl terephthalate (DOTP) from the Republic of Korea (Korea).

DATES: August 18, 2017.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita at (202) 482–4243 or Shanah Lee at (202) 482–6386, AD/CVD Operations, Office III, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (Act), on June 26, 2017, the Department published its affirmative final determination in the less than fair value (LTFV) investigation of DOTP from Korea.[1] On August 9, 2017, the ITC notified the Department of its final affirmative determination, pursuant to section 735(d) of the Act, that an industry in the United States is materially injured by reason of LTFV imports of DOTP from Korea, within the meaning of section 735(b)(1)(A)(i) of the Act.[2]

Scope of the Order

The merchandise covered by this order is dioctyl terephthalate (DOTP), regardless of form. DOTP that has been blended with other products is included within this scope when such blends include constituent parts that have not been chemically reacted with each other to produce a different product. For such blends, only the DOTP component of the mixture is covered by the scope of this order.

DOTP that is otherwise subject to this order is not excluded when commingled with DOTP from sources not subject to this order. Commingled refers to the mixing of subject and non-subject DOTP. Only the subject component of such commingled products is covered by the scope of the order.

DOTP has the general chemical formulation $C_6H_4(C_8H_{17}COO)_2$ and a

[1] *See Dioctyl Terephthalate From the Republic of Korea: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances,* 82 FR 28824 (June 26, 2017) (*Final Determination*).

[2] *See* Letter to Gary Taverman, Acting Assistant Secretary, from Rhonda K. Schmidtlein, Chairman of the U.S. International Trade Commission, regarding the antidumping duty investigation concerning imports of dioctyl terephthalate from the Republic of Korea (Investigation Nos 701–TA–1330), dated August 9, 2017 (ITC Letter).

chemical name of ''bis (2-ethylhexyl) terephthalate'' and has a Chemical Abstract Service (CAS) registry number of 6422–86–2. Regardless of the label, all DOTP is covered by this order.

Subject merchandise is currently classified under subheading 2917.39.2000 of the Harmonized Tariff Schedule of the United States (HTSUS). Subject merchandise may also enter under subheadings 2917.39.7000 or 3812.20.1000 of the HTSUS. While the CAS registry number and HTSUS classification are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Antidumping Duty Order

As stated above, on August 9, 2017, in accordance with sections 735(b)(1)(A)(i) and 735(d) of the Act, the ITC has notified the Department of its final determination that the industry in the United States producing is materially injured by reason of the LTFV imports od DOTP from Korea.[3] Therefore, in accordance with section 735(c)(2) of the Act, we are issuing this antidumping duty order. Because the ITC determined that imports of DOTP from Korea are materially injuring a U.S. industry, unliquidated entries of such merchandise from Korea, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

As a result of the ITC's final affirmative determination, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of DOTP from Korea. Antidumping duties will be assessed on unliquidated entries of DOTP from Korea entered, or withdrawn from warehouse, for consumption on or after February 3, 2017, the date of publication of the *Preliminary Determination,*[4] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination in the **Federal Register**, should such entries exist, as further described below.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation on all relevant entries of DOTP from Korea. These instructions suspending liquidation will remain in effect until further notice.

The Department will also instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit rate equal to the estimated weighted-average antidumping duty margins listed below.[5] The ''all-others'' rate applies to all producers or exporters not specifically listed.

Provisional Measures

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four-month period to no more than six months. At the request of exporters that account for a significant proportion of DOTP from Korea, the Department extended the four-month period to six months.[6] The Department published the *Preliminary Determination* in this investigation on February 3, 2017.[7] Therefore, the extended period, beginning on the date of the publication of the *Preliminary Determination,* ended on August 1, 2017. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice,[8] the Department will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of DOTP from Korea entered, or withdrawn from warehouse, for consumption after August 1, 2017, the date on which the provisional measures expired, until and through August 14, 2017, the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**.[9]

Estimated Weighted-Average Antidumping Duty Margins

The weighted-average antidumping duty margin percentages are as follows:

Exporter/producer	Weighted-average margins (percent)
Aekyung Petrochemical Co., Ltd	4.08
LG Chem, Ltd	2.71
All-Others	3.69

Notification to Interested Parties

This notice constitutes the antidumping duty order with respect to DOTP from Korea pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

This order is published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: August 15, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–17627 Filed 8–17–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–837]

Certain Cut-to-Length Carbon-Quality Steel Plate From the Republic of Korea: Final Results of Countervailing Duty Administrative Review and Rescission of Countervailing Duty Administrative Review, in Part

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

SUMMARY: The Department of Commerce (the Department) has completed the administrative review of the countervailing duty (CVD) order on cut-to-length carbon-quality steel plate (CTL Plate) from the Republic of Korea (Korea) for the January 1, 2015, through December 31, 2015, period of review (POR). We have determined that

[3] *Id.*

[4] *See Dioctyl Terephthalate from the Republic of Korea: Affirmative Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances, and Postponement of Final Determination,* 82 FR 9195 (February 3, 2017) (*Preliminary Determination*).

[5] *See* Section 736(a)(3) of the Act.

[6] *See Preliminary Determination.*

[7] *Id.*

[8] *See, e.g., Certain Corrosion-Resistant Steel Products From India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016).

[9] *See Dioctyl Terephthalate (DOTP) From Korea; Determination,* 82 FR 38708 (August 15, 2017).

Hyundai Steel Co. (Hyundai Steel) received countervailable subsidies that are above *de minimis* and that Dongkuk Steel Mill Co., Ltd. (DSM) did not. We are applying to the five firms not selected for individual examination in this administrative review the rate calculated for Hyundai Steel. We are also rescinding the review for eight companies.

DATES: August 18, 2017.

FOR FURTHER INFORMATION CONTACT: John Conniff at 202–482–1009 (for Hyundai Steel), or Jolanta Lawska at 202–482–8362 (for DSM), AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

Background

On February 10, 2000, the Department published the CVD *Order* on CTL Plate from Korea.[1] The Department published the *Preliminary Results* of this administrative review in the **Federal Register** on March 15, 2017.[2] For a discussion of the events following the *Preliminary Results, see* the Issues and Decision Memorandum.[3]

Scope of the Order

The products covered by the order are certain hot-rolled carbon-quality steel: (1) Universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a nominal or actual thickness of not less than 4 mm, which are cut-to-length (not in coils) and without patterns in relief), of iron or non-alloy-quality steel; and (2) flat-rolled products, hot-rolled, of a nominal or actual thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are cut-to-length (not in coils).

The merchandise subject to the order is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7225.40.3050, 7225.40.7000, 7225.50.6000, 7225.99.0090, 7226.91.5000, 7226.91.7000, 7226.91.8000, 7226.99.0000.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by the order is dispositive.[4]

Analysis of Comments Received

All issues raised in interested parties' case briefs are addressed in the Issues and Decision Memorandum. A list of the issues raised by interested parties and to which we responded in the Issues and Decision Memorandum is provided in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and is available to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html*. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For the subsidy programs found countervailable during the POR, we determine that there is a subsidy, *i.e.,* a government-provided financial contribution that confers a benefit to the recipient, and that the subsidy is specific.[5] For a complete description of the methodology underlying the Department's conclusions, *see* the Issues and Decision Memorandum.

Rescission of the 2015 Administrative Review, in Part

As noted in the *Preliminary Results,* the Department received timely no shipment responses from GS Global Corp. (GS Global), Hyundai Glovis, Hyundai Mipo Dockyard Co., Ltd (Hyundai Mipo), Hyosung Corporation (Hyosung), Daewoo International Corp., Samsung C&T Corporation (Samsung C&T Corp.), SK Networks Co., Ltd. (SK Networks), and Samsung Heavy Industries. The Department inquired with U.S. Customs and Border Protection (CBP) whether GS Global, Hyundai Glovis, Hyundai Mipo, Hyosung, Daewoo International Corp., Samsung C&T Corp., SK Networks, and Samsung Heavy Industries had shipped merchandise to the United States during the POR, and CBP provided no evidence to contradict the no shipments claims made by these companies. Accordingly, the Department is rescinding the administrative review of with respect to these eight companies pursuant to 19 CFR 351.213(d)(3).

Rate for Non-Selected Companies Under Review

There are five companies for which a review was requested and not rescinded, but were not selected as mandatory respondents: Bookuk Steel, BDP International, Samsung C&T Engineering and Construction Group (Samsung C&T Engineering), Sung Jin Steel Co., Ltd., and Samsung C&T Trading and Investment Group (Samsung C&T Trading). Consistent with the preliminary results, we are applying to the non-selected companies the rate calculated for Hyundai Steel, which is above *de minimis.*

Final Results of Review

In accordance with 19 CFR 351.221(b)(5), we determine the following net countervailable subsidy rates for the period January 1, 2015, through December 31, 2015:

Company	Subsidy rate *Ad Valorem* (%)
Dongkuk Steel Mill Co., Ltd ..	* 0.13
Hyundai Steel Co	0.54
Bookuk Steel	0.54
BDP International	0.54
Samsung C&T Engineering and Construction Group	0.54
Sung Jin Steel Co., Ltd	0.54
Samsung C&T Trading and Investment Group	0.54

** de minimis.*

[1] *See Notice of Amended Final Determination: Certain Cut-to-Length Carbon-Quality Steel Plate from India and the Republic of Korea; and Notice of Countervailing Duty Orders: Certain Cut-to-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, and the Republic of Korea,* 65 FR 6587 (February 10, 2000) (*Order*).

[2] *See Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review, and Preliminary Intent to Rescind in Part: Calendar Year 2015,* 82 FR 13792 (March 15, 2017) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[3] *See* Memorandum, ''Issues and Decision Memorandum for Final Results of 2015 Countervailing Duty Administrative Review of Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea'' (Issues and Decision Memorandum), dated concurrently with this notice and incorporated herein by reference.

[4] For a complete description of the scope of the order, *see* Issues and Decision Memorandum.

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

Disclosure

We intend to disclose to parties in this proceeding the calculations performed for these final results within five days of the date of the publication of this notice in the **Federal Register**.[6]

Assessment Rates

In accordance with 19 CFR 351.212(b)(2), the Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results. Because we have calculated a *de minimis* countervailable subsidy rate for DSM in the final results of this review, we will instruct CBP to liquidate the appropriate entries without regard to countervailing duties in accordance with 19 CFR 351.212. For Hyundai Steel and the above listed companies, we will instruct CBP to assess countervailing duties on the value of the POR entries at the rate shown above.

Cash Deposit Instructions

In accordance with section 751(a)(2)(C) of the Act, we intend to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown above, for the companies listed above, with the exception of DSM, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. Because the countervailable subsidy rate for DSM is *de minimis,* the Department will instruct CBP to collect cash deposits at a rate of zero for DSM for all shipments of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Return or Destruction of Proprietary Information

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

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, 19 CFR 351.213(d)(4) and 19 CFR 351.221(b)(5).

Dated: August 11, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2017–17494 Filed 8–17–17; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See* 19 CFR 351.224(b).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Billfish Certificate of Eligibility

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 17, 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

This request is for an extension of a currently approved information collection. Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 e*t seq.*), NOAA is responsible for management of the Nation's marine fisheries. In addition, NOAA must comply with the United States' (U.S.) obligations under the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 *et seq.*). A Certificate of Eligibility (COE) for Billfishes is required under 50 CFR part 635 to accompany all billfish, except for a billfish landed in a Pacific state and remaining in the state of landing. This documentation certifies that the accompanying billfish was not harvested from the applicable Atlantic Ocean management unit (described on the NOAA sample certificate), and identifies the vessel landing the billfish, the vessel's homeport, the port of offloading, and the date of offloading. The certificate must accompany the billfish to any dealer or processor who subsequently receives or possesses the billfish. A standard certificate format is not currently required to document the necessary information, provided it contains all of the information required. The extension of this collection is necessary to implement the Consolidated Highly Migratory Species Fishery Management Plan, which contains conservation and management

measures that limit the Atlantic billfish fishery to a recreational fishery.

On October 5, 2012, the President signed Public Law 112–183 entitled the ''Billfish Conservation Act of 2012,'' which prohibits the sale of billfish (or products containing billfish), or the custody, control, or possession of billfish (or products containing billfish) for purposes of sale. The only exemptions to this prohibition include billfish landed by U.S. fishing vessels in Hawaii and Pacific Insular Areas, and billfish landed by foreign fishing vessels in the Pacific Insular Areas when the foreign-caught billfish are exported to non-U.S. markets or retained within Hawaii and the Pacific Insular Areas for local consumption. NOAA is considering the development of implementing regulations for the Billfish Conservation Act. If necessary, upon publication of a proposed rule, the information collection associated with the Billfish Certificate of Eligibility (0648–0216) may need to be revised accordingly.

II. Method of Collection

A paper document is required to be completed by respondents. The document must be signed and dated by each dealer or processor who subsequently receives or possesses the billfish.

III. Data

OMB Control Number: 0648–0216.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time per Response: 20 minutes for initial completion of certificate and 2 minutes for subsequent billfish purchase recordkeeping.

Estimated Total Annual Burden Hours: 43.

Estimated Total Annual Cost to Public: $0 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: August 15, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–17470 Filed 8–17–17; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds services to the Procurement List that will be furnished by nonprofit agency employing persons who are blind or have other severe disabilities.

DATES: *Date added to the Procurement List:* September 17, 2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION:

Additions

On 6/30/2017 (82 FR 29852), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organization that will provide the services to the Government.

2. The action will result in authorizing small entities to provide the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following services are added to the Procurement List:

Services

Service Type: Custodial Service
Mandatory for: Defense Intelligence Agency, Defense Intelligence Agency Headquarters, Building 6000, 200 MacDill Blvd., Joint Base Anacostia-Bolling, Washington, DC. Defense Intelligence Agency, Missile and Space Intelligence Center/EOE Complex, Bldgs. 4545 Fowler Rd. & 7533 Mathews Rd., Redstone Arsenal, AL
Mandatory Source(s) of Supply: CW Resources, Inc., New Britain, CT
Contracting Activity: Dept of Defense, Virginia Contracting Agency, DIAC CF02E

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–17521 Filed 8–17–17; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add products and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products previously furnished by such agency.

DATES: Comments must be received on or before September 17, 2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and service are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSN(s)—Product Name(s):
7045–01–515–5371—Disk, Media, Recordable, Branded Attributes, Rewriteable, DVD–RW, 4X, Jewel Case, 5 Pack Spindle
7045–01–515–5372—Disk, Media, Recordable, Branded Attributes, DVD–R, 16X, 25 Pack Spindle
7045–01–515–5373—Disk, Media, Recordable, Branded Attributes, Rewriteable, DVD+RW, 4X, 25 Pack Spindle
7045–01–515–5374—Disk, Media, Recordable, Branded Attributes, DVD+R, 16X, 25 Pack Spindle
7045–01–515–5375—Disk, Media, Recordable, Branded Attributes, CD–R, 52X, 100 Pack Spindle
Mandatory for: Total Government Requirement
Mandatory Source(s) of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: General Services Administration, New York, NY
Distribution: A-List

Service

Service Type: Sourcing, Warehousing, Assembly and Kitting Service
Mandatory for: Army National Guard Recruiting and Retention Command, Houston Barracks, Nashville, TN
Mandatory Source(s) of Supply: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: DEPT OF THE ARMY, W7N1 USPFO ACTIVITY TN ARNG

Deletions

The following products are proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s):
8415–00–NSH–0489—Drawers and Undershirt (Collarless), Chem. Protect
8415–00–NSH–0490—Drawers and Undershirt (Collarless), Chem. Protect
Mandatory Source(s) of Supply: Peckham Vocational Industries, Inc., Lansing, MI
Contracting Activity: Defense Logistics Agency Troop Support

NSN(s)—Product Name(s):
8920–01–E60–7859—Pancake and Waffle Mix, Buttermilk; 50 lb bag
8920–01–E60–7861—Pancake Mix, Regular
8920–01–E60–7862—Pancake and Waffle Mix, Regular; 25 lb bag
8920–01–E60–7863—Pancake and Waffle Mix, Regular; 50 lb bag
Mandatory Source(s) of Supply: Transylvania Vocational Services, Inc., Brevard, NC
Contracting Activity: Defense Logistics Agency Troop Support

NSN(s)—Product Name(s):
6530–00–783–7205—Litter, Folding, Rigid Pole, Decontaminable
Mandatory Source(s) of Supply: Arizona Industries for the Blind, Phoenix, AZ
Contracting Activity: Defense Logistics Agency Troop Support

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–17520 Filed 8–17–17; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Education Advisory Committee Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of open committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Army Education Advisory Committee. This meeting is open to the public.

DATES: The Army Education Advisory Committee will meet from 9:00 a.m. to 5:00 p.m. on September 20 & 21, 2017.

ADDRESSES: Army Education Advisory Committee, 950 Jefferson Avenue, Building 950, U.S. Training and Doctrine Command (TRADOC) Headquarters, Conference Room 3075, Ft. Eustis, VA 23604.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Joyner, the Designated Federal Officer for the committee, in writing at ATTN: ATTG–ZC, TRADOC, 950 Jefferson Ave, Fort Eustis, VA 23604, by email at *albert.w.joyner.civ@mail.mil*, or by telephone at (757) 501–5810.

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to collect and analyze data dealing with the execution of Basic Combat Training (BCT) and evaluate the effectiveness of current training strategies and manpower models to determine potential resource changes or updates, and finalize provisional subcommittee findings and recommendations.

Agenda: September 20–21: The committee is chartered to provide independent advice and recommendations to the Secretary of the Army on the educational, doctrinal, and research policies and activities of U.S. Army educational programs. The committee will review and evaluate information related to BCT Workload, and discuss and deliberate provisional findings and recommendations submitted by its subcommittees.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mr. Joyner, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section.

Because the meeting of the committee will be held in a Federal Government facility on a military base, security screening is required. A photo ID is required to enter base. Please note that security and gate guards have the right to inspect vehicles and persons seeking to enter and exit the installation. TRADOC Headquarters is fully handicap accessible. Wheelchair access is available in front at the main entrance of the building. For additional information about public access procedures, contact Mr. Joyner, the committee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the committee in response to the stated agenda of the open meeting or in regard to the committee's mission in general. Written comments or statements should be submitted to Mr. Joyner, the committee Designated Federal Officer, via electronic mail, the

preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. The Designated Federal Official will review all submitted written comments or statements and provide them to members of the committee for their consideration. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Official at least seven business days prior to the meeting to be considered by the committee. Written comments or statements received after this date may not be provided to the committee until its next meeting.

Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least seven business days in advance to the committee's Designated Federal Official, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. The Designated Federal Official will log each request, in the order received, and in consultation with the committee Chair, determine whether the subject matter of each comment is relevant to the committee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three minutes during the period, and will be invited to speak in the order in which their requests were received by Designated Federal Official.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–17482 Filed 8–17–17; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee on Arlington National Cemetery; Request for Nominations

AGENCY: Department of the Army, DoD.

ACTION: Notice; request for nominations.

SUMMARY: The Advisory Committee on Arlington National Cemetery is an independent Federal advisory committee chartered to provide the Secretary of Defense, through the Secretary of the Army, independent advice and recommendations on Arlington National Cemetery, including, but not limited to cemetery administration, the erection of memorials at the cemetery, and master planning for the cemetery. The Secretary of the Army may act on the Committee's advice and recommendations. The Committee is comprised of no more than nine (9) members. Subject to the approval of the Secretary of Defense, the Secretary of the Army appoints no more than seven (7) of these members. The purpose of this notice is to solicit nominations from a wide range of highly qualified persons to be considered for appointment to the Committee. Nominees may be appointed as members of the Committee and its sub-committees for terms of service ranging from one to four years. This notice solicits nominations to fill Committee membership vacancies that may occur through January 31, 2018. Nominees must be preeminent authorities in their respective fields of interest or expertise.

DATES: All nominations must be received (see **ADDRESSES**) no later than November 1, 2017.

ADDRESSES: Interested persons may submit a resume for consideration by the Department of the Army to the Committee's Designated Federal Officer at the following address: Advisory Committee on Arlington National Cemetery, ATTN: Designated Federal Officer (DFO) (Ms. Yates), Arlington National Cemetery, Arlington, VA 22211.

FOR FURTHER INFORMATION CONTACT: Ms. Renea C. Yates, Designated Federal Officer, by email at *renea.c.yates.civ@mail.mil* or by telephone 877–907–8585.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Arlington National Cemetery was established pursuant to Title 10, United States Code Section 4723. The selection, service and appointment of members of the Committee are publicized in the Committee Charter, available on the Arlington National Cemetery Web site *http://www.arlingtoncemetery.mil/About/Advisory-Committee-on-Arlington-National-Cemetery/Charter*. The substance of the provisions of the Charter is as follows:

a. Selection. The Committee Charter provides that the Committee shall be comprised of no more than nine members, all of whom are preeminent authorities in their respective fields of interest or expertise. Of these, no more than seven members are nominated by the Secretary of the Army.

By direction of the Secretary of the Army, all resumes submitted in response to this notice will be presented to and reviewed by a panel of three senior Army leaders. Potential nominees shall be prioritized after review and consideration of their resumes for: Demonstrated technical/professional expertise; preeminence in a field(s) of interest or expertise; potential contribution to membership balance in terms of the points of view represented and the functions to be performed; potential organizational and financial conflicts of interest; commitment to our Nation's veterans and their families; and published points of view relevant to the objectives of the Committee. The panel will provide the DFO with a prioritized list of potential nominees for consideration by the Executive Director, Army National Military Cemeteries, in making an initial recommendation to the Secretary of the Army. The Executive Director, Army National Military Cemeteries; the Secretary of the Army; and the Secretary of Defense are not limited or bound by the recommendations of the Army senior leader panel. Sources in addition to this **Federal Register** notice may be utilized in the solicitation and selection of nominations.

b. Service. The Secretary of Defense may approve the appointment of a Committee member for a one-to-four year term of service; however, no member, unless authorized by the Secretary of Defense, may serve on the Committee or authorized subcommittee for more than two consecutive terms of service. The Secretary of the Army shall designate the Committee Chair from the total Advisory Committee membership. The Committee meets at the call of the DFO, in consultation with the Committee Chair. It is estimated that the Committee meets four times per year.

c. Appointment. The operations of the Committee and the appointment of members are subject to the Federal Advisory Committee Act (Pub. L. 92–463, as amended) and departmental implementing regulations, including

Department of Defense Instruction 5105.04, Department of Defense Federal Advisory Committee Management Program, available at *http://www.dtic.mil/whs/directives/corres/pdf/510504p.pdf.* Appointed members who are not full-time or permanent part-time Federal officers or employees shall be appointed as experts and consultants under the authority of Title 5, United States Code Section 3109 and shall serve as special government employees. Committee members appointed as special government employees shall serve without compensation except that travel and per diem expenses associated with official Committee activities are reimbursable.

Additional information about the Committee is available on the Internet at: *http://www.arlingtoncemetery.mil/About/Advisory-Committee-on-Arlington-National-Cemetery/Charter.*

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–17484 Filed 8–17–17; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number: DARS–2017–0005; OMB Control Number: 0704–0272]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Occupational Safety, Drug-Free Work Force and Related Clauses

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through October 31, 2017. DoD proposes that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD will consider all comments received by October 17, 2017.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0272, using any of the following methods:

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

- *Email: osd.dfars@mail.mil.* Include OMB Number 0704–0272 in the subject line of the message.
- *Fax:* 571–372–6094.
- *Mail:* Defense Acquisition Regulations System, Attn: Ms. Lee Renna, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Instructions: Search for ''Docket Number: DARS–2017–0005.'' Select ''Comment Now'' and follow the instructions provided to submit a comment. All submissions received must include the agency name and docket number for this notice. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal 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. Lee Renna, 571–372–6095.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) part 223, Occupational Safety and Drug-Free Work Force and Related Clauses in DFARS 252.223; OMB Control Number 0704–0272.

Needs and Uses: This information collection requires that an offeror or contractor submit information to DoD in response to DFARS solicitation four contract clauses relating to occupational safety and drug-free work force program. DoD contracting officers use this information to—

- Verify compliance with requirements for labeling of hazardous materials;
- Ensure contractor compliance and monitor subcontractor compliance with DoD 4145.26–M, DoD Contractors' Safety Manual for Ammunition and Explosives, and minimize risk of mishaps;
- Identify the place of performance of all ammunition and explosives work; and
- Ensure contractor compliance and monitor subcontractor compliance with DoD 5100.76–M, Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives.
- Ensure compliance with the clause program requirements with regard to programs for achieving the objective of a drug-free work force; requires contractor recordkeeping.

Type of Collection: Revision of a currently approved collection.

Obligation to Respond: Required to obtain or retain benefits.

Frequency: On occasion.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Number of Respondents: 3,695.

Responses per Respondent: 16.8, approximately.

Annual Responses: 62,053.

Average Burden per Response: 10.4 hours, approximately.

Annual Burden Hours: 645,744 hours.

Summary of Information Collection

This information collection addresses the following requirements:

1. *DFARS 252.223–7001, Hazard Warning Labels.* Paragraph (c) requires all offerors to list which hazardous materials will be labeled in accordance with certain statutory requirements instead of the Hazard Communication Standard. Paragraph (d) requires only the apparently successful offeror to submit, before award, a copy of the hazard warning label for all hazardous materials not listed in paragraph (c) of the clause.

2. *DFARS 252.223–7002, Safety Precautions for Ammunition and Explosives.* Paragraph (c)(2) requires the contractor, within 30 days of notification of noncompliance with DoD 4145.26–M, to notify the contracting officer of actions taken to correct the noncompliance. Paragraph (d)(1) requires the contractor to notify the contracting officer immediately of any mishaps involving ammunition or explosives. Paragraph (d)(3) requires the contractor to submit a written report of the investigation of the mishap to the contracting officer. Paragraph (g)(4) requires the contractor to notify the contracting officer before placing a

subcontract for ammunition or explosives.

3. *DFARS 252.223–7003, Changes in Place of Performance—Ammunition and Explosives.* Paragraph (a) requires the offeror to identify, in the Place of Performance provision of the solicitation, the place of performance of all ammunition and explosives work covered by the Safety Precautions for Ammunition and Explosives clause of the solicitation. Paragraphs (b) and (c) require the offeror or contractor to obtain written permission from the contracting officer before changing the place of performance after the date set for receipt of offers or after contract award.

4. *DFARS 252.223–7007, Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives.* Paragraph (e) requires the contractor to notify the cognizant Defense Security Service field office within 10 days after award of any subcontract involving sensitive conventional arms, ammunition, and explosives within the scope of DoD 5100.76–M.

5. *DFARS 252.223–7004, Drug-Free Work Force.* The clause requires that certain contractors maintain records necessary to demonstrate reasonable efforts to eliminate the unlawful use by contractor employees of controlled substances. DoD does not regularly collect any information with regard to this clause.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2017–17515 Filed 8–17–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the Coos Bay Channel Modification Project

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers, Portland District intends to prepare an Environmental Impact Statement (EIS) to analyze the potential environmental effects of approving the Oregon International Port of Coos Bay's (OIPCB) proposed Coos Bay Channel Modification Project. The OIPCB proposes to widen and deepen the Coos Bay Federal Navigation Project from the ocean to river mile (RM) 8.2 to improve navigation efficiency, reduce shipping transportation costs and facilitate the shipping industry's transition to larger, more efficient vessels.

DATES: Interested parties are invited to submit written comments on or before October 3, 2017.

ADDRESSES: Submit written comments to U.S. Army Corps of Engineers, Portland District (PM–E), P.O. Box 2946, Portland, OR 97208–2946, or at the project Web site: *http://www.nwp.usace.army.mil/coast/coos-bay/channel-modification.* All comments should include ''Coos Bay Channel Modification Project EIS'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and draft EIS can be addressed to: Dr. Ann Hodgson, by mail, telephone (503) 808–4663, or by email at *coosbaychannelmodEIS@usace.army.mil.*

SUPPLEMENTARY INFORMATION: *1. Previous Withdrawn Action.* The Corps published a Notice of Intent to prepare an EIS and Feasibility Study for a previous proposal to modify the Coos Bay Federal Navigation Project on January 11, 2008 (73 FR 2013). The channel modification described in 2008 was proposed under the authority of Section 203 of the Water Resources Development Act of 1986; however, the proposal was withdrawn and a draft EIS was not prepared.

2. Proposed Action. The OIPCB is requesting approval to construct the Coos Bay Channel Modification Project. If approved, the OIPCB would construct the project without any federal cost sharing (*i.e.,* the OIPCB would pay 100 percent of the cost of construction). The proposed project requires Department of the Army authorization under: Section 204 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2232); Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408, commonly referred to as Section 408), Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403); Section 404 of the Clean Water Act (33 U.S.C. 1344); and Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1413).

Section 204 authorizes the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works, to grant approval to non-federal entities to design and construct improvements to Corps navigation projects. This section also provides that the Secretary shall be responsible for the operation and maintenance of those improvements if the Secretary determines the improvements are economically justified, environmentally acceptable and certifies the project was constructed in accordance with applicable permits and engineering and design standards.

Section 408 authorizes the Secretary of the Army, acting through the Chief of Engineers, to grant permission for the alteration or occupation or use of Corps Civil Works projects (*e.g.,* a federal navigation project) if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project.

Section 10, Section 404, and Section 103 authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits to authorize work in navigable waters of the U.S., to authorize the discharge of dredged of fill material into waters of the U.S., and to authorize the transport of dredged material for the purpose of dumping it into ocean waters, respectively.

The Corps, as the lead agency for compliance with the National Environmental Policy Act (NEPA), has determined the above-listed actions require the preparation of an EIS. The following state and federal agencies may participate as cooperating agencies for the preparation of the EIS: The Bureau of Land Management, U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Environmental Protection Agency, Federal Aviation Administration, the U.S. Coast Guard, Oregon Department of Fish and Wildlife, Oregon Department of Land Conservation and Development, Oregon Department of Environmental Quality. In addition, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, Confederated Tribes of the Siletz Indians, and the Coquille Indian Tribe may participate as cooperating entities on the preparation of the EIS.

3. Project Site and Background. The project site is in Coos Bay, located on the southern coast of Oregon. The Coos Bay Federal Navigation Project was originally authorized by the Rivers and Harbors Act of March 1879. The Coos Bay Federal Navigation Project includes two entrance jetties, the two navigation channels, two turning basins, and pile dikes. The current channel configuration from the ocean entrance to the navigation channel is −47 feet deep, the channel transitions to −37 feet deep between RM 0 to RM 1, then maintains −37 feet deep from RM 1 to RM 15.0. The main channel has a nominal width of 300 feet wide from the ocean inlet to RM 9.2. At RM 9.2, the channel widens to 400 feet and continues at that width to RM 15.0; from RM 15.0 through RM 17.0, the channel decreases to −22 feet deep and 150 feet wide. Advanced

maintenance dredging and allowable overdepth dredging (standard practice on deep draft navigation channels) results in a depth approximately five feet deeper than the authorized depth. The secondary channel, known as the Charleston Channel, is not included in the proposed project.

4. Project Description. The OIPCB proposes to deepen and widen the navigation channel from the ocean to approximately RM 8.2. The project would require the dredging and disposal of approximately 18 million cubic yards of material (sand and rock) to deepen and widen the navigation channel. The proposed navigation channel configuration would be −45 feet deep with a nominal width of 450 feet wide. The entrance to the navigation channel at the ocean would have a nominal width of 1,280 feet and an authorized depth of 57 feet MLLW at its offshore entrance. The channel width would transition to a width of 450 feet at RM 1; this narrowing is continuous from the offshore entrance until RM 1. Upstream of RM 1, the proposed channel would have a nominal width of 450 feet and an authorized depth of 45 feet MLLW. The proposed project design would also accommodate advance maintenance dredging and allowable overdepth dredging of approximately five feet deeper than the proposed depths. The modified channel would have a vessel-turning basin extending from RM 7.3 to RM 7.8. At its full width, the proposed vessel-turning basin is 1,400-feet-long and 1,100-feet-wide, with an authorized depth of 37 feet MLLW. The portion of the channel that intersects this turning basin will have an authorized depth of 45 feet MLLW. The Port proposes to dispose of this dredged material at a newly proposed Ocean Dredged Material Disposal Site located approximately two miles offshore of the navigation channel entrance. The proposed disposal site would have an area of approximately 1,850 acres in water depths ranging from −140 to −320 feet deep. The channel modification project would include improvements to the North Jetty to alleviate impacts from the entrance channel widening, deepening, and lengthening, and to retard erosion at Log-Spiral Bay, by placing rock at the jetty toe and by increasing the size of the rock along the jetty head. The channel modification would also include the relocation and expansion of aids to navigation by relocating and installing new fixed and floating channel and range markers. The Corps will be responsible for the operation and maintenance of these improvements if the Secretary determines the improvements are economically justified, environmentally acceptable and certifies the project was constructed in accordance with applicable permits and engineering and design standards.

5. Alternatives. The draft EIS will evaluate a range of reasonable alternatives. Alternatives may include, but are not limited to, no action, alternative channel widths and depths, and alternative dredged material disposal locations.

6. Other Environmental Reviews and Consultations. Other environmental reviews and consultations for the proposed project may include, but is not limited to, Section 401 of the Clean Water Act, Section 7 of the Endangered Species Act, Section 305 of the Magnuson-Stevens Fishery Conservation and Management Act, Section 307 of the Coastal Zone Management Act, and Section 106 of the National Historic Preservation Act.

7. Scoping Process and Public Comments. The Corps will conduct public scoping (40 CFR 1501.7) to determine the scope of issues (40 CFR 1508.25) to be addressed in the draft EIS and to identify the significant issues related to the proposed project. All interested parties including individuals; organizations; local, state, and federal agencies; and tribes and tribal governments are invited to participate in the scoping process for the draft EIS, which will analyze numerous issues in depth. These issues include, but are not limited to: Navigation, socioeconomics, fish and wildlife, water quality, safety, shoreline erosion and accretion, recreation, and cultural and historic resources. Scoping comments also will be used to develop possible project alternatives. Additional project information is available online at: *www.nwp.usace.army.mil/coast/coos-bay/channel-modification.* All parties are invited to participate in the scoping process to determine the range of issues and alternatives to be addressed. A public scoping meeting will be held on Wednesday, September 13, 2017, from 3–7:30 p.m. at the Coos Bay Public Library, 525 Anderson Ave., Coos Bay, OR 97420. The Corps expects the Draft EIS to be made available to the public in March 2018.

John D. Cunningham,

Major, Corps of Engineers Deputy District Commander.

[FR Doc. 2017–17483 Filed 8–17–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2017–ICCD–0084]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Request for Title IV Reimbursement or Heightened Cash Monitoring 2 (HCM2)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before September 18, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0084. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jo-Anne Cheatom, 202–377–3730.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in

public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Request for Title IV Reimbursement or Heightened Cash Monitoring 2 (HCM2).

OMB Control Number: 1845–0089.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 732.

Total Estimated Number of Annual Burden Hours: 3,660.

Abstract: The collection of this information is needed in order for the Payment Analysts in Federal Student Aid, an office of the U.S. Department of Education, to review and process the institutional payment request for Title IV funds. The Higher Education Act of 1965, as amended (HEA) requires that the Secretary prescribe regulations to ensure that any funds eligible postsecondary institutions receive under the HEA are used solely for the purposes specified in and in accordance with the provision of the applicable program. 34 CFR 668.161 and 668.162 establish the rules and procedures for a participating institution to request, maintain, disburse, and manage Title IV program funds.

Dated: August 15, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–17489 Filed 8–17–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2017–ICCD–0110]

Agency Information Collection Activities; Comment Request; Federal Family Educational Loan Program (FFEL)—Administrative Requirements for States, Not-For-Profit Lenders, and Eligible Lenders Trustees

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before October 17, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0110. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Federal Family Educational Loan Program (FFEL)—Administrative Requirements for States, Not-For-Profit Lenders, and Eligible Lenders Trustees.

OMB Control Number: 1845–0085.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 61.

Total Estimated Number of Annual Burden Hours: 61.

Abstract: The regulations in 34 CFR 682.302(f) assure the Secretary that the integrity of the program is protected from fraud and misuse of funds. These regulations require a State, not-profit entity, or eligible lender trustee to provide to the Secretary a certification on the State or non-profit entity's letterhead, signed by the State or non-profit's Chief Executive Officer, which states the basis upon which the entity meets the regulations. The submission must include the name and lender identification number(s) for which the eligible designation is being certified. Once an entity is approved it must provide an annual recertification notice identifying the name and lender identification number(s) for which designation is being requested.

Dated: August 15, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–17490 Filed 8–17–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2771–014, 2766–012, 2768–012]

Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests: City of Holyoke Gas & Electric Department

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Applications:* License surrender.

b. *Project Nos.:* 2771–014, 2766–012, 2768–012.

c. *Date Filed:* July 21, 2017.

d. *Licensee:* City of Holyoke Gas & Electric Department.

e. *Name of Projects:* Nonotuck Mill Project No. 2771, Albion Mill (D Wheel), Project No. 2766, and Albion Mill (A Wheel) Project No. 2768.

f. *Location:* Holyoke Canal, Hampden County, Massachusetts.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Paul Ducheney, City of Holyoke Gas & Electric Department, 99 Suffolk St., Holyoke, MA 01040, (413) 536–9340.

i. *FERC Contact:* David Rudisail, (202) 502–6376, *david.rudisail@ferc.gov*.

j. Deadline for filing comments, motions to intervene, protests, and recommendations is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–2771–014, P–2766–012, or P–2768–012) on any comments, motions to intervene, protests, or recommendations filed.

k. *Description of Request:* The projects have deteriorated to the point that they can no longer be operated safely. The City of Holyoke has determined that the cost of repairing the projects is not economically feasible, and therefore, petitioned to surrender the licenses for all three projects. The City of Holyoke proposes to shut and secure all gated intake rack structures with concrete, permanently close all tailgate area gates, and disconnect all generating equipment from the projects.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp*. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title Comments, Protest, or Motion To Intervene, as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene or protests should relate to project works which are the subject of the license proposed re-development. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: August 14, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–17460 Filed 8–17–17; 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: ER10–2739–017; ER10–1631–010; ER10–1854–010; ER10–2678–011; ER10–2743–012; ER10–2744–011; ER10–2751–012; ER10–2755–015; ER11–3320–010; ER13–2316–008; ER14–1219–005; ER14–19–009; ER16–1652–005; ER16–1732–004; ER16–2405–004; ER16–2406–004; ER17–1946–003; ER17–989–003; ER17–990–003; ER17–991–003; ER17–992–003; ER17–993–003.

Applicants: LS Power Marketing, LLC, Armstrong Power, LLC, Aurora Generation, LLC, Bath County Energy, LLC, Bluegrass Generation Company, L.L.C., Chambersburg Energy, LLC, Doswell Limited Partnership, Gans Energy, LLC, Helix Ironwood, LLC, Hunlock Energy, LLC, Las Vegas Power Company, LLC, LifeEnergy, LLC, LSP University Park, LLC, Renaissance Power, L.L.C., Riverside Generating Company, L.L.C., Rockford Power, LLC, Rockford Power II, LLC, Seneca Generation, LLC, Springdale Energy, LLC, Troy Energy, LLC, University Park Energy, LLC, West Deptford Energy, LLC.

Description: Notification of Change in Status of the LS PJM MBR Sellers.

Filed Date: 8/10/17.

Accession Number: 20170810–5151.

Comments Due: 5 p.m. ET 8/31/17.

Docket Numbers: ER17–1617–001.

Applicants: Duke Energy Carolinas, LLC.

Description: Tariff Amendment: Response to Deficiency Docket ER17–1617 to be effective 7/19/2017.

Filed Date: 8/11/17.

Accession Number: 20170811–5027.

Comments Due: 5 p.m. ET 9/1/17.

Docket Numbers: ER17–1618–001.

Applicants: Duke Energy Progress, LLC.

Description: Tariff Amendment: Response to Deficiency Letter ER17–1618 to be effective 7/19/2017.

Filed Date: 8/11/17.

Accession Number: 20170811–5024.

Comments Due: 5 p.m. ET 9/1/17.

Docket Numbers: ER17–2283–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: Filing of Terminated AMEA NITSA Amendment Agreement to be effective 5/16/2017.

Filed Date: 8/10/17.

Accession Number: 20170810–5110.

Comments Due: 5 p.m. ET 8/31/17.

Docket Numbers: ER17–2284–000.

Applicants: Liberty Utilities (Granite State Electric) Corp.

Description: § 205(d) Rate Filing: Borderline Sales Rate Sheet Update 2017 to be effective 8/1/2017.

Filed Date: 8/10/17.

Accession Number: 20170810–5122.

Comments Due: 5 p.m. ET 8/31/17.

Docket Numbers: ER17–2285–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits Average System Cost Filing for Sales of Electric Power to the Bonneville Power Administration, FY 2018–2019.

Filed Date: 8/11/17.

Accession Number: 20170811–5025.

Comments Due: 5 p.m. ET 9/1/17.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH17–18–000.

Applicants: LS Power Development, LLC.

Description: LS Power Development, LLC submits FERC 65–B Non-Material Change in Facts of Waiver Notification.

Filed Date: 8/10/17.

Accession Number: 20170810–5142.

Comments Due: 5 p.m. ET 8/31/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 11, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17473 Filed 8–17–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2282–000]

Champion Solar, 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 Champion Solar, 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 31, 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: August 11, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17478 Filed 8–17–17; 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: ER17–1840–000.

Applicants: Canton Mountain Wind, LLC.

Description: Supplement to June 15, 2017 Canton Mountain Wind, LLC tariff filing.

Filed Date: 8/11/17.

Accession Number: 20170811–5094.

Comments Due: 5 p.m. ET 8/21/17.

Docket Numbers: ER17–1879–001.

Applicants: New York Independent System Operator, Inc.

Description: Tariff Amendment: Amendment to June 21, 2017 Ramapo PAR 205 (FID 1299) to be effective 7/1/2017.

Filed Date: 8/11/17.

Accession Number: 20170811–5098.

Comments Due: 5 p.m. ET 9/1/17.

Docket Numbers: ER17–2286–000.

Applicants: New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 205 filing re: Testing of automated fuel swap capability to be effective 11/1/2017.

Filed Date: 8/11/17.

Accession Number: 20170811–5060.

Comments Due: 5 p.m. ET 9/1/17.

Docket Numbers: ER17–2287–000.

Applicants: NorthWestern Corporation.

Description: § 205(d) Rate Filing: SA 827—Agreement for Remediation with GFDA and GFAP (Agritech Park Addition) to be effective 8/12/2017.

Filed Date: 8/11/17.

Accession Number: 20170811–5061.

Comments Due: 5 p.m. ET 9/1/17.

Docket Numbers: ER17–2288–000.

Applicants: Oklahoma Gas and Electric Company.

Description: § 205(d) Rate Filing: Update Depreciation Rates in Transmission Formula Rate to be effective 6/1/2017.

Filed Date: 8/11/17.

Accession Number: 20170811–5070.

Comments Due: 5 p.m. ET 9/1/17.

Docket Numbers: ER17–2289–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits Second Quarter 2017 Capital Budget Report.

Filed Date: 8/11/17.

Accession Number: 20170811–5120.

Comments Due: 5 p.m. ET 9/1/17.

Docket Numbers: ER17–2290–000.

Applicants: Old Dominion Electric Cooperative.

Description: Initial rate filing: Reactive Supply and Voltage Control from Generation Service—Wildcat Point to be effective 10/10/2017.

Filed Date: 8/11/17.

Accession Number: 20170811–5127.

Comments Due: 5 p.m. ET 9/1/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 11, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17474 Filed 8–17–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2281–000]

Swamp Fox Solar, 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 Swamp Fox Solar, 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 31, 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: August 11, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17477 Filed 8–17–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2270–000]

Stuttgart Solar, 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 Stuttgart Solar, 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 31, 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: August 11, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17476 Filed 8–17–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2245–000]

Moffett 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 Moffett 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 31, 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: August 11, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17475 Filed 8–17–17; 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: EC17–157–000.

Applicants: Albany Green Energy, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, Request for Waivers, Request for Confidential Treatment, and Request for Expedited Action of Albany Green Energy, LLC.

Filed Date: 8/11/17.

Accession Number: 20170811–5176.

Comments Due: 5 p.m. ET 9/1/17.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17–138–000.

Applicants: Southampton Solar LLC.

Description: Self-Certification of Exempt Wholesale Generator of Southampton Solar LLC.

Filed Date: 8/11/17.

Accession Number: 20170811–5147.

Comments Due: 5 p.m. ET 9/1/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–1960–001.

Applicants: Duke Energy Florida, LLC, Duke Energy Carolinas, LLC.

Description: Compliance filing: PBOP Settlement Errata Filing to be effective 1/1/2014.

Filed Date: 8/11/17.

Accession Number: 20170811–5129.

Comments Due: 5 p.m. ET 9/1/17.

Docket Numbers: ER17–775–002.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Amendment to Compliance Filing in ER17–775–000 to be effective 2/1/2018.

Filed Date: 8/14/17.

Accession Number: 20170814–5079.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2266–001.

Applicants: ITC Midwest LLC.

Description: Tariff Amendment: Amendment to filing for Joint Use Agreement to be effective 10/9/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5151.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2291–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revisions to OATT and OA re: Pseudo-Tie Agreements to be effective 11/9/2017.

Filed Date: 8/11/17.

Accession Number: 20170811–5157.

Comments Due: 5 p.m. ET 9/1/17.

Docket Numbers: ER17–2292–000.

Applicants: Southampton Solar, LLC.

Description: Baseline eTariff Filing: Baseline—Market-Based Rate Tariff to be effective 10/6/2017.

Filed Date: 8/11/17.

Accession Number: 20170811–5158.

Comments Due: 5 p.m. ET 9/1/17.

Docket Numbers: ER17–2293–000.

Applicants: Midcontinent Independent System Operator, Inc., Otter Tail Power Company.

Description: § 205(d) Rate Filing: 2017–08–14_SA 3029 Minnkota-OTP FCA (L16–02) to be effective 8/8/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5033.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2294–000.

Applicants: Midcontinent Independent System Operator Inc.

Description: § 205(d) Rate Filing: 2017–08–10_SA 3034 East River-NSPM TIA to be effective 11/1/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5061.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2295–000.

Applicants: Summer Solar LLC.

Description: § 205(d) Rate Filing: Shared Facilities Agreement to be effective 8/15/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5100.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2296–000.

Applicants: Antelope Big Sky Ranch LLC.

Description: § 205(d) Rate Filing: Antelope Big Sky Ranch LLC Amended SFA to be effective 8/15/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5110.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2297–000.

Applicants: Antelope DSR 1, LLC.

Description: § 205(d) Rate Filing: Antelope DSR 1, LLC Amended SFA to be effective 8/15/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5111.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2298–000.

Applicants: Antelope DSR 2, LLC.

Description: § 205(d) Rate Filing: Antelope DSR 2, LLC Amended SFA to be effective 8/15/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5112.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2299–000.

Applicants: Antelope DSR 3, LLC.

Description: § 205(d) Rate Filing: Antelope DSR 3, LLC Amended SFA to be effective 8/15/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5115.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2300–000.

Applicants: Bayshore Solar A, LLC.

Description: § 205(d) Rate Filing: Bayshore Solar A, LLC Amended SFA to be effective 8/15/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5116.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2301–000.

Applicants: Bayshore Solar B, LLC.

Description: § 205(d) Rate Filing: Bayshore Solar B, LLC Amended SFA to be effective 8/15/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5117.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2302–000.

Applicants: Bayshore Solar C, LLC.

Description: § 205(d) Rate Filing: Bayshore Solar C, LLC Amended SFA to be effective 8/15/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5118.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2303–000.

Applicants: Elevation Solar C LLC.

Description: § 205(d) Rate Filing: Elevation Solar C LLC Amended SFA to be effective 8/15/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5120.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2304–000.

Applicants: Solverde 1, LLC.

Description: § 205(d) Rate Filing: Solverde 1, LLC Amended SFA to be effective 8/15/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5121.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2305–000.

Applicants: Western Antelope Blue Sky Ranch B LLC.

Description: § 205(d) Rate Filing: Western Antelope Blue Sky Ranch B LLC Amended SFA to be effective 8/15/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5122.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: ER17–2306–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3346 East River Electric/Northern States Power/MISO Int Agr to be effective 11/1/2017.

Filed Date: 8/14/17.

Accession Number: 20170814–5123.

Comments Due: 5 p.m. ET 9/5/17.

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: August 14, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–17459 Filed 8–17–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2005–0023; FRL–9961–97–OW]

Proposed Information Collection Request; Comment Request; Clean Water Act Section 404 State-Assumed Programs; EPA ICR No. 0220.13, OMB Control No. 2040–0168

Correction

In notice document 2017–13905, appearing on pages 30861 through 30862, in the issue of Monday, July 3, 2017, make the following correction:

On page 30861, in the second column, in the **DATES** section, on the second line, ''August 2, 2017'' should read ''September 1, 2017''.

[FR Doc. C1–2017–13905 Filed 8–17–17; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9034–7]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EISs)

Filed 08/07/2017 through 08/11/2017

Pursuant to 40 CFR 1506.9

Notice:

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20170154, Draft, USACE, IL, Great Lakes and Mississippi River Interbasin Study Brandon Road, Comment Period Ends: 10/02/2017, Contact: Andrew Leichty 309–794–5399

EIS No. 20170155, Draft Supplement, USN, WA, Land-Water Interface and Service Pier Extension at Naval Base Kitsap Bangor, Comment Period Ends: 10/02/2017, Contact: Kimberly Kler 360–315–5103

EIS No. 20170156, Final, USN, CA, Disposal and Reuse of the Former Naval Weapons Station Seal Beach, Detachment Concord, Review Period Ends: 09/18/2017, Contact: Erica Spinelli 619–524–5926

EIS No. 20170157, Final Supplement, USFS, MT, Miller West Fisher, Review Period Ends: 09/18/2017, Contact: Denise Beck 406–293–7773 x7504

EIS No. 20170158, Final, DOE, NH, Northern Pass Transmission Line Project, Review Period Ends: 09/18/2017, Contact: Mr. Brian Mills 202–586–8267

EIS No. 20170159, Draft, BOEM, AK, Liberty Development Project, Development and Production Plan in the Beaufort Sea, Comment Period Ends: 11/18/2017, Contact: Frances Mann 907–334–5200

Amended Notices

EIS No. 20170112, Draft Supplement, USACE, AK, Alaska Stand Alone Pipeline Project, Comment Period Ends: 08/29/2017, Contact: Sandy P. Gibson 907–753–2877

Revision to **Federal Register** Notice Published 06/30/2017; Extending Comment Period from 08/14/2017 to 08/29/2017.

Dated: August 15, 2017.

Dawn Roberts,

Management Analyst, Office of Federal Activities.

[FR Doc. 2017–17511 Filed 8–17–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Submitted to the Office of Management and Budget for Emergency Review and Approval

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before September 18, 2017.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov*; and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the Title as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: The Commission is requesting emergency OMB processing of the information collection requirement(s) contained in this notice and has requested OMB approval no later than 35 days after the collection is received at OMB. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of Commission ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the Commission's submission to OMB will be displayed.

OMB Control Number: 3060–XXXX.

Title: Qualified 4G LTE Coverage Data Collection for Mobility Fund Phase II.

Form Number: N/A.

Type of Review: New information collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

Estimated Number of Respondents and Responses: 50 respondents and 50 responses.

Estimated Time per Response: 64 hours.

Frequency of Response: One-time reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for the currently approved information collection is contained in sections 154, 254, and 303(r) of the Communications Act, as amended, 47 U.S.C. 4, 254, 303(r).

Estimated Total Annual Burden: 3,200 hours.

Total Annual Costs: None.

Nature and Extent of Confidentiality: The information collected under this collection is confidential and will not be made publicly available.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: In its November 2011 *USF/ICC Transformation Order* (FCC 11–161), the Commission established the Mobility Fund, which consists of two phases. Mobility Fund Phase I (MF–I) provided one-time universal service support payments to immediately accelerate deployment of mobile broadband services. MF–II will use a reverse auction to provide ongoing universal service support payments to continue to advance deployment of such services. The Commission adopted the rules and framework for MF–I in the *USF/ICC Transformation Order,* and sought comment in an accompanying further notice of proposed rulemaking on the proposed framework for MF–II. In its February 2017 *Mobility Fund II Report and Order* (*MF–II Report and Order*) (FCC 17–11), the FCC adopted the rules and framework for moving forward expeditiously with the MF–II auction. Among other things, the Commission stated in the *MF–II Report and Order* that, prior to the auction, it would establish a map of areas presumptively eligible for MF–II support based on the most recently available FCC Form 477 mobile wireless coverage data, and provide a limited timeframe for parties to challenge those initial determinations during the pre-auction process.

The Commission received serval petitions for reconsideration of the *MF–II Report and Order,* including one asking it to reconsider the decision to use existing FCC Form 477 data as the basis for determining the map of areas presumptively eligible for MF–II support, and offering an industry consensus proposal asking the Commission to undertake a new, one-time data collection with specified data parameters tailored to MF–II to determine the areas in which there is deployment of qualified Long Term Evolution (LTE). On August 4, 2017, the Commission released an *Order on Reconsideration and Second Report and Order* (FCC 17–102) in which it, among other things, reconsidered its earlier decision to use FCC Form 477 data to compile the map of areas presumptively eligible for MF–II support. The Commission decided it would instead conduct a new, one-time data collection of 4G LTE coverage data that will be used for this purpose, concluding that for purposes of implementing MF–II expeditiously, this approach will provide the Commission and interested parties with the best available starting point for the challenge process and should result in fewer and more narrowly-focused challenges regarding representations of coverage.

Only those providers that have previously reported 4G LTE coverage in FCC Form 477 and have qualified 4G LTE coverage (defined by download

speeds of 5 Mbps at the cell edge with 80 percent probability and a 30 percent loading factor) will be required to submit data under this new, one-time information collection. Such providers will be required to file propagation maps and model details with the Commission indicating their current 4G LTE coverage in accordance with a public notice that will be issued in advance of the start of period within which providers must make their filings that provides instructions for how to file the data submission, including a data specification, formatting information, and any other technical parameters that may be necessary for such filings. The Commission will use the new coverage data, in conjunction with subsidy data available from the Universal Service Administrative Company (USAC), to create the map of areas presumptively eligible for MF–II support.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–17439 Filed 8–17–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0798 and 3060–0508]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before September 18, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov*; and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0798.

Title: FCC Application for Radio Service Authorization; Wireless Telecommunications Bureau; Public Safety and Homeland Security Bureau.

Form Number: FCC Form 601.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals and households; Business or other for-profit entities; Not-for-profit institutions; and State, local or tribal governments.

Number of Respondents and Responses: 253,320 respondents and 253,320 responses.

Estimated Time per Response: 0.5–1.25 hours.

Frequency of Response: Recordkeeping requirement, third party disclosure requirement, on occasion reporting requirement and periodic reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 151, 152, 154, 154(i), 155(c), 157, 201, 202, 208, 214, 301, 302a, 303, 307, 308, 309, 310, 311, 314, 316, 319, 324, 331, 332, 333, 336, 534, 535 and 554.

Total Annual Burden: 222,055 hours.

Total Annual Cost: $71,306,250.

Privacy Impact Assessment: Yes.

Nature and Extent of Confidentiality: In general there is no need for confidentiality with this collection of information.

Needs and Uses: FCC Form 601 is a consolidated, multi-part application form that is used for market-based and site-based licensing for wireless telecommunications services, including public safety licenses, which are filed through the Commission's Universal Licensing System (ULS). FCC Form 601 is composed of a main form that contains administrative information and a series of schedules used for filing technical and other information. This form is used to apply for a new license, to amend or withdraw a pending application, to modify or renew an existing license, cancel a license, request a duplicate license, submit required notifications, request an extension of time to satisfy construction requirements, or request an administrative update to an existing

license (such as mailing address change), request a Special Temporary Authority or Developmental License. Respondents are encouraged to submit FCC Form 601 electronically and are required to do so when submitting FCC Form 601 to apply for an authorization for which the applicant was the winning bidder in a spectrum auction. The data collected on FCC Form 601 includes the FCC Registration Number (FRN), which serves as a ''common link'' for all filings an entity has with the FCC. The Debt Collection Improvement Act of 1996 requires entities filing with the Commission use an FRN.

On November 7, 2014, the Federal Communications Commission (''Commission'') released a Report and Order and Further Notice of Proposed Rulemaking (FCC 14–181) in WT Docket No. 12–40 to reform its rules governing the 800 MHz Cellular Radiotelephone (Cellular) Service. Subsequently, on March 24, 2017, the Commission released a Second Report and Order (FCC 17–27) in that same proceeding, revising certain technical and licensing rules applicable to the Cellular Service (Cellular Second R&O). In addition to rule revisions that do not affect this information collection, in the Cellular Second R&O, the Commission adopted revised radiated power rules, giving Cellular licensees the option to comply with effective radiated power limits based on power spectral density (PSD), and it made conforming changes to related technical provisions to accommodate PSD. The Commission retained, as an option, the existing radiated power limits (non-PSD) and related technical requirements for Cellular licensees that either cannot or choose not to use a PSD model. The Commission also revised the definition and filing requirements for permanent discontinuance of operations, consistent with transitioning the Cellular Service from a site-based regime to one that is geographic-based.

The Commission now seeks approval for revisions to its currently approved collection of information under OMB Control Number 3060–0798 to permit the collection of PSD-related technical information (in lieu of certain non-PSD technical information) for Cellular Service licensees that opt to use a PSD model for their systems, pursuant to the Cellular Second R&O. We are revising Schedule F of Form 601 accordingly to allow licensees to request modifications to their licenses based on PSD operations. We do not anticipate that this revision will have any impact on the burden to complete the form/Schedule F.

The Commission therefore seeks approval for a revision to its currently approved information collection on FCC Form 601 to revise FCC Form 601 accordingly.

OMB Control Number: 3060–0508.

Title: Parts 1 and 22 Reporting and Recordkeeping Requirements.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, Individuals or households, and State, Local or Tribal Governments.

Number of Respondents and Responses: 15,465 respondents; 16,183 responses.

Estimated Time per Response: 0.017 hours–10 hours.

Frequency of Response: Recordkeeping requirement; On occasion, quarterly, and semi-annual reporting requirements.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154, 222, 303, 309 and 332.

Total Annual Burden: 4,406 hours.

Annual Cost Burden: $19,138,350.

Privacy Act Impact Assessment: Yes.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information. The information to be collected will be made available for public inspection. Applicants may request materials or information submitted to the Commission be given confidential treatment under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: Part 22 contains the technical and legal requirements for radio stations operating in the Public Mobile Services. The information collected is used to determine on a case-by-case basis, whether or not to grant licenses authorizing construction and operation of wireless telecommunications facilities to common carriers. Further, this information is used to develop statistics about the demand for various wireless licenses and/or the licensing process itself, and occasionally for rule enforcement purposes.

This revised information collection reflects changes in rules applicable to Part 22 800 MHz Cellular Radiotelephone (''Cellular'') Service licensees and applicants, as adopted by the Commission in a Second Report and Order in WT Docket No. 12–40 and a companion Report and Order in WT Docket No. 10–112 concerning the Wireless Radio Services (WRS), which include the Cellular Service among others (WRS R&O) (FCC 17–27). The Cellular Second R&O and WRS R&O revised or eliminated certain licensing rules and modernized outdated technical rules applicable to the Cellular Service. Specifically, in addition to rule revisions that do not affect this information collection, in the Cellular Second R&O, the Commission revised the Cellular radiated power rules, giving licensees the option to comply with effective radiated power limits based on power spectral density (PSD), and giving licensees the additional option to operate at PSD limits above a specified threshold (Higher PSD Limits) so long as certain conditions are met. One of these conditions, set forth in a new provision of the Cellular rules, is a requirement for written advance notification to public safety entities within a specified radius of the cell sites to be deployed at the Higher PSD Limits. This third-party disclosure requirement is an important component of the Commission's approach to protecting public safety entities from increased potential for unacceptable interference to their communications. Also in the Cellular Second R&O and of relevance to this information collection, the Commission eliminated the requirement for filings for certain changes to cell sites in a Cellular system. In the WRS R&O, the Commission deleted the Part 22 Cellular comparative hearing/license renewal rules, resulting in discontinued information collections for the following rule sections: 22.935, 22.936, 22.939, and 22.940.

The Commission is now seeking approval from the Office of Management and Budget (''OMB'') for a revision of this information collection.

Federal Communications Commission.

Marlene H. Dortch,

Secretary. Office of the Secretary.

[FR Doc. 2017–17444 Filed 8–17–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1201 and 3060–xxxx]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general

public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before September 18, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1201.

Title: Video Relay Services, CG Docket Nos. 10–51 & 03–123.

Form Number: N/A.

Type of Review: Revision of currently approved collection.

Respondents: Business or other for-profit entities; Individuals or households; Not-for-profit institutions.

Number of Respondents and Responses: 135,350 respondents; 2,395,180 responses.

Estimated Time per Response: 3 minutes (.05 hours) to 300 hours.

Frequency of Response: Annual, monthly, on-going, one-time, and quarterly reporting requirements; Recordkeeping requirement, Third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this information collection is section 225 of the Communications Act, 47 U.S.C. 225. The law was enacted on July 26, 1990, as Title IV of the Americans with Disabilities Act of 1990 (ADA), Public Law 101–336, 104 Stat. 327, 366–69.

Total Annual Burden: 473,809 hours.

Total Annual Cost: $41,000.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's updated system of records notice (SORN), FCC/CGB–4, ''Internet-based Telecommunications Relay Service-User Registration Database (ITRS–URD).'' As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB–4 ''Internet-based Telecommunications Relay Service-User Registration Database (ITRS–URD),'' in the **Federal Register** on February 9, 2015 (80 FR 6963) which became effective on March 23, 2015.

Privacy Impact Assessment: This information collection affects individuals or households. As required by the Office of Management and Budget Memorandum M–03–22 (September 26, 2003), the FCC is in the process of completing the Privacy Impact Assessment.

Needs and Uses: On June 10, 2013, the Commission released Structure and Practices of the Video Relay Service Program et al., FCC 13–82, published at 78 FR 40582, July 5, 2013 (2013 VRS Reform Order), adopting further measures to improve the structure, efficiency, and quality of the video relay service (VRS) program, reducing the noted inefficiencies in the program, as well as reducing the risk of waste, fraud, and abuse, and ensuring that the program makes full use of advances in commercially-available technology. In this Order, the Commission (1) required reporting of unauthorized and unnecessary use of VRS; (2) required provider certification of annual compliance plans; (3) established a central telecommunications relay services (TRS) user registration database (TRS–URD) which incorporates a centralized eligibility verification requirement to ensure accurate registration and verification of users, as well as per-call validation, to achieve more effective prevention of waste, fraud, and abuse; (4) established procedures to prevent unauthorized changes of a user's default TRS provider; and (5) established procedures to protect TRS users' customer proprietary network information (CPNI) from disclosure.

On March 23, 2017, the Commission released Structure and Practices of the Video Relay Services Program et al., FCC 17–26, published at 82 FR 17754, April 13, 2017, (2017 VRS Improvements Order), which among other things, (1) allows VRS providers to assign TRS Numbering Directory 10-digit telephone numbers to hearing individuals for the limited purpose of making point-to-point video calls, and (2) gives VRS providers the option to participate in an at-home call handling pilot program, subject to certain limitations, as well as recordkeeping and reporting requirements.

OMB Control Number: 3060–xxxx.

Title: Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification requirement for certain contraband interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), Good faith negotiations.

Form No.: N/A.

Type of Review: New collection.

Respondents: Businesses or other for profit entities and state, local or Tribal Governments.

Number of Respondents and Responses: 26 respondents and 28 responses.

Estimated Time per Response: 8–16 hours.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: There is no obligation to respond; response required to obtain benefits. The statutory authority for this collection is contained in 47 U.S.C. 151, 152, 154(i), 154(j), 301, 302a, 303, 307, 308, 309, 310, and 332.

Total Annual Burden: 325 hours.

Annual Cost Burden: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On March 24, 2017, the Federal Communications Commission released a Report and Order, Promoting Technological Solutions to Combat Contraband Wireless Devices in Correctional Facilities, GN Docket No. 13–111, FCC 17–25 (Report and Order), in which the Commission took important steps to help law enforcement combat the serious threats posed by the illegal use of contraband wireless devices by inmates. Across the country, inmates have used contraband devices to order hits, run drug operations, operate phone scams, and otherwise engage in criminal activity that endangers prison employees, other inmates, and innocent members of the public. In the Report and Order, the Commission streamlined the process of deploying contraband wireless device interdiction systems—systems that use radio communications signals requiring Commission authorization—in correctional facilities. The action will reduce the cost of deploying solutions and ensure that they can be deployed more quickly and efficiently. In particular, the Commission waived certain filing requirements and provided for immediate approval of the spectrum lease applications needed to operate these systems.

The effectiveness of Contraband Interdiction System (CIS) deployment requires all carriers in the relevant area of the correctional facility to execute a spectrum lease with the CIS provider. Even if the major Commercial Mobile Radio Services (CMRS) licensees negotiate expeditiously and in good faith, if one CMRS licensee in the area fails to engage in lease negotiations in a reasonable time frame or at all, the CIS solution will not be effective. The lack of cooperation of even a single wireless provider in a geographic area of a correctional facility can result in deployment of a system with insufficient spectral coverage, subject to abuse by inmates in possession of contraband wireless devices operating on frequencies not covered by a spectrum lease agreement. While some carriers have been cooperative, it is imperative that all CMRS licensees be required to engage in lease negotiations in good faith and in a timely fashion. Therefore, the Commission adopted a rule requiring that CMRS licensees negotiate in good faith with entities seeking to deploy a CIS in a correctional facility. If, after a 45 day period, there is no agreement, CIS providers seeking Special Temporary Authority (STA) to operate in the absence of CMRS licensee consent may file a request for STA with the Wireless Telecommunications Bureau (WTB), with a copy served at the same time on the CMRS licensee, accompanied by evidence demonstrating its good faith, and the unreasonableness of the CMRS licensee's actions, in negotiating an agreement. The CMRS licensee may then file a response with WTB, with a copy served on the CIS provider at that time, within 10 days of the filing of the STA request.

The supplementary information provided along with the STA application by the CIS provider will be used by WTB to determine whether the CIS provider has negotiated in good faith, yet the CMRS licensee has not negotiated in good faith. The CMRS licensee may use the evidence accompanying the STA application to craft a response. WTB will analyze the evidence from the CIS providers and the CMRS licensee's response to determine whether to issue STA to the entity seeking to deploy the CIS.

The Commission explored whether it should impose a requirement that the community in the vicinity of a correctional facility where a CIS is installed be notified of the installation. The Commission explained that a goal of the proceeding is to expedite the deployment of technological solutions to combat the use of contraband wireless devices, not to impose unnecessary barriers to CIS deployment. Consistent with that goal, the Commission found that a flexible and community-tailored notification requirement for certain CISs outweighed the minimal burden of notification and furthered the public interest. After careful consideration of the record, the Commission imposed a rule that, 10 days prior to deploying a CIS that prevents communications to or from mobile devices, a lessee must notify the community in which the correctional facility is located, and the Commission amended its spectrum leasing rules to reflect this requirement. The Commission agreed with commenters that support notification of the surrounding community due to the potential for accidental call blocking and the public safety issues involved. The information provided in the notification will put the houses and businesses in the surrounding community on notice that a CIS will be deployed in the vicinity that has the potential for accidental call blocking.

Acknowledging the importance of ensuring the availability of emergency 911 calls from correctional facilities, and the fact that delivering emergency calls to public safety answering points (PSAPs) facilitates public safety services and generally serves the public interest, the Commission amended its rules to require that CIS providers regulated as private mobile radio service (PMRS) must route all 911 calls to the local PSAP. That said, the Commission also acknowledged the important role state and local public safety officials play in the administration of the 911 system. Accordingly, although the CIS provider is required to pass through emergency 911 calls, the PSAPs can inform the CIS provider that they do not want to receive calls from a given correctional facility. By allowing the PSAPs to decline the emergency 911 calls, the Commission recognized the reported increased volume of PSAP harassment through repeated inmate fraudulent 911 calls. The information provided by the PSAP or emergency authority will result in the CIS provider not passing through E911 calls from a particular correctional facility.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–17443 Filed 8–17–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before September 18, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov*; and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov*. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–XXXX.

Title: Reasonable Accommodation Requests.

Form Numbers: FCC Form 5626 and FCC Form 5627.

Type of Review: New collection.

Respondents: Individuals.

Number of Respondents and Responses: 60 respondents and 60 responses.

Estimated Time per Response: 5 hours for FCC Form 5626 and 0.16 hours for FCC Form 5627.

Frequency of Response: One-time reporting requirement.

Obligation To Respond: Voluntary. Statutory authority for these collections are contained in 29 U.S.C. 791, Executive Order 13164, and 65 FR 46565 (Jul. 28, 2000).

Total Annual Burden: 312 hours.

Total Annual Cost: $900.

Privacy Impact Assessment: The FCC is drafting a Privacy Impact Assessment to cover the personally identifiable information (PIA) that will be collected, used, and stored.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: FCC employees and applicants for employment who have a condition that qualifies as a disability may seek an accommodation to perform the essential functions of their position by completing FCC Form 5626 and FCC Form 5627.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–17440 Filed 8–17–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request (3064–0198)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 the renewal of the existing information collection, as required by the Paperwork Reduction Act of 1995. Currently, the FDIC is soliciting comment on renewal of the information collection described below.

DATES: Comments must be submitted on or before October 17, 2017.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Jennifer Jones (202–898–6768), Counsel, MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy

of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jennifer Jones, at the FDIC address above.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collections of information:

1. *Title:* Information Collection for Qualitative Research.

OMB Number: 3064–0198.

Form Number: None.

Affected Public: Consumers and financial services providers.

Burden Estimate:

2017 SUMMARY OF ANNUAL BURDEN

[3064–0198]

	Number of sessions	Participants/ session	Hours/session (incl. intake form)	Travel time	Burden hours/year
Method:					
In-Person Focus Groups	50	10	1.75	1.50	1,625
In-Person Interviews	50	1	1	1.50	125
Phone Interviews	60	1	1	0	60
Virtual Collection	1	50	1.50	0	75
Cognitive Testing	4	25	2.00	1.50	350
Total hourly burden					2,235

General Description of Collection: The FDIC plans to collect information from consumers and financial services providers through qualitative research methods such as focus groups, in-depth interviews, and/or qualitative virtual methods. The information collected will be used to deepen the FDIC's understanding of the knowledge, experiences, behaviors, capabilities, and preferences of consumers of financial services. These qualitative research methods will also contribute to the FDIC's understanding of how consumers, including those who are financially underserved, use a range of different types of bank and non-bank financial services. Interviews of financial services providers are intended to provide greater insight into the providers' perceptions of the opportunities and challenges of providing an array of financial services and products. These qualitative methods will also provide an opportunity to test and improve other survey efforts conducted by the FDIC. The FDIC does not intend to use qualitative research to measure or quantify results.

Participation in this information collection will be voluntary and conducted in-person, by phone, or using other methods, such as virtual technology. The FDIC plans to retain an experienced contractor(s) to recommend the most appropriate collection method based on the objectives of each qualitative research effort. The FDIC will consult with OMB regarding each specific information collection during the approval period.

Request for Comment

Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 15th day of August 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–17464 Filed 8–17–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request (3064–0015)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: 30-Day Notice and request for comment.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) will submit 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 proposed information collection was previously published in the **Federal Register** on May 31, 2017, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until September 18, 2017.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Email: comments@fdic.gov.* Please include the name and OMB control number of the relevant information collection in the subject line of the message.
- *Mail:* Manny Cabeza, Counsel, Room MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, attention FDIC Desk Officer, New Executive Office Building, Washington DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time,

have suggestions, need a copy of any proposed information collection instrument and instructions, or desire any other additional information, please contact Manny Cabeza, Counsel, FDIC Legal Division either by mail at Room MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429; by email at *mcabeza@fdic.gov;* or by telephone at (202) 898–3767.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. All comments received will become a matter of public record. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

—Evaluate whether and if so, how, the quality, utility, and clarity of the information to be collected can be enhanced; and

—Ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

Overview of the Information Collection Request

1. *Title:* Interagency Bank Merger Act Application.

OMB Number: 3064–0015.

Type: Extension, without change, of a currently approved collection.

Form: Interagency Bank Merger Act Application.

Affected Public: Individuals or households; business or other for profit; Insured state nonmember banks and state savings associations.

Estimated Burden:

	Number of annual respondents	Frequency of response	Hours per response	Total estimated annual hours
Affiliated	134	On Occasion	18	2,412
Nonaffiliated	162	On Occasion	30	4,860
Total	296			7,272

General Description of Collection: The Interagency Bank Merger Act Application form is used by the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and the Comptroller of the Currency for applications under section 18(c) of the Federal Deposit Insurance Act (FDIA), as amended (12 U.S.C. 1828(c)). The application is used for a merger, consolidation, or other combining transaction between nonaffiliated parties as well as to effect a corporate reorganization between affiliated parties (affiliate transaction). There is a different level of burden for each of the two types of merger transactions, nonaffiliated and affiliated. An affiliate transaction refers to a merger, consolidation, other combination, or transfer of any deposit liabilities, between depository institutions that are controlled by the same holding company. It includes a business combination between a depository institution and an affiliated interim institution. Applicants proposing affiliate transactions are required to provide less information than applicants involved in the merger of two unaffiliated entities. If depository institutions are not controlled by the same holding company, the merger transaction is considered nonaffiliated. There is no change in the method or substance of the collection. The estimated time to complete the application remains the same. The change in estimated annual burden is due solely to economic fluctuations that have resulted in an increase in the number of applications received annually.

Dated at Washington, DC, this 15th day of August, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–17465 Filed 8–17–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 5, 2017.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Aaron T. Boyken, individually, and together as a group acting in concert with the Allan J. Boyken Revocable Bank Stock Trust, with Allan J. Boyken as trustee; the F. Joy Boyken 2010 Trust, with Allan J. Boyken as trustee; and the F. Joy Boyken Revocable Bank Stock Trust, with F. Joy Boyken as trustee, all of Titonka, Iowa;* to acquire voting shares of Titonka Bancshares, Inc. and thereby acquire shares of Titonka Savings Bank, both of Titonka, Iowa.

B. Federal Reserve Bank of Minneapolis (Brendan S. Murrin, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Brian Solsrud, North Oaks, Minnesota;* to acquire shares of Flathead Lake Bancorporation, Inc., Polson, Montana, and thereby indirectly control First Citizens Bank of Polson, National Association, Polson, Montana.

Board of Governors of the Federal Reserve System, August 15, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–17506 Filed 8–17–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the voluntary Ongoing Intermittent Survey of Households (FR 3016; OMB No. 7100–0150).

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. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: 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.

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.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Report

Report title: Ongoing Intermittent Survey of Households.

Agency form number: FR 3016.

OMB control number: 7100–0150.

Frequency: Monthly.

Respondents: Households and individuals.

Estimated number of respondents: 500.

Estimated average hours per response: 1.58 minutes.

Estimated annual burden hours: 158 hours.

General Description of Report: The Board uses this voluntary survey to obtain household-based information specifically tailored to the Board's policy, regulatory, and operational responsibilities. The Board primarily uses the survey to study consumer financial decisions, attitudes, and payment behavior. Currently, the University of Michigan's Survey Research Center (SRC) includes survey questions on behalf of the Board in an addendum to their regular monthly Survey of Consumer Attitudes and Expectations. The SRC conducts the survey by telephone with a sample of 500 households and asks questions of special interest to the Board.

Legal authorization and confidentiality: The Board's Legal Division has determined that Section 2A of the Federal Reserve Act (FRA) requires that the Federal Reserve Board and the Federal Open Market Committee maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates (12 U.S.C. 225a). Under section 12A of the FRA, the Federal Open Market Committee is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country (12 U.S.C. 263). Because the Board and the Federal Open Market Committee use the information obtained on the FR 3016 to fulfill these obligations, these statutory provisions provide the legal authorization for the collection of information on the FR 3016. The FR 3016 is a voluntary survey. No issue of confidentiality normally arises under the FR 3016, as names and any other characteristics that would permit personal identification of respondents are not reported to the Board. However, should the Board obtain such information, it would likely be exempt under exemption 6 of the Freedom of Information Act (5 U.S.C. 552(b)(6)) to the extent that it includes ''personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.''

Current actions: On May 22, 2017 the Board published a notice in the **Federal Register** (82 FR 23249) requesting public comment for 60 days on the extension, with revision, of the Ongoing Intermittent Survey of Households. The Board proposed to eliminate the Division of Consumer and Community Affairs and other divisions' SRC surveys, as well as non-SRC surveys, as these surveys have not been conducted since 2010 and are not expected to be utilized in the next several years. The comment period for this notice expired on July 21, 2017. The Board did not receive any comments. The revisions will be implemented as proposed.

Board of Governors of the Federal Reserve System, August 15, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–17480 Filed 8–17–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of Board Member Meeting

Agenda

Federal Retirement Thrift Investment Board, Federal Retirement Thrift Investment Board Members' Meeting, August 28, 2017, 10:00 a.m. (Telephonic).

Open Session

1. Approval of the Minutes for the July 24, 2017 Board Members' Meeting
2. Monthly Reports
   (a) Participant Activity
   (b) Investment Performance
   (c) Legislative Report
3. Quarterly Reports
   (a) Metrics
   (b) Project Activity
   (c) Audit Status
4. 2017–2018 Calendar Review
5. Blended Retirement Update
6. IT Update

Adjourn

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: August 16, 2017.

Megan Grumbine,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2017–17669 Filed 8–16–17; 4:15 pm]

BILLING CODE 6760–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (''OMB'') for review, as required by the Paperwork Reduction Act (''PRA''). The FTC is seeking public comments on its proposal to extend for an additional three years its OMB clearance for the information collection requirements contained in its Trade Regulation Rule on Disclosure Requirements and Prohibitions Concerning Franchising (''Franchise Rule'' or ''Rule''). That clearance expires on November 30, 2017.

DATES: Comments must be submitted by September 18, 2017.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Franchise Rule, PRA Comment, FTC File No. P094400'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/franchiserulePRA2*, by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Craig Tregillus, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Mailstop CC–8528, Washington, DC 20580, (202) 326–2970.

SUPPLEMENTARY INFORMATION:

Title: Franchise Rule, 16 CFR part 436.

OMB Control Number: 3084–0107.

Type of Review: Extension of currently approved collection.

Abstract: On June 6, 2017, the Commission sought comment on the information collection requirements associated with the Franchise Rule. 82 FR 26103. No relevant comments were received. Pursuant to the OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing a second opportunity for the public to comment while seeking OMB approval to renew the pre-existing clearance for the Rule.

Estimated Annual Burden: 16,750 hours.

Estimated Number of Respondents, Estimated Average Burden per Year per Respondent: (250 new franchisors × 30 hours of annual disclosure burden) + (2,250 established franchisors × 3 hours of average annual disclosure burden) + (2,500 franchisors × 1 hour of annual recordkeeping burden).[1]

Estimated Annual Labor Cost: $3,600,000.

Estimated Capital or Other Non-Labor Cost: $8,000,000.

Request for Comment: You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before September 18, 2017. Write ''Franchise Rule, PRA Comment, FTC File No. P094400'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/franchiserulePRA2* by following the instructions on the web-based form. When this Notice appears at *http://www.regulations.gov/#!home*, you also may file a comment through that Web site.

If you file your comment on paper, write ''Franchise Rule, PRA Comment, FTC File No. P094400'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610, Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Web site at *https://www.ftc.gov/*, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Web site—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

[1] The details and assumptions underlying these estimates and for estimated annual labor and non-labor costs were set forth in the June 6, 2017 **Federal Register** notice.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before September 18, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy*.

Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail are subject to delays due to heightened security precautions. Thus, comments instead can also be sent via email to *wliberante@omb.eop.gov*.

David C. Shonka,

Acting General Counsel.

[FR Doc. 2017–17445 Filed 8–17–17; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality to request that the Office of Management and Budget approve the proposed information collection project: ''*TeamSTEPPS 2.0 Online Master Trainer Course.*''

This proposed information collection was previously published in the **Federal Register** on May 18, 2017, and allowed 60 days for public comment. AHRQ did not receive any substantive comments. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by September 18, 2017.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by email at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk officer).

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov*.

SUPPLEMENTARY INFORMATION:

Proposed Project

TeamSTEPPS 2.0 Online Master Trainer Course

This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''*TeamSTEPPS 2.0 Online Master Trainer Course.*'' In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), AHRQ invites the public to comment on this proposed information collection. As part of its effort to fulfill its mission goals, AHRQ, in collaboration with the U.S. Department of Defense's TRICARE Management Activity, developed TeamSTEPPS® (Team Strategies and Tools for Enhancing Performance and Patient Safety) to provide an evidence-based suite of tools and strategies for training teamwork-based patient safety to health care professionals. TeamSTEPPS includes multiple toolkits, which are all tied to, or are variants of, the core curriculum. TeamSTEPPS resources have been developed for primary care, rapid response systems, long-term care, and patients with limited English proficiency.

The main objective of the TeamSTEPPS program is to improve patient safety by training health care staff in various teamwork, communication, and patient safety concepts, tools, and techniques and ultimately helping to build national capacity for supporting teamwork-based patient safety efforts in health care organizations.

Created in 2007, AHRQ's National Implementation Program trains Master Trainers who have stimulated the use and adoption of TeamSTEPPS in health care delivery systems. These individuals were trained during two-day, in-person classes using the TeamSTEPPS core curriculum at regional training centers across the U.S. AHRQ has also provided technical assistance and consultation on implementing TeamSTEPPS and has developed user networks, various educational venues, and other channels of learning for continued support and the improvement of teamwork in health care. Since the inception of the National Implementation Program, AHRQ has trained more than 6,000 participants to serve as TeamSTEPPS Master Trainers.

The success of the National Implementation Program resulted in increased requests for in-person training, with wait lists for training at times exceeding 500 individuals. AHRQ has been unable to match the demand for TeamSTEPPS Master Training.

To address this prevailing need, AHRQ developed TeamSTEPPS 2.0 Online Master Trainer course, which mirrors the TeamSTEPPS 2.0 core curriculum and provides equivalent training to the in-person classes offered through the National Implementation Program.

As part of this initiative, AHRQ seeks to continue to conduct an evaluation of the TeamSTEPPS 2.0 Online Master Trainer program. This evaluation seeks to understand the effectiveness of TeamSTEPPS 2.0 Online Master Training and what revisions might be required to improve the training program.

This research has the following goals:

(1) Conduct a formative assessment of the TeamSTEPPS 2.0 Online Master Trainer program to determine what improvements should be made to the training and how it is delivered, and

(2) Identify how trained participants use and implement the TeamSTEPPS tools and resources.

The TeamSTEPPS 2.0 Online Master Trainer program is led by Reingold, Inc. This study is being conducted by Reingold's subcontractor, IMPAQ International (IMPAQ). This study is being conducted pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness, and value of health care services and with respect to quality measurement and improvement, 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve this project's goals, AHRQ will train participants using the TeamSTEPPS 2.0 Online Master Trainer program and then survey these participants 6 months post-training. Each activity is briefly described below.

1. *TeamSTEPPS 2.0 Online Master Trainer Course.* This training program, which includes 13 accredited hours of

training, is based on the TeamSTEPPS 2.0 instructional materials and will be delivered online to 3,000 participants. The training will cover the core TeamSTEPPS tools and strategies, coaching, organizational change, and implementation science.

2. *TeamSTEPPS 2.0 Online Post-Training Survey.* This online instrument will be administered to all participants who complete the TeamSTEPPS 2.0 Online Master Training. The survey will be administered 6 months after participants complete the training program.

This data collection is for the purpose of conducting an evaluation of the TeamSTEPPS 2.0 Online Master Trainer program which was last approved by OMB on November 14, 2014 (OMB Control Number is 0935–0224), and will expire November 30, 2017. The evaluation is primarily formative in nature as AHRQ seeks information to improve the delivery of the training.

This is a new data collection for the purpose of conducting an evaluation of TeamSTEPPS 2.0 Online Master Trainer program. The evaluation will be primarily formative in nature as AHRQ seeks information to improve the delivery of the training.

The OMB Control Number for the MEPS–HC and MPC is 0935–0118, which was last approved by OMB on December 20, 2012, and will expire on December 31, 2015.

To conduct the evaluation, the *TeamSTEPPS 2.0 Online Post-Training Survey* will be administered to all individuals who completed the TeamSTEPPS 2.0 Online Master Trainer program, 6 months after completing training. The purpose of the survey is to assess the degree to which participants felt prepared by the training and what they did to implement TeamSTEPPS. Specifically, participants will be asked about their reasons for participating in the program; the degree to which they feel the training prepared them to train others in and use TeamSTEPPS; what tools they have implemented in their organizations; and resulting changes they have observed in the delivery of care.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondent's time to participate in the study. The *TeamSTEPPS 2.0 Online Post-Training Survey* will be completed by approximately 3,000 individuals. We estimate that each respondent will require 20 minutes to complete the survey. The total annualized burden is estimated to be 1,000 hours.

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to participate in the study. The total cost burden is estimated to be $45,320.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Training participant questionnaire	3,000	1	20/60	1,000
Total	3,000	N/A	N/A	1,000

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Training participant questionnaire	3,000	1,000	$45.32	$45,320
Total	3,000	1,000	N/A	$45,320

* Based on the mean of the average wages for all health professionals (29–0000) and wages for medical and health services managers (11–9111) for the training participant questionnaire presented in the National Compensation Survey: Occupational Wages in the United States, May 2016, U.S. Department of Labor, Bureau of Labor Statistics (*https://www.bls.gov/oes/current/oes_nat.htm*).

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2017–17502 Filed 8–17–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–17ABD]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov*. Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Backyard Integrated Tick Management Project—Existing Collection in Use without an OMB Number—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The combined number of confirmed and probable Lyme disease cases has exceeded 30,000 in all years since 2008, and recent estimates suggest that the true number of Lyme disease cases may be 10-fold higher. There is no Lyme disease vaccine for use in humans and prevention of infection is therefore completely reliant on personal protective measures (avoiding tick habitat, use of repellent, tick checks or prompt tick removal, etc.), and methods to suppress vector ticks in the environment.

The primary goal of this project is to evaluate the effectiveness of specific tick/pathogen control methods used on single versus multiple adjacent properties on the risk of human exposure to ticks. The secondary goal is to better understand human landscape use patterns and tick exposure locations. The project was initiated in direct response to knowledge gaps, identified by CDC Subject Matter Experts, for the use of integrated tick vector/rodent reservoir management to reduce human risk of exposure to Ixodes scapularis ticks, the sole vector of Lyme disease in the Northeast.

Resulting data is intended to be used to provide suggestions for improving tick/pathogen control methods used in the environment.

Information will be collected, under protocols approved by the Institutional Review Boards (IRBs) at Western Connecticut State University (WCSU) and the University of Rhode Island (URI), from inhabitants of residential properties to (i) compare the effectiveness of an integrated tick management approach at single-treated residential properties vs. contiguously-treated residential properties to reduce human tick bites, and (ii) increase the understanding of where people encounter ticks, both near their homes and in other outdoor settings.

Another potential positive outcome of the information collection is more effective targeting of tick control efforts to high-risk areas, minimizing pesticide use. Not collecting the information would lead to inadequate evaluation of the implemented integrated tick management program (solely focusing on host-seeking ticks collected from the vegetation), as well as the unacceptable status quo for detailed knowledge of where people encounter ticks within their residential properties and on the residential properties versus elsewhere.

Information will be collected by WCSU and URI researchers from inhabitants (adults and children) of participating residential properties (freestanding homes with tick habitat on the property) located in Connecticut and Rhode Island. Consenting participants will complete one introductory survey by telephone, projected to last no more than 15 minutes. In May–August of Years 1–4, participants will also complete an emailed monthly tick encounter survey about the number of ticks found on each member of the household and each household member's tick-borne disease status, projected to take no more than 10 minutes per month to complete. An end-of-season survey will also be administered in March/April each year, projected to take no more than 10 minutes to complete.

In addition, participants will be asked to record location of daily activity on behalf of themselves and household members each day over the first week of June in a single year via emailed daily surveys, projected to take 70 minutes over the week of participation. Lastly, an end-of-study survey will be administered in September 2020, projected to take no more than 15 minutes. In total, we expect approximately two hours or less of total time spent on surveys by consented participants in each year of the study. All survey instruments have also been approved by the IRBs at WCSU and URI.

The collection of information is conducted by WCSU, and its subcontractor, URI, as part of a Cooperative Agreement with the CDC (1U01CK0004912–01). The Cooperative Agreement was established based on WCSU competing successfully for CDC RFA–CK–16–002 (Spatially Scalable Integrated Tick Vector/Rodent Reservoir Management to Reduce Human Risk of Exposure to Ixodes scapularis Ticks Infected with Lyme Disease Spirochetes).

This study is authorized by Section 301 of the Public Health Service Act (42 U.S.C. 241).

There is no cost to respondents other than the time to participate. The total estimated annual burden hours are 557.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Households or Individuals	Eligibility Survey	125	1	15/60
	Introductory Survey (including Consent Form)	58	1	30/60
	Monthly Surveys	230	4	10/60
	Daily Surveys	230	7	10/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
	Annual End of Year Survey	230	1	15/60
	Final Survey	58	1	15/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–17519 Filed 8–17–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–17ABC]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov*. Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Zika Postpartum Emergency Response Survey (ZPER), Puerto Rico, 2017—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In December 2015, the Puerto Rico Department of Health (PRDH) reported the first locally acquired (index) case of Zika virus disease in the United States. Since then, 38,733 cases have been confirmed in Puerto Rico, including 3,076 among pregnant women. Because the most common mosquito vector of Zika virus, Aedes aegypti, is present throughout Puerto Rico, Zika virus transmission is ongoing. The island has been designated at the highest level of risk according to a 3-tiered Zika virus infection risk scale developed by CDC's Emergency Operations Center.

While pregnant women do not differ from the general population in terms of susceptibility to Zika virus infection or severity of disease, they are at risk for adverse pregnancy and birth outcomes associated with Zika virus infection during pregnancy. After review of the available evidence, CDC concluded that Zika virus infection during pregnancy is a cause of microcephaly and other brain defects.

Given the adverse pregnancy and birth outcomes associated with Zika virus infection during pregnancy, it is more important than ever to understand the Zika-related concerns of pregnant women, interactions regarding Zika between pregnant women and their health care providers, sources of information that pregnant women consult regarding Zika virus, and use of recommended precautions by pregnant women to reduce the risk of exposure to Zika virus. This information was successfully collected for the first time in a hospital-based survey of women 24–48 hours after delivery by the Puerto Rico Department of Health in the fall of 2016 (Emergency OMB approval, Control #0920–1127), and has been critical for informing clinical guidance, developing communication messages, and providing resources for pregnant women.

The currently proposed data collection includes three components to follow-up on the initial effort. The first component is a telephone follow-back survey among a subset of the original participants. This component would be the first population-based sample of postpartum women who were pregnant during the early period of the Zika outbreak, and would provide information on the accessibility and utilization of postpartum and newborn services, and continued adherence to Zika prevention behaviors. The second component would be to repeat the hospital-based survey of pregnant women to assess the effectiveness of emergency response efforts and to determine where there is a need for further refinement of efforts and outstanding resource gaps; as with the first hospital-based survey, there would be subsequent telephone follow-up survey with a subset of the participants. The third and final component is the addition of a separate hospital-based survey for fathers of the infants born to surveyed mothers. This component would assess father's concerns about Zika related birth defects and contribution to prevention efforts.

There are no costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hours)	Total burden (in hours)
Women with recent births	Maternal hospital-based questionnaire.	2,990	1	25/60	1,247
Fathers with recently born infants	Father hospital-based questionnaire	1,790	1	15/60	448
Women with live births 2–10 months prior.	Follow-up phone questionnaire	3,070	1	15/60	768
Total					2,463

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–17518 Filed 8–17–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2017–0069]

Effective Methods for Implementing Water Management Programs (WMPs) To Reduce Growth of Transmission of Legionella spp.

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for information.

SUMMARY: The Centers for Disease Control and Prevention (CDC) in the Department of Health and Human Services (HHS) announces the opening of a docket to obtain information on effective methods for achieving implementation of water management programs (WMPs) intended to reduce *Legionella* growth and transmission in buildings at increased risk. The information will inform CDC efforts to prevent Legionnaires disease in the United States. Information gathered should also inform CDC efforts to prevent disease due to other opportunistic waterborne pathogens (*e.g., Pseudomonas, Acinetobacter, Burkholderia, Stenotrophomonas,* nontuberculous mycobacteria, various species of fungi, and *Naegleria*).

DATES: Written comments must be received on or before October 17, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0069 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Laura Cooley, National Center for Immunization and Respiratory Diseases, Division of Bacterial Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS C25, Atlanta, GA 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *http://regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Laura Cooley, National Center for Immunization and Respiratory Diseases, Division of Bacterial Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS C25, Atlanta, GA 30329. Email: *travellegionella@cdc.gov*. Phone: (404) 639–2215.

SUPPLEMENTARY INFORMATION:

Background: CDC assists state and local health departments with Legionnaires disease response and prevention efforts by providing technical assistance and developing resources focused on preventing and investigating cases and outbreaks of Legionnaires disease (*https://www.cdc.gov/legionella/*).

Legionnaires disease, a severe, sometimes fatal pneumonia, can occur in persons who inhale aerosolized droplets of water contaminated with the bacterium *Legionella*. The rate of reported cases of Legionnaires disease in the United States has increased more than four-fold since 2000.[1] *Legionella* and other waterborne pathogens can multiply in large, complex building water systems where there are gaps in water system maintenance; thus, the most effective strategy for prevention of Legionnaires disease is through control of *Legionella* in building water systems. Water management programs (WMPs) identify hazardous conditions and take steps to minimize the growth and spread of *Legionella* and other waterborne pathogens in building water systems. Developing and maintaining a water management program is a multi-step process that requires continuous review.

In 2015, ASHRAE (formerly known as the American Society of Heating, Refrigerating, and Air-Conditioning Engineers) published a consensus standard for the primary prevention of Legionnaires disease,[2] which calls for the development and implementation of WMPs in buildings with large or complex water systems and in buildings that house people who are particularly susceptible to Legionnaires disease. ASHRAE recommends WMPs for the following buildings and devices:

- Healthcare facilities where patients stay overnight
- Buildings that house or treat people who have chronic and acute medical problems or weakened immune systems
- Buildings that primarily house people older than 65 years (like a retirement home or assisted living facility)
- Buildings that have a centralized hot water system (like a hotel or high-rise apartment complex)
- Buildings 10 stories or more (including basement levels)
- Devices that have been linked to transmission of *Legionella*:
  - Cooling towers
  - Hot tubs (or spas) that are not drained between each use
  - Decorative fountains
  - Centrally-installed misters, atomizers, air washers, or humidifiers

Additionally, stakeholders can use CDC's toolkit, *Developing a Water Management Program to Reduce Legionella Growth & Spread in Buildings: A Practical Guide to*

[1] Garrison LE, Kunz JM, Cooley LA, et al. Vital signs: Deficiencies in environmental control identified in outbreaks of Legionnaires disease—North America, 2000–2014. MMWR Morb Mortal Wkly Rep 2016; 65:576–84. *https://doi.org/10.15585/mmwr.mm6522e1*.

[2] ASHRAE 188: *Legionellosis: Risk Management for Building Water Systems* June 26, 2015. ASHRAE: Atlanta. *www.ashrae.org*.

Implementing Industry Standards.[3] This toolkit is dedicated to developing and implementing WMPs and can inform conversations with building owners and managers on how to reduce the risk of *Legionella* growth and transmission in their building water systems.

Information Needs

While a consensus standard and guidance exist regarding development and implementation of WMPs, there are gaps regarding the most effective methods to encourage WMP implementation. A variety of stakeholders (*e.g.,* public health partners, industry leaders, accreditation or licensing bodies) routinely work with building owners and managers on WMPs or on related policies. However, successful communication and implementation of WMPs can be challenging, and more information is needed on how implementation of WMPs can be improved. CDC seeks public comments in response to the following questions to guide best practices, especially regarding the dissemination and implementation of WMPs. The information gathered will be used to guide best practices regarding effective strategies to prevent Legionnaires disease in the United States. Information gathered can also inform efforts to prevent disease due to other waterborne pathogens.

Please feel free to respond to any or all of the questions. Possible domains to consider in answering these questions include (but are not limited to):

- Local knowledge about Legionnaires disease, *Legionella* growth, and prevention strategies
- Stakeholder engagement (key supporters and opponents)
- Feasibility of WMP implementation
- Costs and benefits of WMP implementation
- Availability of effective communication strategies
- Possible impact of proposed solutions including unintended consequences such as degradation of plumbing infrastructure or pathogen substitution (*e.g.,* remediation directed at one pathogen, such as *Legionella*, leading to increases in a second pathogen, such as nontuberculous mycobacteria)
- Historical context in which a WMP was or was not adopted
- Influence of local regulations

Questions

(1) What existing standards or guidance does your organization use for the prevention of *Legionella* growth and transmission?

(2) Are there other standards or guidance for the prevention of *Legionella* growth and transmission that you would find useful but do not exist or are not currently available to you? If so, what information should those standards or guidance contain?

(3) What is your organization's role, and your role within the organization, in achieving implementation of WMPs by owners and managers of buildings at increased risk for *Legionella* growth and transmission?

(4) In your organization's experience, what are the principal barriers to implementation of WMPs by building owners and managers?

(5) Where there are barriers, what has your organization done to overcome these barriers?

(6) Where implementation of WMPs has gone smoothly, what factors (*e.g.,* resources, guidance, activities) contributed to this success?

(7) Has your organization had experience with approaches to WMP implementation that are specific to certain settings (*e.g.,* hotels, hospitals) or devices (*e.g.,* cooling towers, potable water)? If so, have you learned anything from these different approaches that could be used to improve WMP implementation? Have you looked for or experienced any unintended consequences related to a WMP?

(8) A limited number of jurisdictions have implemented regulations to reduce the risk of *Legionella* growth and transmission (*e.g.,* New York, New York City). In your state or local jurisdiction, should building codes or other types of public health regulation or legislation be used to help prevent Legionnaires' disease? Why or why not?

(9) Are there other approaches to reducing the risk of Legionnaires' disease that your organization has found to be useful besides implementation of WMPs?

(10) What additional considerations are relevant to developing guidance for preventing Legionnaires disease?

(11) Has your organization implemented specific approaches to reducing the risk of disease due to other opportunistic waterborne pathogens besides *Legionella*? If so, please explain. Do these approaches conflict in any way with your approaches to reducing the risk of Legionnaires disease?

Dated: August 15, 2017.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2017–17491 Filed 8–17–17; 8:45 am]

BILLING CODE 4163–18–P

[3] *https://www.cdc.gov/legionella/downloads/toolkit.pdf.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10437 and CMS–10652]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by September 18, 2017.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, *Attention:* CMS Desk Officer, Fax Number: (202) 395–5806 *OR, Email: OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Generic Social Marketing & Consumer Testing Research; *Use:* The purpose of this submission is to extend the approval of the generic clearance for a program of consumer research aimed at a broad audience of those affected by CMS programs including Medicare, Medicaid, Children's Health Insurance Program (CHIP), and health insurance exchanges. This program extends strategic efforts to reach and tailor communications to beneficiaries, caregivers, providers, stakeholders, and any other audiences that would support the Agency in improving the functioning of the health care system, improve patient care and outcomes, and reduce costs without sacrificing quality of care. The information collected will be used to create a streamlined and proactive process for collection of data and utilizing the feedback on service delivery for continuous improvement of communication activities aimed at diverse CMS audiences.

The generic clearance will allow rapid response to inform CMS initiatives using a mixture of qualitative and quantitative consumer research strategies (including formative research studies and methodological tests) to improve communication with key CMS audiences. As new information resources and persuasive technologies are developed, they can be tested and evaluated for beneficiary response to the materials and delivery channels. Results will inform communication development and information architecture as well as allow for continuous quality improvement. The overall goal is to maximize the extent to which consumers have access to useful sources of CMS program information in a form that can help them make the most of their benefits and options.

The activities under this clearance involve social marketing and consumer research using samples of self-selected customers, as well as convenience samples, and quota samples, with respondents selected either to cover a broad range of customers or to include specific characteristics related to certain products or services. All collection of information under this clearance will utilize a subset of items drawn from a core collection of customizable items referred to as the Social Marketing and Consumer Testing Item Bank. This item bank is designed to establish a set of pre-approved generic question that can be drawn upon to allow for the rapid turn-around consumer testing required for us to communicate more effectively with our audiences. The questions in the item bank are divided into two major categories. One set focuses on characteristics of individuals and is intended primarily for participant screening and for use in structured quantitative on-line or telephone surveys. The other set is less structured and is designed for use in qualitative one-on-one and small group discussions or collecting information related to subjective impressions of test materials. Results will be compiled and disseminated so that future communication can be informed by the testing results. We will use the findings to create the greatest possible public benefit. *Form Number:* CMS–10437 (OMB control number: 0938–1247); *Frequency:* Yearly; *Affected Public:* Individuals; *Number of Respondents:* 41,592; *Number of Responses:* 28,800; *Total Annual Hours:* 21,488. (For policy questions regarding this collection contact Allyssa Allen at 410–786–8436126.)

2. *Type of Information Collection Request:* New collection of information request; *Title of Information Collection:* Virtual Groups for Merit-Based Incentive Payment System (MIPS); *Use:* CMS acknowledges the unique challenges that small practices and practices in rural areas may face with the implementation of the Quality Payment Program. To help support these practices and provide them with additional flexibility, CMS has created a virtual group reporting option starting with the 2018 MIPS performance period. CMS held webinars and small, interactive feedback sessions to gain insight from clinicians as we developed our policies on virtual groups. During these sessions, participants expressed a strong interest in virtual groups, and indicated that the right policies could minimize clinician burden and bolster clinician success.

This information collection request is related to the statutorily required virtual group election process proposed in the CY 2018 Quality Payment Program proposed rule. A virtual group is a combination of Tax Identification Numbers (TINs), which would include at least two separate TINs associated with a solo practitioner TIN and National Provider Identifier (TIN/NPI) or group with 10 or fewer MIPS eligible clinicians and another solo practitioner (TIN/NPI) or group with 10 or fewer MIPS eligible clinicians.

Section 1848(q)(5)(I) of the Act requires that CMS establish and have in place a process to allow an individual MIPS eligible clinician or group consisting of not more than 10 MIPS eligible clinicians to elect, with respect to a performance period for a year to be in a virtual group with at least one other such individual MIPS eligible clinician or group. The Act also provides for the use of voluntary virtual groups for certain assessment purposes, including the election of practices to be a virtual group and the requirements for the election process.

Section 1848(q)(5)(I)(i) of the Act also provides that MIPS eligible clinicians electing to be a virtual group must: (1) Have their performance assessed for the quality and cost performance categories in a manner that applies the combined performance of all the MIPS eligible clinicians in the virtual group to each MIPS eligible clinician in the virtual group for the applicable performance period; and (2) be scored for the quality and cost performance categories based on such assessment.

CMS will use the data collected from virtual group representatives to determine eligibility to participate in a virtual group, approve the formation of that virtual group, based on determination of each TIN size, and assign a virtual group identifier to the virtual group. The data collected will also be used to assign a performance score to each TIN/NPI in the virtual group. *Form Number:* CMS–10652 (OMB control number: 0938–NEW);

Frequency: Annually; *Affected Public:* Private Sector: Business or other for-profits and Not-for-profit institutions and Individuals; *Number of Respondents:* 16; Total *Annual Responses:* 16; *Total Annual Hours:* 160. (For policy questions regarding this collection contact Michelle Peterman at 410–786–2591.)

Dated: August 15, 2017.

Martique Jones,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–17495 Filed 8–17–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–4069]

Bayer Healthcare Pharmaceuticals; Withdrawal of Approval of a New Drug Application for BAYCOL (cerivastatin sodium) Tablets, 0.05 Milligrams, 0.1 Milligrams, 0.2 Milligrams, 0.3 Milligrams, 0.4 Milligrams, and 0.8 Milligrams

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of new drug application (NDA) 020740 for BAYCOL (cerivastatin sodium) tablets, 0.05 milligrams (mg), 0.1 mg, 0.2 mg, 0.3 mg, 0.4 mg, and 0.8 mg, held by Bayer Healthcare Pharmaceuticals (Bayer). Bayer requested withdrawal of this application, and has waived its opportunity for a hearing.

DATES: Approval is withdrawn as of August 18, 2017.

FOR FURTHER INFORMATION CONTACT: Kristiana Brugger, Office of Regulatory Policy, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6262, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION: NDA 020740 for BAYCOL (cerivastatin sodium) tablets, 0.05 mg, 0.1 mg, 0.2 mg, and 0.3 mg, was received on June 26, 1996, under section 505(b) of the Federal Food, Drug, and Cosmetic Act (FD&C Act). FDA approved NDA 020740 on June 26, 1997, as safe and effective as an adjunct to diet for the reduction of elevated total and LDL cholesterol levels in patients with primary hypercholesterolemia and mixed dyslipidemia (Frederickson Types IIa and IIb) when the response to dietary restriction of saturated fat and cholesterol and other non-pharmacological measures alone has been inadequate. Supplemental NDAs were received by FDA on July 17, 1998, for the 0.4 mg strength of the drug (approved on May 24, 1999) and on September 23, 1999, for the 0.8 mg strength of the drug (approved on July 21, 2000). The most recently approved labeling (May 21, 2001) for this drug stated that: ''BAYCOL® (cerivastatin sodium tablets) is indicated as an adjunct to diet to reduce elevated Total–C, LDL–C, apo B, and TG and to increase HDL–C levels in patients with primary hypercholesterolemia and mixed dyslipidemia (Fredrickson Types IIa and IIb) when the response to dietary restriction of saturated fat and cholesterol and other non-pharmacological measures alone has been inadequate.''

Over time, however, reports associating cerivastatin with rhabdomyolysis, a potentially fatal condition involving muscle weakness, increased. Because of these reports, Bayer withdrew BAYCOL from the market on August 8, 2001. On January 24, 2014, Bayer wrote to FDA asking the Agency to withdraw approval of NDA 020740 under 21 CFR 314.150(d) and waived its opportunity for a hearing.

Accordingly, under section 505(e) of the FD&C Act (21 U.S.C. 355(e)) and section 314.150(d), approval of NDA 020740, and all amendments and supplements thereto, is withdrawn. Distribution of BAYCOL (cerivastatin sodium) tablets, 0.05 mg, 0.1 mg, 0.2 mg, 0.3 mg, 0.4 mg, and 0.8 mg in interstate commerce without an approved application is illegal and subject to regulatory action (see sections 505(a) and 301(d) of the FD&C Act (21 U.S.C. 355(a) and 331(d)).

Dated: August 15, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17510 Filed 8–17–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Mental Health Council.

The meeting 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 meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Mental Health Council.

Date: September 14, 2017.

Open: 9:00 a.m. to 12:45 p.m.

Agenda: Presentation of the NIMH Director's Report and discussion.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Closed: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Jean G. Noronha, Ph.D., Director, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6154, MSC 9609, Bethesda, MD 20892–9609, 301–443–3367, *jnoronha@mail.nih.gov.*

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their 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.

Information is also available on the Institute's/Center's home page: *www.nimh.nih.gov/about/advisory-boards-and-groups/namhc/index.shtml.,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: August 14, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17430 Filed 8–17–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group Epidemiology, Prevention and Behavior Research Review Subcommittee.

Date: October 23, 2017.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, Terrace Level Conference Rooms, 5635 Fishers Lane, Rockville, MD 20852.

Contact Person: Anna Ghambaryan, M.D., Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5635 Fishers Lane, Room 2019, Rockville, MD 20852, 301–443–4032, *anna.ghambaryan@nih.gov*.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group Clinical, Treatment and Health Services Research Review Subcommittee.

Date: November 1, 2017.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, Terrace Level Conference Room 508, 5635 Fishers Lane, Rockville, MD 20852

Contact Person: Ranga V. Srinivas, Ph.D. Chief Extramural Project Review, Branch National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5365 Fishers Lane, Room 2085, Rockville, MD 20852, (301) 451–2067 *srinivar@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: August 14, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17428 Filed 8–17–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Peter Soukas, J.D., (301) 594–8730; *peter.soukas@nih.gov*. Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD, 20852; tel. (301) 496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

Development of a Transferrable Norwalk Virus Epitope and Detector Monoclonal Antibody

Description of Technology

Noroviruses are now recognized as the major cause of non-bacterial gastroenteritis in all age groups, and efforts are underway to develop an effective vaccine. The lack of a robust cell culture system for human noroviruses has complicated vaccine development. Hence, norovirus virus like particles (VLPs) have played an important role in the understanding of virus structure, immune response, antigenic diversity, and vaccine design. The development of monoclonal antibodies (MAbs) against norovirus VLPs has allowed the identification and characterization of key antigenic sites of the virus capsid and facilitated the development of diagnostic assays. During characterization of a panel of MAbs raised against Norwalk virus (NV), a prototype norovirus strain, the inventors identified a monoclonal antibody (MAbNV10) that proved useful in the identification of NV in tissue and in the characterization of an insertion site in the feline calicivirus (FCV) genome. The inventors mapped the precise binding site of the MAb by peptide screening and discovered that the epitope could be expressed when fused to other proteins. The sequence of this peptide (epitope) along with the detector antibody could be used as a new way to tag proteins for functional studies. The small size of the linear epitope, along with the strong avidity of the detector monoclonal antibody makes this system especially useful for many techniques, including immunofluorescence, Western blot, immunoprecipitation (including ''pulldown'' assays), and immunohistochemistry. The inventors' epitope system may be comparable to that of the HA tag of influenza virus that is widely used in molecular biology.

This technology is further described in Parra et al., ''Mapping and modeling of a strain-specific epitope in the Norwalk virus capsid inner shell,'' *Virology.* 2016 May;492:232–41. doi: 10.1016/j.virol.2016.02.019. Epub 2016 Mar 21.

Materials available for licensing comprise: (1) Hybridoma cell line NV10, (2) Plasmid expressing NV10 epitope as positive control, and (3) Plasmid expressing the NV10 scFV.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications

- Diagnostics
- Vaccines

Competitive Advantages

- Cross-reactive norovirus antibody

- Ease of manufacture
- Efficient norovirus detection

Development Stage

- In vivo data available (animal)

Inventors: Kim Green, Ph.D. (NIAID); Gabriel Parra, Ph.D. (NIAID); Stanislav Sosnovtsev, Ph.D. (NIAID); Karin Bok, Ph.D. (NIAID); Carlos Sandoval-Jaime, Ph.D. (NIAID); Eugenio Abente, Ph.D. (NIAID)

Intellectual Property: HHS Reference No. E–101–2013/0.

Licensing Contact: Peter Soukas, J.D., (301) 594–8730; *peter.soukas@nih.gov.* Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize norovirus diagnostics or vaccines. For collaboration opportunities, please contact Peter Soukas, J.D., (301) 594–8730; *peter.soukas@nih.gov.*

Dated: August 3, 2017.

Suzanne Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2017–17438 Filed 8–17–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel Contract Review.

Date: September 12, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, One Democracy Plaza, Room 1037, 6701 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rahat (Rani) Khan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing, Translational Sciences, 6701 Democracy Blvd., Rm 1078, Bethesda, MD 20892, 301–894–7319, *khanr2@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: August 14, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17427 Filed 8–17–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; NIBIB Team-Based R25 Review (2018/01).

Date: September 28, 2017.

Time: 09:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ruixia Zhou, Ph.D., Scientific Review Officer, 6707 Democracy Boulevard, Democracy Two Building, Suite 957, Bethesda, MD 20892, (301) 496–4773, *zhour@mail.nih.gov*.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; T32–R25 Review Meeting (2018/01).

Date: October 24, 2017.

Time: 09:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John K. Hayes, Ph.D., Scientific Review Officer, 6707 Democracy Blvd., Suite 959, Democracy Two, Bethesda, MD 20892, (301) 451–3398, *hayesj@mail.nih.gov*.

Dated: August 14, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17429 Filed 8–17–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0120]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection; Free Training for Civics and Citizenship of Adults, Form G–1190; Civics and Citizenship Toolkit, Form G–1515

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 18, 2017. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0120 in the subject line.

You may wish to consider limiting the amount of personal information that you

provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on May 31, 2017, at 82 FR 24986, allowing for a 60-day public comment period. USCIS received one 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–2011–0001 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:* Free Training for Civics and Citizenship of Adults; Civics and Citizenship Toolkit.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G–1190, G–1515; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This information is necessary to register for civics and citizenship of adults training and to obtain a civics and citizenship toolkit.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Civics and Citizenship Toolkit: 1,200 responses at 10 minutes (.166 hours) per response. Training for Civics and Citizenship of Adults: 1,000 responses at 10 minutes (.166 hours) per response.

(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 366 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 $0.

Dated: August 14, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–17471 Filed 8–17–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2017–N094; FXES11140200000–178–FF02ENEH00]

Incidental Take Permit Applications Received To Participate in American Burying Beetle Amended Oil and Gas Industry Conservation Plan in Oklahoma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: Under the Endangered Species Act, as amended (Act), we, the U.S. Fish and Wildlife Service, invite the public to comment on federally listed American burying beetle incidental take permit applications. The applicants anticipate American burying beetle take as a result of impacts to habitat the species uses for breeding, feeding, and sheltering in Oklahoma. The take would be incidental to the applicants' activities associated with oil and gas well field and pipeline infrastructure (gathering, transmission, and distribution), including geophysical exploration (seismic), construction, maintenance, operation, repair, decommissioning, and reclamation. If approved, the permits would be issued under the approved *American Burying Beetle Amended Oil and Gas Industry Conservation Plan (ICP) Endangered Species Act Section 10(a)(1)(B) Permit Issuance in Oklahoma.*

DATES: To ensure consideration, written comments must be received on or before September 18, 2017.

ADDRESSES: You may obtain copies of all documents and submit comments on the applicants' incidental take permit (ITP) applications by one of the following methods. Please refer to the proposed permit number when requesting documents or submitting comments.

- *U.S. Mail:* U.S. Fish and Wildlife Service, Division of Endangered Species—HCP Permits, P.O. Box 1306, Room 6034, Albuquerque, NM 87103.
- *Electronically: fw2_hcp_permits@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Marty Tuegel, Branch Chief, by U.S. mail at: U.S. Fish and Wildlife Service, Environmental Review Division, P.O. Box 1306, Room 6034, Albuquerque, NM 87103; or by telephone at 505–248–6651.

SUPPLEMENTARY INFORMATION:

Introduction

Under the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*; Act), we, the U.S. Fish and Wildlife Service, invite the public to comment on incidental take permit (ITP) applications to take the federally listed American burying beetle (*Nicrophorus americanus*) during oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

If approved, the permits would be issued to the applicants under the *American Burying Beetle Amended Oil*

and Gas Industry Conservation Plan (ICP) Endangered Species Act Section 10(a)(1)(B) Permit Issuance in Oklahoma. The original ICP was approved on May 21, 2014, and the ''no significant impact'' finding notice was published in the **Federal Register** on July 25, 2014 (79 FR 43504). The draft amended ICP was made available for comment on March 8, 2016 (81 FR 12113), and approved on April 13, 2016. The ICP and the associated environmental assessment/finding of no significant impact are available on the Web site at *http://www.fws.gov/southwest/es/oklahoma/ABBICP.* However, we are no longer taking comments on these finalized, approved documents.

Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies, and the public to comment on the following applications under the ICP, for incidentally taking the federally listed American burying beetle. Please refer to the appropriate permit number (*e.g.,* TE–123456) when requesting application documents and when submitting comments. Documents and other information the applicant has submitted with this application are available for review, subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Permit TE35998C

Applicant: NGPL PipeCo, LLC and Subsidiaries, Tulsa, OK.

Applicant requests a permit for oil and gas upstream and midstream production, including oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

Permit TE35997C

Applicant: Wildhorse Terminal, LLC, Houston, TX.

Applicant requests a permit for oil and gas upstream and midstream production, including oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

Permit TE38803C

Applicant: Antioch Operating, LLC, Oklahoma City, OK.

Applicant requests a permit for oil and gas upstream and midstream production, including oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

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 your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2017–17533 Filed 8–17–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[178A2100DD/AAKC001030/A0A501010.999900 253G]

Pueblo of Santa Clara Liquor Ordinance; Amendments

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes amendments to the Santa Clara Pueblo Liquor Code (Code). The Code regulates the control, possession, and sale of liquor on the Santa Clara Pueblo trust lands, in conformity with the laws of the State of New Mexico, where applicable and necessary.

DATES: The amended Code becomes applicable September 18, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia L. Mattingly, Tribal Government Officer, Southwest Regional Office, Bureau of Indian Affairs, 1001 Indian School Road NW., Albuquerque, New Mexico 87104, Phone: (505) 563–3446; Fax: (602) 563–3101.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Santa Clara Pueblo Liquor Code, Resolution No. 2016–113, was duly adopted by the Tribal Council on September 12, 2016. The Santa Clara Pueblo, in furtherance of its economic and social goals, has taken positive steps to regulate retail sales of alcohol and use of revenues to combat alcohol abuse and its debilitating effects among individuals and family members within the reservation of Santa Clara Pueblo.

This notice is being published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs (Department of Interior-Departmental Manual, 209 DM 8). I certify that Resolution No. 2016–113, the Santa Clara Pueblo Liquor Code, was duly adopted by the Tribal Council on September 12, 2016. This Code amends the previous liquor code as published in the **Federal Register** on June 27, 2001 (66 FR 34233).

Dated: July 13, 2017.

Michael S. Black,

Acting Assistant Secretary—Indian Affairs.

The Santa Clara Pueblo Liquor Code is amended to read as follows:

CHAPTER 108—LIQUOR CODE

Subchapter 1: General Provisions.

Sec. 108.1 ***Findings***

The Tribal Council finds as follows:

A. The introduction, possession and sale of alcoholic beverages into Santa Clara Indian Lands has long been regarded as a matter of special concern to the Pueblo, that bears directly on the

health, welfare and security of the Pueblo and its members; and

B. Under federal law and New Mexico state law, and as a matter of inherent Tribal sovereignty, the question of to what extent and under what circumstances alcoholic beverages may be introduced into and sold or consumed within Santa Clara Indian Lands is to be decided by the governing body of the Tribe; and

C. It is desirable that the Tribal Council legislate comprehensively on the subject of the sale and possession of alcoholic beverages within Santa Clara Indian Lands, both to establish a consistent and reasonable Tribal policy on this important subject, as well as to facilitate economic development projects within Santa Clara Indian Lands that may involve outlets for the sale and consumption of alcoholic beverages; and

D. It is the policy of the Tribal Council that the introduction, sale and consumption of alcoholic beverages within Santa Clara Indian Lands be carefully regulated so as to protect the public health, safety and welfare, and that licensees be made fully accountable for violations of conditions of their licenses and the consequences thereof.

Sec. 108.2 *Definitions*

As used in this chapter, the following words shall have the following meanings:

A. ''Pueblo'' or ''Tribe'' means the Pueblo of Santa Clara.

B. ''Tribal Council'' or ''Council'' means the Tribal Council of the Pueblo of Santa Clara.

C. ''Governor'' means the Governor of the Pueblo of Santa Clara.

D. ''Administrator'' means the Tax Administrator of the Pueblo of Santa Clara.

E. ''Person'' means any natural person, partnership, corporation, joint venture, association, or other legal entity.

F. ''Sale'' or ''sell'' means any exchange, barter, or other transfer of goods from one person to another for commercial purposes, whether with or without consideration.

G. ''Liquor'' or ''Alcoholic Beverage'' includes the four varieties of liquor commonly referred to as alcohol, spirits, wine and beer, and all fermented, spirituous, vinous or malt liquors or combinations thereof, mixed liquor, any part of which is fermented, spirituous, vinous, or malt liquor, or any otherwise intoxicating liquid, including every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer and intended for oral consumption.

H. ''Licensee'' means a person who has been issued a license to sell alcoholic beverages on the licensed premises under the provisions of this Liquor Code.

I. ''Licensed Premises'' means the location within Santa Clara Indian Lands at which a licensee is permitted to sell and allow the consumption of alcoholic beverages, and may, if requested by the applicant and approved by the Tribal Council, include any related or associated areas or facilities under the control of the licensee, or within which the licensee is otherwise authorized to conduct business (but subject to any conditions or limitations as to sales within such area that may be imposed by the Governor in issuance of the license).

J. ''Santa Clara Indian Lands'' means all lands within the exterior boundaries of the Santa Clara Indian Reservation, all lands within the exterior boundaries of the Santa Clara Pueblo Grant, and all other lands owned by the Pueblo subject to federal law restrictions on alienation or held by the United States for the use and benefit of the Pueblo.

K. ''Special Event'' means a bona fide special occasion such as a fair, fiesta, show, tournament, contest, meeting, picnic or similar event held on Santa Clara Indian Lands that is sponsored by an established business or non-governmental organization, lasting no more than three days. A special event may be open to the public or to a designated group, and it may be a one-time event or periodic, provided, however, that such events held more than four times a year by the same business or organization shall not be deemed special events for purposes of this Liquor Code.

L. ''Server'' means an individual who sells, serves or dispenses alcoholic beverages for consumption on or off licensed premises, and including persons who manage, direct or control the sale or service of such beverages.

M. ''Liquor Code'' means the Santa Clara Pueblo Liquor Code, this chapter.

Sec. 108.3 *Sovereign Immunity*

Nothing in the Liquor Code shall be construed as a waiver or limitation of the sovereign immunity of the Pueblo.

Sec. 108.4 *Initial Compliance*

No person shall be disqualified from being issued a license under the provisions of this Liquor Code, or shall be found to have violated any provision of this Liquor Code, solely because such person, having been duly authorized to engage in the sale of alcoholic beverages within Santa Clara Indian Lands under the law as it existed prior to enactment of this Liquor Code, continues to engage in such business without a license issued under the provisions of this Liquor Code after the effective date hereof, so long as such person complies with the provisions of this Section. Within 90 days after the effective date of this Liquor Code (or within 30 days after receiving written notice from the Pueblo of the enactment of the Liquor Code, whichever is later) any person who is licensed to sell alcoholic beverages within Santa Clara Pueblo Indian Lands under the law as it existed prior to the enactment of this Liquor Code shall submit an application for a license under the provisions of this Liquor Code. Upon the issuance of a license under the provisions of this Liquor Code to such person, or upon the rejection of an application for such license by such person, no license issued by the State of New Mexico or issued under the provisions of any prior law of the Pueblo that is held by such person, or that purports to authorize the possession, sale or consumption of alcoholic beverages on premises covered by a license issued (or a license application rejected) under the provisions of this Liquor Code, shall have any further validity or effect within Santa Clara Indian Lands.

Sec. 108.5 *Severability*

In the event any provision of this Liquor Code is held invalid or unenforceable by any court of competent jurisdiction, the remainder of the Code shall continue in full force and effect, notwithstanding the invalidity or unenforceability of such provision, to the fullest extent practicable.

Sec. 108.6 *Issuance of Regulations*

The Administrator shall have the authority to issue such regulations, consistent with the provisions of this Liquor Code, as may be helpful to the effective administration of the Liquor Code, provided that such regulations shall be provided to the Tribal Council no less than 90 days prior to their effective date. If the Council votes to reject the regulations, or any particular provisions thereof, within such 90-day time period, the regulations, or such provisions as were rejected, shall not take effect.

Subchapter 2: Sale, Possession and Consumption of Alcoholic Beverages.

Sec. 108.7 *Prohibition*

The sale, introduction for sale, purchase, or other commercial dealing in alcoholic beverages, except as is specifically authorized by the Liquor Code, is prohibited within Santa Clara Indian Lands.

Sec. 108.8 ***Possession for Personal Use***

Possession of alcoholic beverages for personal use shall be lawful within Santa Clara Indian Lands only if such alcoholic beverages were lawfully purchased from an establishment duly licensed to sell such beverages, whether on or off Santa Clara Indian Lands, and are possessed by a person or persons 21 years of age or older. Such possession is otherwise prohibited.

Sec. 108.9 ***Transportation Through Reservation Not Affected***

Nothing herein shall pertain to the otherwise lawful transportation of alcoholic beverages through Santa Clara Indian Lands by persons remaining upon public highways (or other paved public facilities for motor vehicles) and where such beverages are not delivered, sold or offered for sale to anyone within Santa Clara Indian Lands.

Sec. 108.10 ***Requirement of Public License***

No person shall sell any alcoholic beverage within Santa Clara Indian Lands, or offer any such beverage for sale, unless such person holds a license issued by the Pueblo under the provisions of this chapter that is in effect, or unless such person holds a license authorizing such sales issued by the State of New Mexico that is in effect.

Sec. 108.11 ***All Sales for Personal Use***

No person licensed to sell alcoholic beverages within Santa Clara Indian Lands shall sell any such beverage for resale, but all such sales shall be for the personal use of the purchaser. Nothing herein shall prohibit a duly licensed wholesale dealer in alcoholic beverages from selling and delivering such beverages to properly licensed retailers within Santa Clara Indian Lands, so long as such sales and deliveries are otherwise in conformity with the laws of the State of New Mexico and this Liquor Code, and so long as such wholesale dealer registers with the Administrator and pays any taxes due on such sales.

Sec. 108.12 ***Package Sales and Sales of Liquor by the Drink Permitted***

Sales of alcoholic beverages on Santa Clara Indian Lands may be in package form or for consumption on the premises, or both, so long as the seller is properly licensed by the Pueblo to make sales of that type. No seller of alcoholic beverages shall permit any person to consume, on premises where liquor by the drink is authorized to be sold, any alcoholic beverages purchased elsewhere by the consumer, except that a restaurant holding a premises license may allow a customer who is ordering a meal, and who is legally entitled to consume alcoholic beverages, to bring onto the premises one or more bottles of wine that were legally acquired elsewhere and came from a New Mexico licensed wholesaler (but not to exceed one bottle per person at the table), for consumption with such customer's meal, provided that any such bottle is opened by an employee of the restaurant who is legally entitled to serve alcoholic beverages, and the restaurant may charge a corkage fee for each such bottle opened.

Sec. 108.13 ***No Sales to Minors***

No alcoholic beverages may be sold within Santa Clara Indian Lands to any person under the age of 21 years.

Sec. 108.14 ***Hours and Days of Sale***

Alcoholic beverages may be sold, offered for sale, delivered or consumed on licensed premises within Santa Clara Indian Lands every day during the following hours:

A. From 8:00 a.m. until 12:00 midnight; and

B. From 12:00 midnight of the previous day until 2:00 a.m.; provided, however, that any such sales made between 12:00 midnight and 2:00 a.m. shall only be for consumption on the premises, and may only be made by a licensee holding a premises license.

Sec. 108.15 ***Sales on Election Day***

[Repealed.]

Sec. 108.16 ***Other Prohibitions on Sales***

The Tribal Council may, by duly enacted resolution, establish other days on which or times at which sales or consumption of alcoholic beverages are not permitted within Santa Clara Indian Lands, or specified portions thereof. The Council shall give notice of any such enactment promptly to all licensees within Santa Clara Indian Lands. In addition, the Governor of the Pueblo may, in the event of a bona fide emergency, and by written order, prohibit the sale of any alcoholic beverages within Santa Clara Indian Lands, or any specified portions thereof, for a period of time not to exceed 48 hours. The Governor shall give prompt notice of such emergency order to all licensees within Santa Clara Indian Lands. No such emergency order may extend beyond 48 hours, unless during that time the Tribal Council meets and determines by resolution that the emergency requires a further extension of such order.

Sec. 108.17 ***Location of Sales, Consumption***

No person licensed to sell alcoholic beverages within Santa Clara Indian Lands shall make such sales except at the licensed premises specifically designated in such license. No person holding only a premises license shall permit alcoholic beverages purchased from such licensee for consumption on the premises to be consumed off of the licensed premises; except that nothing herein shall prohibit a premises licensee that is a restaurant from permitting a customer who has purchased a bottle of wine with a meal, but only partially consumed the contents of such bottle, from taking the partially consumed bottle off of the premises, after such bottle has been recorked by the licensee and placed in a sealed bag, to which a receipt for the purchase of the bottle has been affixed.

Sec. 108.18 ***Sales to be Made by Adults***

No person shall take any order, make any delivery, or accept payment for any sale of alcoholic beverages within Santa Clara Indian Lands, or otherwise have any direct involvement in any such sale, who is less than 21 years of age.

Sec. 108.19 ***All Sales Cash***

No licensee shall make any sale of any alcoholic beverages within Santa Clara Indian Lands without receiving payment therefor by cash, check, credit card or cash equivalent, such as, in the case of a licensee that is a gaming establishment, chips, or player's club points in accordance with policies of the licensee applicable to the redemption of such points, at or about the time the sale is made; provided, that nothing herein shall preclude a licensee from receiving a delivery of alcoholic beverages from a duly authorized wholesaler where arrangements have been made to pay for such delivery at a different time; and provided further that nothing herein shall preclude a licensee from allowing a customer to purchase more than one alcoholic beverage in sequence, and to pay for all such purchases at the conclusion thereof, so long as payment is made in full before the customer has left the licensed premises; and provided further that nothing herein shall prevent a licensee from distributing alcoholic beverages to customers without charge, so long as such distribution is not otherwise in violation of any provision of this Liquor Code.

Sec. 108.20 *Nuisances Prohibited*

No licensee shall knowingly conduct its business in such a location, or in such a manner, or at such times of day or night, as to amount to a nuisance, in that such activity is injurious to public health, safety or morals, or interferes with the exercise and enjoyment of public rights, including the right to use public property.

Subchapter 3: Licensing and Regulation

Sec. 108.21 *Requirement of License*

[Repealed.]

Sec. 108.22 *Classes of Licenses*

The following types or classes of licenses for the sale or distribution of alcoholic beverages within Santa Clara Indian Lands shall be permitted:

A. Package license, which shall authorize the licensee to store, possess, sell and offer for sale alcoholic beverages in sealed containers, for consumption only off of the licensed premises.

B. Premises license, which shall authorize the licensee to store, possess and sell alcoholic beverages in open containers, for consumption on the licensed premises only, and to permit such consumption on the licensed premises only.

C. Special event license, which shall authorize the licensee to possess, distribute, sell and offer for sale alcoholic beverages for consumption only on the licensed premises, and to permit such consumption on the licensed premises only, but only for a bona fide special event, and only during the period or periods specified in such license, which period or periods shall be limited to the periods during which the special event is occurring and from beginning to end shall not exceed 72 hours.

Sec. 108.23 *Prohibited Zone*

Notwithstanding any other provision of this chapter, no license shall be issued under the provisions of this Liquor Code for any location as the proposed licensed premises that is within the geographical area encompassed by Sections 9, 10, 15 and 16, Township 20 North, Range 8 East, New Mexico Principal Meridian, and the area located south of said Sections 15 and 16, bounded on the east by the Rio Grande and on the west by the right-of-way line for NM Rte. 30, to the south boundary of the Santa Clara Pueblo Grant. The area described herein from which licenses are excluded is hereinafter referred to as the ''Prohibited Zone.''

Sec. 108.24 *Qualifications for License*

A. No person shall be entitled to be issued a license under the provisions of this Liquor Code who has previously been the subject of any proceeding resulting in the revocation of any license for the sale of alcoholic beverages issued by the Pueblo or by any state or other jurisdiction, or who has been convicted of any felony in any jurisdiction involving theft, dishonesty, corruption, embezzlement or violation of laws regulating the sale, possession and use of alcoholic beverages, or who (if a natural person) has not at the time the application for license is submitted attained the age of 25 years, or who is otherwise determined by the Pueblo to be unfit to be licensed to sell alcoholic beverages, or (if a natural person) whose spouse is a person not qualified to hold a license under the provisions of this section.

B. No partnership, corporation or other legal entity shall be entitled to be issued a license under the provisions of this Liquor Code if any individual occupying any management or supervisory position within such entity, or who sits on the management committee or board of directors or trustees thereof, or who holds or controls a financial interest of ten percent or more in such entity, is a person who would not be entitled to be issued a license under the provisions of this section.

C. No person shall be entitled to be issued a package or premises license hereunder unless such person owns, or has an approved lease or other valid interest in, land within Santa Clara Indian Lands, is lawfully entitled to engage in a business on such land with which such license would be compatible, and can demonstrate that such person is otherwise capable of complying with all of the requirements imposed on licensees by this Liquor Code.

D. An applicant for a package or premises license hereunder, including, if the applicant is not a natural person, each principal in the applicant entity who will have any direct involvement in the proposed business, must have successfully completed within the three years preceding the date of the application an alcohol server education program and examination that is approved by the director of the New Mexico Alcohol and Gaming Division.

E. Notwithstanding anything in this section to the contrary, the Pueblo and its wholly owned commercial entities shall be entitled to be issued licenses hereunder upon application therefor to the Administrator, provided that all other provisions of this Liquor Code are complied with.

Sec. 108.25 *Package and Premises License Application; Procedure; Fees*

A. Every person seeking a package or premises license under the provisions of this Liquor Code (other than the Pueblo or any of its wholly owned commercial entities) shall submit to the Administrator a written application, under oath, in the form prescribed by and containing the information required by this section.

B. If the applicant is a natural person, the application shall contain, at a minimum, all of the following information:

1. The full legal name of the applicant, plus any other names under which the applicant has been known or done business during the previous 20 years, and the applicant's date and place of birth, as shown by a certified copy of the applicant's birth certificate.

2. The applicant's current legal residence address and business address, if any, and every residence address that the applicant has maintained during the previous ten years, with the dates during which each such address was current.

3. The trade name, business address and description of every business in which the applicant has engaged or had any interest (other than stock ownership or partnership interest amounting to less than five percent of total capital) during the previous ten years, and the dates during which the applicant engaged in or held an interest in any such business.

4. A listing of every other jurisdiction in which the applicant has ever applied for a license to sell or distribute alcoholic beverages, the date on which each such application was filed, the name of the regulatory agency with which the application was filed, the action taken on each such application, and if any such license was issued, the dates during which it remained in effect, and as to each such license a statement whether any action was ever taken by the regulatory body to suspend or revoke such license, with full dates and details of any such incident.

5. A listing of every crime with which the applicant has ever been charged, other than routine traffic offenses (but including any charge of driving while intoxicated or the like), giving as to each the date on which the charge was made, the location, the jurisdiction, the court in which the matter was heard, and the outcome or ultimate disposition thereof.

6. The name and address of every person or entity holding any security

interest in any of the assets of the business to be conducted by the applicant, or in any of the proceeds of such business.

7. A detailed plat of the applicant's business premises within Santa Clara Indian Lands including the floor plans of any structure and the details of any exterior areas intended to be part of the licensed premises, together with evidence of the applicant's right to conduct business on such premises.

8. A detailed description of the business conducted or intended to be conducted on the licensed premises, and including (but not limited to) hours of operation and number of employees.

9. The type(s) of license(s) requested.

C. If the applicant is a corporation, the corporation, each officer of the corporation and every person holding 10% or more of the outstanding stock in the corporation shall submit an application complying with the provisions of paragraph B of this section, and in addition, the applicant shall also submit the following:

1. A certified copy of its Articles of Incorporation and Bylaws.

2. The names and addresses of all officers and directors and those stockholders owning 5% or more of the voting stock of the corporation, and the amount of stock held by each such stockholder.

3. The name of the resident agent of the corporation who would be authorized to accept service of process, including orders and notices issued by the Pueblo, and who will have principal supervisory responsibility for the business to be conducted on the licensed premises.

4. Such additional information regarding the corporation as the Administrator may require to assure a full disclosure of the corporation's structure and financial responsibility.

D. If the applicant is a partnership, or a limited liability corporation (''LLC''), the partnership or LLC, the managing partner or manager and every person or entity having an interest amounting to 10% or more of the total equity interest in the partnership or LLC shall submit an application complying with the provisions of paragraph B of this section, and in addition, the applicant shall submit the following:

1. A certified copy of the Partnership Agreement or, in the case of an LLC, the Articles of Organization and Operating Agreement.

2. The names and addresses of all general partners and of all limited partners contributing 10% or more of the total value of contributions made to the limited partnership or who are entitled to 10% or more of any distributions of the limited partnership; and in the case of an LLC, the names and addresses of every person or entity holding an ownership interest of 10% or more.

3. The name and address of the partner, manager or other agent of the partnership or LLC who or which is authorized to accept service of process, including orders and notices issued by the Pueblo, and who will have principal supervisory responsibility for the business to be conducted in the licensed premises.

4. Such additional information regarding the partnership or LLC as the Administrator may require to assure a full disclosure of the partnership's or LLC's structure and financial responsibility.

E. Every applicant who is a natural person, and every person required by paragraphs C or D of this section to comply with the provisions of paragraph B, shall also submit with the application a complete set of fingerprints, taken under the supervision of and certified to by an officer of an authorized law enforcement agency located within the State of New Mexico.

F. The applicant shall also submit proof that applicant, if a natural person, and every person who will be directly involved in the sale or service of alcoholic beverages as part of the applicant's business, has successfully completed, within the three years next preceding the date of the application, an alcohol server education program and examination approved by the director of the New Mexico Alcohol and Gaming Division.

G. Every applicant for either a package license or a premises license shall submit with the completed license application a non-refundable license processing fee, in the amount set forth below:

Package license—$5,000.00
Premises license—$1,000.00

In addition, each such applicant shall pay a fee to cover the cost of a background investigation, in an amount to be set by the Administrator from time to time, but which shall not exceed the sum of $1000.00.

H. Upon receiving a completed license application together with the required fees, the Administrator shall cause a background investigation to be performed of the applicant, to determine whether the applicant is qualified to be licensed under the provisions of this Liquor Code. Upon the written recommendation of the Administrator (if requested by the applicant), the Tribal Council may, in its discretion, approve the issuance of a preliminary license to the applicant effective for a period of no more than 90 days, but which shall be renewable for one additional period of 90 days in the event the background investigation cannot be completed within the first 90-day period; provided, however, that in no event shall the issuance of a preliminary license, or the renewal of such license for an additional 90-day period, entitle the applicant to favorable consideration with respect to the application for a package or premises license.

I. The Pueblo or any of its wholly owned commercial entities may apply for a package or premises license by submitting an application to the Administrator identifying the applicant, describing in detail the purpose of the license, including a detailed description of the proposed licensed premises, and including the appropriate fee as set forth in Paragraph G of this section.

Sec. 108.26 ***Action on Application***

A. Upon making a determination that an applicant for a package or premises license satisfies the requirements of this chapter, the Administrator shall prepare a written recommendation for the issuance of such license, setting forth sufficient information about the applicant, the proposed business, and any other matters deemed relevant by the Administrator, to enable the Tribal Council to evaluate the merits of the license, together with any and all supporting data deemed suitable by the Administrator. The recommendation shall include a detailed description of the proposed leased premises, and any limitations or conditions the Administrator recommends be included in the license. The Administrator shall deliver the recommendation to the Governor, who shall place the matter on the agenda for the Tribal Council's next regular meeting that is at least fifteen days after the recommendation was received by the Governor, and shall give written notice thereof to the Administrator and the applicant, and to the public. The Governor shall provide a complete copy of the Administrator's recommendation, with all supporting documentation, to each member of the Tribal Council, by no later than ten days before the meeting at which the matter is to be heard.

B. The Tribal Council shall take up the Administrator's recommendation at its next regular meeting. The Administrator shall explain the application and the basis for his or her recommendation, and the applicant shall be permitted to speak in favor of the application. Any interested member of the public may also be heard on the

matter. The Tribal Council shall vote either to approve or deny the application, and if it votes to approve the license, it shall specify whether the Administrator's recommendations as to the description of the licensed premises and any limitations or conditions on the license are accepted, rejected, or modified, and may add any additional limitations or conditions it deems appropriate.

C. If the Administrator concludes that the applicant is not qualified for a license under the provisions of Section 108.24 of this chapter, or that the application is otherwise not allowable under the provisions of this chapter, he or she shall give written notice to the applicant that the license is rejected, by certified mail, return receipt requested. The applicant may appeal that decision to the Tribal Council, by delivering written notice of such appeal to the office of the Governor, with a copy to the Administrator, within thirty days of the date the notice of rejection was received. Upon receipt of the notice of appeal, the Governor shall set the matter for hearing before the Tribal Council at a regular meeting that is no less than thirty days, but no more than forty-five days, from the date of receipt of the notice. The Governor shall send written notice to the applicant and the Administrator of the date and time the appeal is to be heard, and shall give such notice to the public.

D. By no less than fifteen days before the hearing, the Administrator shall prepare and submit to the Governor a report explaining in detail the basis for his or her decision to reject the application, to which shall be attached the complete application submitted by the applicant and any additional information concerning the application obtained by the Administrator. By the same deadline, the applicant may submit to the Governor its argument in support of the application, together with such documents as the applicant deems relevant. The Governor shall provide each member of the Council with complete copies of both submissions by no less than ten days before the date of the hearing.

E. At the hearing on the applicant's appeal, the applicant or its representative shall present argument in favor of the application, and the Administrator or his or her representative shall present argument in favor of the Administrator's decision. The Council may permit members of the public to speak. The Council shall vote either to uphold or reverse the Administrator's decision on the application. If the Council votes to reverse the decision, and to approve the application, it shall further determine whether any limitations or conditions should be attached to the license.

F. In the event the Council approves the issuance of a license, the Administrator shall issue the license forthwith, incorporating therein any limitations or conditions thereon approved by the Tribal Council.

Sec. 108.27 ***Term; Renewal; Fee***

A. Each package or premises license issued hereunder shall have a term of one (1) year from the date of issuance, provided that such license shall be renewable for additional periods of one year each by any licensee who has complied fully with the terms and provisions of the license and of this Liquor Code during the term of the license, and who remains fully qualified to be licensed under the provisions of Section 108.24 of this Chapter. A licensee who is eligible for renewal of his or her license shall submit to the Administrator an application for renewal on a form specified by the Administrator, together with proof that the licensee and each person employed by the licensee as a server has successfully completed, within the past five years, an alcohol server education program and examination approved by the director of the New Mexico Alcohol and Gaming Division, and a license renewal fee in the amount of $500.00, no less than thirty (30) days prior to the expiration date of the license.

B. The failure to submit a timely renewal application, with the required fee, may subject the licensee to a late charge of $500.00. If the renewal application is not submitted prior to expiration of the license, the Administrator may treat the license as having expired, and may require the licensee to file a new application in compliance with Section 108.25 of this chapter.

C. The Administrator may, in his or her discretion, conduct an update on the applicant's background investigation prior to acting on any renewal application, and the Administrator shall update such investigation prior to issuing a third renewal of a license since the last such investigation was performed, or if the Administrator has acquired information indicating that the applicant is not qualified for a license under the provisions of Section 108.24 of this chapter. Whenever any such investigation is performed, the Administrator shall require the applicant to pay an additional fee to cover the costs of such investigation, in an amount to be determined by the Administrator but in no event in excess of the sum of $1000.00.

D. The Administrator may refuse to approve a renewal of a license in the event a background investigation reveals facts that would disqualify the applicant from being licensed under this Liquor Code, or if the Administrator determines that the licensee has operated in a manner violative of the provisions of this chapter. In that event, the applicant shall have the right to appeal the Administrator's decision to the Tribal Council, which appeal shall be governed by and conducted in accordance with the same requirements and procedures that apply an appeal of a denial of an original application, as set forth in Section 108.26 (C), (D), and (E) of this chapter.

Sec. 108.28 ***Conditions of License***

No licensee shall have any property interest in any license issued under the provisions of this Liquor Code, and every such license shall be deemed to confer a non-transferable privilege, revocable by the Pueblo in accordance with the provisions of this Chapter. The continued validity of every package and premises license issued hereunder shall be dependent upon the following conditions:

A. Every representation made by the licensee and any of its officers, directors, shareholders, partners or other persons required to submit information in support of the application, shall have been true at the time such information was submitted, and shall continue to be true, except to the extent the licensee advises the Administrator in writing of any change in any such information, and notwithstanding any such change, the licensee shall continue to be qualified to be licensed under the provisions of this Liquor Code.

B. The licensee shall at all times conduct its business on Santa Clara Indian Lands in full compliance with the provisions of this Liquor Code and with the other laws of the Pueblo.

C. The licensee shall maintain in force, public liability insurance covering the licensed premises, insuring the licensee and the Pueblo against any claims, losses or liability whatsoever for any acts or omissions of the licensee or of any business invitee on the licensed premises resulting in injury, loss or damage to any other party, with coverage limits of at least $1 million per injured person, and the Administrator shall at all times have written evidence of the continued existence of such policy of insurance.

D. The licensee shall be lawfully entitled to engage in business within Santa Clara Indian Lands, and shall have paid all required rentals,

assessments, taxes, or other payments due the Pueblo.

E. The business conducted on the licensed premises shall be conducted by the licensee or its employees directly, and shall not be conducted by any lessee, sublessee, assignee or other transferee, nor shall any license issued hereunder or any interest therein be sold, assigned, leased or otherwise transferred to any other person.

F. All alcoholic beverages sold on the licensed premises shall have been obtained from a New Mexico licensed wholesaler.

G. No person shall be employed by the licensee as a server who has not, within the past five years, successfully completed an alcohol server education program and examination approved by the director of the New Mexico Alcohol and Gaming Division.

H. No licensee shall sell, serve or deliver any alcoholic beverage to a customer through a drive-up window, or otherwise to a customer who at the time of the transaction is in a motor vehicle.

I. By having applied for and obtained a license hereunder, the licensee shall be deemed to have submitted to the jurisdiction of the Tribal Court of the Pueblo with respect to any action brought by the Pueblo or any of its agencies or offices to enforce the provisions of this Liquor Code or any other provision of tribal law, or by any person claiming to have suffered loss or damage due to any act or omission of the licensee in the course of the conduct of its business on Santa Clara Indian Lands.

Sec. 108.29 ***Sanctions for Violation of License***

A. Upon determining that any person licensed by the Pueblo to sell alcoholic beverages under the provisions of the Liquor Code is for any reason no longer qualified to hold such license under the provisions of Section 108.24 of the Liquor Code, or has violated any of the conditions set forth in Section 108.28, the Administrator shall immediately serve written notice upon such licensee directing that he show cause within ten calendar days why his license should not be suspended or revoked, or a fine imposed, or both. The notice shall specify the precise grounds relied upon and the action proposed.

B. If the licensee fails to respond to such notice within ten calendar days of service of such notice, the Administrator shall issue an order suspending the license for such period as the Administrator deems appropriate, or revoking the license, effective immediately, or imposing a fine, in such amount as the Administrator deems reasonable. The licensee may request a hearing on such notice, by filing a written response and a request for hearing, within the ten-day period, with the Administrator and with the Clerk of the Santa Clara Tribal Court. The hearing shall be held before the Tribal Court, no later than 30 calendar days after receipt of such request, unless the Court for good cause extends such time period.

C. At the hearing, the Administrator shall have the burden to prove facts supporting the contentions set forth in the notice, and justifying the sanctions proposed in the notice. The licensee shall have the right to present its evidence in response.

D. The Court after considering all of the evidence and arguments shall issue a written decision, within fifteen days after the hearing concludes, either upholding the proposed action of the Administrator, modifying such action by imposing some lesser penalty, or ruling in favor of the licensee, and such decision shall be final and conclusive.

Sec. 108.30 ***Special Event License***

A. Any established business or any non-governmental organization that includes any member of the Pueblo, that has authority to conduct any activities within Santa Clara Indian Lands and that is not a licensee hereunder, may apply to the Administrator for a special event license, which shall entitle the applicant to distribute alcoholic beverages, whether or not for consideration, in connection with a bona fide special event to be held by the applicant within Santa Clara Indian Lands. Any such application must be filed in writing, in a form prescribed by the Administrator, no later than 45 calendar days prior to the event, must be accompanied by a fee in the amount of $50.00, and must contain at least the following information:

1. The nature and purpose of the event, the identity of the applicant and its relationship to the event, and a description of the persons who are invited to participate in the event, including their ages;

2. The precise location within Santa Clara Indian Lands where the event will occur, and where alcoholic beverages will be distributed, no part of which shall be within the Prohibited Zone;

3. The exact days and times during which the event will occur (provided, that in no event shall any license be in effect for a period exceeding 72 hours, from the beginning of the first day of the event until the end of the last day);

4. The nature of any food and beverages to be distributed, and the manner in which such distribution shall occur;

5. Details of all provisions made by the applicant for sanitation, security and other measures to protect the health and welfare of participants at the event;

6. Certification that the event will be covered by a policy of public liability insurance as described in Section 108.28 (C) of this Liquor Code, that includes the Pueblo as a co-insured.

7. Any other information required by the Administrator relative to the event.

B. The Administrator shall review the application, and shall prepare a written recommendation as to whether the application should be approved or denied, and whether it should be conditioned or limited in any respect, by no later than ten days following receipt of the complete application, which recommendation, together with any supporting documents, shall be delivered to the office of the Governor.

C. The Governor shall place the application on the agenda of the next regular Tribal Council meeting that is at least fifteen days after the Administrator's recommendation is received, and shall give written notice of the date and time of such meeting to the applicant and the Administrator. The Governor shall provide complete copies of the Administrator's recommendation to each member of the Council by no later than ten days before the meeting. The Tribal Council shall hear presentations from the applicant and the administrator on the application, and shall vote to approve or reject the application. If the Council votes to approve the application, it shall also decide whether the license should be conditioned or limited in any fashion. If the application is approved, the Administrator shall issue the license, including any conditions or limitations approved by the Council, and specifying the hours during which and the premises within which sales, distribution and consumption of alcoholic beverages may occur.

D. Alcoholic beverages may be sold or distributed pursuant to a special event license only at the location and during the hours specified in such license, in connection with the special event, only to participants in such special event, and only for consumption on the premises described in the license. Such sales or distribution must comply with any conditions imposed by the license, and with all other applicable provisions of this Liquor Code. All such alcoholic beverages must have been obtained from a New Mexico licensed wholesaler or retailer.

Sec. 108.31 ***Display of License***

Every person licensed by the Pueblo to sell alcoholic beverages within Santa Clara Indian Lands shall prominently display the license on the licensed premises during hours of operation.

Sec. 108.32 ***Alcoholism Treatment Tax***

There is hereby imposed a tax, that is in addition to any other applicable tax, in the amount of two percent of the gross receipts of each licensee from sales of alcoholic beverages, which shall be paid monthly by each licensee to the Administrator. The proceeds of this tax shall be maintained by the Administrator in a special fund, which shall be utilized solely to fund programs for the prevention and treatment of alcoholism and related problems, as determined from time to time by the Tribal Council. The Administrator may, by the issuance of appropriate regulations, establish procedures for the enforcement of this Section.

Subchapter 4: Offenses

Sec. 108.33 ***Purchase From or Sale to Unauthorized Persons***

Within Santa Clara Indian Lands, no person shall purchase any alcoholic beverage at retail except from a person licensed by the Pueblo under the provisions of this title; no person except a person licensed by the Pueblo under the provisions of this title shall sell any alcoholic beverage at retail; nor shall any person sell any alcoholic beverage for resale within Santa Clara Indian Lands to any person other than a person properly licensed by the Pueblo under the provisions of this chapter.

Sec. 108.34 ***Sale to Minors***

A. No person shall sell or provide any alcoholic beverage to any person under the age of 21 years.

B. It shall be a defense to an alleged violation of this Section that the purchaser presented to the seller an apparently valid identification document showing the purchaser's age to be 21 years or older, and that the seller had no actual or constructive knowledge of the falsity of the identification document and relied in good faith on its apparent validity.

Sec. 108.35 ***Purchase by Minor***

No person under the age of 21 years shall purchase, attempt to purchase or possess any alcoholic beverage.

Sec. 108.36 ***Sale to Person Under the Influence of Alcohol***

No person shall sell any alcoholic beverage to a person who the seller has reason to believe is under the influence of alcohol or who the seller has reason to believe intends to provide such alcoholic beverage to a person under the influence of alcohol.

Sec. 108.37 ***Purchase by Person Under the Influence of Alcohol***

No person under the influence of alcohol shall purchase any alcoholic beverage.

Sec. 108.38 ***Bringing Liquor Onto Licensed Premises***

No person shall bring any alcoholic beverage for personal consumption onto any premises within Santa Clara Indian Lands where liquor is authorized to be sold by the drink, unless such beverage was purchased on such premises, or unless the possession or distribution of such beverages on such premises is otherwise licensed under the provisions of this Liquor Code.

Sec. 108.39 ***Use of False or Altered Identification***

No person shall purchase or attempt to purchase any alcoholic beverage by the use of any false or altered identification document that falsely purports to show the individual to be 21 years of age or older.

Sec. 108.40 ***Penalties***

A. Any person convicted of committing any violation of this Chapter shall be subject to punishment of up to one (1) year imprisonment or a fine not to exceed Five Thousand Dollars ($5,000.00), or to both such imprisonment and fine.

B. Any person not a member of a federally recognized Indian tribe, upon committing any violation of any provision of this Chapter, may be subject to a civil action for trespass, and upon having been determined by the court to have committed the alleged violation, shall be found to have trespassed upon the Lands of the Pueblo, and shall be assessed such damages as the court deems appropriate in the circumstances.

C. Any person suspected of having violated any provision of this Chapter shall, in addition to any other penalty imposed hereunder, be required to surrender any alcoholic beverages in such person's possession to the officer making the arrest or issuing the complaint.

Sec. 108.41 ***Jurisdiction***

Any and all actions, whether civil or criminal, pertaining to alleged violations of this title, or seeking any relief against the Pueblo or any officer or employee of the Pueblo with respect to any matter addressed by this Liquor Code, shall be brought in the Tribal Court of the Pueblo, which court shall have exclusive jurisdiction thereof.

[FR Doc. 2017–17534 Filed 8–17–17; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2015–0068]

Draft Environmental Impact Statement on the Liberty Development and Production Plan in the Beaufort Sea Planning Area; MMAA104000

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability of a Draft Environmental Impact Statement.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) is announcing the availability of a Draft Environmental Impact Statement (EIS) for the Liberty Development and Production Plan (DPP) in the Beaufort Sea Planning Area. The Draft EIS analyzes the potential environmental impacts of the proposed action described in the Liberty DPP and reasonable alternatives to the proposed action. This Notice of Availability announces the start of the public review and comment period, as well as the dates and locations of public hearings on the Draft EIS. After BOEM holds the public hearings and reviews comments on the Draft EIS, BOEM will prepare a Final EIS.

DATES: Comments on the Draft EIS may be submitted through November 16, 2017. Public hearings on the Draft EIS are scheduled for:

1. Monday, October 2, 2017, 7 p.m. to 10 p.m., Nuiqsut, Alaska.
2. Tuesday, October 3, 2017, 7 p.m. to 10 p.m., Fairbanks, Alaska.
3. Wednesday, October 4, 2017, 7 p.m. to 10 p.m., Kaktovik, Alaska.
4. Thursday, October 5, 2017, 7 p.m. to 10 p.m., Utqiagvik (Barrow), Alaska.
5. Tuesday, October 10, 2017, 7 p.m. to 10 p.m., Anchorage, Alaska.

ADDRESSES: The Draft EIS, Liberty DPP, and associated information are available on the BOEM Web site at *https://www.boem.gov/Hilcorp-Liberty/* or by calling the Bureau of Ocean Energy Management, Alaska OCS Region, at (907) 334–5200 as described in **SUPPLEMENTARY INFORMATION**. The public hearings will be held at the following locations:

1. Nuiqsut, AK—Kisik Community Center, 2230 2nd Avenue.
2. Fairbanks AK—Westmark Hotel & Convention Center, 813 Noble Street.

3. Kaktovik, AK—Kaktovik Community Center, 2051 Barter Avenue.

4. Utqiagvik (Barrow), AK—Inupiat Heritage Center, 5421 North Star Street.

5. Anchorage, AK—Dena'ina Civic & Convention Center, 600 West 7th Avenue.

As described in **SUPPLEMENTARY INFORMATION**, submit written comments on this Draft EIS through the Federal eRulemaking Portal: *http://www.regulations.gov* or by mail to: Bureau of Ocean Energy Management, Attn: Liberty Draft EIS Comments, BLM Public Information Center, 222 W. 7th Avenue #13, Anchorage, Alaska, 99513.

FOR FURTHER INFORMATION CONTACT: Bureau of Ocean Energy Management, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503–5823; or Lauren Boldrick, Project Manager, (907) 334–5200, or Frances Mann, Section Chief, (907) 334–5277.

SUPPLEMENTARY INFORMATION: The proposed action would recover and process oil from the Liberty oil field and transport sales-quality oil to market. To accomplish this, the applicant for the DPP would construct a Liberty Drilling and Production Island (LDPI) to recover reserves from three Federal leases (OCS–Y–1585, OCS–Y–1650, and OCS–Y–1886) in Foggy Island Bay of the Beaufort Sea. The applicant would construct a new pipeline linking the LDPI to the Badami Sales Oil Pipeline (Badami pipeline). The applicant would bury the subsea portion (approximately 5.6 miles) of the pipeline along a route leading south from the LDPI to the Alaska coastline west of the Kadleroshilik River. The pipeline would transition to an above-ground portion (approximately 1.5 miles) of the pipeline that would continue south to tie into the existing Badami pipeline. The applicant would produce oil from the LDPI, transport it through the Badami pipeline to the existing common carrier pipeline system, and on to the Trans-Alaska Pipeline System.

Availability of the Draft EIS: The Draft EIS, Liberty DPP, and associated information are available on the BOEM Web site at *https://www.boem.gov/Hilcorp-Liberty/*. BOEM will distribute digital copies of the Draft EIS (primarily on compact disc (CD)) to interested parties upon request. If you require a paper copy, BOEM will provide one upon request, as long as copies are available. You may request a CD, paper copy, or the location of a library with a paper copy of the Draft EIS by calling (907) 334–5200.

Comment Submission: Federal, state, tribal, and local governments and/or agencies and the public may submit written comments on this Draft EIS through the Federal eRulemaking Portal: *http://www.regulations.gov*. In the field entitled ''Enter Keyword or ID,'' enter BOEM–2015–0068, and then click ''search.'' Commenters should follow the instructions to submit their comments and view supporting and related materials. Written comments may be submitted to: Bureau of Ocean Energy Management, Attn: Liberty Draft EIS Comments, BLM Public Information Center, 222 W. 7th Avenue #13, Anchorage, Alaska, 99513.

BOEM does not accept anonymous comments and requires name and contact information. Before including your address, phone number, email address or other personal identifying information within the body of 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 comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearings: BOEM will hold public hearings on the Draft EIS according to the schedule above. The purpose of these hearings is to receive public testimony on the Draft EIS.

Authority: This Notice of Availability for a Draft Environmental Impact Statement is in compliance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4231 *et seq.*), and is published pursuant to 40 CFR 1506.6 and 43 CFR 46.435.

Dated: August 14, 2017.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2017–17481 Filed 8–17–17; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR02030000, 17XR0687NA, RX185279066000000]

Draft Environmental Impact Report/Environmental Impact Statement and Draft Feasibility Report for Sites Reservoir Project, Sites, California

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability and notice of public meetings.

SUMMARY: The Bureau of Reclamation (Reclamation), as the National Environmental Policy Act (NEPA) Federal lead agency, and the Sites Project Authority, as the California Environmental Quality Act (CEQA) State lead agency, have made available for public review and comment the Sites Reservoir Project Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) and Draft Feasibility Report (Draft FR). The Draft EIR/EIS and Draft FR describe the environmental effects and evaluate the feasibility of the No-Action Alternative and four action alternatives. Two public meetings will be held to receive comments from individuals and organizations on the Draft EIR/EIS and Draft FR.

DATES: Submit written comments on the Draft EIR/EIS on or before November 13, 2017.

Two public meetings have been scheduled to receive oral or written comments regarding environmental effects:

- Tuesday, September 26, 2017, 6:00 p.m.–8:00 p.m., Maxwell, CA
- Thursday, September 28, 2017, 1:00 p.m.–3:00 p.m., Sacramento, CA

A 1-hour open house to view project information and interact with the project team will precede each public meeting.

ADDRESSES: Send written comments on the Draft EIR/EIS or Draft FR to DEIR/EIS Comments, Sites Project Authority, P.O. Box 517, Maxwell, CA 95955, or email to *EIR-EIS-Comments@SitesProject.org*.

The public meetings will be held at the following locations:

- Maxwell—Sites Project Authority, 122 Old Highway 99 West, Maxwell, CA 95955
- Sacramento—Convention Center, 1400 J Street, Room 306, Sacramento, CA 95814

Electronic CD copies of the Draft EIR/EIS may be requested from Sites Project Authority, at (530) 410–8250, or *EIR-EIS-Comments@SitesProject.org*. The Draft EIR/EIS is also accessible from the following Web site: *https://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?project_ID=29024*.

Copies of the Draft EIR/EIS are available for public review at the following locations:

1. Bureau of Reclamation, Mid-Pacific Region, Regional Library, 2800 Cottage Way, Sacramento, CA 95825
2. Sacramento Public Library, 828 I Street, Sacramento, CA 95814
3. Sites Authority, 122 Old Highway 99 West, Maxwell, CA 95955

FOR FURTHER INFORMATION CONTACT: Please contact Mr. Michael Dietl, Bureau of Reclamation, at (916) 978–

5070, or via email at *mdietl@usbr.gov*; or Mr. Rob Thomson, Sites Project Authority, at (530) 438–2309, or via email at *EIR-EIS-Comments@SitesProject.org*.

SUPPLEMENTARY INFORMATION: This Draft EIR/EIS describes the Sites Reservoir Project, potential alternatives to the Sites Reservoir Project, environmental setting, potential direct, indirect, and cumulative impacts that could result from implementation of each of the alternatives, and mitigation measures for potentially significant impacts, as applicable. Four alternative methods of constructing and operating the Sites Reservoir Project are evaluated in the Draft FR to meet all or the majority of the purpose, and need, and goals, and objectives of the Sites Reservoir Project. Other alternatives evaluated over the past several decades (some of which were the subject of prior CEQA and National Environmental Policy Act (NEPA) analyses and decision making) are summarized and discussed in Chapter 2 Alternatives Analysis of the Draft EIR/EIS.

The proposed Sites Reservoir Project facilities would primarily be located in Glenn and Colusa counties, approximately 10 miles west of the town of Maxwell, California. Proposed minor modifications to an existing diversion facility would also need to occur at the existing Red Bluff Pumping Plant in Tehama County, California. The Sites Reservoir Project would consist of a new offstream surface storage reservoir (Sites Reservoir) with two main dams, up to nine saddle dams, and up to three recreation areas. The Sites Reservoir would be filled via two existing Sacramento River diversions/canals (included in all alternatives) and a proposed new inlet/outlet structure and pipeline (included in the majority of alternatives). The pipeline would allow for diversion of excess Sacramento River flows for most alternatives, and discharge of water under all alternatives. Water conveyance between the reservoir and the canals and pipeline would be facilitated by two new regulating reservoirs. Pumping/generating plants would also be included as part of most alternatives. A new overhead power line would connect the pumping/generating plants and their associated electrical switchyards to an existing overhead power line in the Sites Reservoir Project area. New roads and a bridge across the proposed Sites Reservoir would be constructed to provide access to the proposed Sites Reservoir Project facilities and over the proposed reservoir, and some existing roads would be relocated or improved. The Sites Reservoir Project would require modifications to the T–C Canal and the Holthouse Reservoir. A more complete description of the Sites Reservoir Project can be found in Chapter 3 Description of the Sites Reservoir Project Alternatives in the Draft EIR/EIS.

The Sites Reservoir Project is the subject of a Notice of Preparation (NOP) issued on November 5, 2001, to prepare an EIR under CEQA, and a Notice of Intent (NOI) published on November 9, 2001 (66 FR 56708), to prepare an EIS under NEPA. The Sites Reservoir Project was formerly known as the North-of-Delta Offstream Storage project led by the California Department of Water Resources (DWR). The Sites Project Authority has assumed the role of the CEQA lead agency in lieu of DWR and will be responsible for constructing, operating, and maintaining the Sites Reservoir Project. Because of this change in lead agency, the Sites Project Authority issued a Supplemental NOP on February 2, 2017, for the Draft EIR for the Project.

Reclamation's involvement in the Sites Reservoir Project includes the following actions: (1) The development of a Federal feasibility report, and related EIS under NEPA, to support potential funding by the Federal Government, pursuant to the Calfed Bay-Delta Authorization Act (Pub. L. 108–361); (2) the potential approval of the use of the Tehama-Colusa Canal for water diversion and conveyance of water to Sites Reservoir; and (3) the coordinated operations of Central Valley Project (CVP) facilities and the Sites Reservoir Project. In addition, Reclamation's involvement in the Sites Reservoir Project also could include: (1) Potential Federal funding of the Project pursuant to the Water Infrastructure Improvements for the Nation Act (Pub. L. 114–322); (2) participation in the power lines to and from the Sites Reservoir; (3) involvement in and jurisdiction over the potential electrical power generation from the Sites Reservoir Project; and (4) potential new legislative authority to acquire shares of the water managed by the Sites Project Authority for federal conservation activities.

If special assistance is required at the public meetings, please contact Mr. Michael Dietl at (916) 978–5070; or via email at *mdietl@usbr.gov*. Please notify Mr. Dietl as far in advance as possible to enable Reclamation to secure the needed services. If a request cannot be honored, the requestor will be notified. A telephone device for the hearing impaired (TTY) is available at (800) 877–8339.

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.

Dated: August 14, 2017.

Grayford F. Payne,

Deputy Commissioner—Policy, Administration and Budget.

[FR Doc. 2017–17487 Filed 8–17–17; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1380 (Preliminary)]

Tapered Roller Bearings From Korea; Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of tapered roller bearings from Korea, provided for in subheadings 8482.20, 8482.91, and 8482.99 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'').[2]

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (''Commerce'') of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Meredith M. Broadbent dissenting.

appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On June 28, 2017, The Timken Company, North Canton, Ohio, filed a petition with the Commission and Commerce, alleging that an industry in the United States is materially injured by reason of LTFV imports of tapered roller bearings from Korea. Accordingly, effective June 28, 2017, the Commission, pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)), instituted antidumping duty investigation No. 731–TA–1380 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 5, 2017 (82 FR 31067). The conference was held in Washington, DC, on July 19, 2017, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)). It completed and filed its determination in this investigation on August 14, 2017. The views of the Commission are contained in USITC Publication 4721 (August 2017), entitled *Tapered Roller Bearings from Korea: Investigation No. 731–TA–1380 (Preliminary).*

By order of the Commission.

Issued: August 14, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–17467 Filed 8–17–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1005]

Certain L-Tryptophan, L-Tryptophan Products, and Their Methods of Production: Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge has issued a Final Initial Determination and Recommended Determination on Remedy and Bonding in the above-captioned investigation. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to Commission rules.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–4716. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov,* and 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 (*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 is soliciting comments on public interest issues raised by the recommended relief, should the Commission find a violation, specifically: (1) A limited exclusion order (''LEO'') against certain L-tryptophan, L-tryptophan products, and their methods of production, which are imported, sold for importation, and/or sold after importation by Respondents CJ CheilJedang Corp. of Seoul, Republic of Korea, CJ America, Inc. (''CJ America'') of Downers Grove, Illinois, and PT CheilJedang Indonesia of Jakarta, Indonesia (collectively ''CJ'' or ''Respondents''); and (2) a cease and desist order (''CDO'') against Respondent CJ America.

Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, parties are to file public interest submissions pursuant to pursuant to 19 CFR 210.50(a)(4). In addition, members of the public are hereby invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on August 11, 2017. Comments should address whether issuance of the LEO and CDO in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainants, their licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainants, complainants' licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the LEO and CDO would impact consumers in the United States.

Written submissions from the public must be filed no later than by close of business on Wednesday, September 20, 2017.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–1005'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50).

By order of the Commission.

Issued: August 14, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–17468 Filed 8–17–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–NEW]

Agency Information Collection Activities;

Proposed eCollection eComments Requested; DEA Ambassador Program

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-day Notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** at 82 FR 28355, on June 21, 2017, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until September 18, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gary R. Owen, Chief, Office of Congressional & Public Affairs, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Proposed collection.

2. *The Title of the Form/Collection:* DEA Ambassador Program (DAP) Volunteer Application.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is DEA–320. The applicable component within the Department of Justice is the Drug Enforcement Administration.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals. The Ambassador Program is designed to enhance the ability of the DEA Field Divisions to cultivate and leverage community relationships for the purpose of increasing illicit drug prevention and education strategies.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 100 respondents will complete the application in approximately 10 minutes.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 16.6 hours. It is estimated that applicants will take 10 minutes to complete the DEA–320. The burden hours for collecting respondent data sum to 1,000 hours (100 respondents × 10 minutes = 1,000 hours). 1,000/60 seconds = 16.6. If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N street NE., 3E.405B, Washington, DC 20530.

Dated: August 15, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–17469 Filed 8–17–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On August 14, 2017, the Department of Justice lodged a proposed Consent Decree (''Consent Decree'') with the United States District Court for the District of Connecticut in the lawsuit entitled *United States* v. *City of Waterbury, CT and Synagro Northeast, LLC,* Civil Action No. 2:17–cv–01377.

In a Complaint, the United States, on behalf of the U.S. Environmental Protection Agency (''EPA''), alleges that

the City of Waterbury, Connecticut (''Waterbury'') and Synagro Northeast, LLC (''Synagro'') violated the Clean Air Act (the ''Act''), 42 U.S.C. 7413, by violating: (1) The Solid Waste Combustion provisions in Section 129 of the Clean Air Act, 42 U.S.C. 7429, and (2) the Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010, 40 CFR 62, subpart LLL (''Subpart LLL''). The proposed Consent Decree in this case, among other things, requires that Waterbury and Synagro bring the sewage sludge incineration unit located at the Waterbury Wastewater Treatment Plant into compliance with Subpart LLL, and pay a civil penalty of $104,000.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *City of Waterbury, CT and Synagro Northeast, LLC,* D.J. Ref. No. 90–5–2–1–11647. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $10.75 (25 cents per page reproduction cost), payable to the United States Treasury.

Jeffrey Sands,

Assistant Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 2017–17496 Filed 8–17–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO): Meeting

AGENCY: Veterans' Employment and Training Service (VETS), Department of Labor.

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the ACVETEO. The ACVETEO will discuss the DOL core programs and services that assist veterans seeking employment and raise employer awareness as to the advantages of hiring veterans. There will be an opportunity for individuals or organizations to address the committee. Any individual or organization that wishes to do so should contact Mr. Gregory Green at 202–693–4734.

Individuals who will need accommodations for a disability in order to attend the meeting (*e.g.,* interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Wednesday, September 6, 2017 by contacting Mr. Gregory Green at 202–693–4734. Requests made after this date will be reviewed, but availability of the requested accommodations cannot be guaranteed. The meeting site is accessible to individuals with disabilities. This Notice also describes the functions of the ACVETEO. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

DATES AND TIMES: Wednesday, September 13, 2017 beginning at 9:30 a.m. and ending at approximately 4:00 p.m. (EST).

ADDRESSES: The meeting will take place at the U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210, Conference Room N–5437 A & B. Members of the public are encouraged to arrive early to allow for security clearance into the Frances Perkins Building.

Security Instructions: Meeting participants should use the visitors entrance to access the Frances Perkins Building, one block north of Constitution Avenue at 3rd and C Streets NW. For security purposes meeting participants must:

1. Present a valid photo ID to receive a visitor badge.

2. Know the name of the event being attended: The meeting event is the Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO).

3. Visitor badges are issued by the security officer at the Visitor Entrance located at 3rd and C Streets NW. When receiving a visitor badge, the security officer will retain the visitor's photo ID until the visitor badge is returned to the security desk.

4. Laptops and other electronic devices may be inspected and logged for identification purposes.

5. Due to limited parking options, Metro's Judiciary Square station is the easiest way to access the Frances Perkins Building.

Notice of Intent to Attend the Meeting: All meeting participants are being asked to submit a notice of intent to attend by Friday, September 1, 2017, via email to Mr. Gregory Green at *green.gregory.b@dol.gov,* subject line ''September 2017 ACVETEO Meeting.''

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Green, Assistant Designated Federal Official for the ACVETEO, (202) 693–4734.

SUPPLEMENTARY INFORMATION: The ACVETEO is a Congressionally mandated advisory committee authorized under Title 38, U.S. Code, Section 4110 and subject to the Federal Advisory Committee Act, 5 U.S.C. App. 2, as amended. The ACVETEO is responsible for: Assessing employment and training needs of veterans; determining the extent to which the programs and activities of the U.S. Department of Labor meet these needs; assisting to conduct outreach to employers seeking to hire veterans; making recommendations to the Secretary, through the Assistant Secretary for VETS, with respect to outreach activities and employment and training needs of Veterans; and carrying out such other activities necessary to make required reports and recommendations. The ACVETEO meets at least quarterly.

Agenda

9:30 a.m. Welcome and remarks, Sam Shellenberger, Deputy Assistant Secretary of Labor for Veterans' Employment and Training

9:35 a.m. Administrative Business, Mika Cross, Designated Federal Official

9:40 a.m. Transition and Training Subcommittee Briefing and Discussion on Fiscal Year 2017 recommendations

10:40 a.m. Barriers to Employment Subcommittee Briefing and Discussion on Fiscal Year 2017 recommendations

11:40 a.m. Break

11:55 a.m. Direct Services Subcommittee briefing and discussion on Fiscal Year 2017 recommendations
12:55 a.m. Lunch
2:00 p.m. Committee finalize recommendations for the Fiscal Year 2017
3:00 p.m. Break
3:15 p.m. Discussion/Assignments, ACVETEO Chairman
3:30 p.m. Public Forum, Mika Cross Designated Federal Official
4:00 p.m. Adjourn

Signed in Washington, DC, this 14th day of August 2017.

J.S. Shellenberger,

Deputy Assistant Secretary for Operations and Management, Veterans' Employment and Training Service.

[FR Doc. 2017–17516 Filed 8–17–17; 8:45 am]

BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0028]

Grain Handling Facilities; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements contained in the standard on Grain Handling Facilities.

DATES: Comments must be submitted (postmarked, sent, or received) by October 17, 2017.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA–2011–0028, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–3653, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., *e.t.*

Instructions: All submissions must include the Agency name and the OSHA docket number for the Information Collection Request (ICR) (OSHA–2011–0028). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments 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 (including this **Federal Register** notice) 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 and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Todd Owen or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

The Grain Handling Facilities Standard specifies a number of paperwork requirements. The following sections describe who uses the information collected under each requirement as well as how they use it. The purpose of the requirements is to reduce employees' risk of death or serious injury while working in grain handling facilities.

Paragraph (d) of the Standard requires the employer to develop and implement an emergency action plan so that employees will be aware of the appropriate actions to take in the event of an emergency.

Paragraph (e)(1) requires that employers provide training to employees at least annually and when changes in job assignment will expose them to new hazards. Paragraph (f)(1) requires the employer to issue a permit for all hot work. Under paragraph (f)(2) the permit shall certify that the requirements contained in 1910.272(a) have been implemented prior to beginning the hot work operations and shall be kept on file until completion of the hot work operation.

Paragraph (g)(1)(i) requires the employer to issue a permit for entering bins, silos, or tanks unless the employer or the employer's representative is present during the entire operation. The permit shall certify that the precautions contained in paragraph (g) have been implemented prior to employees entering bins, silos or tanks and shall be kept on file until completion of the entry operations.

Paragraph (g)(1)(ii) requires that the employer de-energize, disconnect, lockout and tag, block off or otherwise prevent operation of all mechanical, electrical, hydraulic, and pneumatic equipment which presents a danger to employees inside grain storage structures.

Paragraphs (i)(1) and (i)(2) require the employer to inform contractors performing work at the grain handling facility of known potential fire and explosion hazards related to the contractor's work and work area, and to

explain to the contractor the applicable provisions of the emergency action plan.

Paragraph (j)(1) requires the employer to develop and implement a written housekeeping program that establishes the frequency and method(s) determined to best reduce accumulations of fugitive grain dust on ledges, floors, equipment, and other exposed surfaces.

Under paragraph (m)(1), the employer is required to implement preventive maintenance procedures consisting of regularly scheduled inspections of at least the mechanical and safety control equipment associated with dryers, grain stream processing equipment, dust collection equipment including filter collectors, and bucket elevators. Paragraph (m)(3) requires a certification be maintained of each inspection. Paragraph (m)(4) requires the employer to implement procedures for the use of tags and locks which will prevent the inadvertent application of energy or motion to equipment being repaired, serviced, or adjusted.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the standard on Grain Handling Facilities (29 CFR 1910.272). The Agency is requesting a reduction in the current burden hours from 68,782 to 24,392 (difference of 44,390 hours). This decrease is due to the reduction of grain handling facilities from 9,025 to 5,500. The Agency will summarize any comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Grain Handling Facilities Standard (29 CFR 1910.272).

OMB Control Number: 1218–0206.

Affected Public: Business or other for-profits.

Number of Respondents: 47,007.

Frequency of Responses: On occasion.

Average Time per Response: Various.

Estimated Total Burden Hours: 24,392.

Total Responses: 514,721.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2011–0028). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as Social Security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download through this Web site.

All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–17505 Filed 8–17–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Proposed Information Collection Request; HIRE Vets Medallion Program

AGENCY: Veterans' Employment and Training Service (VETS), Labor.

ACTION: Request for public comments.

SUMMARY: VETS is publishing elsewhere in this issue of the **Federal Register** a Notice of Proposed Rulemaking to propose regulations implementing the Honoring Investments in Recruiting and Employing American Military Veterans Act of 2017. The proposal allows the public 30 days to comment on the proposed regulations including the proposal's collections of information contained in the rule. Under the Paperwork Reduction Act of 1995, Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice allows the public 60 days to comment on the collections of information contained in or associated with implementing the VETS proposal.

DATES: Comments must be submitted (postmarked, sent, or received) by October 17, 2017.

ADDRESSES: A copy of this Information Collection Request (ICR) with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=20201707-1293-001* (this link will only become active on the day following publication of this notice) or by contacting Randall Smith by telephone at (202) 693–4700.

Electronically: You may submit written comments and attachments electronically at *HIRE VETS.NPRM.gov.* Include ''ICR Comments'' in the subject line of the message.

Mail, hand delivery, express mail, messenger, or courier service: Randall Smith, Veterans' Employment and Training Service, Room S–1325, 200 Constitution Avenue NW., Washington, DC 20210; Telephone (202) 693–4700 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Randall Smith; *HIREVETS.NPRM@dol.gov* (202) 693–4700, TTY 202–693–8064, (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background: VETS is publishing a Notice of Proposed Rulemaking (NPRM), elsewhere in this issue of the **Federal Register**, proposing regulations implementing the Honoring Investments in Recruiting and Employing American Military Veterans Act of 2017 (HIRE Vets Act of 2017 or Act). The HIRE Vets Act of 2017 requires VETS to annually solicit and accept voluntary information from employers for consideration of employers to receive a HIRE Vets Medallion Award. The Act establishes specific criteria at two levels (gold and ''platinum) for large employers (those with 500 or more employees) and allows VETS discretion in establishing criteria for small and medium employers to qualify for similar awards. The NPRM proposes the application process and criteria that VETS intends to use to receive, review, and process applications, and to verify the applicant's information. The public has 30 days to comment on the NPRM.

This Notice allows the public sixty days, as required by PRA, to comment on the collections of information in or associated with implementing the proposed rule.

Desired Focus of Comments: VETS is soliciting comments concerning the proposed approved information collection request. VETS is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology *e.g.,* permitting electronic submissions of responses.

Proposed Collection of Information Requirements: The NPRM proposes the application process and criteria that VETS intends to use to receive, review, and process applications, verify the information provided and award the HIRE Vets Medallion Award to those employers meeting the criteria and deserving of the award. VETS developed the HIRE Vets application Forms [VETS–1011LP, VETS–1011LG, VETS–1011MP, VETS–1011MG, VETS–1011SP, VETS–1011SG] for employers to complete and submit to VETS to fulfill the regulatory requirements to receive an award.

The proposed rule provides specific award criteria for the large, medium, and small sized employers to qualify for the gold and platinum awards. Although the number of criteria an employer is required to satisfy in the proposed rule differs by award, the large employer criteria established by statute are generally incorporated across the large employer, medium employer, and small employer awards. The Application(s) would require employers to provide information to meet award criteria dependent upon the size of the employer and the award the employer is requesting, gold or platinum. The following table provides the corresponding regulatory citation.

PROPOSED REGULATORY PROVISION

Employer size	Gold award	Platinum award
Large	§ 1011.100 (a)	§ 1011.100 (b)
Medium	§ 1011.105 (a)	§ 1011.105 (b)
Small	§ 1011.110 (a)	§ 1011.110 (b)

The proposal also requires employers to supply additional information to VETS in support of the application for the HIRE Vets Medallion Award (§ 1011.215 (b)), or any time VETS becomes aware of facts that indicate that the information provided by an employer in its application was incorrect or that the employer does not satisfy the requirements at § 1011.120 (§ 1011.225). Also, employers are required to maintain information relied upon to complete the application for two years after the application is submitted to VETS (Subpart G § 1011.600). Finally, the Act establishes a fund, designated as the ''HIRE Vets Medallion Award Fund'' and requires VETS to assess a reasonable fee from the applicants to cover the costs associated with carrying out the HIRE Vets Medallion program. The NPRM provides the fee amount and how to submit the fee.

Current Actions: This notice invites public comments on the information collections contained in or associated with implementing the HIRE Vets proposed rule. Comments must be written to receive consideration, and they will be summarized and included in a future request for OMB approval of the of this information collection. Submitted comments will also be a matter of public record and posted on the Internet, without redaction. VETS encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

Type of Review: New.

Agency: DOL–VETS.

Title: Honoring Investments in Recruiting and Employing American Military Veterans Act.

ICR Reference Number: 20201707–1293–001.

Total Estimated Number of Annualized Respondents: 7,036.

Total Estimated Number of Annualized Responses: 34,245.

Total Estimated Number of Annual Burden Hours: 58,716.

Response Frequency: On Occasion.

Total Number of Annual Other Costs Burden: $1,847,746.

Authority: 44 U.S.C. 3506(c)(2)(A).

Signed in Washington, DC, this August 10, 2017.

George Triebsch,

Deputy Director, Field Operations, Veterans' Employment and Training Service.

[FR Doc. 2017–17248 Filed 8–17–17; 8:45 am]

BILLING CODE 4510–79–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Northwest Medical Isotopes; Notice of Meeting

The ACRS Subcommittee on Northwest Medical Isotopes (NWMI) will hold meetings on August 22–23, 2017, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meetings will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meetings shall be as follows:

Tuesday, August 22, 2017—8:30 a.m. Until 5:30 p.m. and Wednesday, August 23, 2017—8:30 a.m. Until 5:00 p.m.

The Subcommittee will review and comment on the Northwest Medical Isotopes construction permit application preliminary safety analysis report (PSAR) and the draft NRC Safety Evaluation reports for a Mo99 Radioisotope Production Facility, which will include Chapters 9, 11, 12, and 13.

The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Kathy Weaver (Telephone 301–415–6236 or Email: *Kathy.Weaver@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016, (81 FR 71543).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs*. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: August 14, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–17498 Filed 8–17–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittees on Thermal-Hydraulic Phenomena; Notice of Meeting

The ACRS Subcommittee on Thermal-Hydraulic Phenomena will hold a meeting on August 21, 2017, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Monday, August 21, 2017—8:30 a.m. Until 5:30 p.m.

The Subcommittee will review AREVA's new transient code suite AURORA–B. The staff will answer questions from the Subcommittee. The Subcommittee will hear presentations by and hold discussions with the licensee, NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Zena Abdullahi (Telephone 301–415–8716 or Email *Zena.Abdullahi@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016, (81 FR 71543).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs*. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: August 14, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–17500 Filed 8–17–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Reliability and Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittee on Reliability and Probabilistic Risk Assessment will hold a meeting on August 24, 2017, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance. The agenda for the subject meeting shall be as follows:

Thursday, August 24, 2017—8:30 a.m. until 12:00 p.m.

The Subcommittee will review the RG 1.174 Update Plan and will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Quynh Nguyen (Telephone 301–415–5844 or Email *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016, (81 FR 71543).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: August 14, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–17499 Filed 8–17–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–17; NRC–2017–0178]

Portland General Electric Company; Trojan Independent Spent Fuel Storage Installation; Renewal of Special Nuclear Materials License

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal application; receipt; notice of opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering an application for the renewal of Special Nuclear Materials (SNM) License No. SNM–2509, which currently authorizes Portland General Electric Company (PGE) to receive, possess, transfer, and store spent fuel from Trojan Nuclear Power Plant (TNPP) in the Trojan Independent Spent Fuel Storage Installation (ISFSI). The renewed license would authorize PGE to continue to store spent fuel in the Trojan ISFSI for an additional 40 years beyond the current license expiration date of March 31, 2019.

DATES: A request for a hearing or petition for leave to intervene must be filed by October 17, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0178 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0178. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Christopher Markley, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6293; email: *Christopher.Markley@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC has received, by letter dated March 23, 2017, an application from PGE for renewal of SNM License No. SNM–2509 for the Trojan ISFSI for an additional 40 years (ADAMS Accession No. ML17086A039). The license authorizes PGE to receive, possess, transfer, and store spent fuel from TNPP in the Trojan ISFSI, located in Columbia County, Oregon. This license renewal, if approved, would authorize PGE to continue to store spent fuel at the Trojan ISFSI, under the provisions of part 72 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste.''

Following an NRC's administrative completeness review, documented in a

letter to PGE dated May 31, 2017 (ADAMS Accession No. ML17144A197), the NRC staff has determined that the renewal application contains sufficient information for the NRC staff to begin its technical review and is acceptable for docketing. The application has been docketed in Docket No. 72–17, the existing docket for SNM License No. SNM–2509. If the NRC approves the renewal application, the approval will be documented in the renewal of SNM License No. SNM–2509. The NRC will approve the license renewal application if it determines that the application meets the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. These findings will be documented in a safety evaluation report. The NRC will complete an environmental evaluation, in accordance with 10 CFR part 51, to determine if the preparation of an environmental impact statement is warranted or if an environmental assessment and finding of no significant impact are appropriate. This action will be the subject of a subsequent notice in the **Federal Register**.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html*. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or

representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly-available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, a hearing request and petition to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Dated at Rockville, Maryland, this 9th day of August 2017.

For the Nuclear Regulatory Commission.

Christopher T. Markley,

Systems Performance Analyst, Renewals and Materials Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2017–17493 Filed 8–17–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2017–263 and CP2017–264]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 22, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance

date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2017–263; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 14, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 22, 2017.

2. *Docket No(s).:* CP2017–264; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 14, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 22, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–17492 Filed 8–17–17; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81391; File No. SR–BOX–2017–27]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend BOX Rule 5050 (Series of Options Contracts Open for Trading), IM–5050–1, To Include the iShares S&P 500 Index ETF in the List of Exchange-Traded Funds Eligible for $1 Strike Price Intervals

August 14, 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 August 10, 2017, BOX Options Exchange LLC (''BOX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend BOX Rule 5050 (Series of Options Contracts Open for Trading), IM–5050–1, to include the iShares S&P 500 Index ETF (''IVV'') in the list of Exchange-Traded Funds (''ETFs'') that are eligible for $1 strike price intervals. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend BOX Rule 5050 (Series of Options Contracts Open for Trading), to modify the strike setting regime for IVV options by including IVV in the list of ETFs that are eligible for $1 strike price intervals under IM–5050–1(b). This is a competitive filing that is based on an immediately effective filing recently submitted by the Chicago Board Options Exchange, Incorporated (''CBOE'').[3]

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''),[4] which is an 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 ETF underlying, SPY and IVV options are listed in the same manner as equity options under the Rules.

However, under current IM–5050–1(d), the interval between strike prices in series of options on Index-Linked Securities,[5] as defined in Rule 5020(k), will be $1 or greater where the strike price is $200 or less and $5 or greater where the strike price is greater than

[3] *See* Securities Exchange Act Release No. 80913 (June 13, 2017), 82 FR 27907 (June 19, 2017) (SR–CBOE–2017–048).

[4] *See* IM–5050–1(b).

[5] The Exchange notes that IVV is treated as an Index-Linked Security under current Exchange rules.

$200. In addition, under IM–5050–6(b)(5),

> 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 option classes that participate in the Short Term Options Series Program; (ii) $0.50 for option classes that trade in one dollar increments in Related non-short Term Options and are in the Short Term Option Series Program; or (iii) $2.50 or greater where the strike price is above $150. During the month prior to expiration of an option class that is selected for the Short Term Option Series Program pursuant to this rule (Short Term Option), the strike price intervals for the related non-Short Term Option shall be the same as the strike price intervals for the Short Term Option.

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 wider range of S&P 500 Index-based option strikes 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 IM–5050–1(b) to allow IVV options to trade in $1 increments above a strike price of $200. Specifically, the Exchange proposes to amend IM–5050–1(b) to state that, ''[n]otwithstanding 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 S&P 500 Index ETF (''IVV''), and the SPDR Dow Jones Industrial Average ETF (''DIA'') options 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 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% to $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. Under the current rule, 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 under 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 option 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 [6] 7 [sic] which is an ETF that is identical in all material respects to the IVV ETF.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[7] in general, and Section 6(b)(5) of the Act,[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. 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.

[6] *See* IM–5050–1(b).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

As noted above, some ETF options trade in wider $5 intervals above a $200 strike price, whereby 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 500%. This proposal remedies this situation by establishing an exception to the current 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 the rules of other exchanges.[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 participant, 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

The Exchange has neither solicited nor received comments on the proposed rule change.

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, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[15] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[16] 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 because this proposal permits listing IVV options in a manner permitted by the Chicago Board Options Exchange, Incorporated,[17] and will provide investors with an alternative venue for trading IVV options. The Commission also notes that the proposed rule change is consistent with the strike price intervals in IVV options that is permitted on other exchanges and thus raises no new novel or substantive issues.[18] Accordingly, the Commission hereby waives the operative delay and designates the proposal 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 to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2017–27 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–BOX–2017–27. 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

[10] *See* Nasdaq Phlx Rule 1012.05(a)(iv)(C) and CBOE Rule 5.5.08(b).

[11] *See* IM–5050–1(b).

[12] *Id.*

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 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, 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. The Exchange has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] *See supra* note 3.

[18] *See supra* note 10. *See also* Miami International Securities Exchange, LLC Rule 404, Interpretations and Policies .10; The Nasdaq Options Market LLC Rules, Chapter IV, Section 6, Supplementary Material .01(c).

[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).

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–BOX–2017–27 and should be submitted on or before September 8, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17436 Filed 8–17–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81392; File No. SR–NYSEARCA–2017–89]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services To Modify the Fees and Credits for Routing Certain Orders to NYSE American LLC

August 14, 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 August 4, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services (''Fee Schedule'') to modify the fees and credits for routing certain orders to NYSE American LLC (''NYSE American'').[4] The Exchange also proposes to make non-substantive changes to the Fee Schedule in connection with the name change of its affiliate NYSE MKT LLC to NYSE American LLC. The Exchange proposes to implement the changes effective August 4, 2017.[5] The proposed rule change is available on the Exchange's Web site at *www.nyse.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to modify the fees and credits for routing certain orders to the NYSE American. The Exchange also proposes to make non-substantive changes to the Fee Schedule in connection with the name change of its affiliate NYSE MKT LLC to NYSE American LLC.

In a recent rule filing, NYSE American proposed to modify its fee schedule for equities transactions, including changes to the rates for providing liquidity and for executions that occur in the opening and closing auction.[6] The Exchange's current credits for routing orders to NYSE American are closely related to the NYSE American's rates, including the rates for providing liquidity, and the Exchange is proposing an adjustment to its rates to remain competitive with the rates of NYSE American. Specifically, for Tier 1 and Tier 2 PO[7] and PO+[8] Orders, the Exchange currently provides a credit of $0.0016 per share for orders that are routed to NYSE American that provide liquidity to the NYSE American order book, which is equal to the NYSE American rebate for execution of customer orders that add liquidity to NYSE American.

A PO Order is designed to route to the primary listing market of the security underlying the order (*i.e.,* NYSE, NASDAQ, etc.) immediately upon arrival and the order therefore does not rest on the Exchange's order book. Because such orders do not rest on the Exchange's book, the Exchange charges fees or provides credits for those orders based on the fees or credits of the destination primary listing market, which are the fees and credits that the Exchange is charged by the primary listing market that receives the order. In the NYSE American Fee Filing, NYSE American proposed to not charge a fee or provide a credit for executions of displayed orders that provide liquidity on that exchange.[9] Accordingly, the Exchange is proposing to amend the rates for routing Tier 1 and Tier 2 PO Orders to NYSE American to reflect the rates proposed by NYSE American. As proposed, there will be no credit for such orders routed to NYSE American that provide liquidity to the NYSE American book.

The Exchange proposes to make corresponding changes to the Basic Rate pricing section of the Fee Schedule.

Additionally, in the NYSE American Fee Filing, NYSE American proposed to charge a fee of $0.0005 per share for executions at the open or close.

[20] 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] On July 24, 2017, the Exchange's affiliate, NYSE MKT LLC, transitioned to the Pillar trading platform and has been renamed NYSE American LLC. *See* Securities Exchange Act Release Nos. 79242 (November 4, 2016), 81 FR 79081 (November 10, 2016) (SR–NYSEMKT–2016–97); 79400 (November 25, 2016), 81 FR 86750 (December 1, 2016) (SR–NYSEMKT–2016–103); 80283 (March 21, 2017), 82 FR 15244 (March 27, 2017) (SR–NYSEMKT–2017–14); and 80748 (May 23, 2017), 82 FR 24764 (May 30, 2017) (SR–NYSEMKT–2017–20).

[5] The Exchange originally filed to amend the Fee Schedule on July 24, 2017 (SR–NYSEArca-2017–81) and withdrew such filing on August 4, 2017.

[6] *See* Securities Exchange Act Release No. 81228 (July 27, 2017), 82 FR 36012 (August 2, 2017) (SR–NYSEMKT–2017–43) (the ''NYSE American Fee Filing'').

[7] A PO order is a Market or Limit Order that on arrival is routed directly to the primary listing market without being assigned a working time or interacting with interest on the NYSE Arca Book. *See* Rule 7.31(f)(1).

[8] The Exchange transitioned to the Pillar trading platform in 2016 and on Pillar, the PO+ modifier in the Exchange's rules was replaced with the Primary Only Day/IOC Order, which is a Primary Only Order designated Day or IOC, as provided in current Rule 7.31(f)(1(B). *See* Securities Exchange Act Release No. 76267 (October 26, 2015), 80 FR 66951 (October 30, 2015) (SR–NYSEArca-2015–56). A Primary Only Order designated Day functions similar to what was a PO+ Order. Therefore, to promote clarity to the Fee Schedule and avoid any confusion, the Exchange proposes to remove reference to PO+ Orders from the Fee Schedule.

[9] The Exchange notes that orders that are routed to NYSE American will be displayed on that exchange. PO Orders do not provide ETP Holders the ability to add non-displayed liquidity to away markets.

Accordingly, the Exchange proposes to amend the Fee Schedule to lower the Tier 1, Tier 2 and Basic Rate fee for PO Orders in Tape B securities that are routed to NYSE American that execute in the opening or closing auction, from $0.00085 per share to $0.0005 per share.

As noted above, the Exchange's affiliate, NYSE MKT LLC, has been renamed NYSE American LLC. Accordingly, in the Fee Schedule, under ''NYSE Arca Marketplace: Trade Related Fees and Credits,'' under ''Round Lots and Odd Lots (Per Share Price $1.00 or Above), and ''Co-location Fees,'' in General Notes 1 and 4, the Exchange proposes to change references to ''NYSE MKT Book'' to ''NYSE American Book''; ''NYSE MKT'' to ''NYSE American''; ''NYSE MKT LLC'' to ''NYSE American LLC''; and ''NYSE Amex Options'' to ''NYSE American Options.'' None of the foregoing changes are substantive.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any problems that ETP Holders would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[11] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed changes to routing credits for PO Orders that provide liquidity to NYSE American and routing fees for such orders that execute in the opening or closing auction on NYSE American are reasonable because the Exchange's rates for routing such orders are closely related to NYSE American's rates for its members, and the proposed change is consistent with the change proposed by NYSE American to not provide a rebate for providing liquidity and to charge a lower fee for executions in the opening or closing auction. While the proposed rule change would result in a decrease in the per share credit for PO Orders routed to NYSE American that provide liquidity to NYSE American, and a decrease in the per share fee for such routed orders that execute in the opening or closing auction, the Exchange would remain competitive with NYSE American as that exchange also no longer provides a credit to its members for providing liquidity and charges a lower fee for executions in the opening or closing auction. Further, the proposed change is equitable and not unfairly discriminatory because the proposed elimination of routing credits for PO Orders that provide liquidity to NYSE American and the proposed decrease of routing fees for such orders that execute in the opening or closing auction on NYSE American would apply uniformly across pricing tiers and all similarly situated ETP Holders.

The Exchange believes that the proposed rule change regarding the name change from NYSE MKT LLC to NYSE American LLC is consistent with Section 6(b) of the Act,[12] in general, and with Section 6(b)(1) [13] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The proposed rule change would ensure that the Fee Schedule accurately reflects the name change of the Exchange's affiliate from NYSE MKT to NYSE American and the rebranding of NYSE Amex Options to NYSE American Options and would contribute to the orderly operation of the Exchange by adding clarity and transparency to the Fee Schedule.

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 these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[14] 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. In particular, the proposed routing credit and fee changes would not place a burden on competition because the Exchange is lowering the credit it provides and fees it charges to ETP Holders to match the credits and fees provided by NYSE American.[15]

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change promotes a competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [16] of the Act and subparagraph (f)(2) of Rule 19b–4 [17] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [18] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEARCA–2017–89 on the subject line.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(1).

[14] 15 U.S.C. 78f(b)(8).

[15] *See supra* note 6.

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(2).

[18] 15 U.S.C. 78s(b)(2)(B).

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2017–89. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2017–89 and should be submitted on or before September 8, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17434 Filed 8–17–17; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81390; File No. SR–NASDAQ–2017–082]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Clarify When Nasdaq Will Utilize the Secondary Source of Data

August 14, 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 August 2, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''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 further clarify when Nasdaq will utilize the Secondary Source of data pursuant to Rule 4759.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to clarify when Nasdaq will utilize the Secondary Source of data pursuant to Rule 4759. Rule 4759 lists the proprietary and network processor feeds that are utilized for the handling, routing, and execution of orders, as well as for the regulatory compliance processes related to those functions. Rule 4759 also lists Secondary Sources of data that are utilized in emergency market conditions, and only until those emergency conditions are resolved. The Exchange proposes to amend this rule to describe how the Nasdaq trading system decides when to use the Primary or Secondary Source of data. Specifically, the Exchange proposes to amend Rule 4759 to clarify that the Primary Source of data is used unless it is delayed by a configurable amount compared to the Secondary Source of data.[3] The Exchange will revert to the Primary Source of data once the delay has been resolved. The configurable amount described in this rule will be made available to members via Equity Trader Alert.

The Exchange believes that this clarification is necessary in light of the re-launch of NYSE MKT as NYSE American, which is scheduled for July 24, 2017.[4] NYSE American rules provide for an intentional 350 microsecond access delay to certain inbound and outbound order messages on that exchange, including all outbound communications to proprietary market data feeds. NYSE American will not apply a similar delay to outbound communications to the securities information processor (''SIP''). Due to the intentional delay of proprietary market data to be disseminated by NYSE American, the Exchange believes that fail over to the Secondary Source of Data may sometimes be necessary even during otherwise normal operation to ensure that the fastest and most reliable data is used for the handling, routing, and execution of orders, and for regulatory compliance purposes.

Currently, the Nasdaq trading system utilizes proprietary market data as the Primary Source for the following markets that provide a reliable proprietary data feed: NYSE MKT, NASDAQ OMX BX, DirectEdge A, DirectEdge X, CHX, NYSE, NYSE Arca,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As a conforming change, the Exchange proposes to remove the current rule text that indicates that the Secondary Source of data is, where applicable, utilized only in emergency market conditions and only until those emergency conditions are resolved. The Exchange does not believe that this language is needed as the amended rule would now indicate with more specificity when the Exchange fails over to the Secondary Source of data.

[4] *See* Securities Exchange Act Release No 80700 (May 16, 2017), 82 FR 23381 (May 22, 2017) (SR–NYSEMKT–2017–05) (Approval Order).

NASDAQ, NASDAQ OMX PSX, BATS Y-Exchange, and BATS Exchange. For each of these markets, the Exchange uses SIP data as the Secondary Source.[5] The trading system then uses certain real-time logic to determine whether emergency market conditions exist that should result in the failover to the Secondary Source of data from the Primary Source. Specifically, the trading system fails over to the Secondary Source of data for these markets if the Primary Source of data is delayed by a configurable amount compared to the Secondary Source.[6] A significant delay of the Primary Source of data compared to the Secondary Source of data indicates that there is an emergency market condition pursuant to Rule 4759. In such an instance, the Exchange believes that it is appropriate to fail over to the Secondary Source of data as the Secondary Source of data is more current. If the Exchange fails over to the Secondary Source of data it will re-elect the Primary Source of data if the Primary Source of data is no longer delayed compared to the Secondary Source. This process ensures that the Exchange's trading and other systems have the most accurate view of the trading interest available across other markets.

With the upcoming launch of NYSE American, the Exchange believes that its current rule should be amended to better reflect intentional delays to the Primary Source of data. Specifically, the Exchange desires to make clear that even otherwise normal operation of the Primary Source of data may result in the Exchange electing the Secondary Source of data if that operation includes an intentional delay. This would be the case even if such operation would not normally be deemed an emergency market condition. Although the Exchange's process for determining which data to use will not change at this time,[7] the Exchange believes that it is important to clarify that process so that members and other market participants are adequately apprised of when the Exchange will use the Primary or Secondary Source of data.

As explained earlier in this proposed rule change, the Exchange employs an automated, real-time, process to determine if there is an emergency market condition pursuant to Rule 4759. In particular, the Exchange determines whether there is an emergency market condition by comparing the timestamp of the Primary Source of data with the timestamp of the Secondary Source of data. The Exchange believes that a significant delay in the Primary Source of data compared to the Secondary Source is an emergency market condition because such a delay is not consistent with normal operation of such data feeds. The Exchange does not believe that the current emergency market conditions language is clear, however, when dealing with markets such as NYSE American that have employed an intentional delay in the data disseminated over the direct data feeds utilized by the Exchange as the Primary Source of data. Currently, the Primary Source of data is used unless it is delayed by a configurable amount compared to the Secondary Source of data. The Exchange then reverts to the Primary Source of data once the delay has been resolved. The Primary Source of data may be delayed due to technical issues that would normally be considered an emergency market condition, or during otherwise normal operation of the Primary Source of data if an intentional delay has been implemented. In this respect, the Exchange notes that even NYSE Arca—an affiliate of NYSE American—has decided to use SIP data as the primary source of data for NYSE American due to the intentional delay of messages on their proprietary market data.[8] Although Nasdaq is not proposing to change its Primary Source of data for NYSE American, the Exchange believes that modifying its rules to clarify the conditions where the Secondary Source of data may be elected will increase transparency of the operation of the Exchange to the benefit of members and other market participants.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that the proposed rule change removes impediments to and perfects the mechanism of a free and open market and protects investors and the public interest because it provides additional transparency around when Nasdaq will elect to use the Secondary Source of data for the handling, routing, and execution of orders, and for regulatory compliance purposes. The proposed rule change does not change the operation of the Exchange or its use of data feeds; rather it clarifies when the Exchange will elect the Secondary Source of data pursuant to Rule 4759. Currently, Rule 4759 indicates that the Exchange will fail over to the Secondary Source of data if there is an emergency market condition but does not specify what counts as an emergency market condition pursuant to the rule. In fact, the Exchange has an automated, real-time, process for determining whether an emergency market condition exists by measuring the amount of delay between the Primary and Secondary Sources of data. The proposed rule change therefore clarifies that the Exchange will elect the Secondary Source of data if the Primary Source of data is delayed by a configurable amount (made available to members via Equity Trader Alert), and will then revert to the Primary Source of data once the delay has been resolved. The Secondary Source of data may be elected even during otherwise normal operation because of intentional delays in the dissemination of market data over an exchange's proprietary market data feeds. The Exchange believes that this change is appropriate in light of the launch of the NYSE American exchange, which will come with an intentional delay of market data provided through proprietary data products used by Nasdaq as the Primary Source of data. The Exchange believes the additional transparency of the operation of the Exchange as described in the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest.

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

[5] SIP data is used as the Primary Source for NSX, FINRA ADF, and IEX. There is no Secondary Source for these markets.

[6] A delay is indicated by data being received by the Exchange from the Secondary Source that has a more recent timestamp than the Primary Source. Fail over then occurs once such a delay has reached a configurable value. The configurable amount described in this rule will be made available to members via Equity Trader Alert. Currently, this configurable value is set to 1.5 seconds. The Exchange will issue an Equity Trader Alert to members to notify them of the current value and in the event that it changes this value.

[7] The Exchange may decrease the amount of delay required to switch to the Secondary Source of data at a later date. The Exchange will alert members of any such change with an Equity Trader Alert. *See id.*

[8] *See* Securities Exchange Act Release No. 34–81061 (June 30, 2017), 82 FR 31642 (July 7, 2017) (SR–Arca–2017–70).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

of the purposes of the Act. The proposed rule change is not designed to address any competitive issue but rather would provide members and other market participants with information about when Nasdaq will utilize its Secondary Source of data. The Exchange believes that this change will increase transparency around the operation of the Exchange without any significant impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [13] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [14] 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. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to clarify the conditions under which the Secondary Source of data may be elected and increase transparency of the operation of the Exchange. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[15]

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 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, 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. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] 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).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2017–082 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–2017–082. 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–2017–082 and should be submitted on or before September 8, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17435 Filed 8–17–17; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81387; File No. SR-BatsBZX–2017–50]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Extend the Implementation Date For Certain Changes to Exchange Rules 14.11 and 14.12

August 14, 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 31, 2017, Bats BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''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 filed a proposal to extend the date on which certain changes to Exchange Rules 14.11 and 14.12 would be implemented.

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On November 18, 2016 the Exchange filed a proposed rule change, as subsequently amended by Amendments No. 1 and 2 thereto (as amended, the ''Proposed Rule Change''), to adopt certain changes to Exchange Rules 14.11 and 14.12 to add additional continued listing standards for exchange-traded products (''ETP'') as well as clarify the procedures that the Exchange will undertake when an ETP is noncompliant with applicable rules. Given the scope of the amendments specified in the Proposed Rule Change, the Exchange proposed that such amendments not be implemented until October 1, 2017. On March 7, 2017, the Commission granted approval of the Proposed Rule Change, including the October 1, 2017 implementation date. The Exchange now proposes to extend the implementation date of the amendments specified in the Proposed Rule Change to July 1, 2018.[3]

Since the Proposed Rule Change was approved, the Exchange has engaged in extensive conversations with issuers of listed ETPs, industry advocacy groups and index providers to discuss the new rule requirements and offer guidance on rule interpretation and application. As a result of these conversations, ETP issuers have expressed concern about their ability to have in place systems and procedures to ensure compliance by the current October 1, 2017 implementation date. In particular, listed ETP issuers, and industry advocacy groups on their behalf, have explained that issuers will require time to design and test new compliance systems as well as engage in discussions with third-party providers to source and track new data elements required for rule compliance.[4]

The Exchange believes it is appropriate to extend the implementation date of the Proposed Rule Change to July 1, 2018 to provide listed ETP issuers with the time needed to develop and test their compliance procedures. In support of its proposal, the Exchange notes that the Proposed Rule Change imposes significant new compliance requirements on issuers that they have not been subject to previously. To meet these new compliance requirements, issuers must develop internal systems as well as coordinate with third-party service providers, such as index providers, to develop procedures by which they can obtain essential data. Listed issuers have informed the Exchange that they are unable to complete this extensive project by the pending October 1, 2017 implementation date. The Exchange believes that it is critical for listed ETP issuers to have the appropriate procedures and systems in place to monitor and evidence ETP compliance with the new continued listing rules before such rules are implemented. Therefore, the Exchange proposes to extend the implementation date for the Proposed Rule Change until July 1, 2018.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act[5] in general and Section 6(b)(5) of the Act[6] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed amendment is consistent with the protection of investors because it will enable listed issuers to have the systems and procedures needed to monitor and evidence compliance with the Proposed Rule Change prior to such rule being implemented. Providing listed issuers with additional time to ensure that they have adequate compliance systems in place furthers the protection of investors and the public interest because it will enhance investor confidence that listed issuers are complying with Exchange rules.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

(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 purpose of the Act. The Exchange notes that the proposed rule change will facilitate listed ETP issuers' ability to monitor and evidence compliance with approved continued listing rules by providing issuers with additional time to develop and test their internal systems and procedures prior to the implementation date.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange received a copy of a letter from the Investment Company Institute, on behalf of listed ETP issuers, to the Securities Exchange [sic] Commission.[7] As described in Item 3 [sic], above, the Investment Company Institute detailed challenges that listed ETP issuers are facing in developing compliance systems to address the amendments contained in the Proposed Rule Change and have requested that the implementation date for such amendments be extended to July 1, 2018.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period 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 self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

[3] *See* Securities Exchange Act Release No. 80169 (March 7, 2017), 82 FR 13536 (March 13, 2017) (SR-BatsBZX–2016–80).

[4] *See,* for example, Letter, dated July 11, 2017, from Dorothy Donohue, Acting General Counsel, Investment Company Institute to Brent J. Fields, Secretary, Securities and Exchange Commission, *available at https://www.sec.gov/comments/sr-nasdaq-2016-135/nasdaq2016135-1846208-155175.pdf.*

[5] 15 U.S.C. 78f [sic].

[6] 15 U.S.C. 78f(b)(5).

[7] *See* Footnote 4, *infra.* [sic]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal 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 No. SR–BatsBZX–2017–50 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 No. SR–BatsBZX–2017–50. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BatsBZX–2017–50 and should besubmitted on or before September 8, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17432 Filed 8–17–17; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Electronic Data Collection System, SEC File No. 270–621, OMB Control No. 3235–0672

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit an extension for this current collection of information to the Office of Management and Budget for approval.

The Commission invites comment on updates to its Electronic Data Collection System database (the Database), which will support information provided by members of the public who would like to file an online tip, complaint or referral (TCR) to the Commission. The Database will be a web based e-filed dynamic report based on technology that pre-populates and establishes a series of questions based on the data that the individual enters. The individual will then complete specific information on the subject(s) and nature of the suspicious activity, using the data elements appropriate to the type of complaint or subject. The information collection is voluntary. The public interface to the Database will be available using the agency's Web site, *www.sec.gov*. The Commission estimates that it takes a complainant, on average, 30 minutes to submit a TCR through the Database. Based on the receipt of an average of approximately 16,000 annual TCRs for the past three fiscal years, the Commission estimates that the annual reporting burden is 8,000 hours.

Written comments are invited on: (a) Whether this 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 imposed by 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.

Background documentation for this information collection may be viewed at the following Web site: *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F St. NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: August 15, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17503 Filed 8–17–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32778; File No. 812–14748]

Advanced Series Trust, et al.

August 15, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 12(d)(1)(A), (B), and (C) of the Act and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (2) of the Act. The requested order would permit certain registered open-end investment companies to acquire shares of certain registered open-end investment companies, registered closed-end investment companies, and business development companies, as defined in section 2(a)(48) of the Act (''BDCs'') and registered unit investment trusts (collectively, ''Underlying Funds''), that are within and outside the same group of investment companies as the acquiring investment companies, in

excess of the limits in section 12(d)(1) of the Act. The requested order would supersede a prior order (''Prior Order'').[1]

APPLICANTS: Advanced Series Trust, Prudential Investment Portfolios 3, Prudential Investment Portfolios 5, The Prudential Investment Portfolios, Inc., and The Prudential Series Fund, each a Delaware statutory trust, a Massachusetts business trust, or a Maryland corporation and registered under the Act as an open-end management investment company with multiple series (each, a ''Trust''); PGIM Investments LLC, a New York limited liability company (the ''Initial Adviser''), registered as an investment adviser under the Investment Advisers Act of 1940; and Prudential Annuities Distributors, Inc., a Delaware corporation (''PAD''), and Prudential Investment Management Services LLC, a Delaware limited liability company (''PIMS'' and together with ''PAD,'' the ''Distributors''), each registered as a broker-dealer under the Securities Exchange Act of 1934 (''Exchange Act'').

FILING DATES: The application was filed on February 23, 2017 and amended on June 15, 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 September 8, 2017 and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: 655 Broad Street, 17th Floor, Newark, NJ 07102–4410.

FOR FURTHER INFORMATION CONTACT: Jean E. Minarick, Senior Counsel, at (202) 551–6811, or Kaitlin C. Bottock, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm*, or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order to permit (a) a Fund[2] (each a ''Fund of Funds'') to acquire shares of Underlying Funds[3] in excess of the limits in sections 12(d)(1)(A) and (C) of the Act and (b) the Underlying Funds that are registered open-end investment companies or series thereof, their principal underwriters and any broker or dealer registered under the Exchange Act to sell shares of the Underlying Fund to the Fund of Funds in excess of the limits in section 12(d)(1)(B) of the Act.[4] Applicants also request an order of exemption under sections 6(c) and 17(b) of the Act from the prohibition on certain affiliated transactions in section 17(a) of the Act to the extent necessary to permit the Underlying Funds to sell their shares to, and redeem their shares from, the Funds of Funds.[5] Applicants state that such transactions will be consistent with the policies of each Fund of Funds and each Underlying Fund and with the general purposes of the Act and will be based on the net asset values of the Underlying Funds.

2. Certain Underlying Funds may invest up to 25% of their assets in a wholly-owned and controlled subsidiary of the Underlying Fund organized under the laws of the Cayman Islands as an exempted company or under the laws of another non-U.S. jurisdiction (each, a ''Cayman Sub''), in order to invest in commodity-related instruments and certain other instruments. Applicants state that these Cayman Subs are created for tax purposes in order to ensure that the Underlying Fund would remain qualified as a regulated investment company for U.S. Federal income tax purposes.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Such terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over an Underlying Fund that is not in the same ''group of investment companies'' as the Fund of Funds through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A), (B), and (C) of the Act.

4. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered

[1] *In the Matter of Prudential Investment Portfolios 3, et al.,* Investment Company Act Rel. Nos. 30200 (Sept. 11, 2012 (notice) and 30229 (Oct. 9, 2012) (order).

[2] Applicants request that the order apply to each existing and future series of the Trusts and to each existing and future registered open-end investment company or series thereof that is advised by the Initial Adviser or its successors or by any other investment adviser controlling, controlled by, or under common control with the Initial Adviser or its successors and is part of the same ''group of investment companies'' as the Trusts (each, a ''Fund''). For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization. For purposes of the request for relief, the term ''group of investment companies'' means any two or more registered investment companies, including closed-end investment companies or BDCs, that hold themselves out to investors as related companies for purposes of investment and investor services.

[3] Certain of the Underlying Funds have obtained exemptions from the Commission necessary to permit their shares to be listed and traded on a national securities exchange at negotiated prices and, accordingly, to operate as an exchange-traded fund (''ETF'').

[4] Applicants do not request relief for the Funds of Funds to invest in reliance on the order in BDCs and registered closed-end investment companies that are not listed and traded on a national securities exchange.

[5] A Fund of Funds generally would purchase and sell shares of an Underlying Fund that operates as an ETF through secondary market transactions rather than through principal transactions with the Underlying Fund. Applicants nevertheless request relief from sections 17(a)(1) and (2) to permit each Fund of Funds that is an affiliated person, or an affiliated person of an affiliated person, as defined in section 2(a)(3) of the Act, of an ETF, to sell shares to or redeem shares from the ETF. Applicants are not seeking relief from Section 17(a) for, and the requested relief will not apply to, transactions where an ETF could be deemed an affiliated person, or an affiliated person of an affiliated person, of a Fund of Funds because an investment adviser to the ETF or an entity controlling, controlled by or under common control with the investment adviser to the ETF is also an investment adviser to the Fund of Funds. A Fund of Funds will purchase and sell shares of an Underlying Fund that is a closed-end fund or BDC through secondary market transactions at market prices rather than through principal transactions with the closed-end fund or BDC. Accordingly, applicants are not requesting section 17(a) relief with respect to transactions in shares of closed-end funds (including BDCs).

investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17504 Filed 8–17–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81388; File No. SR–NYSEArca–2017–69]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To List and Trade Shares of ProShares QuadPro Funds Under NYSE Arca Equities Rule 8.200

August 14, 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 31, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the following under Commentary .02 to NYSE Arca Equities Rule 8.200 (''Trust Issued Receipts''): ProShares QuadPro U.S. Large Cap Futures Long Fund; ProShares QuadPro U.S. Large Cap Futures Short Fund; ProShares QuadPro U.S. Small Cap Futures Long Fund; and ProShares QuadPro U.S. Small Cap Futures Short Fund. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the following under Commentary .02 to NYSE Arca Equities Rule 8.200, which governs the listing and trading of Trust Issued Receipts (''TIRs'') [4]: ProShares QuadPro U.S. Large Cap Futures Long Fund; ProShares QuadPro U.S. Large Cap Futures Short Fund; ProShares QuadPro U.S. Small Cap Futures Long Fund; and ProShares QuadPro U.S. Small Cap Futures Short Fund (each a ''Fund'' and, collectively, the ''Funds'').[5]

Each of the Funds is a commodity pool that is a series of the ProShares Trust II (''Trust''). The Funds' sponsor and commodity pool operator is ProShare Capital Management LLC (the ''Sponsor''). Brown Brothers Harriman & Co. is the Administrator, the Custodian and the Transfer Agent of each Fund and its Shares. SEI Investments Distribution Co. (''SEI'' or ''Distributor'') is the distributor for the Funds' Shares.

Principal Investment Strategies of the Funds

ProShares QuadPro U.S. Large Cap Futures Long Fund and ProShares QuadPro U.S. Large Cap Futures Short Fund (''Large Cap Futures Funds'')

According to the Registration Statement, the Large Cap Futures Funds will seek results that correspond (before fees and expenses) to four times (*i.e.,* 4×) or four times the inverse (*i.e.,* −4×), respectively, of the return of Lead Month E-Mini S&P 500 Stock Price Index Futures (''Large Cap Benchmark'' or ''Benchmark'') for a single day.[6] A ''single day'' is measured from the time a Fund calculates its net asset value (''NAV'') to the time of a Fund's next NAV calculation.

Under normal market conditions,[7] each Large Cap Futures Fund will attempt to gain leveraged or inverse leveraged exposure, as applicable, to the Large Cap Benchmark primarily through investments in Lead Month E-Mini S&P 500 Stock Price Index Futures.[8] Each Large Cap Futures Fund also may take positions in standard futures contracts on the S&P 500 Index (together with Lead Month E-Mini S&P 500 Stock Price Index Futures, ''Large Cap Futures Contracts''). The ProShares QuadPro U.S. Large Cap Futures Long Fund will

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Commentary .02 to NYSE Arca Equities Rule 8.200 applies to TIRs that invest in ''Financial Instruments.'' The term ''Financial Instruments,'' as defined in Commentary .02(b)(4) to NYSE Arca Equities Rule 8.200, means any combination of investments, including cash; securities; options on securities and indices; futures contracts; options on futures contracts; forward contracts; equity caps, collars and floors; and swap agreements.

[5] The Trust is registered under the Securities Act of 1933. On May 8, 2017, the Trust filed with the Commission a registration statement on Form S–1 under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act'') relating to the Funds (File No. 333–217767) (the ''Registration Statement''). The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statement.

[6] The Large Cap Benchmark is the price on the Chicago Mercantile Exchange (''CME'') of lead month (*i.e.,* near-month or next-to-expire) E-Mini S&P 500 Stock Price Index Futures Contracts. Specifically, the Benchmark is the last traded price of such contracts on the CME prior to the calculation of the Fund's net asset value (''NAV''), which is typically calculated as of 4:00 p.m. each day NYSE Arca is open for trading. The S&P 500 Index is a float-adjusted, market capitalization-weighted index of 500 U.S. operating companies and real estate investment trusts selected through a process that factors in criteria such as liquidity, price, market capitalization and financial viability. The CME Group is a member of the Intermarket Surveillance Group (''ISG''). *See* note 20 [sic], *infra.*

[7] The term ''normal market conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues (*e.g.,* systems failure) causing dissemination of inaccurate market information; or force majeure type events such as natural or manmade disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

[8] According to the Registration Statement, an ''e-mini futures contract'' is an electronically traded futures contract that provides similar exposure, but with a lower dollar value, than a standard futures contract. In addition, because of their lower dollar value, e-mini futures contracts may permit the Funds to maintain exposure more precisely in line with their current asset levels. The dollar volume traded of e-mini futures contracts on the S&P 500 Index far exceeds the dollar volume traded of standard futures contracts on the S&P 500 Index. For example, during the first quarter of 2017, the average daily volume—weighted average price (''VWAP'') of e-mini futures contracts on the S&P 500 Index was $167.5 billion while the average daily VWAP for standard contracts during the same period was $306 million.

seek to achieve substantially all of this exposure by taking ''long'' positions in Large Cap Futures Contracts. Conversely, the ProShares QuadPro U.S. Large Cap Futures Short Fund will seek to achieve substantially all of this exposure by taking ''short'' positions in Large Cap Futures Contracts.[9]

According to the Registration Statement, each Large Cap Futures Fund will seek to engage in daily rebalancing to position its portfolio so that its leveraged or inverse exposure to the Large Cap Benchmark is consistent with such Fund's daily investment objective. The impact of the Large Cap Benchmark's movements during the day will affect whether a particular Fund's portfolio needs to be repositioned. For example, if the Large Cap Benchmark underlying the ProShares QuadPro U.S. Large Cap Futures Short Fund has risen on a given day, net assets of such Fund should fall. As a result, such Fund's inverse exposure will need to be decreased. Conversely, if the Large Cap Benchmark underlying such Fund has fallen on a given day, net assets of such Fund should rise. As a result, the Fund's inverse exposure will need to be increased. For the ProShares QuadPro U.S. Large Cap Futures Long Fund, such Fund's long exposure will need to be increased on days when the Large Cap Benchmark rises and decreased on days when the Large Cap Benchmark falls. Daily rebalancing and the compounding of each day's return over time means that the return of each Fund for a period longer than a single day will be the result of each day's returns compounded over the period, which will very likely differ from four times (4×) or four times the inverse (−4×), as applicable, of the return of a Fund's Benchmark for the same period.

According to the Registration Statement, in the event position, price or accountability limits are reached with respect to Futures Contracts, the Sponsor, in its commercially reasonable judgment, may cause each Fund to obtain exposure to the Large Cap Benchmark through investment in swap transactions and forward contracts referencing such Benchmark (''Large Cap Financial Instruments'').[10] The Funds may also invest in Large Cap Financial Instruments if the market for a specific Futures Contract experiences emergencies (*e.g.,* natural disaster, terrorist attack or an act of God) or disruptions (*e.g.,* a trading halt or a flash crash) that prevent or make it impractical for a Fund from obtaining the appropriate amount of investment exposure using Futures Contracts (*i.e.,* conditions other than normal market conditions). The Funds do not intend to invest more than 25% of their respective net assets in Large Cap Financial Instruments.

According to the Registration Statement, because each Fund will seek results that correspond to four times the performance or four times the inverse, as applicable, of the Large Cap Benchmark for a single day, an adverse Large Cap Benchmark move of 25 percent or more could cause the NAV of a Fund to decline to zero and investors in a Fund to lose the full value of their investment. Therefore, each Fund will invest a limited portion of its assets (typically less than 5% of its net assets at the time of purchase) in listed option contracts designed to prevent a Fund's NAV from going to zero and allow a Fund to recoup a small portion of the substantial losses that may result from significant movements in the Large Cap Benchmark. Specifically, the ProShares QuadPro U.S. Large Cap Futures Long Fund will hold CME-listed ''put'' options on e-mini or standard S&P 500 Index futures contracts (which give the Fund the right to sell such contracts) and ProShares QuadPro U.S. Large Cap Futures Short Fund will hold CME-listed ''call'' options on e-mini or standard S&P 500 Index futures contracts (which give the Fund the right to buy futures contracts). Such put and call options may be referred to herein as ''Large Cap Stop Options.'' If CME-listed options are not readily available, a Fund may invest in OTC options on Large Cap Future Contracts. This strategy will not prevent a Fund from losing money, but is designed to permit a Fund to recover a small percentage of its losses in the event of significant adverse movement in a Fund's Benchmark.[11]

Each Fund will invest the remainder of its un-invested assets in cash and high-quality, short-term debt instruments that have terms-to-maturity of less than 397 days, such as U.S. government securities and repurchase agreements (''Money Market Instruments'').

In seeking to achieve each Fund's investment objective, the Sponsor will use a mathematical approach to investing. Using this approach, the Sponsor will determine the type, quantity and mix of investment positions that the Sponsor believes, in combination, should produce daily returns consistent with each Fund's objective. The Sponsor will rely upon a pre-determined model to generate orders that result in repositioning each Fund's investments in accordance with its respective investment objective.

Each Fund generally will seek to remain fully invested at all times in Futures Contracts, Large Cap Stop Options (as applicable), and Money Market Instruments that, in combination, provide exposure to the Large Cap Benchmark consistent with its investment objective without regard to market conditions, trends or direction.

ProShares QuadPro U.S. Small Cap Futures Long Fund and ProShares QuadPro U.S. Small Cap Futures Short Fund (''Small Cap Futures Funds'')

According to the Registration Statement, the Small Cap Futures Funds will seek results that correspond (before fees and expenses) to four times (*i.e.,* 4X) or four times the inverse (*i.e.,* -4X), respectively, of the return of Lead Month Russell 2000 Index Mini Futures (''Small Cap Benchmark'' or ''Benchmark'') for a single day.[12] A ''single day'' is measured from the time

[9] In general terms, to be ''long'' means to hold or have long exposure to an asset in order to benefit from increases in the value of such asset; to be ''short'' means to sell or have short exposure to an asset in order to benefit from decreases in the value of such asset.

[10] Each Fund may use various techniques to minimize credit risk. The Sponsor regularly reviews the performance of its counterparties for, among other things, creditworthiness and execution quality. In addition, the Sponsor periodically considers the addition of new counterparties. The Funds will seek to mitigate these risks in connection with the uncleared over-the-counter (''OTC'') swaps and uncleared OTC forwards by generally requiring that the counterparties for each Fund agree to post collateral for the benefit of the Fund, marked to market daily, subject to certain minimum thresholds; however, there are no limitations on the percentage of its assets each Fund may invest in swap agreements or forwards with a particular counterparty.

[11] A Fund's investments in Large Cap Futures Contracts, together with its investments in Large Cap Financial Interests, if any, may be referred to herein as the Fund's ''S&P 500 Interests.'' The ProShares QuadPro U.S. Large Cap Futures Long Fund will hold listed put options with respect to all or substantially all of its S&P 500 Interests with strike prices at approximately 75 percent of the value of the applicable underlying S&P 500 Interests as of the end of the preceding business day. The ProShares QuadPro U.S. Large Cap Futures Short Fund will hold listed call options with respect to all or substantially all of its S & P 500 Interests with strike prices at approximately 125 percent of the value of the Fund's S&P Interests as of the end of the preceding business day.

[12] The Small Cap Benchmark is the price on the CME of lead month (*i.e.,* near-month or next-to-expire) Russell 2000 Index Mini Futures Contracts. Specifically, the Benchmark is the last traded price of such contracts on the CME prior to the calculation of the Fund's NAV, which is typically calculated as of 4:00 p.m. each day NYSE Arca is open for trading. The Russell 2000 Index is a float-adjusted, market capitalization-weighted index containing approximately 2000 of the smallest companies in the Russell 3000 Index, or approximately 8% of the total market capitalization of the Russell 3000 Index, which in turn represents approximately 98% of the investable U.S. equity market.

a Fund calculates its NAV to the time of a Fund's next NAV calculation.

Under normal market conditions,[13] each Small Cap Futures Fund will attempt to gain leveraged or inverse exposure, as applicable, to the Small Cap Benchmark primarily through investments in Lead Month E-Mini Russell 2000 Index Futures [14] (''Small Cap Futures Contracts'') (Large Cap Futures Contracts and Small Cap Futures Contracts, collectively, are referred to herein as ''Futures Contracts''). The ProShares QuadPro U.S. Small Cap Futures Long Fund will seek to achieve substantially all of this exposure by taking ''long'' positions in Small Cap Futures Contracts. Conversely, the ProShares QuadPro U.S. Small Cap Futures Short Fund will seek to achieve substantially all of this exposure by taking ''short'' positions in Small Cap Futures Contracts.

According to the Registration Statement, each Small Cap Futures Fund will seek to engage in daily rebalancing to position its portfolio so that its leveraged or inverse exposure to the Small Cap Benchmark is consistent with such Fund's daily investment objective. The impact of the Small Cap Benchmark's movements during the day will affect whether a particular Fund's portfolio needs to be repositioned. For example, if the Small Cap Benchmark underlying the ProShares QuadPro U.S. Small Cap Futures Short Fund has risen on a given day, net assets of such Fund should fall. As a result, such Fund's inverse exposure will need to be decreased. Conversely, if the Small Cap Benchmark underlying such Fund has fallen on a given day, net assets of such Fund should rise. As a result, the Fund's inverse exposure will need to be increased. For the ProShares QuadPro U.S. Small Cap Futures Long Fund, such Fund's long exposure will need to be increased on days when the Small Cap Benchmark rises and decreased on days when the Small Cap Benchmark falls. Daily rebalancing and the compounding of each day's return over time means that the return of each Fund for a period longer than a single day will be the result of each day's returns compounded over the period, which will very likely differ from four times (4x) or four times the inverse (−4x), as applicable, of the return of the Small Cap Benchmark for the same period.

According to the Registration Statement, in the event position, price or accountability limits are reached with respect to Small Cap Futures Contracts, the Sponsor, in its commercially reasonable judgment, may cause each Fund to obtain exposure to the Small Cap Benchmark through investment in swap transactions and forward contracts referencing such Benchmark (''Small Cap Financial Instruments'', together with Large Cap Financial Instruments, ''Financial Instruments''). The Funds may also invest in Small Cap Financial Instruments if the market for a specific Small Cap Futures Contract experiences emergencies (*e.g.,* natural disaster, terrorist attack or an act of God) or disruptions (*e.g.,* a trading halt or a flash crash) that prevent or make it impractical for a Fund from obtaining the appropriate amount of investment exposure using Small Cap Futures Contracts (*i.e.,* conditions other than normal market conditions). The Funds do not intend to invest more than 25% of their respective net assets in Small Cap Financial Instruments.

According to the Registration Statement, because each Fund will seek results that correspond to four times the performance or four times the inverse of the Small Cap Benchmark for a single day, an adverse Small Cap Benchmark move of 25 percent or more could cause the NAV of a Fund to decline to zero and investors in a Fund to lose the full value of their investment. Therefore, each Fund will invest a limited portion of its assets (typically less than 5% of its net assets at the time of purchase) in listed option contracts designed to prevent a Fund's NAV from going to zero and allow a Fund to recoup a small portion of the substantial losses that may result from significant movements in its Benchmark. Specifically, the ProShares QuadPro U.S. Small Cap Futures Long Fund will hold CME-listed ''put'' options on mini Russell 2000 Index futures contracts (which give the Fund the right to sell such contracts) and ProShares QuadPro U.S. Small Cap Futures Short Fund will hold CME-listed ''call'' options on mini Russell 2000 Index futures contracts (which give the Fund the right to buy such contracts). Such put and call options are referred to herein as ''Small Cap Stop Options.'' (Large Cap Stop Options and Small Cap Stop Options, collectively, are referred to herein as ''Stop Options.'') If CME-listed options are not readily available, a Fund may invest in OTC options on Small Cap Futures Contracts. This strategy will not prevent a Fund from losing money, but is designed to permit a Fund to recover a small percentage of its losses in the event of significant adverse movement in a Fund's Benchmark.[15]

Each Fund will invest the remainder of its un-invested assets in Money Market Instruments.

In seeking to achieve a Fund's investment objective, the Sponsor will use a mathematical approach to investing. Using this approach, the Sponsor will determine the type, quantity and mix of investment positions that the Sponsor believes, in combination, should produce daily returns consistent with each Fund's objective. The Sponsor will rely upon a pre-determined model to generate orders that result in repositioning each Fund's investments in accordance with its respective investment objective.

Each Fund generally will seek to remain fully invested at all times in Small Cap Futures Contracts, Small Cap Stop Options (as applicable), and Money Market Instruments that, in combination, provide exposure to the Small Cap Benchmark consistent with its investment objective without regard to market conditions, trends or direction.

Characteristics of Futures Contracts

According to the Registration Statement, a key feature of Futures Contracts is that they specify a delivery date for the underlying reference asset or the payment of its cash equivalent. As a result, the composition of each Fund's Benchmark will change from time to time as the delivery date for its component Futures Contracts is reached. Under the current rules applicable to each Benchmark, Futures Contracts that have reached their delivery date will be dropped from the Benchmark and replaced with the later-expiring contracts (sometimes referred to as the ''deferred month'' contracts). This process typically takes place over a number of days, during which period the Benchmark may consist of both the

[13] *See* note 7, *supra.*

[14] As noted herein, an ''e-mini futures contract'' is an electronically traded futures contract that provides similar exposure, but with a lower dollar value, than a standard futures contract. In addition, because of their lower dollar value, e-mini futures contracts may permit the Funds to maintain exposure more precisely in line with their current asset levels. During the first quarter of 2017, the average daily VWAP of e-mini futures contracts on the Russell 2000 Index was $9.5 billion. Standard futures contracts on the Russell 2000 Index were not available during this period.

[15] A Fund's investments in Small Cap Futures Contracts, together with its investments in Small Cap Financial Interests, if any, may be referred to herein as the Fund's ''Russell 2000 Interests.'' The ProShares QuadPro U.S. Small Cap Futures Long Fund will hold put options with respect to all or substantially all of its Russell 2000 Interests with strike prices at approximately 75 percent of the value of the applicable underlying Russell 2000 Interests as of the end of the preceding business day. The ProShares QuadPro U.S. Small Cap Futures Short Fund will hold call options with respect to all or substantially all of its Russell 2000 Interests with strike prices at approximately 125 percent of the value of the Fund's Russell 2000 Interests as of the end of the preceding business day.

''lead month'' contracts exiting the Benchmark and the ''deferred month'' contracts being added to the Benchmark (which then become the new ''lead month'' contracts). In such instances, each Fund's portfolio investments will be changed accordingly. The Funds will not take delivery of the reference assets underlying their respective Benchmarks. Instead, each Fund intends to ''roll'' its Futures Contracts as they approach their delivery dates. To ''roll'' a Futures Contract means to sell a Futures Contract as it nears its delivery date and replace it with a new Futures Contract that has a later delivery date. Each Fund will ''roll'' its Futures Contracts in a manner designed to reflect the changes in its Benchmark while minimizing transaction costs and market impact. The anticipated ''roll'' date for each Fund's Benchmark will be posted on the Funds' Web site at *www.proshares.com.*

Net Asset Value

According to the Registration Statement, the NAV in respect of a Fund means the total assets of that Fund less the total liabilities of such Fund, consistently applied under the accrual method of accounting. The NAV of each Fund will include any unrealized profit or loss on a Fund's investments (including Money Market Instruments) and any other credit or debit accruing to a Fund but unpaid or not received by a Fund. The NAV per Share of a Fund will be computed by dividing the value of the net assets of such Fund (*i.e.,* the value of its total assets less total liabilities) by its total number of Shares outstanding. Expenses and fees will be accrued daily and taken into account for purposes of determining the NAV. Each Fund's NAV will be calculated on each day other than a day when the Exchange is closed for regular trading. The Funds will compute their NAV as of 4:00 p.m. (E.T.) (the ''NAV Calculation Time'') or an earlier time as set forth on *www.proshares.com,* if necessitated by the New York Stock Exchange (''NYSE''), the Exchange or other exchange material to the valuation or operation of such Fund closing early. Each Fund's NAV will be calculated only once each trading day.

Futures Contracts and Stop Options will be valued at their then-current market value, which typically is the last traded price prior to the NAV Calculation Time on the date for which the NAV is being determined. If a Futures Contract or Stop Option could not be liquidated on such day, due to the operation of daily limits or other rules of the exchange upon which that position is traded or otherwise, the Sponsor may, in its sole discretion, choose to determine a fair value price as the basis for determining the market value of such position for such day. Such fair value prices would generally be determined based on available inputs about the current value of the underlying reference assets and would be based on principles that the Sponsor deems fair and equitable so long as such principles are consistent with normal industry standards.

In calculating the NAV of a Fund, the value of a Fund's non-exchange traded Financial Instruments, if any, will be determined by the applicable contract governing such Financial Instrument(s). Typically, this is determined by applying the Fund's Benchmark closing value to the terms of such non-exchange traded Financial Instrument. However, in the event that the Futures Contracts underlying a Benchmark are not trading due to the operation of daily limits or otherwise, the Sponsor may, in its sole discretion, choose to fair value a Fund's non-exchange traded Financial Instruments for purposes of the NAV calculation. Such fair value prices would generally be determined based on available inputs about the current value of the Futures Contracts underlying a Benchmark and would be based on principles that the Sponsor deems fair and equitable so long as such principles are consistent with normal industry standards.

Money Market Instruments generally will be valued using market prices provided by third party market data provider(s) or at amortized cost.

Indicative Optimized Portfolio Value (''IOPV'')

The IOPV will be an indicator of the value of a Fund's net assets at the time the IOPV is disseminated. The IOPV will be calculated and disseminated every 15 seconds during the Exchange's Core Trading Session (normally, 9:30 a.m. to 4:00 p.m., Eastern Time (''E.T.''). The IOPV of a Fund will generally be calculated using the NAV of the prior day's closing portfolio as a base and updating this amount throughout the trading day to reflect changes in the value of the Futures Contracts, Money Market Instruments and other investments, if any, held by a Fund.

For IOPV calculation purposes, Futures Contracts will be valued using their most recent quoted price during the trading day, for as long as the main pricing mechanism of the CME is open.

- Futures Contracts may be valued intraday using the main pricing mechanism of the CME or through another proxy as determined to be appropriate by the third party market data provider.
- Swaps and forward contracts may be valued intraday using the intra-day value of the Large Cap Benchmark, or Small Cap Benchmark, as applicable, or another proxy as determined to be appropriate by the third party market data provider.
- Exchange-listed options may be valued intraday using the relevant exchange data, or another proxy as determined to be appropriate by the third party market data provider.
- Over-the-counter options may be valued intraday through option valuation models (*e.g.,* Black-Scholes) or using exchange-traded options as a proxy, or another proxy as determined to be appropriate by the third party market data provider.

The IOPV will be disseminated on a per Share basis every 15 seconds during the Exchange's Core Trading Session.[16]

The Exchange will disseminate the IOPV through the facilities of the CTA high speed line. In addition, IOPV will be published on the Exchange's Web site and will be available through on-line information services such as Bloomberg and Reuters.

Creation and Redemption of Shares

According to the Registration Statement, each Fund will create and redeem Shares from time to time in one or more ''Creation Units.'' A Creation Unit is a block of 50,000 Shares of a Fund. The size of a Creation Unit is subject to change.

On any ''Business Day'', an ''Authorized Participant'' may place an order with the Distributor to create one or more Creation Units.[17] For purposes of processing both purchase and redemption orders, a ''Business Day'' for each Fund means any day on which the NAV of such Fund is determined.

[16] Several major market data vendors display and/or make widely available IOPVs taken from the Consolidated Tape Association (''CTA'') or other data feeds. In addition, circumstances may arise in which the NYSE Arca Core Trading Session is in progress, but trading in Futures Contracts is not occurring. Such circumstances may result from reasons including, but not limited to, a futures exchange having a separate holiday schedule than the NYSE Arca, a futures exchange closing prior to the close of the NYSE Arca, price fluctuation limits being reached in a Futures Contract, or a futures exchange, imposing any other suspension or limitation on trading in a Futures Contract. In such instances, for IOPV calculation purposes, the price of the applicable Futures Contracts, as well as Stop Options or Financial Instruments whose price is derived from the Futures Contracts, would be static or priced by the Fund at the applicable early cut-off time of the exchange trading the applicable Futures Contract.

[17] ''Authorized Participants'' will be the only persons that may place orders to create and redeem Creation Units. An Authorized Participant is an entity that has entered into an Authorized Participant Agreement with the Trust and Sponsor.

By placing a purchase order, an Authorized Participant agrees to deposit cash with the Custodian of the Funds. The cash deposited will be equal to the NAV of the number of Creation Unit(s) purchased. A standard creation transaction fee is imposed to offset the transfer and other transaction costs associated with the issuance of Creation Units. Purchase orders, once accepted, are not revocable by an Authorized Participant.

Redemption Procedures

According to the Registration Statement, the procedures by which an Authorized Participant can redeem one or more Creation Units will mirror the procedures for the creation of Creation Units. On any Business Day, an Authorized Participant may place an order with the Distributor to redeem one or more Creation Units. If a redemption order is received prior to the applicable cut-off time, or earlier if the Exchange or other exchange material to the valuation or operation of such Fund closes before the cut-off time, the day on which SEI receives a valid redemption order is the redemption order date. If the redemption order is received after the applicable cut-off time, the redemption order date will be the next day. Redemption orders, once accepted, are not revocable by an Authorized Participant. The redemption procedures allow Authorized Participants to redeem Creation Units. Individual shareholders may not redeem directly from a Fund.

By placing a redemption order, an Authorized Participant agrees to deliver the Creation Units to be redeemed through the Depository Trust Company's (''DTC'') book-entry system to the applicable Fund not later than noon (E.T.), on the first Business Day immediately following the redemption order date (T+1). The Sponsor reserves the right to extend the deadline for a Fund to receive the Creation Units required for settlement up to the third Business Day following the redemption order date (T+3).

The redemption proceeds from a Fund will consist of the cash redemption amount. The cash redemption amount is equal to the NAV of the number of Creation Unit(s) redeemed. A standard redemption transaction fee is imposed to offset the transfer and other transaction costs associated with the redemption of Creation Units.

Creation and redemption transactions must be placed each day with SEI by 3:30 p.m., E.T., or earlier if the Exchange or other exchange material to the valuation or operation of such Fund closes before such cut-off time, to receive that day's NAV. The NAV calculation time for each Fund typically will be 4:00 p.m. E.T.

The redemption proceeds due from a Fund will be delivered to the Authorized Participant at noon (E.T.), on the third Business Day immediately following the redemption order date if, by such time on such Business Day immediately following the redemption order date, a Fund's DTC account has been credited with the Creation Units to be redeemed.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of a Fund.[18] Trading in Shares of a Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.

The Exchange may halt trading during the day in which an interruption to the dissemination of the IOPV or the value of a Benchmark occurs. If the interruption to the dissemination of the IOPV or the value of a Benchmark persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. In addition, if the Exchange becomes aware that the NAV with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants.

Trading Rules

The Exchange deems the Shares of the Funds to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4 a.m. to 8 p.m. E.T. in accordance with NYSE Arca Equities Rule 7.34 (Early, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.200 and Commentary .02 thereto. The trading of the Shares will be subject to NYSE Arca Equities Rule 8.200, Commentary .02(e), which sets forth certain restrictions on Equity Trading Permit (''ETP'') Holders acting as registered Market Makers in Trust Issued Receipts to facilitate surveillance. The Exchange represents that, for initial and continued listing, each Fund will be in compliance with Rule 10A–3 [19] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares of each Fund will be outstanding at the commencement of trading on the Exchange.

Availability of Information

The NAV for the Funds' Shares will be disseminated daily to all market participants at the same time. The intraday, closing prices, and settlement prices of the Futures Contracts and Stop Options will be readily available from the applicable futures exchange Web sites, automated quotation systems, published or other public sources, or major market data vendors.

Complete real-time data for the Futures Contracts and Stop Options is available by subscription through on-line information services. The CME also provides delayed futures and options on futures information on current and past trading sessions and market news free of charge on their respective Web sites. The specific contract specifications for Futures Contracts are also available on such Web sites, as well as other financial informational sources. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA. Quotation information for Money Market Instruments, swaps and forward contracts may be obtained from brokers and dealers who make markets in such instruments. The IOPV will be available through on-line information services.

In addition, the Funds' Web site, *www.proshares.com,* will display the applicable end of day closing NAV. The daily holdings of each Fund will be available on the Funds' Web site before 9:30 a.m. E.T. Each Fund's total portfolio composition will be disclosed each Business Day that the NYSE Arca is open for trading, on the Funds' Web site. The Funds' Web site, which will be publicly available at the time of the public offering of Shares, will also include a form of the prospectus for the Funds that may be downloaded.

[18] *See* NYSE Arca Equities Rule 7.12.

[19] 17 CFR 240.10A–3.

The Web site disclosure of portfolio holdings will be made daily to all market participants at the same time, and will include, as applicable, (i) the composite value of the total portfolio; (ii) the name, percentage weighting, and value of the Futures Contracts and Financial Interests; (iii) the Shares' ticker and CUSIP information; (iv) additional quantitative information updated on a daily basis, including, for each Fund: (1) Daily trading volume, the prior Business Day's reported NAV and closing price, and a calculation of the premium and discount of the closing price or mid-point of the bid/ask spread at the time of NAV calculation (the ''Bid/Ask Price'') against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily closing price or Bid/Ask Price against the NAV, within appropriate ranges, for at least each of the four previous calendar quarters; and (v) as applicable, (1) the name, quantity, value, expiration and strike price of Futures Contracts and Stop Options, (2) the counterparty to and value of swap agreements and forward contracts, (3) quantity held regarding each portfolio holding (as measured by, for example, par value, notional value or number of shares, contracts or units); (4) maturity date, if any; and (5) the aggregate net value of Money Market Instruments and cash held in each Fund's portfolio. In addition, the IOPV will be published on the Exchange's Web site and will be available through on-line information services such as Bloomberg and Reuters. The Fund's Web site will be publicly accessible at no charge.

Impact on Arbitrage Mechanism

The Sponsor believes there will be minimal, if any, impact to the arbitrage mechanism as a result of the use of derivatives. Each Fund intends to achieve substantially all of its leveraged or inverse leveraged exposure to its Benchmark through positions in Futures Contracts. The intraday, closing prices, and settlement prices of the Futures Contracts will be readily available from the applicable futures exchange Web sites, automated quotation systems, published or other public sources, or major market data vendors. Market makers and participants should be able to value derivatives as long as the positions are disclosed with relevant information. The Sponsor believes that the price at which Shares of the Funds trade will continue to be disciplined by arbitrage opportunities created by the ability to purchase or redeem Shares of the Funds at their NAV, which should ensure that Shares of the Funds will not trade at a material discount or premium in relation to its NAV.

The Sponsor does not believe there will be any significant impacts to the settlement or operational aspects of the Funds' arbitrage mechanism due to the use of derivatives.

Surveillance

The Exchange represents that trading in the Shares of each Fund will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[20] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, Futures Contracts and certain Stop Options with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares, Futures Contracts and certain Stop Options from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, Futures Contracts and certain Stop Options from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement (''CSSA'').[21] The Exchange is also able to obtain information regarding trading in the Shares, Futures Contracts and certain Stop Options through ETP Holders, in connection with such ETP Holders' proprietary or customer trades which they effect through ETP Holders on any relevant market. The Exchange can obtain market surveillance information, including customer identity information, with respect to transactions (including transactions in Futures Contracts and certain Stop Options) occurring on U.S. futures and securities exchanges that are members of the ISG.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (a) the description of the portfolios of the Funds or Benchmarks, (b) limitations on the portfolios of the Funds or Benchmarks, or (c) the applicability of Exchange listing rules specified in this rule filing shall constitute continued listing requirements for listing the Shares on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Funds to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Equities Rule 5.5(m).

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (1) The risks involved in trading the Shares during the Early and Late Trading Sessions when an updated IOPV will not be calculated or publicly disseminated; (2) the procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (3) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (4) how information regarding the IOPV is disseminated; (5) how information regarding portfolio holdings is disseminated; (6) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the

[20] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[21] For a list of the current members of ISG, *see www.isgportal.org.* The Exchange notes that not all components of a Fund may trade on markets that are members of ISG or with which the Exchange has in place a CSSA.

confirmation of a transaction; and (7) trading information.

Prior to the commencement of trading, the Exchange will inform its ETP Holders of the suitability requirements of NYSE Arca Equities Rule 9.2(a) in an Information Bulletin. Specifically, ETP Holders will be reminded in the Information Bulletin that, in recommending transactions in the Shares, they must have a reasonable basis to believe that (1) the recommendation is suitable for a customer given reasonable inquiry concerning the customer's investment objectives, financial situation, needs, and any other information known by such ETP Holder, and (2) the customer can evaluate the special characteristics, and is able to bear the financial risks, of an investment in the Shares. In connection with the suitability obligation, the Information Bulletin will also provide that ETP Holders must make reasonable efforts to obtain the following information: (1) The customer's financial status; (2) the customer's tax status; (3) the customer's investment objectives; and (4) such other information used or considered to be reasonable by such ETP Holder or registered representative in making recommendations to the customer.

Further, the Exchange states that FINRA has implemented increased sales practice and customer margin requirements for FINRA members applicable to inverse, leveraged and inverse leveraged securities (which include the Shares) and options on such securities, as described in FINRA Regulatory Notices 09–31 (June 2009), 09–53 (August 2009), and 09–65 (November 2009) (collectively, ''FINRA Regulatory Notices''). ETP Holders that carry customer accounts will be required to follow the FINRA guidance set forth in these notices. As noted above, each Fund will seek, on a daily basis, investment results that correspond (before fees and expenses) to 4x, or −4x, respectively, the performance of a Benchmark. Over a period of time in excess of one day, the cumulative percentage increase or decrease in the NAV of the Shares of a Fund may diverge significantly from a multiple or inverse multiple of the cumulative percentage decrease or increase in the relevant Benchmark due to a compounding effect.

In addition, the Information Bulletin will advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to a Fund. The Information Bulletin will also discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. In addition, the Information Bulletin will reference that a Fund is subject to various fees and expenses described in the Registration Statement. The Information Bulletin will also reference that the CFTC has regulatory jurisdiction over the trading of Futures Contracts traded on U.S. markets.

The Information Bulletin will also disclose the trading hours of the Shares and that the NAV for the Shares will be calculated as of 4:00 p.m. E.T. each trading day. The Information Bulletin will disclose that information about the Shares will be publicly available on the Funds' Web site.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[22] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.200 and Commentary .02 thereto. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

Futures Contract closing price and settlement prices of are readily available from the CME. In addition, such prices are available from automated quotation systems, published or other public sources, or on-line information services. Each Benchmark will be disseminated by one or more major market data vendors every 15 seconds during the NYSE Arca Core Trading Session of 9:30 a.m. to 4:00 p.m. E.T. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA. The IOPV will be disseminated on a per Share basis by one or more major market data vendors every 15 seconds during the NYSE Arca Core Trading Session. The Exchange may halt trading during the day in which an interruption to the dissemination of the IOPV or the value of the underlying Benchmark Futures Contracts occurs. If the interruption to the dissemination of the IOPV or the value of the underlying Benchmark Futures Contracts persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. In addition, if the Exchange becomes aware that the NAV with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that a large amount of information will be publicly available regarding the Funds and the Shares, thereby promoting market transparency. Quotation and last sale information for the Futures Contracts are widely disseminated through a variety of major market data vendors worldwide. Complete real-time data for such contracts is available by subscription from Reuters and Bloomberg. The CME also provides delayed futures information on current and past trading sessions and market news free of charge on their Web sites. Each Benchmark will be disseminated by one or more major market data vendors every 15 seconds during the NYSE Arca Core Trading Session of 9:30 a.m. to 4:00 p.m. E.T. The NAV per Share will be calculated daily and made available to all market participants at the same time. NYSE Arca will calculate and disseminate every 15 seconds throughout the NYSE Arca Core Trading Session an updated IOPV.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of additional types of exchange-traded products that are principally exposed to futures contracts and that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has in place a CSSA.

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 purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of

[22] 15 U.S.C. 78f(b)(5).

additional types of exchange-traded products that are principally exposed to futures contracts and that will enhance competition among market participants, to the benefit of investors and the marketplace.

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

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 self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2017–69 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2017–69. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–69, and should be submitted on or before September 8, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17433 Filed 8–17–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81386; File No. SR–ICC–2017–010]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change To Revise the ICC Clearing Rules and the ICC Treasury Operations Policies and Procedures

August 14, 2017.

I. Introduction

On June 16, 2017, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–ICC–2017–010) to make changes to the ICC Clearing Rules (the ''ICC Rules'') and ICC Treasury Operations Policies and Procedures (''Treasury Policy'') to remove eligibility of Japanese yen (''JPY''), Great British pounds (''GBP''), and Canadian dollars (''CAD'') to meet Initial Margin (''IM'') and Guaranty Fund (''GF'') requirements. The proposed rule change was published for comment in the **Federal Register** on July 5, 2017.[3] The Commission received no comment letters regarding the proposed change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

ICC has proposed changes to Schedule 401 of the ICC Rules and to its Treasury Policy. The proposed changes would remove JPY, GBP, and CAD from eligibility to meet IM and GF requirements. Currently, a Clearing Participant may meet the final 35% of their IM and GF requirements with JPY, GBP, or CAD, in aggregate. Under the proposed revisions, Clearing Participants would continue to be able to meet their IM and GF requirements using Euro cash, U.S. cash, and/or U.S. Treasuries, in accordance with the applicable collateral thresholds.

Specifically, with respect to Schedule 401 of the ICC Rules, ICC proposed removing references to G7 cash (which includes U.S. cash, Euro cash, JPY, GBP, and CAD) and defining ''All Eligible Collateral'' for both Non-Client IM and GF Liquidity Requirements and Client-Related IM Liquidity Requirements to be US cash, Euro cash, and/or U.S. Treasuries. Under the proposed changes, U.S. cash, Euro cash, and/or U.S. Treasuries would be eligible for meeting the final 35% of IM and GF requirements for all Non-Client IM and GF Liquidity Requirements and Client-Related U.S. dollar (''USD'') denominated IM Requirements; and U.S. cash, Euro cash, and/or U.S. Treasuries would be eligible for meeting a maximum of 100% of IM requirements for Client-Related Euro-Denominated Product Requirements.

In addition, ICC proposed to update its Treasury Policy to remove references to JPY, GBP, and CAD as eligible collateral. Under the proposed changes, ICC would remove references to JPY, GBP, and CAD in the ''Collateral Liquidation Assumptions'' tables (for both Euro and USD denominated requirements). ICC would also update the ''Eligible Client Collateral'' section of the Treasury Policy to note that its eligible collateral for client IM includes U.S. cash, Euro cash, and U.S. government securities in line with current eligible collateral for House exposures (*i.e.,* U.S. Treasuries). ICC also would revise the ''Client-Related

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–81037 (June 28, 2017), 82 FR 31121 (July 5, 2017) (SR–ICC–2017–010) (''Notice'').

IM Liquidity Requirements'' section of the Treasury Policy to reflect the proposed liquidity requirement changes, namely USD-denominated product requirements of 65% cash and/or U.S. Treasuries, and 35% remainder eligible U.S. cash, U.S. Treasuries, and/or Euro cash; and Euro-denominated product requirements of 100% U.S. cash, Euro cash, and/or U.S. Treasuries. The proposed changes also include removing reference to G7 cash and including U.S. Treasury securities, U.S. cash, and Euro cash as eligible collateral from the House IM and GF Liquidity Requirements (for Non-Client USD and Euro-denominated requirements) chart, the list of acceptable forms of collateral for IM, and the list of acceptable forms of collateral for the GF).

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [4] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. Section 17A(b)(3)(F) of the Act [5] requires, among other things, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest. Rule 17Ad–22(d)(3) [6] requires that a registered clearing agency shall establish, implement, maintain and enforce written policies and procedures reasonably designed to hold assets in a manner that minimizes risk of loss or of delay in its access to them.

The Commission finds that the proposed rule change, which removes JPY, GBP, and CAD from eligibility to meet IM and GF requirements, is consistent with Section 17A of the Act and Rule 17Ad–22 thereunder. According to ICC, ICC would need to convert JPY, GBP, and CAD into another currency in order to use them to satisfy obligations arising from the products that ICC clears, which are denominated only in USD or Euros. Therefore, from ICC's perspective, JPY, GBP, and CAD are not as liquid as USD or Euros for purposes of ICC's business activities. Moreover, ICC has noted that JPY has a significant timing issue related to conversion. ICC also expressed the view that, from a practical standpoint, these changes should have minimal impact on ICC's financial resource composition because such currencies have been utilized rarely by Clearing Participants to meet IM and GF requirements. The Commission believes that, by removing JPY, GBP, and CAD as eligible forms of collateral that may be posted to ICC, ICC reduces the risk that ICC would not be able to meet its settlement or other liquidity obligations timely because of the need to convert one currency to another. The Commission therefore finds that the proposed revisions to the ICC Rules and Treasury Policy are designed to promote the prompt and accurate settlement of securities transactions, derivatives agreements, contracts, and transactions for which ICC is responsible, consistent with Section 17A(b)(3)(F) of the Exchange Act. Similarly the proposed changes are designed to allow ICC to hold collateral in forms that minimize the risk of loss or delay in accessing them by reducing the need for ICC to conduct currency conversions. The Commission therefore finds that the proposed revisions also are consistent with the requirements of Rule 17Ad–22(d)(3).

IV. Conclusion

It is therefore ordered pursuant to Section 19(b)(2) of the Act that the proposed rule change (SR–ICC–2017–010) be, and hereby is, approved.[7]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–17431 Filed 8–17–17; 8:45 am]

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[4] 15 U.S.C. 78s(b)(2)(C).

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] 17 CFR 240.17Ad–22(d)(3).

[7] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81393; File No. SR–NYSE–2017–17]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Granting Approval of Proposed Rule Change To Provide Advance Notice of Dividend or Stock Distribution Announcements to the Exchange

August 14, 2017.

I. Introduction

On June 13, 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 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the NYSE Listed Company Manual (the ''Manual'') to require listed companies to provide notice to the Exchange at least ten minutes before making any public announcement with respect to a dividend or stock distribution, including when the notice is outside of Exchange trading hours. The proposed rule change was published for comment in the **Federal Register** on June 30, 2017.[3] The Commission received no comments regarding the proposal. This order approves the proposed rule change.

II. Description of the Proposal

Currently, the Exchange's immediate news release policy, set forth in Section 202.06 of the Manual, requires companies releasing material news, between 7:00 a.m. and 4:00 p.m. Eastern Time to notify the Exchange's Market Watch team by telephone at least ten minutes prior to issuing their announcement and, when the announcement is in written form, email a copy of the proposed announcement to Market Watch at least ten minutes prior its release (''immediate news release policy'').[4] In its proposal, NYSE stated that listed companies announcing dividend or stock distributions during the hours noted above are required to comply with the immediate news release policy in connection with such announcements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 81021 (June 26, 2017), 82 FR 29966 (''Notice'').

[4] *See* Sections 202.05 (Timely Disclosure of Material News) and 202.06 (Procedure for Public Release of Information; Trading Halts) of the Manual.

In addition to announcing dividend or stock distributions publicly pursuant to the immediate news release policy, listed companies are also required to give prompt notice to the Exchange as to any dividend action or action relating to a stock distribution in respect of a listed stock (including the omission or postponement of a dividend action at the customary time as well as the declaration of a dividend) (''dividend or stock distribution notice'').[5] The dividend or stock distribution notice must be given to the Exchange at least ten days in advance of the record date in accordance with the procedures set forth in Section 204.00 (Notice to and Filing with the Exchange) of the Manual.[6] Section 204.12 further requires such dividend or stock distribution notice to be given to the Exchange as soon as possible after declaration and in any event, no later than simultaneously with the announcement to the news media.[7] Section 204.21 of the Manual also requires listed companies to give prompt notice to the Exchange of the fixing of a date for the taking of a record of shareholders, or for the closing of transfer books (in respect of a listed security), for any purpose.[8]

The Exchange proposes to amend Sections 204.12 and 204.21 of the Manual to specify that notice of any dividend or stock distribution required by Section 204.12, or the fixing of a record date with respect to a dividend or stock distribution under Section 204.21, must be provided to the Exchange at least ten minutes before its public announcement to the news media, including when such announcement is being made outside of Exchange trading hours.[9] The Exchange also proposes to amend Section 202.06(B) to explicitly state that listed companies must comply with the immediate news release policy with respect to all announcements relating to a dividend or stock distribution. The Exchange notes that this change is a ''consistent interpretation'' of its immediate news release policy.

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[10] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,[11] 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 remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission believes that the proposed amendments to the Manual are consistent with the protection of investors and the public interest in accordance with Section 6(b)(5) of the Act in that the changes should allow Exchange staff to resolve any rule compliance issues with a listed company's dividend or stock distribution action prior its public announcement. In this regard, the Commission notes that in addition to requiring ten days advance notice of a record date, Section 204.12 of the Manual requires listed companies to provide specific information in its notice to the Exchange concerning any dividend action or action relating to stock distributions. This information is important because, among other things, it provides information concerning the record date, which determines when the stock will trade on the Exchange ex-dividend or ex-distribution, as well as requirements to set forth the brokers' cut off dates for determining full and fraction share requirements after the record date. The Commission also notes that Rule 10b–17 of the Exchange Act sets forth specific information that must be provided by listed companies to the Exchange in setting record dates for dividends and stock distributions.

By requiring listed companies to provide the Exchange dividend or stock distribution notices at least ten minutes prior to the public announcement of a distribution, irrespective of the time of day (rather than limited to the hours of 7:00 a.m. and 4:00 p.m. as in the current rule), the Exchange should be able to address any concerns with the content of such notifications (including the ten day advance notice requirement), to ensure compliance with both Exchange and Commission rules, consistent with investor protection and the public interest. In addition, the proposed amendments are reasonably designed to reduce the possibility for investor confusion in the marketplace resulting from the dissemination of inaccurate or misleading dividend or stock distribution information. Based on the above, the Commission finds that the changes to Sections 204.12 and 202.21 of the Manual requiring ten minutes advance notice of distributions prior to public announcements, whatever time of day issued, is consistent with Section 6(b)(5) in that it prevents fraudulent and manipulative act and practices as well as promoting investor protection and the public interest. Finally, the Commission finds that the proposed amendments to Section 202.06 of the Manual are consistent with the Exchange Act in that they will provide transparency and clarity to listed companies on the application of the immediate news release policy to dividend or stock distribution announcements.

For the reasons discussed above, the Commission believes that the proposed rule change is consistent with the Exchange Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[12] that the proposed rule change (SR–NYSE–2017–17) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2017–17455 Filed 8–17–17; 8:45 am]

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[5] *See* Section 204.12 (Dividends and Stock Distributions) of the Manual. Section 204.12 also sets forth specific requirements on the information required to be in the dividend or stock distribution notice to the Exchange.

[6] *See id. See also* Section 204.21 (Record Date) of the Manual. Section 204.00(A) of the Manual requires that such notice must be provided via a web portal or email address specified by the Exchange on its Web site, except in emergency situations, when notification may instead be provided by telephone and confirmed by facsimile as specified by the Exchange on its Web site.

[7] *See* Section 204.12 of the Manual.

[8] *See* Section 204.21 (Record Date) of the Manual. The notice must state the purpose(s) for which the record date has been fixed and must be provided to the Exchange in accordance with Section 204.00. *See* also Section 204.12 of the Manual, *supra note* 5. and Rule 10b–7 of the Securities Exchange Act of 1934. Rule 10b–17, among other things, requires notice of a dividend to be given to a national securities exchange no later than 10 days prior to the record date. *Id.*

[9] The Exchange states that it intends to have its staff available at all times to review dividend or stock distribution notices immediately upon receipt, regardless of the time or date the notices are received. *See* Notice, *supra* note 3, at 29967. The Exchange staff will contact a listed company immediately if there is a problem with its notification. *Id.*

[10] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78f(b)(2).

[13] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15244; COLORADO Disaster Number CO–00079 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Colorado

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Colorado, Dated 08/10/2017.

Incident: Western Excelsior Plant Fire.

Incident Period: 05/08/2017

DATES: Issued on 08/10/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/10/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Montezuma

Contiguous Counties:

Colorado: Dolores, La Plata, San Juan.

Arizona: Apache.

New Mexico: San Juan.

Utah: San Juan.

The Interest Rates are:

	Percent
Businesses and Small Agricultural Cooperatives without Credit Available Elsewhere	3.215
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for economic injury is 152440.

The States which received an EIDL Declaration # are Colorado, Arizona, New Mexico, Utah.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: August 10, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–17457 Filed 8–17–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15242 and #15243; COLORADO Disaster Number CO–00078]

Administrative Declaration of a Disaster for the State of Colorado

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Colorado dated 08/10/2017.

Incident: Severe Thunderstorm, Hail, Straight-line Winds and Tornadoes.

Incident Period: 06/25/2017.

DATES: Issued on 08/10/2017.

Physical Loan Application Deadline Date: 10/10/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/10/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Baca

Contiguous Counties:

Colorado: Bent, Las Animas, Prowers.

Kansas: Morton, Stanton.

New Mexico: Union.

Oklahoma: Cimarron.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.875
Homeowners without Credit Available Elsewhere	1.938
Businesses with Credit Available Elsewhere	6.430
Businesses without Credit Available Elsewhere	3.215
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.215
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15242 B and for economic injury is 15243 0.

The States which received an EIDL Declaration # are Colorado, Kansas, New Mexico, Oklahoma

(Catalog of Federal Domestic Assistance Number 59008)

Dated: August 10, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–17458 Filed 8–17–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10055]

60-Day Notice of Proposed Information Collection: Affidavit of Relationship (AOR) for Minors Who Are Nationals of El Salvador, Guatemala, or Honduras

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. 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 allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to October 17, 2017.

ADDRESSES: You may submit comments by any of 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–2017–0029'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: GrecoMC@state.gov*.
- *Regular Mail:* Send written comments to: Monica Greco, PRM/Office of Admissions, 2025 E Street NW., Washington, DC 20522.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

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 Monica Greco, PRM/Office of Admissions, 2025 E Street NW., Washington, DC 20522, who may be reached on 202–453–9251 or at *GrecoMC@state.gov*.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Affidavit of Relationship (AOR) for Minors Who Are Nationals of El Salvador, Guatemala, and Honduras.
- *OMB Control Number:* 1405–0217.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* PRM/A.
- *Form Number:* DS–7699.
- *Respondents:* Lawfully present parents in the U.S. with children in El Salvador, Guatemala, and Honduras.
- *Estimated Number of Respondents:* 5,000.
- *Estimated Number of Responses:* 5,000.
- *Average Time per Response:* 120 minutes per response.
- *Total Estimated Burden Time:* 10,000 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 Department of State Bureau of Population, Refugees, and Migration (PRM) is responsible for coordinating and managing the U.S. Refugee Admissions Program (USRAP). PRM coordinates within the Department of State, as well as with the Department of Homeland Security's U.S. Citizenship and Immigration Services (DHS/USCIS), in carrying out this responsibility. A critical part of the State Department's responsibility is determining which individuals, from among millions of refugees worldwide, will have access to U.S. resettlement consideration. The Central American Minors (CAM) Program allows certain parents lawfully present in the United States to request a refugee resettlement interview for unmarried children under 21 years of age, and certain eligible family members from El Salvador, Guatemala, or Honduras. Previously, qualifying children and eligible family members who were denied refugee status under the CAM program were considered for parole into the United States on a case-by-case basis by U.S. Citizenship and Immigration Services (USCIS). Following the USCIS announcement that it will no longer consider or authorize parole under the CAM program, the Department of State will revise the Affidavit of Relationship (AOR) for Minors Who Are Nationals of El Salvador, Guatemala, and Honduras (DS–7699) to reflect this change in policy. The DS–7699 will continue to assist DHS/USCIS to verify parent-child and other family relationships during refugee case adjudication. The main purpose of the DS–7699 is for the U.S.-based parent to provide biographical information about his/her child(ren) and other eligible family members who may subsequently seek access to the USRAP for verification by the U.S. government.

Methodology: This information collection currently involves use of electronic techniques. Parents (respondents) in the United States will work closely with a resettlement agency during the completion of the AOR to ensure that the information is accurate. Parents may visit any resettlement agency located in a U.S. community to complete an AOR. Sometimes respondents do not have strong English-language skills and benefit from having a face-to-face meeting with resettlement agency staff. The DS–7699 form will be completed electronically. Completed AORs will be printed out for ink signature by the respondents. The electronic copy will then be submitted electronically to the Refugee Processing Center (RPC) and downloaded into the Worldwide Refugee Admissions Processing System (WRAPS). The signed paper copy will remain with PRM's Reception and Placement Agency partners.

Dated: August 15, 2017.

Simon Henshaw,

Acting Assistant Secretary, Bureau of Population, Refugees, and Migration, Department of State.

[FR Doc. 2017–17507 Filed 8–17–17; 8:45 am]

BILLING CODE 4710–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA PMC Program Management Committee Meeting

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

ACTION: RTCA PMC Program Management Committee meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Program Management Committee Meeting. Program Management Committee Meeting manages the technical Federal advisory committee-related business of RTCA.

DATES: The meeting will be held Thursday, September 21, 2017, 8:30 a.m.–4:30 p.m.

ADDRESSES: The meeting will be held at: RTCA Headquarters, 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Karan Hofmann at *khofmann@rtca.org* or 202–330–0680, or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC, 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the RTCA PMC Program Management Committee Meeting. The agenda will include the following:

Thursday, September 21, 2017, 8:30 a.m.–4:30 p.m.

1. Welcome and Introductions
2. Review/Approve
   A. Meeting Summary July 13, 2017
   B. Administrative SC TOR Revisions
3. Publication Consideration/Approval
   A. New Document—*MASPS for Synthetic Vision System for attitude awareness to address CAST SE 22* prepared by SC–213 (Enhanced Flight Vision Systems/Synthetic Vision Systems)
   B. Revision to DO–311—Minimum

Operational Performance Standards for Rechargeable Lithium Battery Systems, prepared by SC–225 (Rechargeable Lithium Battery and Battery Systems)

C. White Paper—Phase Two DAA MOPS, prepared by SC–228 (Minimum Performance Standards for UAS)

D. White Paper—Phase Two C2, prepared by SC–228 (Minimum Performance Standards for UAS)

E. Revision to DO–227—Minimum Operational Performance Standards for Lithium Batteries, prepared by SC–235 (Non-Rechargeable Lithium Batteries)

4. Integration and Coordination Committee (ICC)

5. Cross Cutting Committee (CCC)

6. Past Action Item Review

7. Discussion

A. SC–135—Environmental Testing—Discussion—Revised TOR

B. FAS—Status Update

C. NAC—Status Update

D. TOC—Status Update

E. DAC—Status Update

F. FAA Actions Taken on Previously Published Documents—Report

G. Special Committees—Chairmen's Reports and Active Inter-Special Committee Requirements Agreements (ISRA)—Review

H. European/EUROCAE Coordination—Status Update

8. Documents Open for Final Review and Comment

9. Other Business

10. Schedule for Committee Deliverables and Next Meeting Date

11. New Action Item Summary

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 15, 2017.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG–A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2017–17466 Filed 8–17–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Aviation Rulemaking Advisory Committee (ARAC) meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the ARAC.

DATES: The meeting will be held on September 14, 2017, starting at 1:00 p.m. Eastern Standard Time. Arrange oral presentations by September 7, 2017.

ADDRESSES: The meeting will take place at the Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Nikeita Johnson, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267–4977; fax (202) 267–5075; email *9-awa-arac@faa.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), we are giving notice of a meeting of the ARAC taking place on September 14, 2017, at the Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

The Draft Agenda includes:

1. Status Report from the FAA
2. Status Updates:
   a. ARAC Input to Support Regulatory Reform of Aviation Regulations
   b. Active Working Groups
   c. Transport Airplane and Engine (TAE) Subcommittee
3. Any Other Business

The Agenda will be published on the FAA Meeting Web page (*https://www.faa.gov/regulations_policies/rulemaking/npm/*) once it is finalized.

Attendance is open to the interested public but limited to the space available. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than September 1, 2017. Please provide the following information: Full legal name, country of citizenship, and name of your industry association, or applicable affiliation. If you are attending as a public citizen, please indicate so.

For persons participating by telephone, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by email or phone for the teleconference call-in number and passcode. Callers are responsible for paying long-distance charges.

The public must arrange by September 7, 2017 to present oral statements at the meeting. The public may present written statements to the Aviation Rulemaking Advisory Committee by providing 25 copies to the Designated Federal Officer, or by bringing the copies to the meeting.

If you are in need of assistance or require a reasonable accommodation for this meeting, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC.

Lirio Liu,

Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2017–17426 Filed 8–17–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0114]

Agency Information Collection Under OMB Review: Statement of Marital Relationship

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

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

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov*. Please refer to ''OMB Control No. 2900–0114'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department

of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0114'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Statement of Marital Relationship (VA Form 21–4170).

OMB Control Number: 2900–0114.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–4170 is used to gather information that is necessary to determine whether a valid common law marriage was established. The form is used by persons claiming to be common law widows/widowers of deceased veterans and by veterans and their claimed common law spouses. Benefits cannot be authorized unless a valid marriage is established.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 43 on March 7, 2017, pages 12916 and 12917.

Affected Public: Individuals or Households.

Estimated Annual Burden: 2,708.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 6,500.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–17462 Filed 8–17–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No: 2900–NEW]

Agency Information Collection Activity: Study on Provision of Interments in Veterans' Cemeteries During Weekends

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice of cancellation

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, the Department of Veterans Affairs (VA) National Cemetery Administration's (NCA) emergency notice announcing the ''Study on Provision of Interments in Veterans' Cemeteries during Weekends,'' survey has been cancelled as of June 22, 2017. Public Law 114–315, section 304, enacted by the U.S. Congress and signed by the President on December 16, 2016, makes a specific request for the collection and reporting of the information covered by this request. NCA will be soliciting comments by posting questions to the general public through a **Federal Register** Notice.

DATES: Emergency notification was published in the **Federal Register** to inform the public of VA's study, Vol. 82, No. 97, Monday, May 22, 2017, pages 23489–23490.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at 202–461–5870 or email *cynthia.harvey-pryor@va.gov.*

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–17463 Filed 8–17–17; 8:45 am]

BILLING CODE 8320–01–P

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