FEDERAL REGISTER

Vol. 82 Friday,

No. 173 September 8, 2017

Pages 42441–42578

OFFICE OF THE FEDERAL REGISTER

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Contents

Federal Register

Vol. 82, No. 173

Friday, September 8, 2017

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

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

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

14 CFR
39 (2 documents) 42441, 42443
71.....42445
Proposed Rules:
39 (2 documents) 42487, 42489

21 CFR
Proposed Rules:
Ch. I (7 documents).....42492, 42494, 42497, 42499, 42501, 42503, 42506

33 CFR
117.....42447

40 CFR
52 (4 documents) 42447, 42451, 42454, 42457
Proposed Rules:
51.....42508
180.....42531

47 CFR
54.....42743

Rules and Regulations

Federal Register
Vol. 82, No. 173
Friday, September 8, 2017

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0308; Product Identifier 2016–SW–083–AD; Amendment 39–19022; AD 2017–18–13]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Airworthiness Directive (AD) 2015–22–51 for Agusta S.p.A. (Agusta) Model A109A and A109A II helicopters. AD 2015–22–51 required pre-flight checking and inspecting each main rotor blade (blade) for a crack and replacing any cracked blade. This new AD removes the check and requires inspecting each blade more frequently. This AD is prompted by a crack that was not detected during any of the pre-flight checks. The actions of this AD are intended to address the unsafe condition on these products.

DATES: This AD becomes effective September 25, 2017.

We must receive comments on this AD by November 7, 2017.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0308; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this final rule, contact Leonardo S.p.A. Helicopters, Matteo Ragazzi, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–711756; fax +39–0331–229046; or at *http://www.leonardocompany.com/-/bulletins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Discussion

We issued Emergency AD 2015–22–51, which was published in the **Federal Register** as a Final rule; request for comments on February 1, 2016, at 81 FR 5037. AD 2015–22–51 applied to Agusta Model A109A and A109AII helicopters with a blade part number (P/N) 109–0103–01–7, P/N 109–0103–01–9, or P/N 109–0103–01–115 that had 500 or more hours time-in-service (TIS). AD 2015–22–51 required, before further flight and every 24 clock-hours, inspecting the top and bottom surface of each blade for a crack. AD 2015–22–51 also required, before each flight, checking the top and bottom surface of each blade for a crack. AD 2015–22–51 allowed this check to be performed by a pilot and required further inspection of the blade if there was a crack.

AD 2015–22–51 was prompted by AD No. 2015–0190–E, dated September 18, 2015, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Agusta Model A109A and A109A II helicopters. EASA advised that abnormal vibrations were reported during a flight on a Model A109A II helicopter. During a post-flight inspection, a crack was found on a P/N 109–0103–01–9 blade. EASA AD No. 2015–0190–E required pre-flight inspections and repetitive inspections of each blade. EASA advised that due to similarity of design, the inspections also applied to P/N 109–0103–01–7 and P/N 109–0103–01–115 blades. EASA further advised that a cracked blade, if not detected and corrected, could affect the structural integrity of the blade, possibly resulting in blade failure and loss of control of the helicopter. EASA revised its AD and issued AD No. 2015–0190R1, dated October 23, 2015, to extend the interval of the repetitive inspections to 10 flight hours.

Actions Since AD 2015–22–51 Was Issued

Since we issued AD 2015–22–51, Leonardo Helicopters (previously Agusta) issued Alert Bollettino Tecnico (BT) No. 109–150, Revision B, dated October 21, 2016, and EASA superseded AD 2015–0190R1 by issuing AD No. 2016–0213, dated October 26, 2016. EASA AD No. 2016–0213 was prompted by a crack in a blade P/N 109–0103–01–9 on a Model A109A II helicopter that was not detected during any of the pre-flight inspections. Upon a subsequent review of data, it was determined that the pre-flight inspections were ineffective to address the unsafe condition and that a shorter interval of the repetitive inspection is necessary. For these reasons, EASA AD 2016–0213 requires inspecting the blades for a crack at intervals not exceeding five flight hours.

Additionally, the FAA is in the process of updating Agusta's name change to Leonardo Helicopters on its FAA type certificate. Because this name change is not yet effective, this AD specifies Agusta.

Comments on AD 2015–22–51

After our Final rule; request for comments was published, we received comments from one commenter.

Request

The commenter stated the AD's cost estimate for a new blade is erroneous, and while the AD identifies the cost of a single inspection, it does not account for the cumulative cost of the daily inspection over time.

We agree. We have revised the cost of the blade in this final rule. As far as a cumulative cost of the repetitive inspections, this new AD changes the compliance interval to every 5 hours TIS. Since the cumulative cost would be different for every operator, we have made no change to the estimated costs in this regard.

The commenter also requested the FAA require Agusta to design and provide a new blade to operators at no charge. The commenter stated the actual cost of the AD is financially devastating to operators and renders the helicopter worthless.

We do not have the authority to direct manufacturers to provide parts or repairs to operators at no charge. We can only require repair or replacement of defective components that are installed on the helicopter. In light of this, we have made no change to the AD in this regard.

FAA's Determination

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

Related Service Information

We reviewed Leonardo Helicopters Alert BT No. 109–150, Revision B, dated October 21, 2016. This service information specifies inspecting the top and bottom surfaces of each blade for a crack in the area between station 1550 (the station at the end of the doublers) and station 3100 (the station at the beginning of the abrasion strip) for a crack every 5 flight hours and replacing a cracked blade.

AD Requirements

This AD requires, before further flight, unless done within the last 5 hours TIS, and thereafter at intervals not to exceed 5 hours TIS, visually inspecting the top and bottom surface of each blade for a crack in the area between stations 1550 and 3100 using a 3X or higher power magnifying glass. If there is a crack, this AD requires replacing the blade.

Differences Between This AD and the EASA AD

The EASA AD requires a type II dye penetrant inspection if in doubt about whether there is a crack, while this AD does not. The EASA AD also includes warning the pilot regarding cracked blades resulting in possible vibration, while this AD does not.

Interim Action

We consider this AD interim action. If final action is later identified, we might consider further rulemaking then.

Costs of Compliance

We estimate that this AD affects 33 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour. We estimate 8 work-hours to inspect a set of four blades at a cost of $680 per helicopter and $22,440 for the fleet per inspection cycle. We estimate 4 work-hours to replace a blade and the required parts will cost $124,000, for a replacement cost of $124,340 per blade.

According to Leonardo Helicopter's 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 Leonardo Helicopter. Accordingly, we have included all costs in our cost estimate.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because the required corrective actions must be completed before further flight or within 5 hours TIS after the effective date of this AD.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

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

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

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

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 removing Airworthiness Directive (AD) 2015–22–51, Amendment 39–18386 (81 FR 5037, February 1, 2016), and adding the following new AD:

2017–18–13 Agusta S.p.A.: Amendment 39–19022; Docket No. FAA–2017–0308; Product Identifier 2016–SW–083–AD.

(a) Applicability

This AD applies to Model A109A and A109A II helicopters with a main rotor blade (blade) part number (P/N) 109–0103–01–7, P/N 109–0103–01–9, or P/N 109–0103–01–115 that has 500 or more hours time-in-service (TIS) installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a blade. This condition could result in failure of a blade and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2015–22–51, Amendment 39–18386 (81 FR 5037, February 1, 2016).

(d) Effective Date

This AD becomes effective September 25, 2017.

(e) 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.

(f) Required Actions

Before further flight, unless already done within the last 5 hours TIS, and thereafter at intervals not to exceed 5 hours TIS:

(1) Using a 3X or higher power magnifying glass, visually inspect the top and bottom surface of each blade for a crack in the area between the station at the end of the doublers (station 1550) and the station at the beginning of the abrasion strip (station 3100).

(2) If there is a crack, replace the blade before further flight. Replacing the blade with blade P/N 109–0103–01–7, P/N 109–0103–01–9, or P/N 109–0103–01–115 does not constitute terminating action for the repetitive inspections required by this AD.

(g) Special Flight Permits

Special flight permits are prohibited.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Additional Information

(1) Leonardo Helicopters Alert Bollettino Tecnico No. 109–150, Revision B, dated October 21, 2016, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Leonardo S.p.A. Helicopters, Matteo Ragazzi, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–711756; fax +39–0331–229046; or at *http://www.leonardocompany.com/-/bulletins.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2016–0213, dated October 26, 2016. You may view the EASA AD on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2017–0308.

(j) Subject

Joint Aircraft Service Component (JASC) Code: 6210, Main Rotor Blade.

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

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2017–18972 Filed 9–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–0961; Product Identifier 2011–NE–22–AD; Amendment 39–19023; AD 2017–18–14]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Corporation Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2015–02–22 for certain Rolls-Royce Corporation (RRC) model 250 turboprop and turboshaft engines. AD 2015–02–22 required repetitive visual inspections and fluorescent-penetrant inspection (FPIs) on certain 3rd-stage and 4th-stage turbine wheels for cracks in the turbine wheel blades. This AD requires repetitive visual inspections and FPIs of 3rd-stage turbine wheels while removing from service 4th-stage turbine wheels. We are also revising the applicability to remove all RRC turboprop engines and add additional turboshaft engines. This AD was prompted by our finding that it is necessary to remove the 4th-stage wheels at the next inspection. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 13, 2017.

ADDRESSES: See the **FOR FURTHER INFORMATION CONTACT** section.

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–2011–0961; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: John Tallarovic, Aerospace Engineer, FAA, Chicago ACO Branch, Compliance and Airworthiness Division, 2300 E. Devon Ave., Des Plaines, IL 60018; phone:

847–294–8180; fax: 847–294–7834; email: *john.m.tallarovic@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2015–02–22, Amendment 39–18090 (80 FR 5452, February 2, 2015), (''AD 2015–02–22''). AD 2015–02–22 applied to certain RRC 250–B17, –B17B, –B17C, –B17D, –B17E, –B17F, –B17F/1, –B17F/2, turboprop engines; and 250–C20, –C20B, –C20F, –C20J, –C20R, –C20R/1, –C20R/2, –C20R/4, –C20S, and –C20W turboshaft engines. The NPRM published in the **Federal Register** on March 29, 2017 (82 FR 15474). The NPRM was prompted by our determination that it is necessary to remove the 4th-stage wheels at the next inspection. The NPRM proposed to require repetitive visual inspections and FPIs of 3rd-stage turbine wheels while removing from service 4th-stage turbine wheels. We are also revising the applicability to remove all RRC turboprop engines and add additional turboshaft engines. We are issuing this AD to prevent failure of the 3rd-stage and 4th-stage turbine wheel blades, damage to the engine, and damage to the aircraft.

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 Remove Certain 3rd Stage Turbine Wheel From AD

RRC requested that we remove references in this AD to the 3rd stage turbine wheel, part number (P/N) RR30000236, installed on the RRC 250–C300/A1 and 250–C300/B1 turboshaft engines. RRC indicated that 3rd stage turbine wheels, P/N RR30000236, are not susceptible to cracks. RRC noted that there have been no cracks observed on 3rd stage wheels installed on RRC 250–C300/A1 or 250–C300B/1 engines.

We agree. The 3rd stage turbine wheel, P/N RR30000236, installed on RRC 250–C300/A1 and 250–C300/B1 engines does not require inspections. They are subject to less severe operating conditions and are not susceptible to this type of failure. We removed references to the 3rd stage turbine wheel, P/N RR30000236, from this AD.

Request To Revise Power Turbine Reference

RRC requested that we change references in this AD from ''power turbine'' to ''turbine.'' RRC noted that this AD should refer to the entire turbine module rather than just to the power turbine. RRC also commented that the risk analysis for this AD is based on changing the parts anytime the turbine is being serviced, not just the power turbine. Revising the reference in this AD to ''turbine'' would remove the affected 4th stage turbine wheels from the fleet in a shorter time period since the actions specified in this AD are to be complied with whenever the turbine is at the shop and is dissembled for any reason, or at the next turbine wheel replacement, whichever occurs first.

We agree. We changed the reference in the Compliance section of this AD from ''power turbine'' to ''turbine.''

RRC also commented that changing the references to ''turbine'' would allow for removal of the Definition section from this AD.

We disagree. The term ''engine shop visit'' is used as one of the criteria in this AD to determine when an inspection of affected applicable turbine wheels is required. Given that ''engine shop visit'' may be interpreted in different ways, we provide a definition for this term in this AD. We did not change this AD.

Request To Clarify Removal of Blades With Cracks From Service

RRC requested that we revise the Compliance section of this AD so that it does not require removal from service all turbine wheels found with cracks. RRC commented that only certain cracks are related to this AD and are a safety concern.

We agree. The intent of this AD is to address cracks at the trailing edge of the turbine wheel blades, near the fillet at the rim. The maintenance manuals for these engines allow certain cracks in areas of the turbine wheels not subject to this AD. Engines may still operate safety with turbine wheels that have allowable cracks. We revised paragraph (f)(3) of this AD to refer to cracks found at the trailing edge, near the fillet at the rim, of the turbine blades.

Revision to Costs of Compliance

We reduced the estimated cost of inspection of 3rd stage wheels from $320,365 to $288,320 since we removed the 3rd stage wheel, P/N RR30000236, from the applicability of this AD. As noted in our previous comment response, these P/N 3rd stage wheels are not subject to the unsafe condition identified in 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 with the changes described previously and minor editorial changes. We have determined that these minor changes:

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

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

Costs of Compliance

We estimate that this AD affects 3,769 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect 3rd-stage wheels, P/N 23065818	1 work-hour × $85 per hour = $85	$0	$85	$288,320
Replace 4th-stage wheel, P/N 23055944 or RR30000240.	0 work-hours × $85 per hour = $0	5,653 (prorated cost of part).	5,653	21,306,157

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 engines, propellers, and appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–02–22, Amendment 39–18090 (80 FR 5452, February 2, 2015), and adding the following new AD:

2017–18–14 Rolls-Royce Corporation: Amendment 39–19023; Docket No. FAA–2011–0961; Product Identifier 2011–NE–22–AD.

(a) Effective Date

This AD is effective October 13, 2017.

(b) Affected ADs

This AD replaces Airworthiness Directive (AD) 2015–02–22, Amendment 39–18090 (80 FR 5452, February 2, 2015).

(c) Applicability

This AD applies to Rolls-Royce Corporation (RRC) 250–C20, –C20B, –C20F, –C20J, –C20R, –C20R/1, –C20R/2, –C20R/4, –C20W, –C300/A1, and –C300/B1 turboshaft engines with either a 3rd-stage turbine wheel, part number (P/N) 23065818, or a 4th-stage turbine wheel, P/N 23055944 or RR30000240, installed.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by in-service turbine wheel blade failures that revealed the need for changes to the inspections of certain 3rd-stage turbine wheels and removal from service of certain 4th-stage turbine wheels. We are issuing this AD to prevent failure of the 3rd-stage and 4th-stage turbine wheel blades, damage to the engine, and damage to the aircraft.

(f) Compliance

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

(1) Within 1,775 hours since last visual inspection and fluorescent-penetrant inspection (FPI) or before the next flight after the effective date of this AD, whichever occurs later:

(i) Remove 3rd-stage turbine wheels, P/N 23065818, and perform a visual inspection and an FPI on the removed turbine wheels for cracks at the trailing edge of the turbine blades, near the fillet at the rim.

(ii) Thereafter, re-inspect the affected turbine wheels every 1,775 hours since last inspection (HSLI).

(2) Any time the turbine is disassembled, perform a visual inspection and an FPI on 3rd-stage turbine wheels, P/N 23065818, for cracks at the trailing edge of the turbine blades, near the fillet at the rim.

(3) Do not return to service any turbine wheels found to have cracks at the trailing edge, near the fillet at the rim, of the turbine blades.

(4) Within 1,775 HSLI, or at the next engine shop visit, whichever occurs later, remove 4th-stage turbine wheels, P/N 23055944, from service.

(5) Within 2,025 HSLI, or at the next engine shop visit, whichever occurs later, remove 4th-stage turbine wheels, P/N RR30000240, from service.

(g) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges, except that the separation of engine flanges solely for the purposes of transportation without subsequent engine maintenance does not constitute an engine shop visit.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, FAA, Chicago ACO Branch, Compliance and Airworthiness Division, 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 Branch, send it to the attention of the person identified in paragraph (i) of this AD.

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

(i) Related Information

For more information about this AD, contact John Tallarovic, Aerospace Engineer, FAA, Chicago ACO Branch, Compliance and Airworthiness Division, 2300 E. Devon Ave., Des Plaines, IL 60018; phone: 847–294–8180; fax: 847–294–7834; email: *john.m.tallarovic@faa.gov.*

(j) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on August 31, 2017.

Robert J. Ganley,

Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2017–18910 Filed 9–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9593; Airspace Docket No. 16–ACE–12]

Amendment of Class E Airspace; Falls City, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending upward from 700 feet above the surface at Brenner Field

Airport, Falls City, NE. Airspace reconfiguration is necessary due to the decommissioning of the Brenner non-directional radio beacon (NDB), and cancellation of the NDB approach. This action enhances the safety and management of standard instrument approach procedures for instrument flight rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, December 7, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.* FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Walter Tweedy, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5900.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify Class E airspace extending upward from 700 feet above the surface area at Brenner Field Airport, Falls City, NE, in support of standard instrument approach procedures for IFR operations at the airport.

History

The FAA published in the **Federal Register** (82 FR 16960, April 7, 2017) Docket No. FAA–2016–9593 a notice of proposed rulemaking (NPRM) to modify Class E airspace extending upward from 700 feet above the surface at Brenner Field Airport, Falls City, NE. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius (increased from 6.4 miles) of Brenner Field and cancels the NDB approach due to the decommissioning of the Brenner NDB. This action enhances the safety and management of the standard instrument approach procedures for IFR operations at the airport.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E Airspace Areas.

* * * * *

ACE NE E5 Falls City, NE [Amended]

Falls City, Brenner Field, NE
(Lat. 40°04′44″ N., long. 95°35′31″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Brenner Field.

Issued in Fort Worth, Texas on August 29, 2017.

Wayne Eckenrode,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2017–18917 Filed 9–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0840]

Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL

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 Rock Island Railroad and Highway Drawbridge across the Upper Mississippi River, mile 482.9, at Rock Island, Illinois. The deviation is necessary to facilitate the Quad Cities Marathon. This deviation allows the bridge to remain in the closed-to-navigation position for approximately four and a half (4.5) hours on one day until the race is completed.

DATES: This deviation is effective from 7 a.m. through 11:30 a.m. on September 24, 2017.

ADDRESSES: The docket for this deviation, (USCG–2017–0840) 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 Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone 314–269–2378, email *Eric.Washburn@uscg.mil*.

SUPPLEMENTARY INFORMATION: The U.S. Army Rock Island Arsenal requested a temporary deviation for the Rock Island Railroad and Highway Drawbridge, across the Upper Mississippi River, mile 482.9, at Rock Island, Illinois. The bridge has a vertical clearance of 23.8 feet above normal pool in the closed-to-navigation position. This bridge is governed by 33 CFR 117.5.

This deviation allows the bridge to remain in the closed-to-navigation position from 7 a.m. through 11:30 a.m. on September 24, 2017. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This temporary deviation has been coordinated with waterway users. No objections were received.

The bridge will not be able to open for emergencies and there are no alternate routes for vessels transiting this section of the Upper Mississippi River. The Coast Guard will inform users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so the 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 effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: September 1, 2017.

Eric A. Washburn,

Bridge Administrator, Western Rivers.

[FR Doc. 2017–19036 Filed 9–7–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2017–0216 and EPA–R10–OAR–2017–0193; FRL–9967–22–Regions 8 and 10]

Attainment Date Extensions for the Logan, Utah-Idaho 2006 24-Hour Fine Particulate Matter Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is granting two one-year extensions to the Moderate attainment date for the 2006 24-hour fine particulate matter ($PM_{2.5}$) Logan, Utah (UT)-Idaho (ID) nonattainment area. This action is based on the EPA's evaluation of air quality monitoring data and extension requests submitted by the State of Utah on May 2, 2017, and the State of Idaho on December 15, 2015, February 26, 2016, and April 25, 2017. The EPA is extending the Moderate attainment date from December 31, 2015 to December 31, 2017, in accordance with section 188(d) of the Clean Air Act (CAA).

DATES: This final rule is effective on October 10, 2017.

ADDRESSES: The EPA has established two dockets for this action under Docket ID No. EPA–R08–OAR–2017–0216 and EPA–R10–OAR–2017–0193. All documents in the dockets are listed on *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly-available docket materials are available at *http://www.regulations.gov* or in hard copy at the EPA Region 8, Office of Partnerships and Regulatory Assistance, Air Program, 1595 Wynkoop Street, Denver, Colorado, 80202–1129 or at the EPA Region 10, Office of Air and Waste, 1200 Sixth Avenue, Seattle, Washington, 98101. The EPA requests that if at all possible, you contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Crystal Ostigaard, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6602, *ostigaard.crystal@epa.gov,* or Jeff Hunt, Air Planning Unit, Office of Air and Waste (OAW–150), EPA, Region 10, 1200 Sixth Ave, Suite 900, Seattle, Washington, 98101; (206) 553–0256; *hunt.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In early June of this year, the EPA proposed to grant two one-year extensions to the Moderate attainment date for the 2006 24-hour $PM_{2.5}$ Logan, UT-ID nonattainment area. *See* 82 FR 25992 (June 6, 2017); 82 FR 26638 (June 8, 2017). Under CAA section 188(d), the EPA may grant a state's request to extend the attainment date for a Moderate area if: ''(1) the state has complied with all requirements and commitments pertaining to the area in the applicable implementation plan; and (2) no more than one exceedance of the 24-hour [National Ambient Air Quality Standard (NAAQS)] level for PM_{10} has occurred in the area in the year preceding the Extension Year, and the annual mean concentration for PM_{10} in the area for such year is less than or equal to the standard level.'' The statute provides the EPA with authority to issue only two one-year extensions for a single Moderate area.

On August 24, 2016, the EPA finalized the Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements (''$PM_{2.5}$ Implementation Rule''), 81 FR 58010, and that rule includes requirements applicable to Moderate area extension requests under CAA section 188(d). Under the regulations, the EPA may grant an

extension if the agency determines that: (1) The state has complied with all requirements and commitments pertaining to the area in the applicable implementation plan; and (2) for an area designated nonattainment for the 24-hour $PM_{2.5}$ NAAQS for which the state seeks an attainment date extension, the 98th percentile 24-hour concentration at each monitor in that area for the calendar year that includes the applicable attainment date is less than or equal to the level of the applicable 24-hour standard (calculated according to the data analysis requirements in 40 CFR part 50, appendix N). *See* 40 CFR 51.1005(a)(1). The applicable implementation plan is defined as the plan submitted to meet Moderate area requirements. *Id.* § 51.1005(a)(2). The $PM_{2.5}$ Implementation Rule explains that, to meet the first criterion, a state needs to show that it has ''submitted the necessary attainment plan for the area for the applicable $PM_{2.5}$ NAAQS and is implementing the control measures in the submission.'' *See* 81 FR 58070 and 58073, August 24, 2016.

On June 6, 2017 (82 FR 25992), the EPA Region 8 Regional Administrator, and on June 8, 2017 (82 FR 26638), the EPA Region 10 Regional Administrator proposed to grant two one-year extensions to the Moderate area attainment date for the 2006 24-hour $PM_{2.5}$ Logan, UT-ID nonattainment area. The requests on which the EPA proposed action were submitted by the State of Utah on May 2, 2017, and the State of Idaho on December 15, 2015, February 26, 2016, and April 25, 2017. The EPA took comment on granting the two one-year extension requests that would extend the Moderate $PM_{2.5}$ attainment date from December 31, 2015 to December 31, 2017, for the Logan, UT-ID nonattainment area. For details of the EPA's reasons for proposing to grant the extensions, please see the June 6, 2017 and June 8, 2017 proposal notices.

II. Response to Comments

The EPA received two public comments on the proposed actions. One was submitted anonymously and the second was submitted by Western Resource Advocates (WRA).

Comment: The first comment briefly mentions that the State of Utah has had adequate time to address the air quality issue and the extension should not be approved because medical issues by excessive particulate matter are well substantiated.

Response: The EPA agrees that there are medical issues associated with $PM_{2.5}$ exposures. However, CAA section 188(d) and implementing regulations provide flexibility for states to address air quality issues in Moderate nonattainment areas if certain conditions are met. Under CAA section 188(d) and the $PM_{2.5}$ Implementation Rule, the EPA may grant a state's request to extend the attainment date for a Moderate area if: (1) The state has complied with all requirements and commitments pertaining to the area in the applicable implementation plan; and (2) for an area designated nonattainment for the 24-hour $PM_{2.5}$ NAAQS for which the state seeks an attainment date extension, the 98th percentile 24-hour concentration at each monitor in that area for the calendar year that includes the applicable attainment date is less than or equal to the level of the applicable 24-hour standard (calculated according to the data analysis requirement in 40 CFR part 50, appendix N). 40 CFR 51.1005(a)(1). The $PM_{2.5}$ Implementation Rule explains that, to meet the first criterion, a state needs to show that it has ''submitted the necessary attainment plan for the area for the applicable $PM_{2.5}$ NAAQS and is implementing the control measures in the submission.'' *See* 81 FR 58070–58073, August 24, 2016. The applicable implementation plan is defined as the plan submitted to meet Moderate area requirements for the NAAQS at issue. *Id.* § 51.1005(a)(2). The EPA cannot issue more than two one-year extensions for a single Moderate area.

As discussed in the proposed approval of the extension requests, and in the response to the comment from WRA below, the Logan, UT-ID nonattainment area has met the CAA section 188(d) requirements for granting the two one-year extensions. Accordingly, the EPA is finalizing approval of the two one-year extension requests to the Moderate area attainment date as proposed.

Comment: The second comment, sent by WRA, asserts that the State of Utah has not complied with all requirements and commitments pertaining to the area in the applicable implementation plan. Specifically, according to WRA, the State of Utah has not met the reasonable further progress and quantitative milestones requirements of the Moderate State Implementation Plan (SIP). The commenter states that the State of Utah's Logan, UT-ID $PM_{2.5}$ SIP does not establish whether the emission reductions have been achieved on a linear or stepwise basis in years 4.5 (June 2013) and 7.5 (June 2017). Additionally, WRA states that the Logan, UT-ID SIP contains no quantitative milestones; thus according to WRA, the State of Utah has failed to define and failed to demonstrate that any quantitative milestones have been achieved.

WRA further states that air quality monitoring data indicates that the extensions are inappropriate. The commenter provides air quality data representing the 98th percentile values for the Logan $PM_{2.5}$ air quality monitors from 2010 to 2016, and additional information regarding preliminary 2017 values.[1] Additionally, the commenter provides the specific three-year design values from 2010 to 2015 at the Logan monitors.[2] Referring to the 98th percentiles and design values, the commenter states that the monitoring data shows high variability and fails to reveal any correlation between emission reductions and better air quality. The commenter concludes that the Logan, UT-ID nonattainment area has not attained the 2006 24-hour $PM_{2.5}$ NAAQS and should be reclassified to a ''Serious Area.''

Response: The EPA disagrees with the commenter's interpretation of the requirements found in CAA section 188(d) and the $PM_{2.5}$ Implementation Rule. The relevant criteria for granting an extension for a Moderate nonattainment area are whether (1) the state has complied with all requirements and commitments pertaining to the area in the applicable state plan; and (2) the 98th percentile 24-hour concentration for the attainment year is less than or equal to the level of the applicable 24-hour standard.[3] In requesting an extension, the State of Utah submitted a letter on May 2, 2017, stating that it has complied with all requirements and commitments in the state plan and that the 98th percentile 24-hour concentration for the applicable year is below the standard.

Regarding the first criterion for granting an attainment date extension under CAA Section 188(d)(1), the preamble of the $PM_{2.5}$ Implementation Rule notes that CAA section 188(d) ''does not explicitly require that the state comply with all requirements pertaining to the area in the CAA, but

[1] WRA notes that between 2010 and 2016, the 98th percentile $PM_{2.5}$ concentrations at the Logan monitors have been: 42.4 micrograms per cubic meter ($\mu g/m^3$) in 2010, 42.3 $\mu g/m^3$ in 2011, 27.1 $\mu g/m^3$ in 2012, 68.3 $\mu g/m^3$ in 2013, 41.1 $\mu g/m^3$ in 2014, 32.7 $\mu g/m^3$ in 2015, and 34.4 $\mu g/m^3$ in 2016. In 2017, WRA states that the 7th highest 24-hour $PM_{2.5}$ concentration is 39.9 $\mu g/m^3$ and the 8th highest is 34.4 $\mu g/m^3$, with a high concentration of 75.7 $\mu g/m^3$.

[2] WRA notes that between 2010 and 2015, the design values (three-year average of the 98th percentile) have been: 37.3 $\mu g/m^3$ in 2010–2012, 45.8 $\mu g/m^3$ in 2011–2013, 45 $\mu g/m^3$ in 2012–2014, 45.6 $\mu g/m^3$ in 2013–2015, and 34.5 $\mu g/m^3$ in 2014–2015.

[3] $PM_{2.5}$ Implementation Rule, Section 51.1005(a)(1)(i)–(ii).

merely requires that the state comply with all requirements in the applicable SIP.'' [4] In other words, so long as the state has submitted the necessary attainment plan for the area for the applicable $PM_{2.5}$ NAAQS and is implementing the submitted plan, the fact that the EPA has not yet acted on such submission to make it an approved part of the applicable SIP should not preclude the state from obtaining an extension of the attainment date under CAA section 188(d)(1). Specifically, in order to satisfy the first criterion, a state would have to demonstrate that control measures included in the plan submission as reasonably available control measures (RACM), reasonably available control technology (RACT), and additional reasonable measures for sources in the area have been implemented.[5]

The regulatory requirements for extensions of the Moderate area attainment date that the EPA promulgated in the $PM_{2.5}$ Implementation Rule are consistent with the CAA. Under 40 CFR. 51.1005(a)(1)(i) and (a)(2), the state must have complied with all requirements and commitments in the applicable implementation plan, which is defined as the Moderate area plan submitted to meet the requirements of 40 CFR 51.1003(a). Thus, the EPA has, by rule, interpreted section 188(d)(1) to require the state to have complied with the requirements to implement RACM, RACT, and additional reasonable measures that were submitted in the Moderate area plan.[6] To the extent the comment suggests the EPA must first approve the plan submission before a Moderate area extension may be granted, that issue was addressed in the implementation rule and the time to comment has passed to challenge the EPA's regulatory interpretation of the statute. *See* CAA section 307(b)(1).

The EPA has acted on certain aspects of the State of Utah's SIP in separate actions, as described in the proposed action to grant the two one-year attainment date extensions.[7] Moreover, the EPA's evaluation as to whether the Moderate area plan has met all CAA requirements, including those for reasonable further progress and quantitative milestones, will be addressed in a separate action, which as noted above is a different determination than whether the State of Utah has complied with the requirements and commitments in the submitted Moderate area plan. As discussed in the proposal, the State of Utah submitted the necessary attainment plan for the area, the plan contains control measures identified as RACM and RACT, and additional reasonable measures for sources in the area and the State is implementing those control measures.[8] The comment does not dispute these facts. Thus, the Logan, UT-ID nonattainment area has met the SIP submission criterion found in CAA section 188(d)(1).

For the second criterion in CAA Section 188(d)(2), the EPA interprets the requirement to demonstrate that the area had ''no more than one exceedance'' of the 24-hour $PM_{2.5}$ NAAQS to mean that the state must simply demonstrate that the area had ''clean data'' in the year preceding the extension year.[9] Thus, a state seeking an attainment date extension for a Moderate nonattainment area for a 24-hour $PM_{2.5}$ NAAQS would be required to demonstrate that the area had clean data with respect to the statistical form of that particular standard (*i.e.,* for the 2006 $PM_{2.5}$ NAAQS, the 98th percentile value did not exceed 35 micrograms per cubic meter ($\mu g/m^3$)) in the calendar year prior to the applicable attainment date for the area.[10]

As noted in the proposal,[11] the years that need to be reviewed for granting the two one-year attainment date extension requests are 2015 for the first extension request and 2016 for the second extension request. To demonstrate that the Logan, UT-ID nonattainment area had clean data for the 2006 $PM_{2.5}$ NAAQS, the 98th percentile values may not exceed 35 $\mu g/m^3$. The 98th percentile value at the Logan monitor (Utah) was 29.0 $\mu g/m^3$ in 2015 and at the Smithfield monitor (Utah) was 34.4 $\mu g/m^3$ in 2016. Additionally, the 98th percentile concentrations at the Franklin, Idaho monitor were 18.8 $\mu g/m^3$ in 2015 and 33.3 $\mu g/m^3$ in 2016. Thus, the area met the second criterion for granting the two one-year extensions found in CAA section 188(d)(2) as interpreted by the $PM_{2.5}$ Implementation Rule.

The comment does not dispute that the area has met the criterion set forth in 40 CFR 51.1005(a)(1)(ii). Instead, the comment cites other monitoring data from previous years. Again, the EPA established its interpretation in the $PM_{2.5}$ Implementation Rule of what monitoring data is relevant for CAA section 188(d)(2). Notwithstanding that fact, WRA appears to believe that monitoring data from the years before 2015 and 2016 must be considered and argues that it is not reasonable to ignore such data. As with the comments on the first extension criterion, the commenter appears to take issue with the EPA's interpretations of the CAA as set forth in the implementation rule; however, the time has passed to challenge the implementation rule. The EPA evaluated the extension request consistent with the $PM_{2.5}$ Implementation Rule and we decline to adopt the commenter's interpretation of the statute.

To the extent the comment also argues that the EPA should deny the extension requests in our discretion, we decline to do so. As explained in our proposal and restated above, we have reviewed the requests from the states and accompanying data, and we find that they support granting two one-year extensions of the attainment date for this area. Thus, we do not agree that the EPA must necessarily consider all aspects of air quality (such as the other data the comment presents) in addition to our evaluation of the extension year air quality data under the second criterion. We also do not agree that the EPA must necessarily consider the concerns the comment raises regarding reasonable further progress and quantitative milestones in addition to our evaluation under the first criterion of the state's compliance with commitments and requirements in the submitted Moderate area plan.

However, even if the EPA were to consider the other information presented in the comment, we would still grant the extension requests. First, we note that Utah's submitted Moderate

[4] 81 FR 58070, August 24, 2016. This interpretation as applied to CAA section 188(e) for Serious area attainment date extensions was upheld by the Ninth Circuit in *Vigil* v. *Leavitt,* 366 F.3d 1025, amended at 381 F.3d 826 (9th Cir. 2004).

[5] 81 FR 58070, August 24, 2016.

[6] The comment appears to interpret the language in the preamble stating that the State must have ''complied with all requirements and commitments *pertaining to the area* in the applicable implementation plan'' in a manner that appears inconsistent with the EPA's implementation rule. The regulatory language makes clear that the State must comply with the requirements and commitments in the Moderate area plan that was submitted to the EPA for the relevant NAAQS in the area at issue. The preamble language clarifies that the relevant requirements and commitments are those that apply to the nonattainment area for which the extension has been requested and for the relevant NAAQS. Thus, if the State failed to meet a requirement or commitment in the applicable implementation plan for some other nonattainment area or failed to meet a requirement applicable to a different NAAQS (*e.g.* ozone), that would not bar the State from getting an extension for the nonattainment area and NAAQS at issue.

[7] 82 FR 25992 (June 6, 2017) and 82 FR 26638 (June 8, 2017). The State of Utah submitted its Moderate $PM_{2.5}$ attainment SIP on December 22, 2014 and the State of Idaho submitted its Moderate $PM_{2.5}$ attainment SIP on December 14, 2012 and supplement on December 24, 2014, respectively.

[8] 82 FR 25994/5, June 6, 2017; 82 FR 26638, June 8, 2017.

[9] 81 FR 58071, August 24, 2016.

[10] 81 FR 58010, 58070–58071, August 24, 2016.

[11] 82 FR 25992 (June 6, 2017) and 82 FR 26638 (June 8, 2017).

area plan does contain reasonable further progress and quantitative milestone sections.[12] We also disagree that the plan does not attempt to show a correlation between emission reductions and air quality improvement: that is precisely what the attainment demonstration does. In remainder, the comment argues that these elements of the plan do not meet all Moderate area requirements, but as explained above that will be determined in a separate action.

If we were to consider the other air quality data presented by the comment, we would note that, as the comment states, there is variability from year to year.[13] In such a circumstance, granting the extension request seems entirely consistent with the purpose of section 188(d): A state may have met all of its commitments and requirements in the submitted Moderate area plan, but due to variability—such as poor air quality in a single year prior to the extension year (in this case 2013)—the area fails to attain by the attainment date. In such a circumstance, section 188(d) provides a means for dealing with this variability.

III. EPA's Final Action

In response to requests from the State of Utah on May 2, 2017, and from the Idaho Department of Environmental Quality (IDEQ) on December 15, 2015, February 26, 2016, and April 25, 2017, the EPA is granting two one-year attainment date extensions to the Moderate attainment date for the 2006 24-hour $PM_{2.5}$ NAAQS for the Logan, UT-ID nonattainment area. This final action extends the Moderate area attainment date for the Logan, UT-ID nonattainment area from December 31, 2015 to December 31, 2017. This final action to extend the Moderate attainment date for this nonattainment area is based on both states' compliance with the requirements for the applicable SIPs for the area and on the 2015 and 2016 $PM_{2.5}$ 98th percentile data from the Logan (Utah), Smithfield (Utah), and Franklin (Idaho) monitoring sites in the Logan, UT-ID nonattainment area. Consistent with CAA section 188(d) and 40 CFR 51.1005(a), the nonattainment area will remain a Moderate $PM_{2.5}$ nonattainment area, with a Moderate area attainment date of December 31, 2017. Additionally, the states will not have to submit the additional requirements that apply to Serious $PM_{2.5}$ nonattainment areas unless the area fails to attain the standard by the December 31, 2017 Moderate area attainment date and the area is reclassified to a Serious $PM_{2.5}$ nonattainment area.

This action is not a redesignation to attainment under CAA section 107(d)(3)(E). The State of Utah and the State of Idaho are not currently attaining the $PM_{2.5}$ NAAQS in the nonattainment area and have not submitted maintenance plans as required under section 175(A) of the CAA or met the other statutory requirements for redesignation to attainment. The designation status for the area in 40 CFR part 81 will remain as a Moderate nonattainment area until such time as the State of Utah and the State of Idaho meet the CAA requirements for redesignation to attainment, or the area is reclassified to Serious.

IV. 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 and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and therefore is not subject to review by the Office of Management and Budget (OMB). This final action merely approves a state request as meeting federal requirements and imposes no new requirements.

B. Paperwork Reduction Act (PRA)

This action does not impose any additional information collection burden under the provisions of the PRA, 44 U.S.C. 3501 *et seq.* This action merely approves a state request for an attainment date extension, and this action does not impose additional requirements beyond those imposed by state law.

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. This action will not impose any requirements on small entities beyond those imposed by state law. Approval of a state's request for an attainment date extension does not create any new requirements and does not directly regulate any entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

E. Executive Order 13132: Federalism

This action does not have federalism implications. 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. Pursuant to the CAA, this action merely approves a state request for an attainment date extension.

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. No tribal areas are located in the nonattainment area that will be receiving an attainment date extension. The CAA and the Tribal Authority Rule establish the relationship of the federal government and tribes in developing plans to attain the NAAQS, and this rule does nothing to modify that relationship. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe any environmental health or safety risks addressed by this action present a disproportionate risk to children. This action merely approves a state request for an attainment date extension and it does not impose additional requirements beyond those imposed by state law.

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

[12] The Logan, UT-ID Moderate $PM_{2.5}$ SIP can be found within the docket, EPA–R08–OAR–2017–0216. The entire submittal is entitled ''December 16, 2014 State of Utah Moderate $PM_{2.5}$ SIP Submittal,'' and the Logan section, ''Utah SIP Control Measures for Area and Point Sources, Fine Particulate Matter, $PM_{2.5}$ SIP for the Logan, UT-ID Nonattainment Area, Section IX. Part A.23'' starts on pdf page number 546. The Logan, UT-ID Moderate $PM_{2.5}$ SIP contains reasonable further progress analysis and quantitative milestones in Chapter 8.

[13] In addition, the 98th percentile value for 2015 for Logan appears to be incorrect in the comment. It should be 29.0 $\mu g/m^3$ instead of 32.7 $\mu g/m^3$.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. This action merely approves a state request for an attainment date extension.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action approves a state request for an attainment date extension based on the state's compliance with requirements and commitments in its plan and recent air quality monitoring data that meets requirements for an extension.

K. Congressional Review Act (CRA)

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

L. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 7, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ammonia, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

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

Dated: August 21, 2017.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

Dated: August 22, 2017.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2017–18878 Filed 9–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0802; FRL–9967–40–Region 5]

Air Plan Approval; Ohio; Volatile Organic Compound Control Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving under the Clean Air Act (CAA), a November 18, 2015, State Implementation Plan (SIP) submittal from the Ohio Environmental Protection Agency consisting of adjustments and additions to volatile organic compound (VOC) rules in the Ohio Administrative Code (OAC). The changes to these rules are based on an Ohio-initiated five-year periodic review of its VOC rules and a new rule to update the VOC reasonably available control technology (RACT) requirements for the miscellaneous metal and plastic parts coatings source category for the Cleveland-Akron-Lorain area (''Cleveland area'') consisting of Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit counties. Additionally, EPA is approving into the Ohio SIP an oxides of nitrogen (NO_X) emission limit for Arcelor-Mittal Cleveland that Ohio is using as an offset in its anti-backsliding demonstration for architectural aluminum coatings.

DATES: This final rule is effective on October 10, 2017.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2015–0802. All documents in the docket are listed on the *https://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *https://www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Jenny Liljegren, Physical Scientist, at (312) 886–6832 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Jenny Liljegren, Physical Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6832, *Liljegren.Jennifer@epa.gov.*

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

I. What is the purpose of this action?

EPA is approving a November 18, 2015, Ohio SIP submittal consisting of adjustments and additions to OAC Chapter 3745–21. Specifically, this includes amended OAC rules 3745–21–01, 3745–21–03, 3745–21–04, 3745–21–08, 3745–21–09, 3745–21–10, 3745–21–12, 3745–21–13, 3745–21–14, 3745–21–15, 3745–21–16, 3745–21–17, 3745–21–18, 3745–21–19, 3745–21–20, 3745–21–21, 3745–21–22, 3745–21–23, 3745–21–25, 3745–21–27, 3745–21–28, 3745–21–29; rescission of existing OAC rule 3745–21–24, and adoption of new OAC rules 3745–21–24 and 3745–21–26.

Except for OAC rule 3745–21–26, the changes to the Chapter 3745–21 rules are based on an Ohio-initiated five-year periodic review of its VOC rules. When Ohio reviews a rule and amends greater than fifty percent of that rule, Ohio issues the entire rule as a new replacement rule. This is the case with OAC 3745–21–24. OAC rule 3745–21–26 is an entirely new rule, the purpose of which is to update the VOC RACT requirements for the Cleveland area for the miscellaneous metal and plastic parts coatings source category. Additionally, EPA is approving into the Ohio SIP the NO_X emission limit on

unit P046 at the Arcelor-Mittal Cleveland facility, which is contained in OAC 3745–110–03(N). Ohio is using this emission limit as an offset in its CAA section 110(l) anti-backsliding demonstration for architectural coatings, which was discussed in detail in the May 11, 2017, proposed rulemaking (82 FR 21960). EPA solicited public comment on this proposal and did not receive any comments during the comment period. Finally, EPA is approving OAC 3745–110–05(A) into the Ohio SIP, which provides that compliance with the NO_X emission limit on unit P046 at Arcelor-Mittal Cleveland shall be demonstrated by performing emission tests in accordance with EPA Method 7, 7a, 7c, 7d, or 7e, and any additional approved EPA methods as applicable.

II. What is EPA's analysis of Ohio's submitted VOC rules?

Many of Ohio's amendments to the rules in Chapter 3745–21 are not significant. These amendments include: Updates to items incorporated by reference; minor typographical changes to conform to new state preferences on style and formatting; updates to correct typographical and format errors; updates to reflect source name and/or address changes; the removal of references to sources which have been permanently shut down; updates to replace deadlines associated with previous rule effective dates with actual dates (*e.g.* ''sixty days from the effective date of this rule'' replaced with an actual date); and language updates to provide clarification and to avoid confusion. EPA reviewed these and other non-significant and/or non-substantive amendments and is approving them since they do not constitute significant and/or substantive changes to Ohio's rules.

More significant amendments, those amendments requiring more explanation, and the addition of OAC rule 3745–21–26 were discussed in detail in the May 11, 2017, proposed rulemaking (82 FR 21960). These amendments pertain to catalytic incinerator requirements, references to operating permits, VOC recordkeeping requirements, solvent cleaning operations requirements, the addition of OAC rule 3745–21–26 surface coating of miscellaneous metal and plastic parts, and updates to the following rules: OAC rule 3745–21–24 flat wood paneling coatings and OAC rule 3745–21–28 miscellaneous industrial adhesives and sealants. EPA reviewed these amendments and is approving them for the reasons explained in detail in the May 11, 2017, proposed rulemaking (82 FR 21960) which can be found in the docket to this final rule.

III. What action is EPA taking?

EPA is approving into the Ohio SIP adjustments and additions to VOC RACT rules in OAC Chapter 3745–21. Additionally, EPA is incorporating into the Ohio SIP the NO_X emission limit on unit P046 at the Arcelor-Mittal Cleveland facility, which is contained in OAC 3745–110–03(N); Ohio is using this emission limit as an offset in its CAA section 110(l) anti-backsliding demonstration for the OAC rule 3745–21–26 VOC content limit for architectural coatings. Finally, EPA is approving OAC 3745–110–05(A) into the Ohio SIP, which provides that compliance with the NO_X emission limit on unit P046 at Arcelor-Mittal Cleveland shall be demonstrated by performing emission tests in accordance with EPA Method 7, 7a, 7c, 7d, or 7e, and any additional approved EPA methods as applicable.

IV. Incorporation by Reference

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

V. Statutory and Executive Order Reviews

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

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

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

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

[1] 62 FR 27968 (May 22, 1997).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 7, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: August 25, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.1870, the table in paragraph (c) is amended by:

■ a. Revising all the entries under the heading entitled ''Chapter 3745–21 Carbon Monoxide, Ozone, Hydrocarbon Air Quality Standards, and Related Emission Requirements'';

■ b. Adding a new heading in numerical order entitled ''Chapter 3745–110 Nitrogen Oxides—Reasonably Available Control Technology'' including entries for ''3745–110–03'' and ''3745–110–05''.

The revisions and additions read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED OHIO REGULATIONS

Ohio citation	Title/subject	Ohio effective date	EPA approval date	Notes
*	*	*	*	*
Chapter 3745—21 Carbon Monoxide, Ozone, Hydrocarbon Air Quality Standards, and Related Emission Requirements				
3745–21–01	Definitions and incorporation by reference ...	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–02	Ambient air quality standards and guidelines	8/25/2008	7/28/2009, 74 FR 37171.	
3745–21–03	Methods of ambient air quality measurement.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–04	Compliance time schedules	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–06	Classification of regions	8/25/2008	7/28/2009, 74 FR 37171.	
3745–21–07	Control of emissions of organic materials from stationary sources (*i.e.,* emissions that are not regulated by rule 3745–21–09, 3745–21–12, 3745–21–13, 3745–21–14, 3745–21–15, 3745–21–16, or 3745–21–18 of the administrative code).	2/18/2008	8/19/2011, 76 FR 51901.	
3745–21–08	Control of carbon monoxide emissions from stationary sources.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–09	Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–10	Compliance test methods and procedures ...	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–12	Control of volatile organic compound emissions from commercial bakery oven facilities.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–13	Control of volatile organic compound emissions from reactors and distillation units employed in SOCMI chemical production.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–14	Control of volatile organic compound emissions from process vents in batch operations.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–15	Control of volatile organic compound emissions from wood furniture manufacturing operations.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–16	Control of volatile organic compound emissions from industrial wastewater.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–17	Portable fuel containers	10/15/2015	9/8/2017, [insert **Federal Register** citation].	

EPA-APPROVED OHIO REGULATIONS—Continued

Ohio citation	Title/subject	Ohio effective date	EPA approval date	Notes
3745–21–18	Commercial motor vehicle and mobile equipment refinishing operations.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–19	Control of volatile organic compound emissions from aerospace manufacturing and rework facilities.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–20	Control of volatile organic emissions from shipbuilding and ship repair operations (marine coatings).	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–21	Storage of volatile organic liquids in fixed roof tanks and external floating roof tanks.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–22	Control of volatile organic compound emissions from offset lithographic printing and letterpress printing facilities.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–23	Control of volatile organic compound emissions from industrial solvent cleaning operations.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–24	Flat wood paneling coatings	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–25	Control of VOC emissions from reinforced plastic composites production operations.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–26	Surface coating of miscellaneous metal and plastic parts.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–27	Boat manufacturing	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–28	Miscellaneous industrial adhesives and sealants.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
3745–21–29	Control of volatile organic compound emissions from automobile and light-duty truck assembly coating operations, heavier vehicle assembly coating operations, and cleaning operations associated with these coating operations.	10/15/2015	9/8/2017, [insert **Federal Register** citation].	
*	*	*	*	*	*	*
Chapter 3745–110—Nitrogen Oxides—Reasonably Available Control Technology				
3745–110–03	RACT requirements and/or limitations for emissions of NO_X from stationary sources.	07/18/2013	9/8/2017, [insert **Federal Register** citation].	Only the NO_X emission limitation on unit P046 contained in 3745–110–03(N).
3745–110–05	Compliance methods	07/18/2013	9/8/2017, [insert **Federal Register** citation].	Only (A). For purposes of demonstrating compliance with the NO_X emission limitation on unit P046 contained in 3745–110–03(N).
*	*	*	*	*	*	*

* * * * *

[FR Doc. 2017–18864 Filed 9–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2016–0550; FRL–9966–98–Region 6]

Approval and Promulgation of Implementation Plans; Texas; El Paso Carbon Monoxide Limited Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving the required second carbon monoxide (CO) maintenance plan as a revision to the Texas State Implementation Plan (SIP). The El Paso, Texas CO maintenance area (El Paso Area) has been demonstrating consistent air quality monitoring at or below 85% of the CO National Ambient Air Quality Standard (NAAQS or standard). Because of this, the State of Texas, through its designee, submitted the required second maintenance plan for the El Paso Area as a Limited Maintenance Plan (LMP).

DATES: This final rule is effective on October 10, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2016–0550. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://*

www.regulations.gov or in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Jeff Riley, 214–665–8542, *riley.jeffrey@epa.gov.*

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

I. Background

The factual background for this action is discussed in detail in our March 21, 2017 direct final rule and proposal (82 FR 14442, 82 FR 14499). Originally, we issued a direct final rule to approve the required second CO maintenance plan for the El Paso, Texas CO maintenance area as a revision to the Texas SIP.

However, the direct final rule and proposal stated that if any relevant adverse comments were received by the end of the public comment period on April 20, 2017, the direct final rule would be withdrawn and we would respond to the comments in a subsequent final action. Relevant adverse comments were received during the comment period, and the direct final rule was withdrawn on May 22, 2017 (82 FR 23148). The background information found in the direct final is still relevant and our March 21, 2017 proposal provides the basis for this final action.

We received comments on our proposal from one commenter. Our response to the comments are below.

II. Response to Comments

Comment 1: The Commenter states that ''(a)dditional CO monitors are necessary to effectively monitor compliance'' of the CO NAAQS in the El Paso maintenance area, and asserts that the current El Paso CO monitoring network operated by TCEQ is inadequate in terms of the number, siting, type, and scale of representativeness of the monitors that comprise the network.

Response 1: EPA disagrees with the assertion that the current El Paso CO monitoring network is inadequate to effectively monitor compliance with the CO NAAQS. Each state-submitted annual monitoring network plan is evaluated by EPA pursuant to 40 CFR part 58.10 requirements to determine if the criteria for implementation and maintenance of the area's air quality surveillance system have been met. Annual monitoring plans for the El Paso area have been reviewed and ultimately approved by EPA for the full extent of the timeframe noted by the Commenter. In recognition of significantly declining CO concentrations in the El Paso Area since 2000, Texas has gradually reduced and consolidated the El Paso CO monitoring network to three sites in 2015 with approval from the EPA. The reductions in the number of active network monitors specifically during the 2012–2014 timeframe were conducted in consultation with EPA, and were done in accordance with 40 CFR part 58.10 requirements. We have included EPA's responses to the State's annual monitoring network plans for the years 2012–2017 in the docket for this rulemaking.

We further note that 40 CFR 58.10(a)(1) requires that beginning July 1, 2007, the State shall adopt and submit to the Regional Administrator an annual monitoring network plan, and that this annual monitoring network plan must be made available for public inspection for at least 30 days prior to submission to EPA. This public inspection period of annual monitoring network plans has been provided by the State for all submittals since July 1, 2007, and no adverse comments have been received pertaining to the El Paso Area CO monitoring network in this time.

In the September 21, 2016 limited maintenance plan SIP submission, the State provided data showing monitored CO values from 2006–2015, reflecting a 2015 8-hour CO design value of 2.8 ppm. Thus, the design value represented for the 8-hour standard was less than 31% of the CO NAAQS. Only 1 CO monitor is currently required for El Paso, the Chamizal monitor (AQS #48–141–0044) required for NCore (National Core monitoring network) monitoring. This is a neighborhood-scale, high CO concentration site for the city and it recorded a 2.3 ppm 8-hour CO design value for 2016, similar to the 2.4 ppm 8-hour CO design value for 2016 recorded at the nearby Ascarate Park monitor to the southeast of Chamizal. The 2.3 ppm and 2.4 ppm 8-hour CO design values are significantly below the 8-hour CO NAAQS of 9.4 ppm, representing ambient concentrations 24% and 26%, respectively, of the 8-hour CO NAAQS. Both of these monitors are located in the CO maintenance area, and we note that these design values also represent a continued downward trend of CO ambient concentrations beyond the 2015 design value provided in the State's September 21, 2016 submittal.

The Commenter also states that the El Paso CO LMP should include a commitment to collocate at least one near-road nitrogen dioxide (NO_2) monitor with a CO monitor as a contingency should a triggering event take place during the maintenance period. The basis of this argument is twofold: EPA network design criteria under 40 CFR part 58, Appendix D require at least one CO monitor to operate collocated with one required near-road NO_2 monitor in Core Based Statistical Areas with a population of 1,000,000 or more persons. Further, the Commenter refers to Texas Department of State Health Services (TDSHS) estimates that the El Paso population will be approaching 1,000,000 as early as 2020. The Commenter provided no specific citation for this TDSHS data.

The 40 CFR part 58, Appendix D standard for population data is considered to be U.S. Census Bureau data. Based on U.S. Census data, El Paso will most likely not reach 1,000,000 in population by 2028. The current population growth estimate rate per year for El Paso is 5,811/year based upon U.S. Census estimates from 2010–2016.[1] The 2010 estimate was 807,108 and the 2016 estimate was 841,971. Using this growth estimate rate, the U.S. Census data indicates that the population of El Paso would reach around 912,000 in 2028, and would reach 1,000,000 by roughly 2043. So, pursuant to EPA 40 CFR part 58 requirements, a near road NO_2/CO monitoring site will most likely not be required in El Paso until well after 2028 due to this slower growth estimation rate. At this time and based on the data provided, EPA does not believe such a contingency would provide meaningful air quality benefit to the El Paso area.

Comment 2: The Commenter argues that statements made by the current EPA Administration on March 15, 2017 are an indication that the Tier 3 Motor Vehicle Emission and Fuel Standards may be repealed or weakened, and therefore the state's reliance upon these standards as Federal control measures is a tenuous assumption.

Response 2: We disagree with the Commenter. The EPA Administration's March 15, 2017 statements do not pertain to the Tier 3 Motor Vehicle Emission and Fuel Standards. See 79 FR 23414 (April 28, 2014). Rather, these statements concern reopening a mid-term evaluation of the National Program for greenhouse gas (GHG) emissions and fuel economy standards for light-duty vehicles, developed jointly by EPA and the National Highway Traffic Safety Administration (NHTSA). The Phase 2 standards of this program, applying to model years 2017–2025, were promulgated in the Final Rule for 2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and

[1] *https://www.census.gov/data/tables/2016/demo/popest/total-metro-and-micro-statistical-areas.html.*

Corporate Average Fuel Economy Standards. 77 FR 62624 (October 15, 2012). This rulemaking is separate, distinct, and independent of the action we are addressing here. The October 15, 2012 rulemaking is therefore beyond the scope of this rulemaking action and we refer the Commenter to the October 15, 2012 action for further detail.

To EPA's knowledge, no such statements have been made concerning implementation of the Tier 3 Motor Vehicle Emission and Fuel Standards, and therefore the state's reliance upon these standards as valid Federal control measures is appropriate for this SIP action. At this time, we see no legal requirement for the state to revise the LMP with an explicit commitment to reevaluate its reliance thereof in the speculative chance that a Federal measure could be weakened or removed some time in the future. We note that in any case of Federal measures being repealed or weakened, pursuant to 42 U.S.C. 7410(k)(5), the EPA has Clean Air Act authority to require a state to revise an approved SIP if it finds that it has become substantially inadequate to maintain the NAAQS. Moreover, CAA section 175A provides the EPA discretion to require the state to submit a revised SIP should the area fail to maintain the NAAQS.

Comment 3: The Commenter claims that the El Paso CO LMP lacks an adequate contingency plan because the State has not identified an appropriate trigger, and ''has not identified measures that will be promptly adopted nor . . . identified a schedule or procedure to implement additional control measures.''

Response 3: The State's September 21, 2016 LMP submission identifies violation of the CO NAAQS as a contingency trigger. EPA's interpretation of section 175A of the CAA, as it pertains to LMP's for CO, is contained in the October 6, 1995, national guidance memorandum titled ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, Office of Air Quality Planning and Standards.[2] While the Commenter correctly notes that under EPA's guidance, ''states are encouraged to choose a pre-violation action level as a trigger'', the guidance explicitly states that a violation of the NAAQS is an acceptable trigger.[3] Further, the State has identified potential contingency measures, as well as a schedule and procedure for timely implementation in the event of a CO NAAQS violation.

EPA disagrees with the Commenter's contention that the maintenance plan's implementation schedules for contingency measures fail to satisfy the ''prompt response'' requirement in CAA section 175A(d). This section of the CAA requires that a maintenance plan include such contingency provisions as the Administrator deems necessary to assure that the state ''will promptly correct any violation'' of the NAAQS that occurs after redesignation of an area. Thus, Congress gave EPA discretion to evaluate and determine the contingency measures that EPA ''deems necessary'' to assure that the state will ''promptly correct'' any subsequent violation.

Section 175A does not establish any deadlines for implementation of contingency measures after redesignation to attainment. It also provides far more latitude than does Section 172(c)(9), which applies to a different set of contingency measures applicable to nonattainment areas. Section 172(c)(9) contingency measures must ''take effect . . . without further action by the State or [EPA].'' By contrast, section 175A(d) allows EPA to take into account the need of a state to assess, adopt, and implement contingency measures if and when a violation occurs after an area's redesignation to attainment. As noted by the U.S. Court of Appeals for the Sixth Circuit in *Greenbaum* v. *EPA,* 370 F.3d 527, 540 (6th Cir. 2004), that was cited by the Commenter, the EPA ''has been granted broad discretion by Congress in determining what is 'necessary to assure' prompt correction'' under section 175A, and ''no pre-determined schedule for adoption of the measures is necessary in each specific case.'' In making this determination, EPA accounts for the time that is required for states to analyze data and address the causes and appropriate means of remedying a violation. EPA also considers the time required to adopt and implement appropriate measures in assessing what ''promptly'' means in this context.

In the case of the El Paso Area, EPA believes that the contingency measures set forth in the submittal, combined with the State's commitment to implement contingency measures as expeditiously as practicable but no later than 18 months of a trigger, provide assurance that the State will ''promptly'' correct a future NAAQS CO violation. Given the uncertainty regarding the nature of the contingency measures required to address a violation, a State may need up to 24 months to enact new statutes; develop new or modified regulations and complete notice and comment rulemaking; or take actions authorized by current state law that require the purchase and installation of equipment (*e.g.,* diesel retrofits) or the development and implementation of new programs. In addition, EPA has previously approved implementation of contingency measures within 24 months of a violation to comply with the requirements of Section 175A in several instances. See, *e.g.,* 81 FR 76891 (November 4, 2016), 80 FR 61775 (October 14, 2015), 79 FR 67120 (November 12, 2014), 78 FR 44494 (July 24, 2013), 77 FR 34819 (June 12, 2012), 76 FR 59512 (Sept. 27, 2011), 75 FR 2091 (January 14, 2010). EPA also notes that the Commenter did not provide any rationale for concluding that a suggested 120-day implementation period of control strategies is necessary to satisfy section 175A.

III. Final Action

We are approving the CO LMP for the El Paso Area submitted by the TCEQ on September 21, 2016 as a revision to the Texas SIP because the State adequately demonstrates that the El Paso Area will maintain the CO NAAQS and meet all the criteria of a LMP through the second 10-year maintenance period.

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

[2] A copy of the October 6, 1995 Guidance Memorandum is included in the docket for this rulemaking.

[3] EPA's September 4, 1992, John Calcagni policy memorandum entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' provides further support of this interpretation.

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 7, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: August 29, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart SS—Texas

■ 2. In § 52.2270 (e), the second table entitled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP'' is amended by adding a new entry at the end of the table for ''Second 10-year Carbon Monoxide maintenance plan (limited maintenance plan) for the El Paso CO area'' to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(e) * * *

EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Comments
* * *	*	*	*	*
Second 10-year Carbon Monoxide maintenance plan (limited maintenance plan) for the El Paso CO area.	El Paso, TX	9/21/2016	9/8/2017, [Insert **Federal Register** citation].	

* * * * *

[FR Doc. 2017–18950 Filed 9–7–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0131: FRL–9967–21–Region 10]

Air Plan Approval; AK, Fairbanks North Star Borough; 2006 $PM_{2.5}$ Moderate Area Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving state implementation plan (SIP) revisions submitted by the State of Alaska (Alaska or the State) to address Clean Air Act (CAA or Act) requirements for the 2006 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS) in the Fairbanks North Star Borough Moderate $PM_{2.5}$ nonattainment area (FNSB NAA). Alaska submitted an attainment plan for the FNSB NAA on December 31, 2014, to meet applicable requirements for an area classified as ''Moderate'' nonattainment, and made additional submissions and provided clarifying information to supplement the attainment plan in January 2015, March 2015, July 2015, November 2015, March 2016, November 2016, and January 2017 (hereafter, the initial submission and all supplemental and clarifying information will be collectively referred to as ''the FNSB Moderate Plan'').

DATES: This action is effective on October 10, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2015–0131. All documents in the docket are listed on the *https://www.regulations.gov* Web site. Although listed in the index, some

information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Claudia Vaupel at 206–553–6121, or *vaupel.claudia@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we'', ''us'' or ''our'' are used, it is intended to refer to the EPA.

Table of Contents

I. Background

On February 2, 2017, the EPA published its proposal to approve the FNSB Moderate Plan submitted by Alaska to address CAA requirements for the 2006 24-hour $PM_{2.5}$ NAAQS in the FNSB NAA. 82 FR 9035. Specifically, we proposed to find that the FNSB Moderate Plan meets the substantive statutory and regulatory requirements for base-year and projected emissions inventories, precursor demonstrations, analysis and imposition of reasonably available control measures/technologies (RACM/RACT), reasonable further progress (RFP), quantitative milestones (QMs) and a demonstration that attainment by the December 31, 2015 attainment date was impracticable. We also proposed to approve the 2017 motor vehicle emissions budgets, state and local rules that were included in the FNSB Moderate Plan, and exceptional event demonstrations submitted by Alaska to address unrepresentative monitoring data that occurred during certain events. On July 26, 2017, Alaska withdrew from the EPA's consideration four provisions from its SIP submissions.[1] The removal of these provisions does not affect this final action fully approving the FNSB Moderate Plan. For a description of Alaska's submissions, and our evaluation and rationale for the proposed action, please see the proposed rulemaking in the **Federal Register** at 82 FR 9035, February 2, 2017.

II. Public Comments and the EPA's Responses

The EPA provided a 30-day period for the public to comment on our proposed action on the FNSB Moderate Plan which ended on March 3, 2017. During this comment period, we received five public comment letters. The public comments can be found in the docket for this action. Two commenters were supportive of efforts to improve air quality in general. One commenter expressed appreciation for the ''strong standards implemented in 2006 that strengthened the 24-hour $PM_{2.5}$ NAAQS.'' The other commenter stated that ''Alaska has certainly done their research and taken seriously their drafting of the proposed plan.'' Three commenters opposed the EPA's proposed approval action. In general, these adverse comments questioned the approvability of Alaska's RACM/RACT analysis, Alaska's authority to enforce the requirements of the attainment plan, the stringency of the submitted regulations compared to existing state regulations, and expressed concerns about the high $PM_{2.5}$ concentrations in the area and the resulting impacts on public health. We summarize the adverse comments and provide our responses in the following paragraphs.

A. Comments on Control Measures

Comment 1: Two commenters opposed the EPA's proposed approval of the FNSB Moderate Plan on the basis that it did not consider all potential measures that Alaska could have imposed to meet the RACM/RACT requirement for a Moderate area attainment plan. One commenter stated that ''there are many available control measures for residential wood combustion that the State has neglected to consider'' and provided as examples requirements for low-sulfur heating fuel, control measures based on housing density, programs to improve wood-burning device operation and maintenance, and training and certification programs for installers of wood stoves. The commenter then asserted that the ''State was required to analyze these control measures to determine whether they are reasonable for Fairbanks.'' The other commenter stated that ''Alaska's consideration of technologically and economically feasible controls was impermissibly narrow'' and provided as examples limiting the hours of operation for wood-heating facilities, and wood gasification and carbon capture and storage that Alaska did not evaluate or impose as part of the FNSB Moderate Plan.

Response 1: The EPA disagrees with these comments because Alaska adequately evaluated appropriate measures for the FNSB NAA for purposes of the FNSB Moderate Plan. Section 107(a) of the CAA provides states with both authority and primary responsibility for developing SIPs that meet applicable statutory and regulatory requirements for attaining, maintaining, and enforcing the NAAQS. States have discretion in formulating their attainment plans so long as they meet the applicable requirements of the Act.[2] Additionally, the EPA has explained that the control measure evaluation process ''generally allows states to apply reasoned judgment as they identify potential control measures for sources of direct $PM_{2.5}$ and $PM_{2.5}$ precursors in their respective nonattainment areas.'' 81 FR 58037, August 24, 2016. For the reasons provided in our proposed rule and further in the following paragraphs, we conclude that the FNSB Moderate Plan provides for the implementation of all RACM/RACT that could reasonably be implemented in the FNSB NAA as required by CAA sections 172(c) and 189(a)(1)(C). We respond in the following paragraphs to the specific comments pertaining to the six potential control measures highlighted by the commenters.

Response 1.a. Low-sulfur heating fuel requirement as opposed to economic incentives. One commenter asserted that Alaska failed to evaluate, as part of the analysis for potential RACM/RACT control measures for residential wood combustion, a requirement for the use of low sulfur fuel ''as opposed to merely providing incentives for its use.'' The EPA reevaluated Alaska's analysis on low sulfur residential fuel oil in light of the comment. Alaska assessed the technological and economic feasibility of switching from the current residential heating oil used in the area to a low-sulfur fuel (FNSB Moderate Plan appendix III.D.5.7–41 and 5.7–57). Specifically, Alaska determined that the incremental cost of users switching to low sulfur fuel oil was not economically feasible for purposes of the FNSB Moderate Plan.

[1] *See* Alaska Department of Environmental Conservation letter, *Withdrawal of items from the State Implementation Plan submittal for the Fairbanks North Star Borough nonattainment area,* July 26, 2017, available in the docket for this action.

[2] CAA section 110(k)(3), 42 U.S.C. 7410(k)(3) and 40 CFR 52.02(a); *see also Union Elec. Co.* v. *EPA,* 427 U.S. 246, 250 (1976); *Train* v. *Natural Res. Def. Council,* 421 U.S. 60, 79 (1975).

The EPA notes that the commenter may have believed that Alaska did not adequately evaluate the use of low sulfur fuel because Alaska did not separately consider both mandatory requirements to use such fuel and incentive programs to encourage the voluntary use of such fuel. Upon reviewing Alaska's analysis, however, we believe that the economic feasibility analysis for this control measure applies to both a mandatory requirement, as well as to incentives to use low-sulfur fuel. We note that while the subheading in the economic incentives section refers to ''incentives,'' the analysis is not limited to only providing incentives and more broadly analyzes the costs of low-sulfur fuel, whether implemented through a requirement or with incentives. The EPA acknowledges that the ''incentives'' subheading is somewhat confusing given the broader analysis that follows it, but we do not agree that Alaska failed to consider requirements to use low-sulfur fuel adequately for purposes of the FNSB Moderate Plan.

Alaska concluded that switching to low sulfur fuels would not be economically feasible; this conclusion would apply to both incentive-based and mandatory measures. We note that the FNSB NAA has been reclassified from Moderate to Serious, and Alaska will be required to prepare and submit for EPA review a Serious area attainment plan. 82 FR 21711, May 10, 2017. We anticipate that Alaska will thoroughly evaluate such control measures again, with updated economic data and in light of the longer Serious area attainment deadline, in developing the Serious area attainment plan for this area which requires analysis and implementation of Best Available Control Measures/Technologies (BACM/BACT).

Response 1.b. Control measures based on housing density. One commenter asserted that Alaska failed to consider restrictions on the use of certain residential heating devices based on population density, *i.e.,* restricting the use of such devices in more densely populated areas. The commenter referenced San Joaquin Valley Air District Rule 4901 (SJV Rule 4901) as an example of a housing density-based control measure that Alaska did not consider. SJV Rule 4901 limits or prohibits new installations of heating devices based on the number of dwellings per acre. Although we agree that such control measures can be appropriate based on the facts and circumstances of a given area, we disagree with the commenter's assertion that Alaska did not consider all RACM/RACT in the FNSB Moderate Plan because it did not specifically evaluate a housing density-based control measure, like the one in SJV Rule 4901, for purposes of the FNSB Moderate Plan. In its January 6, 2017 clarification document (2017 Clarification), Alaska evaluated a general prohibition on new wood-heating device installations in the FNSB NAA and determined that it was not feasible because in extreme cold temperatures alternative sources of heat that do not rely on electricity and are not at risk of damage from freezing are a critical source of heating and must be an available option to the public. *See* 2017 Clarification, pp. 2 and 5. We note that the effect of limiting new wood-heating device installations based on housing density functionally results in prohibiting their installation for some homes. The rationale provided by Alaska for the infeasibility of a general prohibition on wood-heating device installations would also apply to prohibiting wood-heating device installations based on housing density. Thus, the EPA believes that it was not necessary for Alaska also to consider a housing density criterion (*e.g.,* number of dwellings per acre) in evaluating a potential prohibition on new wood heating-device installations because it would not change the conclusion that prohibiting new wood-heating device installations is not feasible in the FNSB NAA.

In addition, we note that for a specific category of wood-heating devices, hydronic heaters, Alaska evaluated and implemented a setback requirement that prohibits new installations that are less than 330 feet from the property line. One purpose of this requirement is to restrict these sources, which typically emit larger amounts of pollutants, to less densely populated areas. In the 2017 Clarification, Alaska describes the effect of this control measure as limiting ''the installation of hydronic heaters to large lots which are unlikely to exist in more densely populated areas.'' 2017 Clarification, p. 7. The hydronic heater setback requirement is thus a density-based requirement that is tailored to address a specific type of heating device.

Response 1.c. Programs to improve wood-burning device operation and maintenance. One commenter asserted that Alaska neglected to consider programs to improve operation and maintenance of wood-burning stoves and fireplaces as a means of reducing emissions from residential wood combustion. We disagree that Alaska did not adequately evaluate and adopt programs to improve the use of residential wood heating devices. As we discussed in our proposal, Alaska evaluated and implemented public awareness and education programs on wood storage and heating device operation and maintenance. 82 FR 9044, February 2, 2017. We refer the commenter to the Alaska Department of Environmental Conservation's wood heating media Web page (*http://dec.alaska.gov/air/anpms/pm/wshome.htm*) and the Fairbanks North Star Borough local government's (Borough) air quality Web site (*http://www.aqfairbanks.com*) that contain brochures, television public service announcements, and videos about efficient wood-burning device operation and maintenance. The Borough's Web site also has an air quality pledge that residents can make that includes efficient wood-heating device operation and maintenance. If there are additional means to improve the operation and maintenance of wood stoves, we anticipate that Alaska will evaluate them during the development of the Serious area plan for the FNSB NAA.

Response 1.d. Installer training and certification programs for wood stove installers. One commenter stated that the EPA should not approve the FNSB Moderate Plan because Alaska did not consider implementing a training and certification program for residential wood combustion (RWC) device installers that was described in a 1989 EPA guidance document (1989 RWC Guidance).[3] The 1989 RWC Guidance describes a state or local installer certification program that would offer a course in proper RWC device installation and design as a means of minimizing emissions from wood stoves.[4] 1989 RWC Guidance, p. 3–11. The EPA acknowledges that the 1989 RWC Guidance document remains in effect. However, since the publication of the 1989 RWC Guidance, national installer training and certification programs, such as the National Fireplace Institute (NFI) and the Chimney Safety Institute of America (CSIA), have come into existence. The EPA has confirmed that these national certifications are available to installers in the FNSB NAA and that there are currently seven certified installers in the area. *See* ''NFI CSIA FNSB Certification

[3] *Guidance Document for Residential Wood Combustion Emission Control Measures.* EPA–450/2–89–015. September 1989. Available at *https://www.epa.gov/sites/production/files/documents/epa-450-2-89-015.pdf.*

[4] The 1989 RWC Guidance explains that, other than the New Source Performance Standards, the measures discussed in the document are not ''national measures.'' 1989 RWC Guidance, p. 1–1. We therefore, interpret the installer certification program described in the 1989 RWC Guidance to be a state or local program.

List'' in the docket for this action. We believe that the guidance recommendation for states to consider a state or local training and certification program for wood stove installers is adequately addressed in the FNSB NAA by the existence of national certification programs.

As discussed in the 1989 RWC Guidance, the effectiveness of an installer certification program depends in part on the extent to which installers and consumers participate in the programs. 1989 RWC Guidance p. 3–12. During development of the FNSB Moderate Plan, Alaska considered and responded to public comments about installation and certification programs by explaining that it had added to its outreach materials for users of wood stoves the EPA's recommendation for consumers to use certified installers. *See* FNSB Moderate Plan, appendix III.D.5.13–151. Additionally, although not a control measure in the FNSB Moderate Plan, we note that the EPA has awarded Alaska funding for a changeout program for the FNSB NAA that will provide funds to encourage users to replace old wood and pellet appliances and fireplaces with new EPA certified appliances or with oil or natural gas appliances that will help reduce emissions. The EPA grant providing these funds requires that participants in the program have the replacement appliances installed by a certified installer, a contracted hearth retailer, or a contractor under the approval and supervision of a contracted hearth retailer. This program is funded by the EPA's Targeted Airshed Grant and was awarded to Alaska on July 18, 2017.[5] Finally, we anticipate that Alaska will further evaluate how to regulate emissions from wood stoves for purposes of meeting the BACM/BACT requirement in the Serious SIP, and this should include consideration of additional ways to encourage correct wood stove installations.

Response 1.e. Operating limitations on wood-heating facilities. One commenter stated that Alaska failed to consider operating limitations for sources such as requirements in site plans ''that wood-heating facilities operate during limited hours per year.'' We interpret the commenter's concern to refer to the type of operating plans typical for major stationary sources, in which a source might be subject to restricted hours of operation as one means of reducing emissions. Although the FNSB Moderate Plan identified wood heating as a primary source of $PM_{2.5}$ in the area, major stationary wood-heating facilities, for which a site operating plan might be appropriate, were not identified as a source category in the emissions inventory and therefore no analysis of control measures was required. *See* 40 CFR 51.1009(a)(1). Accordingly, we do not believe it was necessary for Alaska to evaluate and impose this type of measure, given the absence of relevant sources. The EPA notes, however, that the FNSB Moderate Plan includes a more broadly applicable mandatory curtailment program that has limitations on the operation of wood-heating devices when $PM_{2.5}$ ambient levels are forecasted to reach high values. *See* 82 FR 9043, February 2, 2017.

Response 1.f. Wood gasification and partial carbon capture and storage. One commenter suggested that Alaska's RACM/RACT analysis should have considered wood gasification and partial carbon capture and storage as an energy efficiency measure. The EPA disagrees that an analysis of these technologies is appropriate for a $PM_{2.5}$ nonattainment area plan. These technologies are generally designed to reduce carbon dioxide emissions and are not considered viable control measures for reducing $PM_{2.5}$.

Comment 2: Partial implementation was not considered. One commenter stated that the EPA should not approve the FNSB Moderate Plan because Alaska failed to consider the feasibility of implementing control measures in part, even if it concluded that full implementation of the measures was infeasible. The commenter suggested that the following control measures ''might be implemented in stages or by employing a more targeted approach'' (i) a ban on green wood sales; (ii) a requirement that all hydronic heaters be certified or have retrofits; (iii) a requirement that uncertified stoves in rental units be replaced; (iv) a requirement that rental units have alternate sources of heat; and (v) a requirement that new constructions have alternate sources of heat.

Response 2: We disagree with the claim that the EPA must disapprove the FNSB Moderate Plan because Alaska failed to assess partial implementation of the five control measures identified by the commenter. As discussed in the following paragraphs, Alaska either fully or partially implemented the control measures, or adequately addressed emissions in other ways that obviated the need to control the emissions through partial implementation of the control measures.

Response 2.a. Ban on green wood sales. Alaska rejected banning green wood sales (*i.e.,* wood that has a moisture content greater than 20%) based on technological infeasibility. However, Alaska adopted other control measures that address the moisture content of wood to reduce emissions. First, wood sellers in the FNSB NAA are required to register with the State and they must disclose the moisture content of wood they sell to consumers. This will serve to assure that users of purchased wood will be on notice of the moisture content. Second, burning green wood in wood-fired heaters is prohibited in the FNSB NAA. This, in conjunction with the requirement on sellers to disclose moisture content, will serve to assure that purchasers will not burn green wood. The EPA considers the requirement to disclose the moisture content of wood for sale in conjunction with the prohibition on burning wet wood to be an adequate approach to reducing emissions from green wood for purposes of the FNSB Moderate Plan. It is unclear how the commenter's recommended partial implementation of a ban on green wood sales would accomplish additional emission reductions beyond the approaches already adopted by Alaska.

Response 2.b. Require all hydronic heaters to be certified or have retrofits. Alaska concluded that it was not feasible to require that all existing hydronic heaters in the FNSB NAA be replaced with specified certified models or to require retrofits for such heaters. However, the FNSB Moderate Plan includes a Borough code requirement that an owner of an existing uncertified hydronic heater that has had two or more violations of certain Borough code emissions provisions must remove the device, unless certain conditions are met. Additionally, Alaska required that all hydronic heaters installed after February 28, 2015 be qualified under the EPA's Phase 2 program or meet certain emission standards. We also note that owners of existing hydronic heaters are eligible to receive incentives for removal or replacement of the devices through the Borough's changeout program. Furthermore, all hydronic heaters are subject to a 20 percent opacity limit, a requirement to use dry wood, and must comply with wood heating curtailments. Also, hydronic heaters that do not meet certain emission standards must be removed upon conveyance of property. Through this suite of overlapping requirements, we believe that Alaska has adequately addressed emissions from uncertified hydronic heaters for

[5] *See* U.S. EPA Grant Agreement 01J30601 to the Alaska Department of Environmental Conservation, August 8, 2017, available in the docket for this action.

purposes of the FNSB Moderate Plan. The EPA expects that Alaska will evaluate the need for further controls, such as expanded changeout incentives or retrofits to existing uncertified hydronic heaters, as part of the BACM/BACT analysis for the Serious area attainment plan for this area.

Response 2.c. Replace uncertified stoves in rental units. The FNSB Moderate Plan includes a requirement that uncertified wood-fired heating devices must be removed when a property is leased. The requirement became effective on June 9, 2017. Because this control measure has been fully implemented, consideration of partial implementation is unnecessary. We note that the wood heating device emission standards in the FNSB Moderate Plan do not allow the installation of uncertified devices. Therefore, once an uncertified wood stove has been removed from a rental unit, it cannot be replaced with an uncertified device.

Response 2.d. Require rental units to have alternate sources of heat. In the FNSB Moderate Plan, Alaska explained that surveys from 2011–2015 indicated that only 5.6% of households surveyed had wood as a sole source of heat. *See* 2017 Clarification, p. 12. This number included both rental and owner occupied homes, so presumably the number of rental units without alternative sources of heat would be smaller. We note, however, that the FNSB Moderate plan does not allow owners of newly constructed buildings, including rental properties, to obtain a ''no other adequate source of heat'' (NOASH) determination. A NOASH determination allows a person to use a solid fuel or waste oil burning appliance during a stage 2 or stage 3 curtailment. To qualify for a NOASH determination, a building owner or manager must file an application with the Borough confirming that the building has no adequate heating source other than a solid fuel or waste oil burning appliance, that economic hardships require the use of a solid fuel waste oil burning appliance, or that complying with a curtailment would result in damage to property. Prohibiting newly constructed buildings, including rental properties, from obtaining a NOASH determination functionally requires the installation of alternate sources of heat so that the building occupants can comply with wood heating curtailments. We anticipate that Alaska will revisit further controls for rental units in developing its Serious area attainment plan.

Response 2.e. Require new construction to have alternate sources of heat. As discussed previously, a provision that addresses this control measure was included in the FNSB Moderate plan. The provision excludes owners of newly constructed buildings from obtaining a NOASH determination which functionally requires the installation of alternate sources of heat in new buildings so that the building occupants can comply with wood heating curtailments.

Comment 3: One commenter stated that the technological feasibility analysis in the FNSB Moderate Plan is inadequate because Alaska took the position that it was impeded from implementing certain control measures due to local opposition evidenced by a citizen's referendum prohibiting regulation of home heating sources, and that when the referendum was lifted, Alaska continued to dismiss the control measures due to insufficient time to revise the Moderate area attainment plan. This commenter also stated that not enough has been done to render the 2014 submission compliant with the CAA.

Response 3: We acknowledge that Alaska's initial December 2014 submission cited a citizen's referendum as a basis for not adopting many potential control measures. As we explained in our proposal, the EPA does not view social acceptability, including the citizen's referendum prohibiting regulation of home heating sources in any manner, to be an appropriate basis for rejecting required emission control measures. *See* 82 FR 9045, February 2, 2017.

Significantly, however, the situation about which the commenter was concerned has changed because the referendum no longer applies and Alaska has evaluated additional control measures for inclusion in the FNSB Moderate Plan. Alaska provided supplemental SIP submissions, supported by clarifying information, that analyzed the control measures that it previously considered infeasible due to the citizen's referendum, including the control measures identified by the commenter. Based on this revised analysis, Alaska adopted some additional control measures, such as the mandatory solid-fuel heating device curtailment program, but continued to find some control measures infeasible for reasons unrelated to the expired referendum, such as the ban on green wood sales.

Alaska's supplemental submissions provided additional control measures and an updated and revised analysis for certain components of the FNSB Moderate Plan to ensure that the EPA could evaluate and act on the current plan. As a result, and as the commenter notes, there is some information in the original submission that is outdated and that was made extraneous by the supplemental submissions. However, the supplemental submissions clearly identify the portions of the original submission that were updated and revised and we do not believe that the extraneous material that remains in the original submission is a basis for disapproving the FNSB Moderate Plan. As explained in response to comments concerning specific potential control measures, we have concluded that Alaska's evaluation of the measures is adequate for purposes of the FNSB Moderate Plan.

Comment 4: One commenter argued that the EPA cannot approve the FNSB Moderate Plan because Alaska made errors in reasoning. The commenter provided as an example, Alaska's assessment of a ban on new installations of hydronic heaters and the assumption that such a ban could have the negative effect of prolonging the use of older devices because new installations would be prohibited. The other example the commenter provided was Alaska's assumption that the benefits would be small for a requirement that rental units in the FNSB NAA have alternative heating sources.

Response 4: We do not agree that the specific Alaska assumptions the commenter referenced are inappropriate, given the facts and circumstances in the FNSB NAA. In evaluating a potential ban on new installations of hydronic heaters, Alaska's primary explanation for why such a control was not appropriate was that ''due to arctic conditions, alternative sources of heat must be an available option to the public to protect health, life, and property.'' 2017 Clarification, p. 2. The assumption referenced by the commenter, that implementing such a ban may discourage replacement of older and higher emitting hydronic heaters, was an additional consideration for not banning new hydronic heaters installations. We believe that it was reasonable for Alaska to take into consideration the potential impacts that a ban on new hydronic heaters might have on Alaska and the Borough's ongoing efforts to encourage replacement of older and higher emitting devices with newer, cleaner burning devices. Alaska developed the FNSB Moderate Plan through an extensive public process and adopted a suite of controls for reducing the emissions from hydronic heaters that are intended to help bring the area into attainment. The decision not to impose

a ban because it might unintentionally undercut other related measures is not unreasonable. We anticipate that Alaska will further evaluate this emissions source as part of its development of the Serious area plan for the FNSB NAA.

Regarding Alaska's statement that the benefits are assumed to be small for requiring alternate sources of heat in rental units, we believe that Alaska made reasonable assumptions based on the latest information available at the time. For example, Alaska explained that surveys from 2011–2015 indicated that only 5.6% of households surveyed had wood as a sole source of heat. *See* 2017 Clarification, p. 12. This number included both rental and owner-occupied homes, so presumably the number of rental units without alternative sources of heat would be smaller. We anticipate that Alaska will revisit the analysis of rental units with updated information in developing its Serious area attainment plan.

Comment 5: One commenter argued that the wood-fuel cost assessment in the FNSB Moderate Plan is incomplete because it does not accurately reflect the full cost of burning wood as a fuel, such as the value of a homeowner's time and the cost of ash disposal, and the fact that more fuel is needed to heat a building in Fairbanks than in the rest of the country.

Response 5: We agree with the commenter that an economic feasibility analysis should include a range of costs associated with potential control measures for a given type of emissions source. Considerations of economic infeasibility are used to exclude control measures during the RACT/RACM analysis. The EPA notes, however, that Alaska did not reject any control measures based on the costs associated with use of wood as a fuel. The cost assessment referenced by the commenter provided background information on mandatory curtailment programs as a potential control measure. *See* FNSB Moderate Plan appendix III.D.5.7–16. In the initial FNSB Moderate Plan, Alaska considered the mandatory curtailment program to be technologically infeasible. *See* FNSB Moderate Plan appendix III.D.5.7–27, 32, 39. Alaska did not conduct an economic feasibility analysis on any wood heating control measure found to be technologically infeasible. As discussed in our proposal, Alaska provided a supplemental submission supported by clarifying information that reevaluated the technological feasibility of various control measures and adopted and implemented the mandatory curtailment program that was the subject of the earlier cost analysis referenced by the commenter. *See* 82 FR 9045, February 2, 2017.

Comment 6: One commenter alleged that Alaska's RACT conclusion ''is flawed, at least with respect to the control of sulfur dioxide (SO_2) at local power plants,'' and that Alaska ''unjustifiably concluded that the current level of controls meets RACT.'' The commenter referred to dispersion modeling and the speciation analysis in the FNSB Moderate Plan to show that SO_2 precursor emissions from major stationary sources contribute to exceedances of the 2006 24-hour $PM_{2.5}$ NAAQS.

Response 6: The EPA agrees that SO_2 emissions from major stationary sources contribute to the $PM_{2.5}$ concentrations in the FNSB NAA, as does Alaska. We did not propose to approve, nor did Alaska provide, a demonstration that SO_2 emissions from stationary sources were insignificant in the formation of ambient $PM_{2.5}$ concentrations in the FNSB NAA. Accordingly, SO_2 is a precursor that Alaska evaluated for emission controls in this area for purposes of attaining the 2006 24-hour $PM_{2.5}$ NAAQS.

As explained in our proposed approval of the FNSB Moderate Plan with respect to this issue, Alaska conducted a technical and economic feasibility analysis of RACT-level SO_2 controls for major stationary sources in the FNSB NAA and concluded that additional controls beyond those already in place were not feasible. 82 FR 9044, February 2, 2017. The EPA has explained that a state could demonstrate that an existing source in an area should not be subject to a specific control technology especially where such technology is unreasonable in light of the area's attainment needs, or where such technology is infeasible. In such a case, a state could conclude that no control technology is ''reasonably available,'' and thus RACT for the source could be the existing emission controls rather than additional controls. *See* 81 FR 58034, August 24, 2016.

Additionally, the commenter did not identify any specific deficiencies with respect to Alaska's RACT analysis for SO_2 emissions from major stationary sources for the EPA to evaluate the claim that Alaska's conclusion is unjustified. The EPA finds that Alaska adequately justified its conclusions that its stationary source control measures represent the adoption of reasonable control measures that meet RACM/RACT requirements for purposes of the Moderate FNSB Plan for the 2006 24-hour $PM_{2.5}$ NAAQS. We note that the FNSB NAA has been reclassified from Moderate to Serious, and thus Alaska will be required to conduct a BACM/BACT analysis for potential control measures for the Serious area attainment plan. 82 FR 21711, May 10, 2017. Accordingly, Alaska's conclusion that additional SO_2 emissions controls for these stationary sources were not feasible for purposes of meeting RACM/RACT requirements must be revisited in the context of the more stringent BACM/BACT analysis for the Serious area attainment plan.

Comment 7: We received two comments that expressed concern regarding the availability of natural gas as an alternative fuel in the FNSB NAA. One commenter stated that Alaska has failed to supply the area with natural gas, that the infrastructure is not in place, and that the area is years away from having natural gas. Another commenter identified language in the FNSB Moderate Plan in which Alaska discussed the possibility of a public-private partnership for bringing additional natural gas to the community that has not yet occurred. This commenter stated that ''to the extent the SIP relies upon these references, it cannot be approved.''

Response 7: The commenters are correct that Alaska has been exploring the expanded use of natural gas as an alternative fuel in the FNSB NAA as a potential means of helping to reduce emissions and to attain the 2006 24-hour $PM_{2.5}$ NAAQS, but thus far natural gas is not widely available in the area. To provide natural gas at scale, significant investments of time and money are needed to construct the infrastructure to deliver natural gas to Fairbanks and to distribute it to consumers. Thus, in the FNSB Moderate Plan, Alaska described plans to seek to expand the availability of natural gas in the future. Because natural gas is currently not available at a meaningful scale it was not included as part of Alaska's control strategy analysis and Alaska did not take credit for emissions reductions related to natural gas in the FNSB Moderate Plan.[6] Alaska's discussion of potential expansion of natural gas in the FNSB Moderate Plan is not a basis for disapproval of the FNSB Moderate Plan. Because of the potential emission reduction benefits, the EPA supports efforts by Alaska to

[6] As we discussed in our proposed rule, Alaska provided a 2019 inventory for informational purposes. *See* 82 FR 9037, February 2, 2017. Although the 2019 inventory included emissions reductions estimated from potential future expansion of reliance on natural gas, this informational inventory was not relied on in the SIP nor was it a required element for the FNSB Moderate plan.

expand the availability of natural gas in the FNSB NAA in the future.

Comment 8: One commenter objected to the EPA's statement in the proposal that Fairbanks was relatively new to programs for reducing emissions from wood heating and, prior to 2015, the community had not experienced mandatory curtailments on solid-fuel heating devices. The commenter claimed that this statement was used to justify limitations on the applicability of the curtailment requirements for solid fuel heating devices in the FNSB Moderate Plan.

Response 8: We disagree with the commenter's characterization of the statement in the proposal as the EPA's justification for approval of Alaska's curtailment requirements, including certain limitations on those requirements. In the sentence preceding the one cited by the commenter, we provided the reasons for our conclusion that the limitations on the applicability of the curtailment requirements are appropriate: ''The EPA concludes that in the FNSB NAA, where wintertime temperatures can be extreme and there is limited availability of fuel alternatives such as natural gas, the three limitations in Alaska's mandatory solid-fuel heating device curtailment program similarly invoke public welfare considerations that are appropriate in the context of a Moderate area plan.'' *See* 82 FR 9046, February 2, 2017. In short, given the facts and circumstances of this area, Alaska concluded that it was not reasonable to prohibit the use of solid fuel heating devices during periods of extreme cold weather. Our conclusion regarding the appropriateness of the limitations that Alaska included in the curtailment requirements remains unchanged. The reference to the newness of the curtailment program questioned by the commenter was merely an EPA acknowledgment that a two-stage program could help to facilitate effective implementation of the program in the community. This statement is based on the EPA's experience in other nonattainment areas where adoption and implementation of a curtailment program has required efforts to increase community awareness and comprehension of the curtailment program in order to achieve the anticipated emissions reductions.

Comment 9: One commenter objected to our proposal to approve, as SIP strengthening, the control measures that Alaska submitted as contingency measures in the FNSB Moderate Plan. The commenter explained that Alaska did not provide a justification for not implementing these control measures immediately and that they must be included in the RACM analysis and adopted immediately. In other words, the commenter asserted that Alaska could not set aside these control measures to meet the CAA section 172(c)(9) requirement for contingency measures because Alaska was required to impose these measures to meet the RACM/RACT requirement instead.

Response 9: The control measures the EPA proposed to approve as SIP-strengthening measures are: (1) A requirement that uncertified wood-fired heating devices be removed when a property is sold, leased, or conveyed, and (2) a mandatory wood seller registration and wood moisture disclosure program. *See* 82 FR 9052, February 2, 2017. Specifically, we are approving 18 AAC 50.076(d)–(i) and 18 AAC 50.077(a)(2)(B). These provisions will become federally enforceable upon the effective date of this action. However, we disagree with the commenter's assertion that Alaska did not evaluate these control measures as potential RACM/RACT measures. Alaska evaluated both of these control measures and they have been implemented. *See* 2017 Clarification pp. 3–5. The requirement that uncertified wood-fired heating devices be removed when a property is sold, leased, or conveyed became effective on June 9, 2017 and the mandatory wood seller registration and wood moisture disclosure program became effective on August 15, 2017.[7]

B. Comments on Enforcement

Comment 10: One commenter opposed the EPA's proposed approval of the FNSB Moderate Plan because of concerns that the control measures in the plan are not enforceable. One commenter took issue with Alaska's enforcement authority claiming that ''outside of seeking voluntary compliance, the State claims that its only real enforcement mechanism is civil litigation.'' Another commenter stated that ''Alaska has made no good faith effort to secure 'enforcement authority' from the Alaska legislature.'' This commenter also contends that ''[t]he state legislature granted $350 Million dollars to privately owned refineries and a shuttered Agrium Fertilizer plant, yet claims they lack resources to implement regulations and enforce them.''

Response 10: We agree that states must have authority to enforce the requirements of their SIPs to meet various CAA requirements, including CAA section 110(a)(1), 110(a)(2)(C), and 110(a)(2)(E). We disagree with the commenter, however, that Alaska lacks the required enforcement authority. States are required to have a SIP that provides for the implementation, maintenance, and enforcement of the NAAQS. Whenever the EPA promulgates a new or revised NAAQS, the CAA requires states to make a SIP submission, commonly known as an ''infrastructure SIP'' to establish that they meet a host of requirements including those pertaining to general enforcement authority.

In November 2014, the EPA approved Alaska's infrastructure SIP for the 2006 24-hour $PM_{2.5}$ NAAQS. 79 FR 66651, November 10, 2014. The EPA found that the infrastructure SIP addressed the basic program elements in accordance with CAA section 110(a)(1) and (2), including, but not limited to regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to implement, maintain, and enforce the standards. Relevant to this comment, the EPA found that Alaska's SIP met the CAA section 110(a)(2)(C) requirement to include a program to provide for the enforcement of emission limits and other control measures in the SIP and also met the CAA section 110(a)(2)(E) requirement that a state provide necessary assurances that it has adequate authority under state law to carry out the SIP. Alaska's infrastructure SIP submission for the 2006 24-hour $PM_{2.5}$ NAAQS referred to Alaska Statute (AS) 46.14.030 *State Air Quality Control Plan* which provides the Alaska Department of Environmental Conservation (ADEC) statutory authority to act for the State and adopt regulations necessary to implement the *State Air Quality Control Plan.* It also references 18 AAC 50.030 *State Air Quality Control Plan* which provides regulatory authority to implement and enforce the SIP. *See* 79 FR 66651, November 10, 2014 and 79 FR 41502, July 16, 2014. Furthermore, ADEC has statutory authority to enforce violations of air quality regulations by seeking the assessment of civil penalties (AS 46.030.760) and criminal penalties (AS 46.030.790). The EPA's analysis of the adequacy of enforcement authority is premised on whether a state has legal authority to enforce the SIP. The commenter's concern that ADEC may opt to seek voluntary compliance does not negate the fact that it has the

[7] *See* the following Alaska Department of Environmental Conservation documents in the docket for this action: (1) *Commercial Wood Seller Registration Requirement Fairbanks North Star Borough $PM_{2.5}$ Nonattainment Area Questions and Answers* and (2) *Wood-Fired Heating Device Requirement—Remove or Replace Non Compliant Devices Upon Property Sale, Lease or Conveyance—Effective Date: June 9, 2017.*

necessary enforcement authority to require compliance with the SIP. A state's election to seek voluntary compliance rather than proceeding to judicial enforcement is an exercise of enforcement discretion. The EPA notes that a state's exercise of enforcement discretion does not affect the ability of the EPA to pursue enforcement under CAA section 113 or others pursuant to the citizen's suit provision in CAA section 304.

We also disagree with the comment suggesting that ADEC must justify the absence of administrative enforcement authorities. The commenter argues that AS 46.14.030 generally grants authority to ADEC to adopt regulations to implement the SIP which could be read to include administrative enforcement authority. As noted previously, ADEC has authority to pursue civil and criminal judicial actions to enforce violations of the SIP and the EPA has already determined that ADEC has adequate authority to enforce the SIP, including the FNSB Moderate Plan. If the commenter believes ADEC should have additional enforcement authority, the appropriate venue to pursue such a concern is with ADEC and the Alaska State Legislature. Furthermore, as noted by the commenter, the Borough has authority to issue warnings and citations to enforce key control measures adopted at the local level, such as the solid-fuel heating device curtailment program. The Borough control measures are included in Alaska's FNSB Moderate Plan submission and will become a part of the federally-approved SIP.

Another commenter contended that Alaska claimed it lacks the resources to implement and enforce regulations. The EPA is unaware of any such statement attributable to Alaska submitted as part of the FNSB Moderate Plan, and the commenter provided no reference or citation for the EPA to evaluate this claim. Accordingly, the EPA has no information suggesting that Alaska has stopped funding, or lacks resources to make progress in improving air quality in the FNSB NAA. In fact, ADEC currently is devoting resources to the development of a Serious area attainment plan and the Borough is implementing local control measures incorporated into the SIP. In addition, as indicated previously, the EPA found that in its infrastructure SIP for the 2006 24-hour $PM_{2.5}$ NAAQS, Alaska demonstrated that it had ''adequate resources to implement, maintain, and enforce the standards'' and thus met the 110(a)(2)(E)(i) requirement for adequate resources. 79 FR 66651, November 10, 2014.

Comment 11: One commenter noted that control measures in SIPs must apply continuously and ''cannot operate as a 'suite' of controls that only collectively apply continuous controls.'' The commenter specifically pointed to the −15 °Fahrenheit (F) temperature limitation on the mandatory solid-fuel heating device curtailment requirement as an example of ''perhaps a defensible exception for the needs of the community, but one that results in the waiver of controls during peak periods of emissions.'' The commenter also observed that the EPA and citizens must have the ability to bring enforcement actions to assure compliance and that state and local control measures that shield pollution sources from enforcement are not enforceable as required under CAA section 110(a)(2)(A).

Response 11: First, the EPA disagrees with the commenter's general contention that a suite of control measures that operate together to provide for continuous regulation of emissions from a source is inconsistent with CAA requirements. The EPA agrees that SIP emission limitations must limit emissions from sources on a continuous basis. However, it may be infeasible for a single numerical emission limitation or control technology to apply continuously at all times to some sources. In such circumstances, a state may elect to impose alternative emission limitations that apply to specific modes of source operation in order to assure that emissions from the source are, in fact, continuously controlled. The EPA recently restated and updated its policy with respect to continuous emission limitations in SIP provisions, noting that emission limitations as a whole must be continuous but that such limitations could be a combination of different numerical limits, control requirements or work practice requirements. *See* 80 FR 33889, June 12, 2015. Accordingly, a SIP that includes a combination of numerical limits or controls that are sufficiently stringent, and are legally and practically enforceable, can effectively operate together to limit emissions from a source on a continuous basis.

Second, the EPA disagrees with the commenter's view that the low temperature limitation on the applicability of the mandatory solid-fuel heating device curtailment requirement necessarily constitutes an impermissible exemption in the emissions limitation, because the curtailment requirement works in conjunction with other specific control measures in the SIP that continue to apply and limit emissions from this source category even during those low temperature events. It is important to clarify how Alaska is combining control measures in order to assure that the SIP imposes continuous emission limits on solid fuel heating devices, even when the curtailment requirement is suspended during extreme cold events.

Alaska is aware of the public health concerns associated with ambient $PM_{2.5}$ caused by the use of solid fuel heating devices and devised a way to balance competing concerns about high $PM_{2.5}$ concentrations with concerns about the need to provide adequate heat during extreme low temperature events for purposes of the FNSB Moderate Plan. When temperatures are below −15 °F, the Borough continues to issue alerts based on the forecasted concentrations of $PM_{2.5}$. Stage 2 alerts are called when $PM_{2.5}$ levels are forecasted to reach 35 micrograms per cubic meter (μg/m^3) or more. Stage 3 alerts are called when $PM_{2.5}$ levels are forecasted to reach 55μg/m^3 or more. The temperature limitation on the applicability of stage 3 alert requirements was included to address the public welfare concerns associated with precluding the use of solid-fuel heating devices during periods of extreme cold. Alaska explained that ''. . . the temperature threshold is a feature of the episode program recognizing the unique challenges faced by residents during periods of extreme cold. Residents use wood heating as a form of supplemental heat to maintain livable conditions and mitigate economic hardships associated with high heating costs.'' 2017 Clarification, p. 18.

To address these competing concerns, Alaska and the Borough structured the stage 3 alert requirements to allow the continued use of certain devices during periods of extreme cold. When temperatures are below −15 °F during stage 3 alerts, the prohibition on the use of all solid-fuel heating devices, masonry heaters, pellet fuel burning appliances, cook stoves, fireplaces, or waste oil burning appliances does not apply. However, the stage 2 prohibition on the use of uncertified solid-fuel heating devices and hydronic heaters that are not EPA Phase II qualified continues to apply. In addition, even when the temperature limitation on the applicability of stage 3 alerts applies, the users of solid-fuel heating devices must continue to meet the applicable opacity emission limitation and continue to comply with the requirement to burn only dry, properly seasoned wood (with a moisture content of 20% or less). Thus, the EPA believes that the opacity limit and dry wood

requirement work in conjunction with the mandatory curtailment program to limit emissions from solid-fuel heating devices on a continuous basis, even for stage 3 alerts that occur during periods of extreme cold.

The EPA notes that Alaska is currently in the process of developing the Serious area plan for the FNSB NAA, and is reevaluating the need for additional emission reductions to attain the 2006 24-hour $PM_{2.5}$ NAAQS. In particular, Alaska is considering the need for emissions reductions during periods of extremely low temperatures, which can often coincide with meteorological conditions most likely to result in inversions and exceedances of the 2006 24-hour $PM_{2.5}$ NAAQS. Specifically, on July 18, 2017, Alaska proposed regulatory revisions to eliminate the current temperature threshold limitation as part of its efforts to develop a Serious area plan. The EPA supports the further efforts of Alaska and the Borough to address the difficult, but necessary issue of controlling emissions during periods of extreme low temperatures.

Finally, the EPA agrees with the commenter that state and local control measures in the SIP need to be legally and practically enforceable. A core principal of the CAA is that the EPA's approval of a control measure into a SIP makes the measure a federally-enforceable component of the SIP that the State, the EPA or citizens can enforce in the event of violations. In this final action, the EPA is approving into the Alaska SIP, among other control measures, the mandatory solid-fuel heating device curtailment program, the 20% opacity emission limitation, and the dry wood requirement, and these measures will become federally-enforceable elements of the SIP for the FNSB NAA.

C. Comments on Rules

Comment 12: One commenter claimed that the EPA must disapprove the FNSB Moderate Plan because it ''includes undesirable and unlawful relaxations of existing SIP measures, in violation of CAA Section 110(l).'' For this reason, the commenter objected to six specific State regulations that Alaska included in the FNSB Moderate Plan.

Response 12: In light of this comment, the EPA reanalyzed the six regulations identified by the commenter. A comparison of the State regulations submitted to the EPA for review and approval into the SIP against existing SIP provisions is provided in the docket for this action. We respond in the following paragraphs to the concerns identified by the commenter with respect to these specific regulations. For the reasons stated in the following paragraphs, we disagree that the submitted regulations constitute relaxations, and thus the inclusion of these measures into the SIP as part of the FNSB Moderate Plan does not raise concerns related to CAA section 110(l).

Comment 12.a. 18 AAC 50.065(f). Wood Smoke Control and PM $_{2.5}$ *Nonattainment Areas.* The commenter objected to our approval of a provision that prohibits open burning from November 1 to March 31 because Alaska did ''not adequately explain how the dates for the open burning ban were chosen.'' The commenter expressed concern that exceedances of the 2006 24-hour $PM_{2.5}$ NAAQS may occur outside the November 1 to March 31 open burning prohibition season. The commenter also objected to language in the FNSB Moderate Plan that would allow a local open burn permit program to replace the current open burning prohibition at some point in the future because it is ''worded so vaguely without any limits'' and does not specify ''a process for State approval'' or ''minimum program requirements, including record-keeping, public reporting, and adequate enforcement authority.'' Additionally, the commenter stated that ''[i]f it is necessary to authorize some variances to the seasonal open burn ban—for example, for legitimate ceremonial or limited recreational purposes—the State should have adopted detailed regulatory language identifying the types of activities that might be eligible for a local variance and necessary conditions for any such variance.''

Response 12.a. We disagree with the comment that Alaska did not adequately explain the dates of the open burning prohibition, November 1 to March 31, in the FNSB Moderate Plan. We believe that the discussion of the open burning prohibition is adequate, including Alaska's explicit consideration of lengthening the open burning prohibition to include October and April. *See* FNSB Moderate Plan III.D.5.7–22. As noted by the commenter, Alaska explained that it analyzed air quality data for October and April and did not identify ''significant air quality deterioration in those months as a result of normal open burning'' and therefore, did not lengthen the open burning prohibition to include those two months. Regarding the commenter's concern that exceedances of the 2006 24-hour $PM_{2.5}$ NAAQS may occur outside the open burning prohibition season, we note that under 18 AAC 50.065(e), ADEC can also prohibit open burning during air quality advisories, which are not restricted to the open burning season. As provided in 18 AAC 50.065(e), the air quality advisory pertaining to open burning is based on a determination that there is or will likely be inadequate ventilation to maintain ambient air quality standards, including $PM_{2.5}$.

We also disagree with the commenter's assertion that the amendments to 18 AAC 50.065(f) are a relaxation of existing SIP measures. The dates of the open burning prohibition remain the same as when the EPA last approved 18 AAC 50.065(f) into the Alaska SIP in 1998. 63 FR 63983, November 18, 1998. More importantly, the amendments to 18 AAC 50.065(f) make the open burning prohibition applicable to $PM_{2.5}$ nonattainment areas, whereas previously the prohibition applied only to PM_{10} wood smoke control areas. Therefore, the amendments to 18 AAC 50.065(f) that extend the regulation to $PM_{2.5}$ nonattainment areas in fact strengthen the existing SIP.

Similarly, we disagree with the commenter's view that inclusion of the language contemplating a potential future open burn permit program to replace the current open burning prohibition is a relaxation of the existing Alaska SIP. First, as stated previously, the current SIP-approved regulation applies only to PM_{10} wood smoke control areas and Alaska has now extended it to $PM_{2.5}$ nonattainment areas as well. Second, as required by 18 AAC 50.065(f)(1) and (2), if a local area elects to develop an open burn permit program instead of the current open burn prohibition, it may only do so if the program (i) does not cause or contribute to violations of the $PM_{2.5}$ NAAQS and (ii) is approved into the *State Air Quality Control Plan* as adopted in 18 AAC 50.030. We have determined that Alaska's amendment of 18 AAC 50.065 to extend the open burning prohibition to $PM_{2.5}$ nonattainment areas while simultaneously allowing the future option of a local air quality open burn permit program is therefore not a relaxation, but a strengthening of the current SIP.

Regarding the commenter's concern that the amendment is vague and does not provide limits or specify a process for state approval of a local open burn permit program, we note that the provision does not itself constitute an approval of any such local open burn permit program. The provision merely contemplates such a permitting program in the future, and one that would have to meet certain requirements. For example, the condition in 18 AAC

50.065(f)(1) that a local open burn permit program cannot cause or contribute to violations of the $PM_{2.5}$ NAAQS provides one appropriate limitation on potential open burn permit programs. Additionally, Alaska has an established process for approving plans and adopting them into 18 AAC 50.030. The condition in 18 AAC 50.065(f)(2) that the local open burn permit program must be included in the *State Air Quality Control Plan* adopted by reference in 18 AAC 50.030 provides an appropriate state process for evaluation and approval of any such potential program in the future. We also note that if Alaska seeks to create such an open burn permit program in the FNSB NAA in the future, that will require a SIP revision subject to EPA review and approval, including an analysis that the SIP revision would not be less stringent than the current SIP in accordance with the requirements of CAA 110(l). Alaska has confirmed that the approval of any open burn permit program in the future must be submitted to the EPA as a SIP revision. Alaska's interpretation letter is included in the docket for this action.[8]

With respect to the commenter's concern that the language in the FNSB Moderate Plan that contemplates potential future open burn permit programs in lieu of the prohibition on open burning is vaguely worded and provides no indication of ''what constitutes a lawful local air quality open burn permit program and no limit to the range of activities that might be authorized . . .'' the EPA agrees that the amendment leaves unaddressed many aspects of a local open burn permit program that would need further development and clarification. Also, as noted previously, any future local open burn permit program that is developed to operate in lieu of the open burning prohibition must be submitted to Alaska for incorporation into the *State Air Quality Control Plan* and then submitted to the EPA for review and approval. Accordingly, assuming a local open burn permit program is developed in the future, the appropriate time to consider the issues the commenter raises, *e.g.,* the range of activities authorized by the program, recordkeeping and reporting requirements, adequate enforcement authority, and other aspects that pertain to the lawfulness of the program, including whether the program adequately assures that permitted open burning will not cause or contribute to a violation of the $PM_{2.5}$ standard, would be when a locality develops and then submits such a permit program to Alaska and the EPA for review. At present, 18 AAC 50.065(f) merely clarifies that localities can chose to pursue a permit program in lieu of an outright seasonal prohibition on open burning. To the extent the commenter is concerned about reliance on a local, rather than state permitting program, we previously determined that Alaska provided necessary assurances that ''where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the State has responsibility for ensuring adequate implementation of the SIP'' with respect to the 2006 24-hour $PM_{2.5}$ NAAQS as required by CAA section 110(a)(2)(E)(iii). 79 FR 66651, November 10, 2014.

Finally, we disagree with the commenter's suggestion that a future open burn permit program would have to address the process for variances related to ceremonial and recreational fires. We note that ceremonial and recreational fires are specifically excluded from Alaska's amended definition of open burning in 18 AAC 50.990(65)(B). Because these activities are not subject to the open burning prohibition, there would not be a need for future variances related to such fires. We agree, however, that to the extent a future permitting program may include a process for seeking variances for activities subject to the burn ban, provisions related to such variances should provide adequate definitions and specifications to allow for necessary implementation and enforcement, as well as evaluation by Alaska and the EPA before approval as a revision to the current SIP.

Comment 12.b. 18 AAC 50.075(d). Solid Fuel-fired Heating Device Visible Emission Standards. The commenter objected to the addition of 18 AAC 50.075(d) which limits solid fuel-fired heating device operation during $PM_{2.5}$ air quality episodes. The commenter claimed that the provisions weaken another part of the existing SIP-approved portion of the regulation, paragraph (b), by providing conditions for lifting a prohibition on the use of wood-fired heating devices during an air quality episode. The commenter also objected to the provisions that allow for a temporary waiver from the requirement because they are ''too broad and too discretionary.'' However, the commenter acknowledged that due to the ''extremely cold winter and high price of fuel in Fairbanks, exemptions from curtailment for a sole source of heat and financial hardship are an absolute necessity.'' Additionally, the commenter stated that Alaska should adopt a curtailment program similar to one in Sacramento, California. The commenter also suggested that ''to ease the impact of a mandatory, episodic wood-burning curtailment program on community members,'' Alaska should adopt a ''fuel oil subsidy program that would help offset the additional expense of fuel oil use.''

Response 12.b. The EPA disagrees that the addition of new 18 AAC 50.075(d) creates a relaxation of existing 18 AAC 50.075(b) as contemplated by CAA section 110(l). We note that paragraph (b) only prohibits operation of a wood-fired heating device in an area for which Alaska has declared an air quality episode with respect to SO_2, carbon monoxide (CO), or PM_{10}, in accordance with 18 AAC 50.245. Neither 18 AAC 50.075(b) nor 18 AAC 50.245 explicitly applied to $PM_{2.5}$. Alaska has specifically added the new 18 AAC 50.075(d), and the related new 18 AAC 50.246, to impose a comparable prohibition on wood-fired heating devices in areas for which Alaska has declared an air quality episode specifically for purposes of the $PM_{2.5}$ NAAQS. The existing prohibition on operation of wood-fired heating devices in 18 AAC 50.075(b) is thus unaffected by the addition of 18 AAC 50.075(d), which applies only to $PM_{2.5}$. Furthermore, the addition of paragraph (d) provides limitations on solid-fuel heating device operation in $PM_{2.5}$ nonattainment areas that previously did not exist in the Alaska SIP. Therefore, we consider the addition of paragraph (d) to be a necessary strengthening of the existing SIP, not a relaxation.

However, we believe the commenter raised valid concerns with the waiver provisions in 18 AAC 50.075(d)(2). The EPA is not taking final action on these waiver provisions because they are no longer part of the submitted FNSB Moderate Plan. On July 26, 2017, Alaska withdrew 18 AAC 50.075(d)(2) from its SIP submission. The withdrawal letter is included in the docket for this action.[9]

With respect to the comments about the type of curtailment program and the suggestion that state and local officials provide a fuel oil subsidy, we note that states have discretion in formulating their attainment plans, so long as they meet the applicable requirements of the Act. In the FNSB NAA, Alaska has adopted a number of control measures

[8] *See* ADEC letter, *Clarification regarding Open Burning regulation 18 AAC 50.065(f),* July 13, 2017, in the docket for this action.

[9] *See* ADEC letter, *Withdrawal of items from the State Implementation Plan submittal for the Fairbanks North Star Borough nonattainment area,* July 26, 2017, in the docket for this action.

to address emissions from solid fuel heating devices that are designed to help the area attain the 2006 24-hour $PM_{2.5}$ NAAQS given the facts and circumstances of this particular area. As we stated in our proposed rule, we believe the mandatory solid-fuel heating device curtailment program in the FNSB Moderate Plan is appropriately suited for the FNSB NAA in that it provides for implementation of a curtailment program that will reduce emissions in a manner that can facilitate program adoption and implementation by the community. 82 FR 9046, February 2, 2017. Again, we anticipate that Alaska will be reexamining its approach to controlling emissions from this source as part of the development of the Serious area attainment plan for the FNSB NAA, in order to identify and adopt BACM/BACT level controls, as appropriate. At that time, Alaska may reevaluate approaches that have been successfully adopted and implemented in other nonattainment areas and new approaches suggested by the public.

Comment 12.c. 18 AAC 50.076. Solid Fuel-fired Heating Device Fuel Requirements; Registration of Commercial Wood Sellers. The commenter generally supported this regulation, which sets forth requirements for fuels that can be used in solid fuel-fired heating devices. However, the commenter expressed concern that it does not require year-round use of ''dry'' or ''seasoned'' wood like the Borough ordinance does and stated that the EPA must explicitly approve the Borough ordinance as an enforceable part of the SIP. In addition, the commenter stated that the mandatory component of Alaska's wood seller registration program should apply immediately, not when the area is reclassified to Serious and suggested that Alaska use ''a simple'' wood moisture content labeling program that identifies the wood as ''dry'' or ''wet.''

Response 12.c. The EPA notes that Alaska included the provision identified by the commenter, Borough code 21.28.030.F, in the FNSB Moderate Plan in its November 23, 2016 supplemental submission. Borough code 21.28.030.F lists the types of fuels that cannot be burned in a solid-fuel heating device. This provision applies at all times and prohibits the burning of wood that has a moisture content greater than 20 percent. The local rules that Alaska included in the FNSB Moderate Plan will become a part of the federally-approved SIP. Accordingly, upon the effective date of this action, Borough code 21.28.030.F will thus become a federally-enforceable component of the SIP applicable in the FNSB NAA.

Regarding the commenter's suggestion that Alaska use a more simplified wood moisture labeling system for this program, such as ''dry'' or ''wet,'' we note that states have discretion in formulating their attainment plans, so long as they meet the applicable requirements of the Act. In this instance, we believe that the method of labeling moisture content adopted by Alaska adequately conveys the necessary information to wood users to facilitate the related requirement to burn only dry wood, and thus the alternative form of labelling suggested by the commenter is not required. We are therefore approving Alaska's regulations, including the requirement that wood sellers document three moisture content measurements on the moisture content disclosure. The EPA notes that the mandatory component of Alaska's wood seller registration program was implemented on August 15, 2017.

Comment 12.d. 18 AAC 50.077. Standards for Wood-fired Heating Devices. The commenter supported Alaska's emissions standard for new installations of wood-fired heating devices in 18 AAC 50.077 as a critical step toward improving air quality in the FNSB NAA, but objected to the ''scaling of the standard'' and asserted that there ''should be no exception for small or large devices'' and that ''devices larger than 350,000 BTUs should be required to meet the same emissions standard.'' The commenter also stated that Alaska failed to give a reasonable justification for not strengthening 18 AAC 50.077 by establishing an emission standard for coal burning devices. Additionally, the commenter expressed concern that wood-fired heating devices that do not meet the 18 AAC 50.077 emission standards can be sold if they are to be installed outside the FNSB NAA and that only a written confirmation is required from the buyer stating that the device will be installed and used in an area other than the FNSB NAA. The commenter requested that the address where the non-conforming device will be installed should be included in the confirmation, that the confirmation be notarized, and that sellers be required to keep the confirmation for 5 years. Although not directly related to 18 AAC 50.077, the commenter also stated that the requirement for replacing uncertified wood stoves at time of home sale should be adopted and implemented immediately, rather than set aside for future implementation as a contingency measure in the FNSB Moderate Plan.

Response 12.d. The EPA agrees with the commenter that it is important that solid-fuel heating devices that are to be installed in the FNSB NAA meet stringent emissions standards. Alaska's emissions standards for wood-fired heating devices in 18 AAC 50.077 are similar to, or more stringent than, the EPA's current New Source Performance Standards for new residential wood heaters and hydronic heaters (wood heater NSPS). 80 FR 13672, March 16, 2015. However, we believe the commenter is incorrect in claiming that 18 AAC 50.077 contains exemptions based on device size because all devices are addressed, whether they are rated under 350,000 Btu per hour or greater than 350,000 Btu per hour. The provisions in 18 AAC 50.077(b) and (c) provide emissions standards for devices ''rated under 350,000 Btu per hour'' for hydronic heaters and wood stoves, respectively, whereas 18 AAC 50.077(d) provides emissions standards for wood-fired heating devices that have a ''rated size of 350,000 Btu or greater per hour.'' Thus, 18 AAC 50.077 does not contain the exemptions described by the commenter. Additionally, 18 AAC 50.077(b), (c), and (d) each require devices to meet EPA standards or meet the same ''particulate matter annual average emission limit of 2.5 grams per hour.''

We disagree with the comment that Alaska did not establish emission standards for new coal-burning device installations in the FNSB Moderate Plan. Although the commenter is correct that 18 AAC 50.077 does not establish such emission standards, the emission standards for ''Borough listed appliances'' in section 020 of Borough code chapter 21.28 apply to coal heating devices. Additionally, section 030.A prohibits the installation of a solid fuel burning appliance in the FNSB NAA if the appliance is not listed by the Borough. We note that ''solid fuel burning appliance'' is defined in section 010 to include coal stoves, coal-fired hydronic heaters, and coal-fired furnaces. Alaska adopted Borough code chapter 21.28 sections 010, 020, and 030 into the FNSB Moderate Plan that was submitted to the EPA on November 23, 2016. Upon the effective date of this action, these Borough provisions will be adopted into the federally-approved SIP. Thus, Alaska has imposed emission controls on coal fired stoves in the FNSB NAA sufficient for purposes of the FNSB Moderate Plan. Alaska acknowledged the public health concerns associated with emissions from coal fired stoves in the FNSB Moderate Plan and the EPA anticipates that Alaska will further evaluate potential controls for these sources in

the development of the Serious area plan.

We also disagree with the commenter regarding the need to revise the written confirmation requirements in 18 AAC 50.077(f) for sales of wood-fired heating devices to be installed outside of the FNSB NAA to include additional requirements such as notarization and retention of forms. The requirements of 18 AAC 50.077(f) specify that all new wood-fired heating devices to be installed or used in the FNSB NAA must meet certain emission standards and provides that a person who intends to sell or otherwise convey a wood-fired heating device that does not meet those standards must receive written confirmation from the buyer or operator that the device will not be installed or used in the FNSB NAA. The EPA believes that this provision provides sufficient notice (in addition to the regulatory text of 18 AAC 50.077 and other education and outreach efforts conducted by ADEC and the Borough) to potential buyers of the prohibition on such installations in the FNSB NAA and adequately documents their awareness and agreement to comply. Although the additional requirements suggested by the commenter may be helpful, we believe the current requirements devised by Alaska are sufficient.

With respect to the comment that Alaska should implement immediately the requirement for replacing uncertified wood stoves at the time of home sale, rather than implement it as a future contingency measure, the EPA notes that the measure has been implemented. The requirement became effective on June 9, 2017, the effective date of reclassification of the area to Serious. 82 FR 21711, May 10, 2017.[10]

Comment 12.e. 18 AAC 50.246. Air Quality Episodes and Advisories for $PM_{2.5}$. The commenter expressed concerns that compliance with curtailments remain voluntary under the 18 AAC 50.246 provisions for $PM_{2.5}$ air quality episodes and advisories and that the provisions ''do not protect public health in Fairbanks or promote attainment of the 24-hour $PM_{2.5}$ NAAQS.'' The commenter also objected to the lack of a definition for the word ''curtailment.''

Response 12.e. First, we disagree with the commenter's concern about the absence of a specific definition of the term curtailment. In Alaska's current SIP-approved regulations and the regulations submitted with the FNSB Moderate Plan, the word ''curtailment'' is used in a general sense and does not apply to a particular category of sources. Therefore, we do not take issue with the use of the word ''curtailment'' in 18 AAC 50.246 or the fact that it lacks a specific regulatory definition.

Second, we acknowledge that under 18 AAC 50.246(c)(1), curtailments are voluntary ''from any person issued a permit under this chapter whose stationary source's emissions might impact the area subject to the advisory.'' Thus, the commenter is correct that compliance with the curtailment contemplated in this provision is voluntary for the affected stationary sources (Alaska defines ''stationary source'' in AS 46.14.990 as ''any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant''). However, we note that 18 AAC 50.246(c)(1) applies only to permitted stationary sources and it applies statewide.

By contrast, Alaska has adopted a mandatory curtailment program for the FNSB NAA that applies to all solid-fuel heating devices in the event that Alaska or the Borough issues an alert based on high ambient $PM_{2.5}$ levels. Compliance with the solid-fuel heating device curtailment is mandatory, not voluntary. We believe that the provision at 18 AAC 50.075(e), in conjunction with 18 AAC 50.246, provides Alaska authority to prohibit the operation of solid-fuel heating devices in the FNSB NAA. The prohibition on the operation of solid-fuel heating devices issued under 18 AAC 50.075(e) and Borough code 21.28.050 provide Alaska the ability to implement advisories and prescribe actions as a backstop to the Borough's existing solid-fuel heating device curtailment program, which is incorporated in the *State Air Quality Control Plan,* adopted by reference in 18 AAC 50.030, and is also being adopted into the federally-approved SIP in this action. Specifically, Borough code 21.28.050 requires the issuance of advisories or alerts when $PM_{2.5}$ concentrations are expected to reach certain levels (defined as Stage 1, Stage 2 and Stage 3). These alerts impose mandatory restrictions on the operation of solid-fuel heating devices in the FNSB NAA, or specified Air Quality Control Zone. Accordingly, both Alaska and the Borough have authority to impose a mandatory curtailment on the operation of solid-fuel heating devices during $PM_{2.5}$ air quality episodes. *See* FNSB Moderate Plan III.D.5.11–3.

Comment 12.f. 18 AAC 50.245(b) and (c). Air Quality Episodes and Advisories for Air Pollutants other than $PM_{2.5}$. The commenter noted that the current version of 18 AAC 50.245 approved into the Alaska SIP provides that ADEC will declare air quality advisories. In the FNSB Moderate Plan, Alaska has revised the rule to provide that either ADEC ''or a local air quality control program'' will declare the advisories. The commenter objected to these revisions because ''they do not specify a single authority responsible for air alerts'' and ''there is potential for confusion and inaction.'' The commenter also stated that Alaska ''should not delegate authority to a local air quality control program that is unwilling or unable to fully implement regulatory requirements.''

Response 12.f. The EPA disagrees that authorizing the relevant local air quality control program (*i.e.,* here the Borough) to declare advisories, as well as ADEC, is an inappropriate revision of the existing SIP. Under 18 AAC 50.245, ADEC or a local air quality control program may declare air quality episodes and advisories for SO_2, PM_{10}, and CO.[11] The commenter's concern about potential confusion in areas that have a local air quality program, such as the FNSB NAA, is addressed by the requirements of AS 46.14.400, which provides authority for ADEC to authorize local air quality control programs to operate in lieu of ADEC's air quality program. Under AS 46.14.400(d), a cooperative agreement between ADEC and the local air quality district must specify, among other things, the respective duties and enforcement responsibilities of the local air quality district and ADEC. Thus, where a local air quality district has been authorized to administer a local air quality control program and declare alerts, the Memorandum of Understanding (MOU) specifies that responsibility. The MOU between ADEC and the Borough (ADEC–FNSB MOU) was submitted with the FNSB Moderate Plan. FNSB Moderate Plan appendix III.D.5.12–54. It specifies that the Borough will ''continue to implement, as needed, the Borough's emergency episode prevention and response plan for CO.'' The ADEC–FNSB MOU does not identify the Borough as the authority for declaring alerts for SO_2 and PM_{10}, thus ADEC would declare those air alerts. The EPA believes that although 18 AAC 50.245 does not specify one authority for calling SO_2, PM_{10}, and CO alerts, the MOU required by Alaska statute adequately specifies the entity responsible for calling alerts when it is not ADEC.

[10] *See* ADEC letter *Wood-Fired Heating Device Requirement—Remove or Replace Non Compliant Devices Upon Property Sale, Lease or Conveyance—Effective Date: June 9, 2017,* in the docket for this action.

[11] The EPA notes that Alaska addresses $PM_{2.5}$ air quality episodes and advisories in 18 AAC 50.246.

We also believe that the requirements of AS 46.14.400(d) address the commenter's concern that Alaska should not delegate authority to a local air quality control program that is unwilling or unable to fully implement regulatory requirements. The cooperative agreement must specify the respective enforcement responsibilities of the local air quality district and ADEC. According to the ADEC–FNSB MOU, ADEC has enforcement responsibility for all currently permitted facilities that are under ADEC authority. ADEC and the Borough have joint responsibility for responding to public complaints about air pollution within the Borough. The ADEC–FNSB MOU provides a flow chart for identifying appropriate enforcement actions for the Borough to take, for ADEC to take, or for joint enforcement actions. *See* FNSB Moderate Plan appendix III.D.5.12–57. Additionally, as we stated earlier, Alaska has provided necessary assurances that ''where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the State has responsibility for ensuring adequate implementation of the SIP'' with respect to the 2006 24-hour $PM_{2.5}$ NAAQS as required by CAA section 110(a)(2)(E)(iii). 79 FR 66651, November 10, 2014. In the event that a local air quality control program is not meeting its responsibilities, the EPA anticipates that Alaska will take appropriate steps to assure that the SIP is properly implemented and enforced within all areas of the state, as required by the CAA.

D. Other Comments

Comment 13: Two commenters expressed concern about the high $PM_{2.5}$ values recorded by ambient air quality monitors in the FNSB NAA. One commenter noted that ''the North Pole Fire Station monitor currently records the highest values in the non-attainment area'' and ''[t]he most recent design value was 124 $\mu g/m^3$, that is, 354 percent of the 24-hour $PM_{2.5}$ NAAQS.'' The commenter further asserted that the ''EPA and the State have a legal and a moral obligation to develop a plan to clean up the Borough's polluted air.'' This commenter stated that ''improved regulations to address wood smoke and other sources of $PM_{2.5}$ pollution are necessary to protect the health and welfare of Fairbanks residents, especially children in the community.'' In addition to expressing concerns about public health, the other commenter described personal experiences with health issues ''because of chronically poor air quality'' and stated that ''[a]nother study of premature mortality in our area is needed.'' This commenter also expressed concerns about air quality monitoring, claiming that the ''air quality is getting worse,'' that Alaska has tried ''to disprove monitoring data from a Neighborhood site in North Pole by claiming it is a microliter,'' and that Alaska removed a special purpose monitor ''known as the Watershed Monitor from an area in Fairbanks where levels were recorded for many months (months in three consecutive years) often higher than the North Pole Monitor.'' The commenter also noted that a ''MetOne Neighborhood Monitor in the area continues to show dangerously high levels.''

Response 13: We agree with the concerns about high ambient $PM_{2.5}$ levels in the FNSB NAA. We acknowledge that control measures have been adopted into the FNSB Moderate Plan to improve air quality and although the $PM_{2.5}$ values generally have decreased, they remain high. However, we note that the high monitored $PM_{2.5}$ values are not a basis for disapproval of the FNSB Moderate Plan. The EPA has already reclassified the FNSB NAA from Moderate to Serious because these high monitored values indicated continued nonattainment, which under CAA sections 188 and 189, imposes additional and more stringent attainment plan requirements. 82 FR 21711, May 10, 2017. This reclassification obligates Alaska to reevaluate and strengthen its attainment plan control strategy as necessary to meet the more stringent Serious area requirements and to provide for attainment of the 2006 24-hour $PM_{2.5}$ NAAQS by the applicable Serious area attainment date. Regarding the comment that another study on premature mortality is needed, although such a study may be a valuable source of information to the community, it is not a requirement under the CAA as part of an attainment plan and is therefore beyond the scope of this action.

In response to the comments about air quality monitors, we affirm that the North Pole Fire Station monitor continues to operate as a regulatory monitor and that it is a neighborhood scale monitor. As discussed in our proposal, the EPA expects that Alaska will include the data from the North Pole Fire Station monitor in the analyses for the development of a Serious area attainment plan for the FNSB NAA. 82 FR 9037, February 2, 2017. Regarding the comment about the removal of the special purpose monitor, the EPA is aware that high concentrations of $PM_{2.5}$ commonly exist in parts of the nonattainment area that are not routinely and continuously monitored by the Borough or the State. Special purpose monitors supplement the monitoring network used for meeting the EPA's minimum monitoring requirements found in appendix D of 40 CFR part 58. Monitors used for satisfying the EPA's minimum monitoring requirements remain at a fixed location for an extended period (longer than 24 months) so that air quality measurements can be used for regulatory decision making purposes. Special purpose monitoring data augment the data collected from the minimum required network and are used to ensure that this minimum monitoring network is appropriately sited and adequately represents the air quality of the community. As such, it is not uncommon for special purpose monitors to be operated for only a short duration at any given location. In its monitoring network plan, Alaska explained that special purpose monitors are moved to better understand the air quality impacts experienced in various neighborhoods and that the special purpose monitoring sites usually remain in one location for two to six weeks.[12] In addition, the EPA appreciates the community's willingness to assist in citizen monitoring and recognizes that achieving air quality goals in the FNSB NAA is a collaborative effort.

Comment 14: One commenter stated that the FNSB Moderate Plan included ''mitigation efforts from state legislative grants obtained by Rep. Tammie Wilson that were not scientifically or practically carried out and for which no report, data, or proper accounting is available.''

Response 14: We reviewed the FNSB Moderate Plan and did not identify mitigation efforts as suggested by the commenter. Additionally, the commenter did not provide specific information for the EPA to evaluate the claim that the FNSB Moderate Plan relied on such efforts. The EPA therefore does not find this comment to provide a basis for disapproval of the FNSB Moderate Plan.

Comment 15: One commenter stated that Alaska ''claimed they can't meet CAA requirements without making any reasonable effort to do so.'' This commenter also stated that the FNSB Moderate Plan ''does not appear to meet the Federal requirements or especially the spirit of the CAA,'' and asked that ''[i]f Alaska's Moderate SIP is being accepted because the Administrator of

[12] The EPA approved the 2015 Alaska annual monitoring network plan on October 28, 2015. *See 2015 Alaska Monitoring Network Approval Letter* in the docket for this action.

the EPA failed to respond within the established timeline to Alaska's SIP submission, then that should be made clear.''

Response 15: The commenter did not provide specific information about the claims made by Alaska that they cannot meet CAA requirements. We have reviewed the FNSB Moderate Plan and did not identify any such claims. As discussed in our proposal, the EPA is approving the FNSB Moderate Plan because we found that it meets the substantive statutory and regulatory requirements for base-year and projected emissions inventories, precursor demonstrations, analysis and imposition of RACM/RACT, RFP, QMs, and a demonstration that attainment by the December 31, 2015 attainment date was impracticable. *See* 82 FR 9053, February 2, 2017.

With respect to the commenter's question concerning whether this approval was influenced by the timing of the action, the EPA acknowledges that our final action is outside of the timeline prescribed by the CAA. The EPA's inability to take timely action was the result of a number of factors including our ongoing work with Alaska to supplement the FNSB Moderate Plan. However, as noted previously, the EPA's decision to approve the FNSB Moderate Plan in this action is based on the content of the plan and its consistency with applicable statutory and regulatory requirements, and was not influenced by the timing of our final action.

Comment 16: One commenter stated that because the RACM/RACT analysis is flawed, the impracticability and RFP demonstrations are inadequate. This commenter also stated that reclassification to Serious and the requirement that Alaska will ''have to submit amendments to its plan applying stricter control measures to bring the area into compliance, do not diminish the importance of EPA's decision on the State's current plan . . .'' and ''does not relax the Clean Air Act's requirements for the current submission.''

Response 16: As discussed in section II.A of this preamble, we disagree with the comment that the RACM/RACT analysis is flawed and we therefore disagree with the comment that the impracticability and RFP demonstrations are not approvable. We agree with the comment that reclassification to Serious does not relax the Moderate area requirements. Where we discussed reclassifying the FNSB NAA to Serious in our proposal, our intention was to explain that although Alaska and the EPA considered certain control measures infeasible in the context of the FNSB Moderate Plan, the reclassification to Serious obligates Alaska to reevaluate potential control measures and strengthen its attainment plan control strategy as necessary to meet the more stringent Serious area requirements.

III. Final Action

Under CAA section 110(k), the EPA is approving the FNSB Moderate Plan for the 2006 24-hour $PM_{2.5}$ NAAQS. Specifically, the EPA finds that the FNSB Moderate Plan meets the substantive statutory and regulatory requirements for base-year and projected emissions inventories, precursor demonstrations, analysis and imposition of RACM/RACT level emission controls, RFP, QMs, and a demonstration that attainment by the December 31, 2015 attainment date was impracticable. In addition, the EPA is approving the 2017 motor vehicle emissions budgets because they are derived from an approvable RFP demonstration and meet the requirements of CAA section 176(c) and 40 CFR part 93, subpart A. The EPA is also approving the exceptional events demonstrations. Accordingly, the EPA finds that the FNSB Moderate Plan, for the FNSB NAA for the 2006 24-hour $PM_{2.5}$ NAAQS, meets applicable CAA title I, part D requirements for purposes of approval under section 110(k) of the CAA.

The EPA is approving the *State Air Quality Control Plan* and state and local rules that were submitted as part of the FNSB Moderate Plan on December 31, 2014; January 29, 2015; March 11, 2016;[13] and November 23, 2016. The EPA is not acting on provisions that Alaska withdrew from the SIP submissions.[14] Specifically, we are approving, but not incorporating by reference, the following two sections of the *State Air Quality Control Plan:* Volume II, section III.D.5 and Volume III, appendices, section III.D.5. We are incorporating by reference the submitted revisions to title 18 of Alaska Administrative Code (AAC), chapter 50 (18 AAC 50) sections 007, 010, 025, 065, 075, 076 (except (g)(11), 077, 245, 246, and 990. We are approving, but not incorporating by reference 18 AAC 50.076(g)(11) because it relates to enforcement provisions that if incorporated by reference may conflict with the EPA's independent authorities.

With respect to local rules, we are incorporating by reference Fairbanks North Star Borough Code chapter 21.28 sections 010, 020, 030 (except J), 050, and 060. We are approving, but not incorporating by reference, Fairbanks North Star Borough Code chapter 21.28 section 030.J because it relates to penalty provisions that if incorporated by reference may conflict with the EPA's independent authorities. We are also approving, but not incorporating by reference Fairbanks North Star Borough Code chapter 21.28 sections 040 and 070 because they relate to funding for voluntary initiatives being undertaken by the Borough to reduce emissions of $PM_{2.5}$.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of state and local regulations for solid-fuel heaters and open burning, as set forth in the amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through *http://www.regulations.gov* and/or at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by the EPA for inclusion in the State implementation plan, have been incorporated by reference by the EPA into that plan, are fully federally-enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[15]

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 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 action merely approves state law as meeting federal requirements and does not impose additional requirements beyond

[13] We are not acting on the portions of the March 11, 2016 submission that are unrelated to the FNSB Moderate Plan. We address those portions of the March 11, 2016 submission in separate actions.

[14] *See* Alaska Department of Environmental Conservation letter, *Withdrawal of items from the State Implementation Plan submittal for the Fairbanks North Star Borough nonattainment area,* July 26, 2017, available in the docket for this action

[15] 62 FR 27968, May 22, 1997.

those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide 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 it will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 7, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: August 21, 2017.

Michelle L. Pirzadeh,

Acting Regional Administrator, EPA Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart C—Alaska

■ 2. In § 52.70:

■ a. The table in paragraph (c) is amended by:

■ i. Adding the entry ''18 AAC 50.007'', in numerical order;

■ ii. Revising the entries ''18 AAC 50.010'', ''18 AAC 50.025'', ''18 AAC 50.065'', and ''18 AAC 50.075'';

■ iii. Adding the entries ''18 AAC 50.076'' and ''18 AAC 50.077'', in numerical order;

■ iv. Revising the entry ''18 AAC 50.245'';

■ v. Adding the entry ''18 AAC 50.246'', in numerical order;

■ vi. Revising the entry ''18 AAC 50.990''; and

■ vii. Adding at the end of the table the heading ''Fairbanks North Star Borough Code Chapter 21.28 $PM_{2.5}$ Air Quality Control Program'' and entries for ''21.28.010'', ''21.28.020'', ''21.28.030'', ''21.28.050'', and ''21.28.060'', in numerical order; and

■ b. The table in paragraph (e) is amended by:

■ i. Adding at the end of the table the heading ''Regulations Approved but not Incorporated by Reference'' and entries for ''18 AAC 50.076(g)(11)'', ''21.28.030.J'', ''21.28.040'', and ''21.28.070''; and

■ ii. Adding at the end of the table an undesignated heading entitled ''Recently-Approved Plans'' and entries for ''Volume II. Section III.D.5.'' and ''Volume III. Appendices Section III.D.5.''.

The additions and revisions read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED ALASKA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanations
Alaska Administrative Code, Title 18—Environmental Conservation Chapter 50—Air Quality Control (18 AAC 50)				
*	*	*	*	*
18 AAC 50.007	Local Government Powers or Obligations Under a Local Air Quality Control Program.	2/28/15	9/8/17, [Insert **Federal Register** citation].	
18 AAC 50.010	Ambient Air Quality Standards	3/2/16	9/8/17, [Insert **Federal Register** citation].	except (7) and (8).

EPA-APPROVED ALASKA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	*	*	*
18 AAC 50.025	Visibility and Other Special Protection Areas	11/26/16	9/8/17, [Insert **Federal Register** citation].	
*	*	*	*	*
18 AAC 50.065	Open Burning	3/2/16	9/8/17, [Insert **Federal Register** citation].	
*	*	*	*	*
18 AAC 50.075	Solid Fuel-fired Heating Device Visible Emission Standards.	11/26/16	9/8/17, [Insert **Federal Register** citation].	
18 AAC 50.076	Solid Fuel-fired Heating Device Fuel Requirements; Registration of Commercial Wood Sellers.	11/26/16	9/8/17, [Insert **Federal Register** citation].	except (g)(11).
18 AAC 50.077	Standards for Wood-fired Heating Devices	11/26/16	9/8/17, [Insert **Federal Register** citation].	
*	*	*	*	*
18 AAC 50.245	Air Quality Episodes and Advisories for Air Pollutants Other Than PM–2.5.	2/28/15	9/8/17, [Insert **Federal Register** citation].	
18 AAC 50.246	Air Quality Episodes and Advisories for PM–2.5 ...	2/28/15	9/8/17, [Insert **Federal Register** citation].	
*	*	*	*	*
18 AAC 50.990	Definitions	3/2/16	9/8/17, [Insert **Federal Register** citation].	
*	*	*	*	*
Fairbanks North Star Borough Code Chapter 21.28—$PM_{2.5}$ Air Quality Control Program				
21.28.010	Definitions	3/2/15 (borough effective date) ...	9/8/17, [Insert **Federal Register** citation].	
21.28.020	Borough listed appliances	1/15/16 (borough effective date)	9/8/17, [Insert **Federal Register** citation].	
21.28.030	Prohibited acts	10/1/16 (borough effective date)	9/8/17, [Insert **Federal Register** citation].	except J.
21.28.050	Forecasting exceedances and restrictions in the air quality control zone during an alert.	6/26/15 (borough effective date)	9/8/17, [Insert **Federal Register** citation].	
21.28.060	No other adequate source of heat determination ...	8/12/16 (borough effective date)	9/8/17, [Insert **Federal Register** citation].	

* * * * * (e) * * *

EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	*	*	*
Regulations Approved but not Incorporated by Reference				
18 AAC 50.076(g)(11)	Solid Fuel-fired Heating Device Fuel Requirements; Registration of Commercial Wood Sellers.	11/26/16	9/8/17, [Insert **Federal Register** citation].	
21.28.030.J	Prohibited Acts. Penalties	10/1/16 (borough effective date).	9/8/17, [Insert **Federal Register** citation].	Fairbanks North Star Borough Code Chapter 21.28 $PM_{2.5}$ Air Quality Control Program.
21.28.040	Enhanced voluntary removal, replacement and repair program.	1/15/16 (borough effective date).	9/8/17, [Insert **Federal Register** citation].	Fairbanks North Star Borough Code Chapter 21.28 $PM_{2.5}$ Air Quality Control Program.
21.28.070	Voluntary burn cessation program	4/24/15 (borough effective date).	9/8/17, [Insert **Federal Register** citation].	Fairbanks North Star Borough Code Chapter 21.28 $PM_{2.5}$ Air Quality Control Program.
Recently-Approved Plans				
Volume II. Section III.D.5	Fairbanks North Star Borough	11/23/16	9/8/17, [Insert **Federal Register** citation].	Fairbanks North Star Borough $PM_{2.5}$ Moderate Area Plan.
Volume III. Appendices Section III.D.5.	Fairbanks North Star Borough	11/23/16	9/8/17, [Insert **Federal Register** citation].	Only with respect to the Fairbanks North Star Borough $PM_{2.5}$ Moderate Area Plan.

[FR Doc. 2017–18768 Filed 9–7–17; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 10–90, WT Docket No. 10–208; FCC 17–102]

Connect America Fund; Universal Service Reform—Mobility Fund

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: In this Order on Reconsideration and Second Report and Order, the Commission adopts the parameters for the Mobility Fund Phase II challenge process, which will enable the Commission to resolve eligible-area disputes expeditiously. The challenge process will begin with a new, one-time collection of standardized, up-to-date 4G LTE coverage data from mobile wireless providers. Interested parties will then have an opportunity to contest an initial determination that an area is ineligible for MF–II support, and providers will then have an opportunity to response to challenges.

DATES: The Commission adopted this Order on Reconsideration and Second Report and Order on August 3, 2017, and the parameters set forth therein for the Mobility Fund Phase II challenge process, along with all associated requirements also set forth therein, go into effect October 10, 2017, except for the new or modified information collection requirements in the challenge process that require approval by the Office of Management and Budget (OMB). The Commission will publish a document in the **Federal Register** announcing approval of those information collection requirements and the date they will become operative.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Wireless Telecommunications Bureau, Auction and Spectrum Access Division, Jonathan McCormack or Audra Hale-Maddox, at (202) 418–0660. For further information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Cathy Williams at (202) 418–2918 or via the Internet at *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Order on Reconsideration and Second Report and Order (*MF–II Challenge Process Order*), WC Docket No. 10–90, WT Docket No. 10–208, FCC 17–102, adopted on August 3, 2017 and released on August 4, 2017. The complete text of this document is available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The complete text is also available on the Commission's Web site at *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0804/FCC-17-102A1.pdf.* Alternative formats are available to persons with disabilities by sending an email to *FCC504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) of the possible significant economic impact on small entities of the policies and rules adopted in this document. The FRFA is set forth in an appendix to the *MF–II Challenge Process Order,* and is summarized below. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this *MF–II Challenge Process Order,* including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).

Paperwork Reduction Act

The *MF–II Challenge Process Order* contains new and modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new and modified information collection requirements contained in this proceeding.

Congressional Review Act

The Commission will send a copy of this *MF–II Challenge Process Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act (CRA), *see* 5 U.S.C. 801(a)(1)(A).

I. Introduction

1. In the MF–II Challenge Process Order, the Commission takes the next step to extend mobile opportunities to rural America by fulfilling its commitment to design a robust challenge process that will direct Mobility Fund Phase II (MF–II) support to primarily rural areas that lack unsubsidized 4G Long Term Evolution (LTE) service. The MF–II challenge process the Commission establishes will be administratively efficient, fiscally responsible, and will enable it to resolve eligible area disputes quickly and expeditiously. This challenge process will begin with a new, one-time collection of standardized, up-to-date 4G LTE coverage data from mobile wireless providers. Interested parties will then have an opportunity to contest an initial determination that an area is ineligible for MF–II support, and providers will then have an opportunity to respond to challenges.

II. Background

2. In February 2017, the Commission adopted rules to move forward expeditiously to an MF–II auction. The Commission established a budget of $4.53 billion over a term of ten years to provide ongoing support for the provision of service in areas that lack adequate mobile voice and broadband coverage absent subsidies. The Commission further decided that geographic areas lacking unsubsidized, qualified 4G LTE service would be deemed ''eligible areas'' for MF–II support, and that it would use a competitive bidding process (specifically, a reverse auction) to distribute funding to providers to serve those areas. For the purposes of MF–II, the Commission defined ''qualified 4G LTE service'' as mobile wireless service provided using 4G LTE technology with download speeds of at least 5 Mbps. The Commission also decided that, prior to an MF–II auction, it would compile a list of areas that were presumptively eligible for MF–II support based on information derived from the Form 477 data submissions and high-cost support disbursement data available from the Universal Service Administrative Company (USAC), and it would provide a limited timeframe for challenges to those initial determinations during the pre-auction process.

3. In order to make more informed decisions on the challenge process, the Commission deferred deciding the specific parameters of the challenge process and instead sought additional comment. Among other things, the Commission sought comment in the

Mobility Fund II FNPRM, 82 FR 13413, March 13, 2017, on two potential options—called ''Option A'' and ''Option B''—for a process to challenge the eligibility of areas for MF–II support. ''Option A'' and ''Option B'' varied in terms of the initial burdens for filing a challenge and the parameters for evidence submitted during the challenge. The Commission also solicited comment on any additional options and parameters for the MF–II challenge process and made clear that it was not proposing to adopt either ''Option A'' or ''Option B'' wholesale, intending instead to adopt the most effective approach and parameters to assemble a ''best in class'' structure for the challenge process. Seven petitions were filed seeking reconsideration of the *Mobility Fund II Report & Order,* 82 FR 15422, March 28, 2017, five of which directly bear upon the framework and design of the MF–II challenge process. The Commission addresses in the *MF–II Challenge Process Order* the portions of the five petitions asking for reconsideration of the framework and design of the challenge process. At this time, the Commission defers addressing the petitions, or portions thereof, requesting reconsideration of aspects of the *Mobility Fund II Report & Order* outside of the challenge process.

III. Order on Reconsideration

4. As necessary starting points for the challenge process, the Commission first resolves certain issues raised in petitions for reconsideration of the *Mobility Fund II Report & Order.* Specifically, the Commission reconsiders its decision to use Form 477 data as the basis for determining deployment of qualifying 4G LTE for the map of areas presumptively eligible for MF–II support, and instead grants, in part, a petition for reconsideration seeking a new, one-time collection of data to determine the deployment of qualified 4G LTE for the purposes of the MF–II challenge process. The Commission denies petitions to reconsider its adoption of a 5 Mbps download speed benchmark to identify areas eligible for MF–II support. The Commission also denies petitions for reconsideration that propose including technology choice or collocation as elements in such an eligibility determination.

A. Source of Coverage Data

5. The Commission reconsiders its decision to use Form 477 data as the basis for determining deployment of qualified 4G LTE for the map of areas presumptively eligible for MF–II. At the time of the *Mobility Fund II Report & Order,* the Commission noted that, despite criticism of using Form 477 data, none of the commenters had identified a better available coverage data source to move forward expeditiously to implement MF–II.

6. A trade association now seeks reconsideration of the Commission's decision to use Form 477 data to determine what areas are covered by qualified 4G LTE for purposes of identifying areas presumptively eligible for MF–II support. The trade association instead offers an industry consensus proposal asking that the Commission undertakes a new, one-time data collection with specified data parameters tailored to MF–II, thus addressing the lack of a better-tailored data source than Form 477.

7. After consideration of petitioner's industry consensus proposal, as well as the record gathered in response to this issue, the Commission reconsiders its decision to use Form 477 data as the basis for determining deployment of qualified 4G LTE for the map of areas presumptively eligible for MF–II support. The Commission instead grants, in part, petitioner's petition for reconsideration proposing a new, one-time collection of data to determine the deployment of qualified 4G LTE for the purposes of MF–II.

8. The Commission observes at the outset that the mobile deployment data collected on Form 477 represent a dramatic improvement over the deployment data previously available on a national scale. On reconsideration, the Commission acknowledges the concerns of commenters, and finds that the use of Form 477 data as the baseline, as currently filed, is likely to result in a significantly longer MF–II challenge process than if the Commission collected data consistent with the petitioner's consensus proposal as the baseline for establishing which areas are presumptively eligible for support.

9. Given the negative impact that using Form 477 data could have in prolonging the MF–II challenge process, and after considering the possibility of quickly acquiring a better-tailored data source than Form 477, the Commission is persuaded by the weight of the record to adopt petitioner's consensus proposal to undertake a new, one-time data collection of 4G LTE coverage maps based on the specific parameters the Commission adopts in the *MF–II Challenge Process Order.* For purposes of implementing MF–II expeditiously, this collection will provide the Commission and interested parties with the best available starting point for the challenge process. When combined with the high-cost subsidy disbursement data available from USAC, the new data will form the basis of the map of areas presumptively eligible for MF–II support.

10. To reduce the burden on these providers, the Commission requires only those providers that have previously reported 4G LTE coverage in Form 477 and have qualified 4G LTE coverage based on the data specification described below to submit MF–II coverage data. Form 477 filers that do not provide qualified 4G LTE service at the speed benchmark and parameters for MF–II eligibility are not required to submit coverage data as part of the MF–II challenge process collection. Filers that provide service at the benchmark and parameters for MF–II eligibility must submit coverage data. The Commission will use these new coverage data, in conjunction with subsidy data from USAC, to create the map of areas presumptively eligible for MF–II support.

11. In reaching its decision to undertake this effort, the Commission finds that on balance the new coverage data it is collecting should reduce the need for challengers to perform more in-depth testing in certain areas or to file extensive challenges to large geographic areas. Thus, it should reduce the burden on challengers and providers that respond to challenges and allow the Commission to commence the MF–II auction more quickly. In addition, current 4G LTE providers have the best information concerning their coverage footprints based on their propagation models, spectrum, and network infrastructure, and thus are in the best position to provide the Wireless Telecommunications Bureau and the Wireline Competition Bureau (the Bureaus) with data already in their possession, tailored to the purposes of MF–II. This approach also allows the Commission to simplify the challenge process by allowing only challenges that qualified LTE coverage is overstated and not also challenges that such coverage is understated. This approach also permits the Commission to establish various bright line rules for evaluation of the new coverage submissions and of certain challenges that should expedite the final resolution of areas eligible for MF–II support.

12. The Commission also wishes to make clear that only the extent of qualified 4G LTE coverage can be challenged in the challenge process; its decision in the *Mobility Fund II Report & Order* to rely on USAC high-cost support data for determinations of which areas with 4G LTE coverage are unsubsidized remains unchanged, and subsidy data or determinations are not

subject to challenge. In sum, the required data should allow the Commission to achieve its policy goal of proceeding expeditiously to an MF–II auction. Compliance with the required data collection adopted in *the MF–II Challenge Process Order* is mandatory, and failure to comply may lead to enforcement action, including forfeiture penalties, pursuant to the Communications Act and other applicable law.

B. 5 Mbps Download Speed Benchmark for Identifying Areas Eligible for MF–II Support

13. The Commission affirms that it will use a 5 Mbps download speed benchmark to determine what coverage counts as qualified 4G LTE for the purpose of identifying areas eligible for MF–II support. Using a download speed benchmark of 5 Mbps supports the Commission's primary policy goal of directing its limited MF–II funds to address 4G LTE coverage gaps and expanding 4G LTE coverage to areas that the private sector will not serve without government subsidies.

14. Four petitioners seek reconsideration of some aspect of the Commission's decision to use a 5 Mbps download speed as the benchmark to determine what coverage counts as qualified 4G LTE for the purpose of identifying areas eligible for MF–II support.

15. Despite the fact that providers have used different standards and methodologies to report coverage in their Form 477 data, the nationwide carriers are all generally reporting minimum advertised download speeds of 5 Mbps for their 4G LTE network coverage. Carriers' advertised speeds demonstrate that a consumer can reasonably expect to receive 4G LTE service at a download speed of 5 Mbps in both rural and urban areas. The Commission previously noted that ''commenters generally did not discuss the technical requirements of 4G LTE service'' but did cite multiple comments on the performance requirement for MF–II recipients. Commenters consistently cited 5 Mbps download as consistent with 4G LTE service but differed on whether a 10/1 Mbps requirement was too aggressive. Similarly, the *2016 Broadband Progress Report* found that, even in urban areas, 119.3 million Americans (45 percent) still lack access to 4G LTE with a minimum advertised speed of 10/1 Mbps. Thus, establishing a download speed of 10 Mbps for identifying areas eligible for MF–II support would not reflect the typical consumer experience in urban and rural areas and would direct the Commission's limited funds to areas that are already being served at speeds that are reasonably comparable to what is available in urban areas. The Commission's analysis of available data and the record reflects that consumers in urban areas generally have access to 4G LTE service at a download speed of 5 Mbps. Therefore, this benchmark, coupled with the parameters the Commission adopts in the *MF–II Challenge Process Order,* serves as a reasonable basis for its analysis of what areas are currently lacking unsubsidized service at an equivalent level.

16. The purpose of the eligibility benchmark is to determine at the outset of MF–II which areas lack service reasonably comparable to current service because they are uneconomic to serve and require subsidies to achieve 4G LTE service. In contrast, the performance benchmark for an MF–II recipient ensures that the Commission's limited universal service funds are used in a fiscally responsible manner to assure that service in eligible areas is reasonably comparable to urban offerings in the future. Setting the eligibility benchmark the same as the performance benchmark would have the counterproductive effect of directing subsidies to areas that are already receiving high levels of service, and consequently providers in those areas could potentially achieve the performance objective in the first year of a ten-year support program. Different eligibility and buildout requirements are consistent with past Commission decisions in the universal service context, and they serve ''our objective of ensuring that we target our finite budget to where it is most needed.'' To accomplish this objective, the Commission must exercise its discretion to balance competing universal service principles of promoting nationwide deployment of high-speed mobile broadband and spending limited universal service funds in a cost-effective manner.

17. The Commission also rejects petitioners' assertions that it did not provide sufficient analysis to justify using the 5 Mbps download speeds as the eligibility benchmark in light of its expectation that areas found to be ineligible for MF–II support are likely to see improvements in the coming years. The Commission's objective in MF–II, in accordance with the *USF/ICC Transformation Order,* 76 FR 73829, November 29, 2011, is to subsidize reasonably comparable service in unserved areas, not to subsidize competition. The Commission anticipates that to the extent an area is served by an unsubsidized provider offering qualified 4G LTE service such that the area is not eligible for MF–II support, that unsubsidized service provider will have incentives to continue to invest in its network to maintain and expand its current market position. In addition, the Commission anticipates that as the infrastructure to support high levels of service develops over the ten-year term of MF–II support, the incremental costs of upgrades to service in ineligible areas will become lower, further facilitating improvements in those areas. Even if incentives to invest in unsubsidized areas were lower, with all things being equal, these lower upgrade costs would help offset that effect, and would incentivize service providers to increase their speed offerings in those areas. Furthermore, the Commission notes that the cost of upgrading service is significantly lower than the cost of building a new network in unserved areas or filling in coverage gaps in areas with significant coverage, and thus the Commission anticipates that incentives will continue to encourage upgrades to existing network deployments in unsubsidized areas. Accordingly, the Commission expects reasonable service improvements in ineligible areas because private actors have already demonstrated in the marketplace that they have an incentive to invest in those areas without federal support.

18. Lastly, the Commission declines to adopt an upload speed benchmark to identify areas eligible for MF–II support. Given the nature of mobile wireless deployment and the interplay between download and upload speeds when designing and optimizing an LTE network, there is no single upload edge speed that corresponds to a 5 Mbps download speed. One party, however, has submitted recent LTE speed measurement results showing that with 1 Mbps as the 10th percentile of the upload speed distribution, the standard national compliance, at the non-MSA (metropolitan statistical area) and MSA level, only ranges from approximately 5 percent to 12 percent. This suggests that a cell edge 1 Mbps upload speed standard requirement would exceed the upload speeds of most current LTE service areas. Thus, including a 1 Mbps upload speed benchmark could make eligible for support most areas with current LTE service at download speeds of 5 Mbps. Finally, the Commission also finds that the additional upload speed standard would add unnecessary complexity to the already complex challenge process. The Commission concludes that including a 1 Mbps upload speed benchmark for

determining areas eligible for MF–II support would be contrary to its policy goal of directing its limited MF–II resources to areas of the country that lack sufficient services because such a benchmark would expand the areas eligible for support to include areas that already have 4G LTE service, without any countervailing benefit to consumers.

C. Considering Incompatible Technologies in Determining Eligible Areas

19. The Commission affirms the conclusion it reached in the *Mobility Fund II Report & Order* that areas with unsubsidized, qualified 4G LTE service are not at risk of losing service and therefore should be ineligible to receive support, regardless of whether the areas have networks that are compatible with both GSM and CDMA. The Commission further affirms its earlier finding that it should not condition limited MF–II support on a requirement that newly deployed 4G LTE networks be backwards compatible with GSM and CDMA network technologies that are being phased out by the marketplace.

20. Two petitioners now seek reconsideration of this issue; they argue that areas that do not have both GSM and CDMA coverage by unsubsidized providers should be eligible for MF–II support. The Commission denies the petitions for reconsideration of this issue. Efficiently distributing MF–II funds and expanding coverage are the Commission's priorities, and it must balance these policy goals against an issue that even one petitioner notes ''is one that time and ubiquitous VoLTE deployment will eventually solve.'' In the face of a diminishing technological issue, the Commission directs MF–II support in a fiscally-responsible manner by focusing on areas that lack unsubsidized, qualified 4G LTE coverage without considering whether older technologies are compatible. The Commission's gradual phase down of legacy support will provide consumers and carriers with time to complete the transition to newer technologies.

D. Considering Collocation in Determining Eligible Areas

21. The Commission also denies a petitioner's request that it reconsider the basis on which it determines whether qualified 4G LTE deployed in an area is subsidized or unsubsidized. Consistent with the Commission's earlier conclusion, the Commission affirms that it will determine whether a provider that deploys qualified 4G LTE in an area is subsidized or unsubsidized based only on whether it receives high-cost support for that area using USAC high-cost disbursement data, as described in the *MF–II Challenge Process Order,* and not based on whether that provider collocates equipment on a tower of another provider receiving universal service support. In addition, the Commission will not consider government subsidies other than legacy mobile wireless CETC high-cost support and MF–I support in determining whether a provider's qualified 4G LTE is subsidized.

22. The Commission also notes that the Commission has not collected and does not intend to collect the tower-by-tower data that would be necessary to conduct the analysis proposed by the petitioner because the possible benefits of collecting that data appear small compared to the significant costs of collection and analysis. As part of their Form 477 data filings, mobile wireless carriers submit maps that depict coverage without distinguishing between carrier-owned and collocated facilities. As discussed in the *MF–II Challenge Process Order,* based on a new, one-time filing of coverage maps provided under standardized parameters, the Commission will determine 4G LTE coverage and establish the areas presumptively eligible for MF–II support. Determining whether coverage depicted in the standardized coverage maps is provided through collocation on an area-by-area basis would be inconsistent with the Commission's decision to base MF–II eligibility strictly on the absence of unsubsidized, qualified 4G LTE, and doing so would impose a significant burden on both carriers and the Commission.

IV. Second Report and Order

23. Consistent with the Commission's overarching objective to transition quickly away from the legacy CETC support system, it adopts a streamlined challenge process that will efficiently resolve disputes about areas deemed presumptively ineligible for MF–II support. Based on the Commission's review of the record and its comprehensive evaluation of the advantages and disadvantages of the various proposals, the Commission concludes that the approach it adopts will both promote fairness and minimize burdens on interested parties.

24. Under the adopted approach, the Commission will begin with a new, one-time collection of 4G LTE coverage data, which will be used to establish the map of areas presumptively eligible for MF–II support. Specifically, the Commission will require providers to file propagation maps and model details with the Commission indicating their current 4G LTE coverage, as defined by download speeds of 5 Mbps at the cell edge with 80 percent probability and a 30 percent cell loading factor.

25. An interested party (the challenger) will have 150 days to initiate a challenge of one or more of the areas initially deemed ineligible in the Commission's map of areas presumptively eligible for MF–II support (the challenge window). Prior to the close of the challenge window, a challenger may use USAC's online challenge portal (the USAC portal) to (1) access confidential provider-specific information for areas it wishes to challenge; (2) identify the area(s) it wants to challenge; (3) submit evidence supporting the challenge; and (4) certify its challenge for the specified area(s). After agreeing to treat the data as confidential, challengers will be able to access via the USAC portal (a) the underlying provider-specific coverage maps submitted as part of the new data collection; (b) the list of pre-approved provider-specified handsets with which to conduct speed measurements; and (c) any other propagation model details collected as part of the new data collection. To certify a challenge, a challenger will be required to identify the area(s) within each state that it wishes to challenge and submit actual outdoor speed test data collected using standardized parameters. Challengers will submit their challenges via the USAC portal. The Commission directs the Bureaus to work with USAC to establish the USAC portal through which a challenger will be able to access the confidential provider-specific information that is pertinent to the challenge, as well as submit its challenge, including all supporting evidence and required certifications.

26. Once a challenger submits its evidence in the USAC portal, the system will conduct an automatic validation to determine whether the challenger provided sufficient evidence to justify proceeding with each submitted challenge. In the event the data fail automatic validation for an area, the system will flag the problem for the challenger. If the failure occurs while the challenge window is still open, the challenger may submit additional or modified data, or modify its challenged area contours, as required, to resolve the problem. Once the challenge window closes, however, the challenger will have no further opportunity to correct existing, or provide additional, data in support of its challenge. Only those challenges to areas that are certified by a challenger at the close of the window will proceed.

27. A challenged party will have an opportunity to submit additional data via the USAC portal in response to a certified challenge (the response window). If a challenged party does not oppose the challenge, it does not need to submit any information. After the response window closes, Commission staff will adjudicate certified challenges and responses.

28. The Commission finds that, in conjunction with the new data collection, this framework for the MF–II challenge process appropriately balances the need for accuracy against the burdens imposed on interested parties. The Commission anticipates that using standardized new coverage data as the basis for its initial eligibility map will improve the accuracy and reliability of the information available to potential challengers, which should result in fewer, more targeted challenges and should reduce the administrative burdens on Commission staff, challengers, providers, and other stakeholders. Requiring challengers to submit proof of lack of unsubsidized, qualified 4G LTE coverage should deter frivolous challenges based on anecdotal evidence and, thereby, expedite the challenge process. Moreover, allowing, but not requiring, challenged parties to submit data in response to a challenge will both promote fairness and minimize burdens on interested parties.

29. The Commission directs the Bureaus to issue a public notice or order (following the Bureaus' issuance of a notice and opportunity for comment) detailing instructions, deadlines, and requirements for filing a valid challenge, including file formats, parameters, and other specifications for conducting speed tests.

A. Parameters for Generating Initial Eligible Areas Map

30. In the new, one-time MF–II data collection, the Commission will require providers to file propagation maps and model details with the Commission indicating their current 4G LTE coverage, as defined by download speeds of 5 Mbps at the cell edge with 80 percent probability and a 30 percent cell loading factor. The Commission finds that a download speed of 5 Mbps with 80 percent cell edge probability, which is equivalent to approximately 92 percent cell area probability, and a 30 percent cell loading factor, strikes a reasonable balance between expanding LTE into unserved areas and enhancing existing suboptimal LTE service areas, which promotes the optimal use of limited public funds.

31. The Commission acknowledges that the 80 percent cell edge probability and 30 percent cell loading factor parameters required for the data collection are lower than those proposed in the industry consensus proposal. Adopting the higher cell edge probability and cell loading factor parameters in the industry consensus proposal, however, would increase the likelihood that MF–II funds would be directed to areas that already meet the MF–II performance requirement of a 10 Mbps median download speed. One wireless provider submitted recent LTE speed measurement data analysis based upon nationwide wireless provider performance in specific states. The analysis showed that in some cases less than 2 percent of the data points achieved a 5 Mbps download speed 90 percent of the time. Indeed, the Commission estimates that the cell area median download speed in the cell areas associated with the industry consensus proposal's proposed parameters would be significantly in excess of 10 Mbps and therefore higher than the MF–II performance requirement. In fact, the Commission estimates that areas larger than industry consensus proposal's proposed cell areas would have median download speeds in excess of 10 Mbps. The Commission's analysis shows that the 80 percent cell edge probability it adopts corresponds with a 92 percent cell area probability, which means users would have a greater than 90 percent chance of achieving a download speed of at least 5 Mbps across the entire coverage area of a cell. In addition, these parameters exceed the parameters that wireless operators typically use when deploying networks into previously-unserved areas (greenfield builds) of 75 percent cell edge probability and 90 percent cell area probability. In light of the difficulties of precisely determining the coverage areas where service with a minimum download speed of 5 Mbps is available, the Commission finds that a cell edge probability of 80 percent and a cell area probability of 92 percent appropriately balance the concern of misrepresenting coverage with its priority of directing its limited universal service funds on areas most in need of support. Further, adoption of the industry consensus proposal's proposed parameters would likely result in MF–II support being used to upgrade or over-build current 4G LTE networks rather than to expand 4G LTE coverage to unserved areas.

32. In addition, the Commission believes that a 30 percent cell loading factor in rural areas is more appropriate for MF–II purposes than the industry consensus proposal's proposed 50 percent cell loading factor, which is more typical in non-rural areas where there is more uniform traffic. Typical cell site density in rural areas is much lower than in urban areas, resulting in an overall lower interference environment. Additionally, when compared to urban and suburban areas, rural areas typically have lower amounts of uniform traffic among cells because of the varied population distribution across cells, lower numbers of simultaneous users, and lower overall demands on the network over time. As such, cell loading is typically lower in rural areas than in urban and suburban areas. The lower cell edge probability and cell loading factor parameters for the data collection will likely decrease the eligible areas and target the limited MF–II funds to more areas that are currently unserved or served by 4G LTE networks with a median download speed below 10 Mbps. If the Commission was to adopt a lower cell edge probability, it would unnecessarily risk focusing funds on the costliest to serve areas, thus decreasing the square miles receiving support in the auction and consequently reducing the cost effectiveness of the MF–II program. A lower cell edge probability requirement would likely decrease the eligible areas with marginal LTE coverage. Thus, using its predictive judgment, the Commission finds that these parameters meet its standards for the availability of coverage and are best suited to advancing its goals for MF–II.

33. The Commission recognizes that some may have concerns about the effect of the parameters it adopts on the availability of certain mobile applications, for instance telemedicine and precision agriculture, in rural areas. The Commission believes those concerns are misplaced. Remote monitoring and diagnosing of medical conditions and precision agriculture, which uses satellite GPS positioning and remote sensors in farming operations, are typically lower-bandwidth, machine-to-machine applications and should not significantly increase the overall cell loading or require speeds greater than 5 Mbps. Further, the Commission believes that focusing its limited funds on expanding service to the areas that currently lack 4G LTE service is the best way to increase the availability of these services in rural areas. Applying a higher cell loading factor more typical of an urban or suburban area or increasing the cell edge probability even further is more likely to direct funds to more areas that already have coverage

that can support telemedicine and precision agriculture applications.

34. As one party proposed, filers shall report an outdoor level of coverage. The coverage boundaries shall have a resolution of 100 meters (approximately three arc-seconds) or better, and shall likewise use an appropriate clutter factor and terrain model with a resolution of 100 meters or better. In addition, filers shall use the optimized RF propagation models and parameters used in their normal course of business. The Commission directs the Bureaus to specify what other propagation model details and parameters must be filed alongside such propagation maps in a subsequent public notice. In addition to submitting propagation maps and model details of 4G LTE coverage, providers shall report the signal strength (RSRP) and clutter factor categories used to generate their coverage maps. If the signal strength in the coverage maps varies regionally, then such variations must be reported. The providers must report the loss value associated with each clutter factor category used in their coverage maps. Additionally, providers shall submit a list of at least three readily-available handsets that challengers can use to conduct speed tests, as well as a certification, under penalty of perjury, by a qualified engineer that the propagation maps and model details reflect the filer's coverage as of the generation date of the map in accordance with all other parameters. The Commission clarifies that the handsets identified by providers must include at least one compatible with industry-standard drive test software. The Bureaus will issue further guidance or requirements on the handsets that may be used for speed tests in a subsequent public notice.

35. The Commission finds that requiring a specific signal strength benchmark, as sought by several commenters, is not necessary for these propagation maps because the cell edge speed threshold requirement subsumes a specific signal strength value depending on specific operating signal bandwidth and the network deployment configurations. A 10 MHz bandwidth has double the noise power of the 5 MHz bandwidth; thus, it requires higher signal strengths for the same signal quality (SNR) requirement. The thermal noise power equation indicates that noise power is directly proportional to the bandwidth. The Commission's analysis comparing results of theoretical propagation models and actual speed test data indicates that the signal strength parameter in propagation models may not be closely correlated with actual on-the-ground data in a particular geographic area. As a result, and in light of the differing technical characteristics of service providers' LTE deployments, the Commission decides to benchmark download speed, which is what the customer receives, rather than signal strength, to determine whether a particular geographic area is eligible or not for MF–II support. With this in mind, the Commission sets the download speed at 5 Mbps at 80 percent probability, and will evaluate challenges on the basis of measured download speeds. In other words, the topography of an area as well as summer foliage may lead to differences between expected signal strength and the actual experienced speed of consumers. Thus, the Commission's cell edge speed threshold requirement should result in more accurate data in America's deserts, prairies, rolling hills, mountains, and forests than an across-the-board signal strength parameter. The Commission is mindful, however, of the concerns of some providers regarding signal strengths, and the Commission will, as noted above, require providers to report signal strength with their coverage maps. The signal strength information will be available to challengers. When issuing filing instructions, the Commission directs the Bureaus to explain what additional parameters (such as signal strength and clutter categories) and information must be included with coverage map filings, and subsequently disclosed to challengers in the challenge process.

36. In a public notice to be released later in the MF–II process, the Commission directs the Bureaus to provide 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. In order to provide ample time for carriers to generate data in accordance with these parameters, the Commission directs the Bureaus to set the deadline for carriers to submit data for the one-time data collection at least 90 days after the release of the filing instructions public notice.

B. Interested Parties Eligible To Participate

37. Based on the Commission's experience in the challenge processes for MF–I and CAF–II, and after carefully weighing the record on this issue, the Commission concludes that government entities (state, local, and Tribal) and all service providers required to file Form 477 data with the Commission are best suited to participate as challengers in the MF–II challenge process. Allowing these interested parties to participate in the challenge process satisfies the Commission's policy goal of administrative efficiency because they are most likely to be able to acquire the requisite data sufficient to support a valid challenge and, in many cases, are already familiar with filing data with USAC. Many Form 477 filers have a pre-existing relationship (*i.e.,* an account) with USAC because they are required to make filings on a regular basis with USAC. To the extent that any Form 477 filer or government entity eligible to participate does not have an account with which to authenticate against the USAC single sign-on system by the time the USAC portal opens, such interested parties will be required to request an account. The Commission directs the Bureaus to detail this process along with other instructions to file a valid challenge in a subsequent public notice.

38. As a practical matter, the Commission does not expect that an individual consumer would have the time, ability, or resources to file a valid challenge. Instead, the Commission anticipates that an individual consumer will be best served by participating in the MF–II challenge process through his or her state, local, or Tribal government entity. This expectation is supported by past practice before the agency, as individual consumers did not file challenges in either the MF–I or CAF proceedings. If, however, a consumer, organization, or business believes that its interests cannot be met through its state, local, or Tribal government entity, and it wishes to participate in the process as a challenger, it is free to file a waiver with the Commission for good cause shown, either on its own or with the assistance of an organization. Waivers may be submitted by email to *auction904@fcc.gov* or delivered in hard copy to Margaret W. Wiener, Chief, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, FCC, 445 12th Street SW., Room 6–C217, Washington, DC 20554. The Commission anticipates granting waivers in cases in which an individual, organization, or business demonstrates a bona fide interest in the challenge process and a plausible ability to submit a valid challenge. And the Commission encourages state commissions, state-level broadband deployment offices, county and municipal executives and councils, Tribal governments, and other governmental entities to participate robustly in the challenge process to ensure that the Commission's information about where service is or is not available is as accurate as possible.

39. Moreover, given the improvements the Commission expects to see in the standardized information

that will be collected for MF–II purposes, it anticipates that there should be less concern associated with eligible area determinations, which, in turn, should reduce the likelihood that individual consumers should have to bear the burden of seeking to participate in the process. As the Commission explained in the *Mobility Fund II FNPRM,* ''the challenge process must not impede the implementation of MF–II support.'' The Commission's decision therefore fosters its commitment to designing a challenge process that is as efficient and open as possible.

C. Types of Challenges

40. Because the Commission is undertaking a new collection of standardized, more reliable, and more recent 4G LTE coverage data, it will only permit challenges for areas that the Bureaus identify as ineligible for MF–II support. The Commission anticipates that a party that submits a challenge for an eligible area will likely be the unsubsidized service provider that submitted and certified the data used to make the initial eligibility determination for the challenged area. As such, the challenge would consist of nothing more than an update to or correction of the coverage data submitted by the unsubsidized service provider during the new data collection in compliance with the Commission's new requirements. Since, under the framework the Commission adopts, service providers will be required to update their coverage data shortly before the start of the challenge process, permitting such ''corrections'' within the challenge process would be administratively inefficient and unnecessarily delay the deployment of MF–II support. The Commission is confident that the new data collection will give providers ample opportunity to correct and/or update the coverage data previously provided via Form 477. Therefore, the Commission will not permit challenges for areas that the Bureaus identify as eligible for MF–II support.

D. Restricting De Minimis Challenges

41. As part of the framework the Commission adopts for the MF–II challenge process, it will limit challenges to *de minimis* geographic areas to increase the efficiency of the challenge process and reduce the administrative complications of resolving challenges for very small coverage gaps. Challengers will not be required to match up challenged areas to census blocks or census block groups (CBGs). The Commission believes this change will ease the filing burden on challengers because the data required will align more closely with data already collected and maintained in the normal course of business. Consistent with this approach, the Commission will not link *de minimis* challenges to CBGs, because a significant portion of CBGs are small enough (less than 1 square kilometer) that establishing a minimum area for challenges as a portion of a CBG would make the *de minimis* challenge area so small as to be inconsequential for improving efficiency in the challenge process. Accordingly, the Commission will require only that any challenged area be of a minimum size of at least one square kilometer. Ineligible areas of less than one square kilometer can be subject to challenge insofar as they are part of a challenge where the total size of areas being challenged exceeds the *de minimis* size requirement. This minimum size requirement will prevent challenges solely regarding minor, patchy areas often at the edge of a covered area, which aligns with the overall goal of using MF–II funds to expand service to unserved areas.

E. Data Required for Submission of Challenge

42. The Commission finds that a challenger must submit detailed proof of lack of unsubsidized, qualified 4G LTE coverage in support of its challenge. For each state, a challenger must identify the specific area(s) it wants to challenge and submit actual outdoor speed test data that satisfy the parameters the Commission adopts in the *MF–II Challenge Process Order,* as well as any other parameters that the Commission or Bureaus may implement. If the challenged area(s) extend across state borders, a challenger will need to initiate separate challenges for each state into which the challenged area(s) extend. The speed test data must be collected using the latest devices specifically authorized by the providers that submitted 4G LTE coverage data in response to the new, one-time data collection discussed above (*i.e.,* provider-specified handsets). The Commission finds that such ''on the ground'' data collected using standardized parameters are a reliable form of evidence because they simulate consumers' actual experience.

43. These requirements strengthen the Commission's ability to design an administratively efficient challenge process that does not impede implementation of MF–II. The Commission finds that requiring challengers to submit detailed proof of lack of unsubsidized, qualified 4G LTE coverage instead of ''anecdotal evidence'' is fair, minimizes the burden on providers and Commission staff, and should help deter excessive and unfounded challenges that could delay the deployment of MF–II support. The Commission agrees with several commenters that requiring actual speed test data will not impose an excessive burden on challengers, including small carriers. The Commission expects that challenged areas will be sufficiently circumscribed that challengers will not need to collect speed test data over unnecessarily large areas. Further, the Commission expects that small carriers are likely to already own drive test equipment. To the extent they do not, the Commission's decision to allow application-based tests provides a less expensive and more mobile means of collecting data. Thus, the Commission declines to allow a challenger to initiate the challenge process with an unsubstantiated good-faith assertion of lack of unsubsidized, qualified 4G LTE coverage.

1. Standard Parameters

44. Although the Commission agrees with commenters that some flexibility with testing standards is warranted, it finds it necessary to adopt clear guidance and parameters on speed test data to ensure that the evidence submitted by challengers is reliable, accurately reflects consumer experience in the challenged area, and can be analyzed quickly and efficiently. As a preliminary matter, the Commission will allow challengers to submit speed data from hardware- or software-based drive tests or application-based tests that cover the challenged area. To minimize the burdens on challengers, the Commission will not require that an independent third party conduct the speed tests. The Commission will require that all speed tests be conducted pursuant to standard parameters using Commission-approved testing methods on pre-approved handset models. Accordingly, the Commission expects that it would be difficult to manipulate the data collected regardless of whether a challenger uses drive-based or application-based tests as both types of tests can automatically generate data reports that can conform to the specifications for the data submission. The Commission will, however, require that the speed test data be substantiated by the certification of a qualified engineer or official under penalty of perjury. For challengers that are governmental entities and do not have a qualified engineer available to certify, the Commission will allow certification by a government official authorized to act on behalf of the organization and

with actual knowledge of the accuracy of the underlying data.

45. A challenger must provide proof of lack of unsubsidized, qualified 4G LTE coverage in the form of measured download throughput test data for each of the unsubsidized providers claiming qualified 4G LTE coverage in the challenged area. As part of the new MF–II data collection, the Commission will require service providers with qualified 4G LTE coverage to identify at least three readily available handset models appropriate for testing those providers' coverage. The Commission will require providers to specify at least one handset that is compatible with industry-standard drive test software. The Commission directs the Bureaus to propose and adopt further guidance on the types of devices that may be used for speed tests in the subsequent public notices. Challengers electing to use application-based tests and software-based drive tests must use the applicable handsets specified by each unsubsidized service provider with coverage in the challenged area. In addition, to accurately reflect consumer experience in the challenged area, the challenger must purchase an appropriate service plan from each unsubsidized service provider in the challenged area. An appropriate service plan would allow for speed tests of full network performance, *e.g.,* an unlimited high-speed data plan. If there are multiple unsubsidized service providers in the challenged area, the challenger must purchase service plans that are comparable (*i.e.,* similar with respect to services provided).

46. All speed tests must be conducted between the hours of 06:00 a.m. and 12:00 a.m. local time, when consumers are most likely to use mobile broadband data. To ensure that the speed test data reflect consumer experience throughout the entire challenged area, a challenger must take speed measurements that are no more than a fixed distance apart from one another within the challenged area, and which substantially cover the entire area. The Commission directs the Bureaus to adopt the specific value for the maximum distance between speed tests after seeking comment in a subsequent public notice. This value will be no greater than one mile. This requirement serves as an upper bound, and a challenger will be free to submit measurements taken more frequently. While the Commission declines to adopt the specific parameter here, it is convinced that a value within this range will strike the correct balance between the benefits of increased accuracy, and the harms of burdens on small carriers and to the efficient administration of challenges. The Commission also agrees with one commenter that the data should reflect recent performance. However, given upcoming, expected deployment of new 4G LTE service in conjunction with the Commission's decision to perform a new data collection, the Commission is concerned that speed measurements taken before the submission of updated coverage maps may not reflect the current consumer experience. Thus, the Commission will only accept data that were collected after the publication of the initial eligibility map and within six months of the scheduled close of the challenge window.

47. The Commission directs the Bureaus to seek comment on and to implement any additional parameters and/or to require the submission of additional types of relevant data, such as signal strength tests, and then to implement any such parameters or requirements as appropriate to ensure that speed tests accurately reflect consumer experience in the challenged area, by issuing an order or public notice providing detailed instructions, guidance, and specifications for conducting speed tests.

2. Validation of Challenger's Data

48. The Commission adopts a general framework for automatic system validation of a challenger's evidence, and it directs the Bureaus to work with USAC to implement specific parameters for the validation process. Using an automated process is the most efficient way to evaluate the data submitted by a challenger because it ensures that the objective validation criteria are applied consistently across every challenge.

49. Under this approach, at the outset the USAC system will superimpose each identified challenged area on the initial eligibility map and will remove any portions that overlap eligible areas. If a challenged area meets the *de minimis* area threshold, that challenge will proceed. If it does not meet the threshold, the system will flag the failure and will not accept that challenge for submission unless and until the challenger submits during the challenge window new data that meet the threshold.

50. Next, the USAC system will analyze the geographic coordinates of the points at which the challenger conducted the speed tests and will validate that the data associated with each speed test point meet the specifications for speed tests. To be counted towards a valid challenge, the speed test must record a download speed less than 5 Mbps (counted speed tests) and meet all other standard parameters. In order to implement the requirement that the tests substantially cover the entire challenged area and that each point is no more than a fixed distance apart, the system will create a buffer (*i.e.,* draw a circle of fixed size) around each counted speed test point and calculate the area of these buffered points (speed test buffer area). The system will apply a buffer with a radius equal to half of the maximum distance parameter, and will trim any portion of the buffer that is outside of the challenged area. In addition, where a challenged area overlaps the submitted coverage map of more than one incumbent provider, the system will require counted speed tests for each provider in order to calculate the speed test buffer area. For each challenged area, if the speed test buffer area covers at least 75 percent of the challenged area, the challenge will pass validation, and once certified, these challenged area(s) will be presented to the incumbent provider(s) for a response. The area of a circle with diameter superimposed on a square with width is approximately 78.5 percent, therefore setting the validation threshold at 75 percent area coverage ensures that speed measurements conducted no more than a fixed distance apart from one another in a challenged area are sufficient to establish coverage of the entire area, when each measurement point is buffered by a radius of half of the fixed distance parameter. If the speed test buffer area does not cover at least 75 percent of the challenged area, the challenge for that area will fail validation unless the challenger submits new evidence or modifies its challenge during the challenge window such that it meets the 75 percent threshold.

51. The USAC system will require speed tests to substantially cover the entire challenged area (*i.e.,* 75 percent) regardless of any characteristics of the area, including whether any part of the area is inaccessible due to terrain, private property, or other reason. The Commission declines to provide any special accommodations for a challenger to indicate that it was unable to access any part of the challenged area. Challengers have the burden of proving that an area deemed ineligible is, in fact, not covered by at least one carrier providing qualified, unsubsidized 4G LTE service. Providing special accommodations that would relieve challengers of the need to furnish actual evidence would be inconsistent with this decision, would be difficult to administer, and would increase the likelihood of gamesmanship, none of which further the Commission's goal of

conducting a fair and efficient challenge process in a timely manner. The Commission notes that while the system will not provide any special accommodations, challengers may still include areas with inaccessible land in their challenges so long as the submitted speed measurements otherwise meet the validation threshold showing that 75 percent of the area has insufficient coverage. Moreover, this decision is confined only to the challenge process; a bidder in the MF–II auction may still bid for support to serve eligible areas that include land that may be inaccessible. A bidder that ultimately wins support to serve an area with inaccessible lands will remain responsible for demonstrating its performance in serving that area.

52. Each challenged area that meets the *de minimis* threshold will be considered individually. Challenged areas that meet the validations, including the 75 percent speed test buffer area overlap, will proceed once certified by the challenger. The USAC system will determine which portions of a challenged area overlap which 4G LTE providers, and respondents will see only those challenged areas and speed test buffer areas that overlap their 4G LTE coverage.

F. Opportunity To Respond to Challenges

53. The Commission will provide challenged parties a limited opportunity to submit additional data in response to a challenge. The Commission finds that this approach promotes its goals of a fair and fiscally responsible MF–II program while minimizing the burdens on challenged parties. Giving challenged parties an opportunity to contest a challenge and submit more detailed coverage data to supplement the information provided during the initial data collection will help to ensure that only areas truly lacking unsubsidized, qualified 4G LTE coverage will receive MF–II support.

54. After the challenge window closes, the response window will open. Using the USAC portal, challenged parties will have 30 days after the opening of the response window to: (1) Access and review the data submitted by the challenger with respect to the challenged area; and (2) submit additional data/information to oppose the challenge (*i.e.,* demonstrate that the challenger's speed test data are invalid or do not accurately reflect network performance). If a respondent chooses to respond, it need only conduct speed tests of its own network (or gather its own geolocated, device-specific data from network monitoring software) in the disputed areas, which should require less time to complete than a challenger testing multiple networks in multiple areas for data to substantiate a valid challenge. Hence, the Commission agrees with commenters that propose that the response window does not need to be open for the same amount of time as the challenge window. If a challenged party does not oppose the challenge, it does not need to submit any additional data. A challenged party will not, however, have a further opportunity to submit any additional data for the Commission's consideration after the response window closes.

55. The Commission declines to require a specific level of response from challenged parties. The Commission will accept certain technical information that is probative regarding the validity of a challenger's speed tests including speed test data and other device-specific data collected from transmitter monitoring software. If a challenged party chooses to submit its own speed test data, the data must conform to the same standards and requirements the Commission adopts in the *MF–II Challenge Process Order* for challengers, except that it will only accept data from challenged parties that were collected after the publication of the initial eligibility map and within six months of the scheduled close of the response window. Any evidence submitted by a challenged party in response to a challenge must be certified by a qualified engineer or official under penalty of perjury. Since the Commission is not requiring a specific level of response from challenged parties, the response data will not be subject to USAC's automatic system validation process.

56. Although the Commission is willing to accept certain technical data that are probative regarding the validity of a challenger's speed tests, the data must be reliable and credible to be useful during the adjudication process. Specifically, technical data other than speed tests submitted by a challenged party, including data from transmitter monitoring software, should include geolocated, device-specific throughput measurements or other device-specific information (rather than generalized key performance indicator statistics for a cell-site) in order to be useful to help refute a challenge. The Commission agrees with commenters that ''on the ground'' data collected using standardized parameters are a reliable form of evidence because they simulate what consumers actually experience. Thus, the Commission expects that speed test data would be particularly persuasive evidence for challenged parties to submit to refute a challenge, especially since it will be easier for the Bureaus to compare equivalent data. While the system will not validate a challenged party's response data, to be probative in order to refute a challenge, speed tests must record a download speed of at least 5 Mbps and meet all other standard parameters.

57. The Commission directs the Bureaus to issue an order or public notice implementing any additional requirements that may be necessary or appropriate for data submitted by a challenged party in response to a challenge. Such order or notice will contain any further detailed instructions, guidance, and specifications for responding to a challenge.

G. Adjudication of Challenges

58. Consistent with the standard of review adopted in the *Connect America Fund Report & Order,* 78 FR 38227, June 26, 2013, and the *CAF II Challenge Process Order,* 78 FR 32991, June 3, 2013, the Commission adopts a preponderance of the evidence standard to evaluate the merits of any challenges. Additionally, the Commission adopts its proposal that the challenger shall bear the burden of persuasion. If, upon review of all the evidence submitted in the challenge, it appears that the challenger has not submitted sufficient evidence to demonstrate that it is more likely than not that the challenged area does not have qualified LTE coverage, the challenge will fail under this standard. Following the close of the response window, the Bureaus will adjudicate certified challenges based upon this standard and the evidence submitted by the challenger and challenged party(ies) to determine whether adjustments to the initial eligibility map are appropriate. The Bureaus will weigh the evidence submitted by challengers and challenged parties based on its reliability, giving more credence to data that were collected pursuant to the parameters established in the *MF–II Challenge Process Order* and any additional standards that the Commission or Bureaus may adopt. The Commission retains discretion to discount the weight of a challenger's evidence if a challenge appears designed to undermine the goals of MF–II. Particularly in light of the steps the Commission has taken to address questions about the reliability of Form 477 data in response to the comments, the Commission concludes that it is appropriate that the burden rest on the challenger. The Commission finds that placing the burden of proof on the

challenger both incentivizes challengers to present a full evidentiary record as well as discourages frivolous filings, thus supporting its goal of administrative efficiency and allowing for disbursement of support to unserved areas without unreasonable delay.

59. With respect to the evidentiary standard, comments submitted in the record support a preponderance of the evidence standard, and no commenters supported the higher standard of clear and convincing evidence. The preponderance of the evidence standard of review is consistent with the CAF challenge processes, as well as with a wide body of Commission precedent. A more demanding standard would impose an evidentiary burden that is in tension with the Commission's overall goal of making the most accurate determinations based on the evidence of record. The Commission finds that applying a preponderance of the evidence standard strikes the appropriate balance, potentially reducing the number of disputed areas and ensuring that the Commission has the data necessary to evaluate the merits of any challenges, while not unduly burdening smaller providers.

V. Procedural Matters

A. Paperwork Reduction Act Analysis

60. The *MF–II Challenge Process Order* contains new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new information collection requirements contained in this proceeding. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, it previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. The Commission describes impacts that might affect small businesses, which include most businesses with fewer than 25 employees, in the Final Regulatory Flexibility Analysis (FRFA) in Appendix A of the *MF–II Challenge Process Order.*

B. Congressional Review Act

61. The Commission will send a copy of the *MF–II Challenge Process Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

C. Final Regulatory Flexibility Analysis

62. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Further Notice section of the *Mobility Fund II FNPRM* adopted in February 2017. The Commission sought written public comment on the proposals in the *Mobility Fund II FNPRM* including comment on the IRFA. The Commission received three comments in response to the IRFA. The Commission also included a Final Regulatory Flexibility Analysis (FRFA) in the Report and Order section of the February 2017 *Mobility Fund II Report and Order.* Seven petitions for reconsideration, one comment in support of a petition for reconsideration, two oppositions to the petitions, and six replies to the oppositions were received by the Commission in response to the *Mobility Fund II Report and Order.* This FRFA addresses the comments on the IRFA and analyzes the modifications adopted in response to the petitions, comments, and responsive filings to the *Mobility Fund II Report and Order.* This FRFA conforms to the RFA.

1. Need for, and Objectives of, This Order on Reconsideration and Second Report and Order

63. Rural and high-cost areas of the United States trail significantly behind urban areas in the growth of 4G LTE service. The Mobility Fund Phase II (MF–II) will use a market-based, multi-round reverse auction and allow the Commission to redirect its limited resources to those areas of the country lacking unsubsidized, qualified 4G LTE service.

64. In the *MF–II Challenge Process Order,* the Commission adopts procedures for a challenge process to supplement its coverage maps by providing an opportunity for interested parties to provide up-to-date LTE coverage data to determine a map of areas presumptively eligible for MF–II support. Interested parties will have the ability to contest this initial determination that an area is ineligible for MF–II support because an unsubsidized service provider submitted data that demonstrates it is providing qualified 4G LTE service there. The challenge process adopted in *the MF–II Challenge Process Order* enables the Commission to resolve eligible-area disputes in an administratively efficient and fiscally responsible manner.

2. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

65. The Commission received one comment, one reply comment, and one written *ex parte* submission bearing on the IRFA. CCA and RWA believe that a challenge process without a required data collection would better fulfill the directive of the RFA. NTCA similarly expressed concern that requiring all providers, including small entities, to file new Form 477 data to determine eligibility for MF–II support by area would be unnecessary and contrary to the directive of the RFA.

66. The Commission is sensitive to the burden on small entities and other providers associated with the new data collection. However, the benefits of standardized, reliable data on which to base eligibility determinations outweigh the costs associated with their collection. Moreover, the use of newly collected data enables the Commission to adopt a streamlined challenge process that will reduce the burden on challengers and providers that respond to challenges. Fewer small providers will be forced to bring a challenge, and challenges will be more directed, more accurate, and less onerous because the Commission will have the best-available starting point of standardized data. The Commission also eases the burden of the new data collection on small entities by limiting the one-time data collection to providers who have previously reported 4G LTE coverage in Form 477 and have qualified 4G LTE coverage. The limited scope of the collection addresses the concerns of some of the smaller providers who objected to the potential burden of a universal new filing. The Commission has eased the burden of the collection by only requiring a filing from those who have easy access to the necessary data. Additional steps taken to minimize the burden of the challenge process on small entities are discussed below.

3. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

67. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA) in response to the proposed rule(s) and to provide a detailed statement of any change made to the proposed rule(s) as a result of those comments.

68. The Chief Counsel did not file any comments in response to the proposed procedures in this proceeding.

4. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

69. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. A ''small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

70. *Small Entities, Small Organizations, Small Governmental Jurisdictions.* The Commission's actions, over time, may affect small entities that are not easily categorized at present. The Commission therefore describes here, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry-specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9 percent of all businesses in the United States which translates to 28.8 million businesses. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 2007, there were approximately 1,621,215 small organizations. Finally, the term ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data for 2012 indicate that there were 89,476 local governmental jurisdictions in the United States. The Commission estimates that, of this total, as many as 88,715 entities may qualify as ''small governmental jurisdictions.'' Thus, the Commission estimates that most governmental jurisdictions are small.

71. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more. Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities.

72. The Commission's own data—available in its Universal Licensing System—indicate that, as of October 25, 2016, there are 280 Cellular licensees that will be affected by its actions. The Commission does not know how many of these licensees are small, as the Commission does not collect that information for these types of entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service, and Specialized Mobile Radio Telephony services. Of this total, an estimated 261 have 1,500 or fewer employees, and 152 have more than 1,500 employees. Thus, using available data, the Commission estimates that the majority of wireless firms can be considered small.

73. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. U.S. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

5. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

74. In the *MF–II Challenge Process Order,* the Commission adopts parameters both for establishing an eligible area baseline prior to the MF–II challenge process and for a streamlined challenge process. The process will efficiently resolve disputes about areas shown as eligible for MF–II support on the initial eligibility map that will be generated based on the new collection of 4G LTE coverage data. The Commission summarizes the reporting and other obligations of the MF–II challenge process in the accompanying *MF–II Challenge Process Order.* Additional information on these requirements can be found in the *MF–II Challenge Process Order* at paragraphs 27–63.

75. To establish the map of areas presumptively eligible for MF–II support, all current Form 477 filers that have previously reported qualified 4G LTE coverage and have qualified 4G LTE coverage based on the data specification set forth in *the MF–II Challenge Process Order* will be required to submit to the Commission a one-time new data filing detailing 4G LTE coverage. Providers will be required to file propagation maps and model details indicating current 4G LTE coverage, as defined by download speeds of 5 Mbps at the cell edge with 80 percent probability and a 30 percent cell loading factor. Filers should report an outdoor level of coverage. The coverage boundaries shall have a resolution of 100 meters (approximately three arc-seconds) or better and shall likewise use an appropriate clutter factor and terrain model with a resolution of 100 meters or better. Providers shall report the signal strength (RSRP) and clutter factor categories used to generate their coverage maps. If the signal strength in the coverage maps varies regionally, then such variations must be reported. The providers must report the loss value associated with each clutter factor category used in their coverage maps. In addition, filers should use the optimized RF propagation models and parameters that they have used in their normal course of business, subject to further

requirements set forth in subsequent public notices. Carriers will be required to submit data for the one-time collection at least 90 days after the release of the filing instructions public notice.

76. In conjunction with submitting propagation maps, model details, and signal strength of 4G LTE coverage, providers will submit a list of at least three readily-available handset models appropriate for challengers wishing to conduct a speed test of the providers' coverage in a particular area, and a certification, under penalty of perjury, by a qualified engineer or government official that the propagation map and model details reflect the filer's coverage as of the generation date of the map in accordance with all other parameters. For challengers that are governmental entities and do not have a qualified engineer available to certify, the Commission will allow certification by a government official authorized to act on behalf of the organization and with actual knowledge of the accuracy of the underlying data.

77. To initiate a challenge, a challenger must, within the 150-day challenge window: (1) Access confidential, provider-specific information for areas it wishes to challenge; (2) identify the areas(s) it wishes to challenge; (3) submit evidence supporting the challenge; and (4) certify its challenge for the specified area(s). Only service providers required to file Form 477 data and government entities (state, local, and Tribal) have standing to initiate a challenge. Challengers other than government entities and service providers required to file Form 477 data with the Commission, who are not already represented by another interested party, may file a waiver request with the Commission to participate in the MF–II challenge process for good cause shown. Only challenges for areas that the Bureaus identify as presumptively ineligible for MF–II support will be permitted.

78. Challengers must submit their challenges to areas identified as ineligible for support via an online challenge portal to be operated by the Universal Service Administrative Company (USAC). A challenger will be required to identify the area(s) that it wishes to challenge for each state. The Commission will require that any challenge be of a minimum size of at least one square kilometer.

79. Challengers will also be required to submit actual outdoor speed test data that satisfy the parameters outlined below and any others the Commission or Bureaus may implement. Speed test data must be collected using provider-specified handsets, and substantiated by the certification of a qualified engineer or, in the case of a government entity, a government official under penalty of perjury.

80. A challenger must provide detailed proof of lack of unsubsidized, qualified 4G LTE coverage in support of its challenge with speed test data for each of the providers claiming qualified 4G LTE coverage in the challenged area. The Commission will allow challengers to submit speed data from hardware or software-based drive tests or application-based tests that spatially cover the challenged area. All speed tests must be conducted between the hours of 06:00 a.m. and 12:00 a.m. local time, when consumers are likely to use mobile broadband data. A challenger must take speed measurements that are no more than a fixed distance apart from one another within the challenged area, and which substantially cover the entire challenged area. This fixed distance parameter will be a value no greater than one mile, and will be set by the Bureaus in a subsequent public notice. The Commission will only accept data that were collected after the publication of the initial eligibility map and within six months of the scheduled close of the challenge window.

81. Challengers electing to use application-based tests must use the applicable handsets specified by each service provider servicing any portion of the challenged area. The challenger must purchase a service plan from each unsubsidized service provider in the challenged area. If there are multiple unsubsidized service providers in the challenge area, the challenger must purchase service plans that are comparable (*i.e.,* similar with respect to cost and services provided).

82. Once a challenger has submitted its evidence in the USAC MF–II portal, the system will automatically conduct a validation to determine whether the evidence is sufficient to justify proceeding with the challenge. The USAC system will superimpose each challenger's identified challenged area on the initial eligibility map and will remove any portions that overlap eligible areas. A challenged ineligible area must meet the *de minimis* area threshold to move forward in the challenge process. If the challenged area does not meet the threshold, the system will flag the failure and will not accept the challenge for submission unless and until the challenger submits during the challenge window new data that meet the threshold. Then, the USAC system will analyze the geographic coordinates of the points at which the challenger conducted the speed tests to validate whether the speed test data show measurements of download speed less than 5 Mbps (counted speed tests) and meet all other standard parameters. In order to implement the requirements that each point is no more than a fixed distance apart and that the measurements substantially cover the entire challenged area, the system will create a buffer around each counted speed test point and calculate the area of these buffered points (speed test buffer area). The system will apply a buffer with a radius equal to half of the maximum distance parameter and will trim any portions of the buffers that are outside the challenged area. Where a challenged area overlaps the submitted coverage map of more than one incumbent provider, the system will require counted speed tests for each provider in order to calculate the speed test buffer area. If the speed test buffer area within each challenged area covers at least 75 percent of the challenged area, the challenge will pass validation, and once certified, the challenged area(s) will be presented to the incumbent provider(s) for a response. If the speed test buffer area does not cover at least 75 percent of the challenged area, the challenge for that area will fail validation unless the challenger submits new evidence or modifies its challenge during the challenge window such that the challenge for that area meets the 75 percent threshold. Each challenged area that meets the *de minimis* threshold will be considered individually. The USAC system will determine which portions of a challenged area overlap which 4G LTE providers, and respondents will see only those challenged areas and speed test buffer areas that overlap their 4G LTE coverage.

83. Once the challenge window closes, challenged parties will have a limited opportunity to submit additional data in response to a challenge. Using the USAC portal, a challenged party will have 30 days after the opening of the response window to: (1) Access and review the data submitted by the challenger with respect to the challenged area; and (2) submit additional data/information to oppose the challenge. The Commission will accept certain technical information that is probative to the validity of a challenger's speed tests, including, but not limited to speed test data and device-specific data collected from transmitter monitoring software. If a respondent chooses to respond, it need only conduct speed tests of its own network (or gather its own geolocated, device-specific data from network monitoring software) in the disputed

areas. If a challenged party chooses to submit its own speed test data, the data must conform to the same standards and requirements the Commission adopts for challengers. Any evidence submitted by a challenged party in response to a challenge must be certified under penalty of perjury. Response data will not be subject to the USAC's automatic system validation process. A challenged party may choose not to oppose the challenge in which case no additional information will be required. A challenger bears the burden of persuasion and the merits of any challenge will be evaluated under a preponderance of the evidence standard.

6. Steps Taken To Minimize Significant Economic Impact on Small Entities, Significant Alternatives Considered

84. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its approach, which may include the following four alternatives, among others: ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.''

85. The Commission has considered the economic impact on small entities in reaching its final conclusions and taking action through this proceeding. In the *Mobility Fund II FNPRM,* the Commission sought comment on the parameters for the challenge process for MF–II. The Commission acknowledged that any challenge process would necessarily involve tradeoffs between the burden on interested parties and the Commission and the timeliness and accuracy of final determinations. The Commission sought specific comment on the ways it could reduce the burden on smaller providers.

86. In the *MF–II Challenge Process Order,* the Commission amends its decision to use a parties' most recent Form 477 data and will instead supplement its coverage maps by providing an opportunity for interested parties to provide up-to-date LTE coverage data to determine an initial map of potentially eligible areas for MF–II support. This amended data baseline, in response to concerns regarding the lack of standardization and reliability of Form 477 data for the purpose of determining coverage meeting the MF–II eligibility benchmark, is intended to provide the Commission and interested parties with the best available starting point of standardized coverage data. In building on this baseline, the procedures the Commission adopts in the *MF–II Challenge Process Order* will provide greater certainty and transparency for entities participating in the MF–II challenge process, including small entities. In the *Mobility Fund II FNPRM,* the Commission sought comment on two options, ''Option A'' and ''Option B'' for the challenge process, and invited alternative options for the challenge process.

87. ''Option A'' allowed a challenge to be made on a good-faith belief, based on actual knowledge or past data collection, that 4G LTE coverage was not available in an area as depicted by Form 477 filings. Carriers and state and local governments would be eligible to participate. The Commission sought comment on what evidence, if any, should be required in support of a challenge, whether or not it should require a challenged area to reach a minimum size threshold, whether challenges should be allowed for areas marked as eligible, and how and when challenged providers could respond and with what evidence of coverage.

88. ''Option B'' gave challenging parties 60 days following the Commission's release of a list of eligible areas to submit evidence, which would include speed test data and shapefile maps and be filed in the public record, contesting the eligibility status of an area. Service providers and governmental entities located in or near the relevant areas would be eligible to participate. Challenged providers would then have 30 days to respond with their own speed tests and shapefile maps. The Commission sought comment on what requirements should be imposed for speed tests and on the burden of requiring such a level of response from challenged providers.

89. The Commission explained that it intended to assemble a ''best in class structure'' from the proposed options and made it clear the Commission did not intend to adopt either option wholesale. The Commission believes the challenge process procedures adopted today are the ''best in class'' and will both promote fairness and minimize burdens on small entities and other interested parties.

90. Given the concerns voiced in the comments regarding the lack of standardization and the reliability of using Form 477 data for MF–II purposes, a collection of new data will ultimately lead to a less onerous and more efficient challenge process for small entities and other MF–II participants. The challenge process will be streamlined using universal, standardized coverage data. These data are already in the possession of current providers who are therefore in the best position to provide data to the Bureaus. Current providers of unsubsidized, qualified 4G LTE coverage, including small businesses, will benefit by filing their coverage data under the standardized parameters adopted in the *MF–II Challenge Process Order* because they can establish their coverage areas as initially ineligible to competitors seeking subsidies in the MF–II auction.

91. Use of newly collected data enables the Commission to adopt a streamlined challenge process that will ease the burden of submission and resolution of challenges to the map of presumptively eligible areas. Because the map of presumptively eligible areas will be established using current, standardized data, challengers will be able to target fewer areas to challenge and reduce the need for more in-depth testing in certain areas. This in turn should reduce the burden on challengers and providers that respond to challenges. The Commission also limited the new, one-time data collection to providers who have previously reported 4G LTE coverage in Form 477 and have qualified 4G LTE coverage. The limited scope for the collection eases the burden by only requiring a filing from those who have easy access to the necessary data.

92. The Commission has taken a number of steps to reduce the burden on small entities and other parties participating in the challenge process while also collecting the information required to target areas without qualified 4G LTE coverage. For example, the Commission limits the types of challenges and will only accept challenges for areas identified by the Bureaus as ineligible for MF–II support. Because the data for the map of presumptively eligible areas are supplied by service providers, the Commission believes a challenge to an eligible area would likely be a correction by the service provider who supplied the initial data. The Commission will not require challengers to match up their challenged areas to census blocks or census block groups as proposed in the *Mobility Fund II FNPRM.* The Commission will allow challenges from government entities (state, local, and Tribal) and all service providers required to file Form 477 data with the Commission, limiting the process to those parties with an adequate interest who are likely to have the knowledge and expertise to make

the requisite submission. The Commission does not include consumers as challengers in the MF–II process and believe consumers are best suited to participate in the MF–II challenge process through a state, local, or Tribal government entity. If a consumer, organization, or business believes that its interests cannot be met through its state, local, or Tribal government entity, and it wishes to participate in the process as a challenger, it is free to file a waiver with the Commission for good cause shown, either on its own or with the assistance of an organization. These limits promote an efficient challenge process and prevent unnecessary delay of the deployment of MF–II support.

93. The Commission also requires that challenges be a minimum size of at least one square kilometer. By including a minimum size requirement for challenges, the Commission believe small businesses and all interested parties will benefit from a streamlined challenge process. The Commission rejected smaller alternatives to the size of the minimum challenge area. Making the minimum zone smaller than one square kilometer would make the area so small as to be inconsequential for improving efficiency for the challenge process. Ineligible areas of less than one square kilometer can be subject to challenge insofar as they are part of a challenge where the total size of the areas being challenged exceeds the *de minimis* size requirement. The minimum size requirement for a partial area challenge will prevent challenges solely regarding minor, patchy areas often at the edge of a covered area.

94. The *MF–II Challenge Process Order* adopts specific types of data needed to support a challenge, including actual outdoor download speed test data. The *MF–II Challenge Process Order* also adopts parameters around the type and number of handsets tested, service plan types, hours during which the tests must be completed, frequency of tests, and timing of tests in relation to the submission of the challenge. Standardizing the data-collection parameters will lead to a more efficient and accurate process, deter excessive and unfounded challenges, and minimize the burden on small business challengers as well as other parties utilizing the challenge process. In requiring the submission of standardized data, the Commission allows challengers to use drive-based or application-based tests to generate the necessary data reports. In addition, the Commission is not requiring that an independent third party conduct the speed tests. Given the parameters for speed test data, along with the required certification, the Commission believes the flexibility afforded by allowing different testing methods limits the burden on small businesses. *The MF–II Challenge Process Order* also adopts an automatic system of validation of a challenger's evidence. This automatic validation system ensures that the evidence is reliable and accurately reflects consumer experience in the challenged area, and can be analyzed quickly and efficiently. Challenged parties are also given a limited opportunity to respond to challenges. If a challenged party does not oppose the challenge, it does not need to submit any additional data. To reduce the burden on challenged parties, the Commission declines to require a specific level of response from challenged parties.

95. The Commission will send a copy of the *MF–II Challenge Process Order,* including this FRFA, in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *MF–II Challenge Process Order,* including this FRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

VI. Ordering Clauses

96. The Commission orders the following, pursuant to the authority contained in sections 1, 2, 4(i), 5, 10, 201–206, 214, 219–220, 251, 254, 256, 303(r), 332, 403, 405, and 503 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151, 152, 154(i), 155, 160, 201–206, 214, 219–220, 251, 254, 256, 303(r), 332, 403, 405, 503, 1302, and sections 1.1 and 1.429 of the Commission's rules, 47 CFR 1.1 and 1.429:

- The Order on Reconsideration and Second Report and Order is adopted. It is the Commission's intention in adopting these procedures that if any of the procedures that the Commission retains, modifies, or adopts herein, or the application thereof to any person or circumstance, are held to be unlawful, the remaining portions of the procedures not deemed unlawful, and the application of such procedures to other persons or circumstances, shall remain in effect to the fullest extent permitted by law.
- The parameters set forth in the Order on Reconsideration and Second Report and Order for the Mobility Fund Phase II challenge process, along with all associated requirements also set forth therein, go into effect October 10, 2017, except for the new or modified information collection requirements in the challenge process that require approval by the Office of Management and Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the approval of those information collection requirements and the date they will become operative.
- The Petition for Reconsideration and Comments filed by CTIA on April 26, 2017, is granted in part to the extent described herein.
- The Petition for Reconsideration and/or Clarification filed by the Rural Wireless Association, Inc. on April 12, 2017, is denied as described herein.
- The Petition for Reconsideration filed by Panhandle Telephone Cooperative, Inc. and Pine Belt Cellular, Inc. on April 27, 2017, is denied as described herein.
- The Petition for Reconsideration and Clarification filed by Rural Wireless Carriers (*i.e.,* United States Cellular Corporation, East Kentucky Network, LLC d/b/a Appalachian Wireless, Cellular Network Partnership d/b/a Pioneer Cellular, NE Colorado Cellular, Inc. d/b/a Viaero Wireless, Nex-Tech Wireless, LLC, and Smith Bagley, Inc.) on April 27, 2017, is denied as described herein.
- The Petition for Reconsideration and/or Clarification filed by the Blooston Rural Carriers on April 27, 2017, is denied as described herein.
- The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of the Order on Reconsideration and Second Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2017–17824 Filed 9–7–17; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 82, No. 173
Friday, September 8, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0826; Product Identifier 2016–SW–084–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2015–22–53 for Airbus Helicopters (Airbus) Model AS350B3 helicopters. AD 2015–22–53 requires revising the rotorcraft flight manual (RFM) to perform the yaw load compensator check after rotor shut-down and to state that the yaw servo hydraulic switch must be in the ''ON'' position before taking off. Since we issued AD 2015–22–53, Airbus developed a modification of the ACCU TST switch. This proposed AD would retain the requirements of AD 2015–22–53 and require modifying the yaw servo hydraulic switch (collective switch) and replacing the ACCU TST button. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 7, 2017.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0826; 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 proposed AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: George Schwab, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *george.schwab@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

On November 13, 2015, we issued AD 2015–22–53, Amendment 39–18331 (80 FR 74982, December 1, 2015), which was sent previously as an emergency AD to all known U.S. owners and operators of Airbus Helicopters Model AS350B3 helicopters. AD 2015–22–53 requires revising the pre-flight and post-flight procedures in the RFM to perform the yaw load compensator check (ACCU TST switch) after rotor shut-down instead of during preflight procedures and to state that the yaw servo hydraulic switch (collective switch) must be in the ''ON'' (forward) position before taking off. AD 2015–22–53 was prompted by two accidents and one incident of Model AS350B3 helicopters with a dual hydraulic system installed, and which also prompted EASA, which is the Technical Agent for the Member States of the European Union, to issue EASA AD No. 2015–0178, dated August 26, 2015. EASA advised these occurrences may have resulted from improperly performing the T/R hydraulic preflight check (a pilot forgetting to put the yaw servo hydraulic switch (collective switch) in the ''ON'' position or put the ACCU TST switch in the ''OFF'' position before flight)—and not from equipment failure. According to EASA, these conditions significantly increase the control load necessary to generate sufficient tail rotor thrust for take-off.

Actions Since AD 2015–22–53 Was Issued

Since we issued AD 2015–22–53, Airbus Helicopters issued SB No. AS350–67.00.65, Revision 0, dated August 25, 2016, which specifies procedures to alter the ACCU TST switch. Subsequently, EASA issued AD No. 2016–0220, dated November 4, 2016. EASA advises that further

analysis of the incidents resulted in the recognition that a pilot could forget to activate a switch despite the RFM changes and that the modifications developed by Airbus Helicopters are necessary. Accordingly, EASA AD No. 2016–0220 requires installing a caution indication to the pilot when the yaw servo hydraulic switch (collective switch) is in the ''OFF'' position, installing an additional indicator light on the caution and warning panel, and replacing the bistable push button (push-on, push-off) ACCU TST switch with a monostable push button (push-on, timer-off) switch.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters SB No. AS350–67.00.64, Revision 0, dated February 25, 2015, which specifies procedures to install a timer relay and an additional indicator light on the caution and warning panel. This modification provides an ''OFF'' status indication of the yaw servo hydraulic switch (collective switch) by flashing a newly installed ''HYD2'' indicator light on the caution and warning panel. Airbus Helicopters identifies performance of this SB as modification 074622. This modification was available when AD 2015–22–53 was issued; however, it was determined unnecessary to address the unsafe condition at that time.

We also reviewed Airbus Helicopters SB No. AS350–67.00.65, Revision 0, dated August 25, 2016, which specifies procedures to replace the bistable push button ACCU TST switch with a monostable push button switch. Airbus Helicopters identifies performance of this SB as modification 074719.

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

Other Related Service Information

We reviewed Airbus SB No. AS350–67.00.66, Revision 1, dated October 22, 2015, which specifies inserting specific pages of the SB into the rotorcraft flight manual. These pages revise the preflight and post-flight hydraulic checks by moving the tail rotor yaw load compensator check from preflight to post-flight. These pages also revise terminology within the flight manuals for the different engine configurations.

Proposed AD Requirements

This proposed AD would retain the RFM revision that moves the yaw load compensator check (ACCU TST switch) from preflight procedures to post-flight procedures after rotor shut-down. This proposed AD would also retain the RFM revision that requires the yaw servo hydraulic switch (collective switch) to be in the ''ON'' (forward) position before taking off.

Additionally, this proposed AD would require, within 350 hours time-in-service, installing a timer relay for the yaw servo hydraulic switch (collective switch) and installing an additional light on the caution and warning panel. This proposed AD would also require replacing the bistable ACCU TST button with a monostable button.

Costs of Compliance

We estimate that this proposed AD would affect 86 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour.

Revising an RFM would take about 0.5 work-hour for a cost of $43 per helicopter and $3,698 for the U.S. fleet. Installing a timer relay for the yaw servo hydraulic switch (collective switch) and an indicator light would take about 9 work-hours and parts would cost about $2,224. Replacing the ACCU TST button would take about 1 work-hour and parts would cost about $2,244.

Based on these figures, we estimate a total cost of $5,361 per helicopter and $461,046 for the U.S. fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska 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 proposed 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.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2015–22–53, Amendment 39–18331 (80 FR 74982, December 1, 2015), and adding the following new AD:

Airbus Helicopters: Docket No. FAA–2017–0826; Product Identifier 2016–SW–084–AD.

(a) Applicability

This AD applies to Model AS350B3 helicopters with a dual hydraulic system installed, certificated in any category.

Note 1 to paragraph (a) of this AD: The dual hydraulic system for Model AS350B3 helicopters is referred to as Airbus modification OP 3082 or OP 3346.

(b) Unsafe Condition

This AD defines the unsafe condition as lack of hydraulic pressure in a tail rotor (T/R) hydraulic system. This condition could result in loss of T/R flight control and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2015–22–53, Amendment 39–18331 (80 FR 74982, December 1, 2015).

(d) Comments Due Date

We must receive comments by November 7, 2017.

(e) 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.

(f) Required Actions

(1) Before further flight, insert a copy of this AD into the rotorcraft flight manual, Section 4 Normal Operating Procedures, or make pen and ink changes to the preflight and post-flight procedures as follows:

(i) Stop performing the yaw load compensator check (ACCU TST switch) during preflight procedures, and instead perform the yaw load compensator check during post-flight procedures after rotor shut-down.

(ii) The yaw servo hydraulic switch (collective switch) must be in the ''ON'' (forward) position before takeoff.

Note 2 to paragraph (f)(1)(ii) of this AD: The yaw servo hydraulic switch is also called the hydraulic pressure switch or hydraulic cut off switch in various Airbus Helicopters rotorcraft flight manuals.

(2) Within 350 hours time-in-service:

(i) Install a timer relay for the yaw servo hydraulic switch (collective switch) by following the Accomplishment Instructions, paragraph 3.B.2.b.1, 3.B.2.b.2, 3.B.2.b.3, 3.B.2.b.4, 3.B.2.b.5, or 3.B.2.b.6, as applicable to the configuration of your helicopter, of Airbus Helicopters Service Bulletin (SB) No. AS350–67.00.64, Revision 0, dated February 25, 2015 (AS350–67.00.64). If your helicopter has an automatic pilot system, also comply with paragraph 3.B.2.b.7 of AS350–67.00.64.

(ii) Install an indicator light on the caution and warning panel by following the Accomplishment Instructions, paragraph 3.B.2.c.1 or 3.B.2.c.2, as applicable to the configuration of your helicopter, of AS350–67.00.64.

(iii) Replace the bistable ACCU TST button on the control panel with a monostable button as depicted in Figure 1 or Figure 3, as applicable to the configuration of your helicopter, of Airbus Helicopters SB No. AS350–67.00.65, Revision 0, dated August 25, 2016.

(3) After the effective date of this AD, do not install a bistable ACCU TST button on any helicopter.

(g) Special Flight Permits

A special flight permit may be issued for paragraph (f)(2) of this AD only.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, FAA, may approve AMOCs for this AD. Send your proposal to: George Schwab, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

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

(i) Additional Information

(1) Airbus Helicopters SB No. AS350–67.00.66, Revision 1, dated October 22, 2015, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.* 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.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2016–0220, dated November 4, 2016. You may view the EASA AD on the Internet at *http://www.regulations.gov* in the AD Docket.

(j) Subject

Joint Aircraft Service Component (JASC) Code: 2910, Main Hydraulic System.

Issued in Fort Worth, Texas, on August 29, 2017.

Scott A. Horn,

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

[FR Doc. 2017–18973 Filed 9–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0867; Product Identifier 2017–CE–021–AD]

RIN 2120–AA64

Airworthiness Directives; Viking Air Limited Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Viking Air Limited Models DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracking found in the wing rear spar web at the wing station where the flap outboard hinge is attached. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by October 23, 2017.

ADDRESSES: You may send comments 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 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Viking Air Limited Technical Support, 1959 De Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; telephone: (North America) (800) 663–8444; fax: (250) 656–0673; email: *technical.support@vikingair.com;* Internet: *http://www.vikingair.com/support/service-bulletins.* You may review this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas

City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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–2017–0867; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aerospace Engineer, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone: (516) 228–7329; fax: (516) 794–5531; email: *aziz.ahmed@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0867; Product Identifier 2017–CE–021–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The Transport Canada, which is the aviation authority for Canada, has issued AD Number CF–2017–17, dated May 18, 2017 (referred to after this as ''the MCAI''), to correct an unsafe condition for all Viking Air Limited Models DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III airplanes and was based on mandatory continuing airworthiness information originated by an aviation authority of another country. The MCAI states:

> It was reported that a crack was found in the wing rear spar web, part number C2W1007, at wing station 123.5 where the flap outboard hinge is attached. An aileron hinge bracket has also been found cracked. Viking Air Ltd. analysis shows that similar cracks may develop on the wing rear spar web and flap/aileron hinge arm support brackets at the other flap/aileron hinge attachment locations.
>
> Undetected cracking of the wing rear spar or flap/aileron hinge bracket may lead to the failure of the component with consequent loss of aeroplane control.

The MCAI requires inspecting the left-hand and right-hand wing rear spar and the flap/aileron hinge air support brackets for cracks, damage, or discrepancy and repairing or replacing any cracked, damaged, or discrepant parts. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0867.

Related Service Information Under 1 CFR Part 51

Viking Air Limited has issued DHC–2 Beaver Service Bulletin Number: V2/0009, Revision A, dated February 10, 2017. The service information describes procedures for inspecting the left-hand and right-hand wing rear spars, the flap/aileron hinge brackets, and the exterior store support bracket for cracks, damage, and discrepancies and specifies repairing or replacing any cracked, damaged, or discrepant parts. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of the Proposed AD

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

Interim Action

We consider this proposed AD interim action. The inspection report required by this proposed AD allows us to obtain better information into the nature, cause, and extent of the damage to the wing rear spars and flap/aileron hinge arm support brackets and to develop final action to address the unsafe condition. Once final action has been identified, we may consider further rulemaking.

Costs of Compliance

We estimate that this proposed AD will affect 140 products of U.S. registry. We also estimate that it would take about 11work-hours per product to comply with the basic inspection requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the basic cost of this proposed AD on U.S. operators to be $130,900, or $935 per product.

In addition, the following is an estimate of possible necessary follow-on replacement actions. We have no way of determining the number of products that may need these actions.

Part No.	Left-hand (LH) or right-hand (RH) wing	Description	Number per airplane	Parts cost	Number of work-hours to replace
C2W123A	Both (one per wing).	Hinge bracket LH inboard (flap)/ RH outboard (aileron).	2	$288 for both	12 for both.
C2W124A	Both (one per wing).	Hinge bracket RH inboard (flap)/ LH outboard (aileron).	2	$288 for both	12 for both.
C2W143	Both (four per wing).	Hinge bracket, flap and aileron (common part—multiple wing stations (WS)).	8	$271 for all eight	12 for all eight.
C2W143A (Agricultural Option).	Both (one per wing).	Agricultural (optional configuration)—hinge bracket, support arm (IPC PSM 1–2–4 Figure 128, Item 15).	2 (if applies)	$271 for both	12 for both.
C2W63	LH	Inboard spar, rear spar		$277	60.
C2W64	RH	Inboard spar, rear spar		$277	60.

Part No.	Left-hand (LH) or right-hand (RH) wing	Description	Number per airplane	Parts cost	Number of work-hours to replace
C2W155	Both (one per wing).	Intermediate spar	2	$563 for both	60 for both.
C2W65A	LH	Spar WS 89.16 to WS 170.16	1 *	$835	60.
C2W66A	RH	Spar WS 89.16 to WS 170.16	1 *	$835	60.
C2W67A	LH	Outboard spar, WS 170.16 to WS 245.75.	1 *	$835	60.
C2W68A	RH	Outboard spar, WS 170.16 to WS 245.75.	1 *	$835	60.

* To replace any wing spar section takes 60 work-hours.

To replace all four wing spar sections per wing takes 240 work-hours.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591. ATTN: Information Collection Clearance Officer, AES–2000.

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 small airplanes and domestic business jet transport airplanes to the Director of the Policy and Innovation Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

Viking Air Limited: Docket No. FAA–2017–0867; Product Identifier 2017–CE–021–AD.

(a) Comments Due Date

We must receive comments by October 23, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Viking Air Limited Models DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III airplanes, all serial numbers, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracking found in the wing rear spar web at the wing station (WS) where the flap outboard hinge is attached. We are issuing this AD to detect and correct cracks in the wing rear spars and the flap/aileron hinge arm support brackets, which could cause these parts to fail. Failure of the wing rear spars and the flap/aileron hinge arm support brackets could result in loss of control.

(f) Actions and Compliance

Unless already done, do the actions in paragraphs (f)(1) through (5) of this AD:

(1) Within the next 400 hours time-in-service (TIS) after the effective date of this AD, visually inspect the left-hand and right-hand wing rear spar and flap/aileron hinge arm support brackets following the Accomplishment Instructions of Viking DHC–2 Beaver Service Bulletin Number: V2/0009, Revision A, dated February 10, 2017 (SB V2/0009, Revision A).

(2) For airplanes with agricultural configuration installed (SOO Mod 2/984), within the next 400 hours TIS after the effective date of this AD, inspect the exterior store support arm bracket at wing station (WS) 101.24 following the Accomplishment Instructions of SB V2/0009, Revision A.

(3) If any discrepancies are found during the inspections required in paragraphs (f)(1) and (2) of this AD, before further flight, repair or replace using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada; or Viking Air Limited's Transport Canada Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(4) Within 30 days after completing the inspections required in paragraphs (f)(1) and (2) of this AD, using the Operator Reply Form on page 7 of SB V2/0009, Revision A, report the inspection results to Viking Air Limited at the address specified in paragraph (h) of this AD.

(5) As of the effective date of this AD, do not install a wing on any airplane affected by this AD unless it has been inspected as specified in paragraph (f)(1) of this AD and paragraph (f)(2) of this AD, as applicable, and is found free of any discrepancies.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Aziz Ahmed, Aerospace Engineer, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone: (516) 228–7329; fax: (516) 794–5531; email: *aziz.ahmed@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *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 Branch, FAA; or Transport Canada; or Viking Air Limited's Transport Canada Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

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

(h) Related Information

Refer to MCAI Transport Canada AD Number CF–2017–17, dated May 18, 2017, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0867. For service information related to this AD, contact Viking Air Limited Technical Support, 1959 De Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; telephone: (North America) (800) 663–8444; fax: (250) 656–0673; email: *technical.support@vikingair.com;* Internet: *http://www.vikingair.com/support/service-bulletins.* You may review this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Melvin Johnson,

Deputy Director, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2017–18900 Filed 9–7–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Chapter I

[Docket No. FDA–2017–N–5092]

Review of Existing Center for Biologics Evaluation and Research Regulatory and Information Collection Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Request for comments and information.

SUMMARY: As part of the implementation of Executive Order 13771 entitled, ''Reducing Regulation and Controlling Regulatory Costs,'' and Executive Order 13777 entitled, ''Enforcing the Regulatory Reform Agenda,'' the Food and Drug Administration (FDA, Agency, or we) is seeking comments and information from interested parties to help FDA identify existing regulations and related paperwork requirements that could be modified, repealed, or replaced, consistent with the law, to achieve meaningful burden reduction while allowing us to achieve our public health mission and fulfill statutory obligations. This document relates to the products regulated by the Center for Biologics Evaluation and Research (CBER).

DATES: Submit either electronic or written comments on this document by December 7, 2017.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 7, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of December 7, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions.'')

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as

well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–5092 for ''Review of Existing Center for Biologics Evaluation and Research Regulatory and Information Collection Requirements.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff Office between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff Office, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

A. FDA's Regulatory Mission

FDA is responsible for protecting the public health by: (1) Ensuring the safety, efficacy, and security of human and veterinary drugs, biological products, and medical devices; (2) ensuring the safety, security, and appropriate labeling of our nation's food supply, products that emit radiation, and cosmetics; and (3) regulating the manufacture, marketing, and distribution of tobacco products. Equally important, FDA promotes the public health by fostering and supporting innovative approaches and solutions for some of our nation's most compelling health and medical challenges.

FDA's CBER regulates a wide range of biological products and related products including: Allergenics, blood and blood products, certain medical devices for blood and tissues, gene therapies, human cells, tissues, and cellular and tissue-based products, vaccines, and xenotransplantation products. This document is seeking comments and information solely on regulations and approved information collections related to these product areas.

B. The Regulatory Reform Agenda: Executive Orders 13771 and 13777

On January 30, 2017, President Trump issued Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (Ref. 1). This Executive Order states that the policy of the Executive Branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources, and that it is essential to manage the costs associated with complying with Federal regulations. On February 24, 2017, President Trump issued Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda'' (Ref. 2). The purpose of this Executive Order is to alleviate unnecessary regulatory burdens placed on the American people. Executive Order 13777 directs each Agency to establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations and identify those that may merit repeal, replacement, or modification. Section 3(d) of the Executive Order provides that, at a minimum, each RRTF must attempt to identify regulations that:

- Eliminate jobs, or inhibit job creation;
- Are outdated, unnecessary, or ineffective;
- Impose costs that exceed benefits;
- Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;
- Are inconsistent with the requirements of the Information Quality Act, or the guidance issued pursuant to that Act, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or
- Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

II. Request for Comments and Information

To assist with our implementation of Executive Orders 13771 and 13777 and support the work of the RRTF of the Department of Health and Human Services, FDA is issuing this Request for Information soliciting broad public comment on ways we can change our regulations to achieve meaningful burden reduction while continuing to achieve our public health mission and fulfill statutory obligations. We request comment, including supporting technical, scientific, economic, or other data, from all persons and entities significantly affected by FDA regulations, including consumers, patients and caregivers, researchers, healthcare institutions, the regulated industry, trade associations, public interest organizations, academia, and State, local, and tribal governments, as well as any other interested stakeholder. These comments and data will supplement and inform our own ongoing, systematic review of our regulations.

The following list of questions includes those that FDA is using to guide our initial review of our regulations. This list is intended to help the public in providing comments, not to restrict the issues that may be addressed.

- Is the regulation still current, or is it outdated or unnecessary in some way?
  - Have there been advancements and innovations in science, technology, or FDA or industry practice, or any other changes that suggest repeal of or modification to the regulation may be warranted or appropriate?
  - Has the regulation been superseded or made irrelevant or unenforceable by statute, another FDA regulation or guidance, a regulation by another

Federal Agency, or controlling legal authority? If yes, identify the statute, regulation, guidance, or legal precedent and explain what FDA regulation is affected and in what way it is affected.

○ Is this regulation duplicative of requirements in other FDA regulations or other Federal Agency regulations? If yes, identify the overlapping regulation(s) and responsible Federal Agency and describe the way(s) in which the regulations overlap, as well as any suggestions with respect to how best to resolve the duplication.

• Have regulated entities had difficulties complying with the regulation? If yes, identify what entity or entities have had such difficulties and the nature of the difficulties.

• Does the regulation impose requirements that are also provided for in voluntary or consensus standards or guidance by third party organizations (*e.g.,* International Council for Harmonisation, International Organization for Standardization, Codex Alimentarius)? Do the entities covered by these standards or guidance take steps to meet the standards and to document that they meet the standards? If met, do the standards achieve the same level of public health protection as the FDA regulation? Are there entities who are not covered by these standards or guidances or who choose not to observe them?

• Does the regulation contain redundant, outdated, or unnecessary collections of information or retention of records, *e.g.,* reporting, recordkeeping, or labeling requirements? Explain in your response why the information is redundant, outdated, or unnecessary.

• Could the goal of the regulation be achieved by less costly means that would provide the same level of public health protection? If yes, provide examples of alternatives that may reduce costs to industry while retaining the same level of public health protection.

• What factors should FDA consider in selecting and prioritizing regulations and reporting requirements for reform?

The most current version of FDA regulations may be found at *https://www.ecfr.gov.* We request that comments be as specific as possible, include any supporting data or other information, such as cost information, provide a *Code of Federal Regulations* (CFR) citation when referencing a specific regulation, and provide specific suggestions regarding repeal, replacement, or modification. For comments relating to an information collection, cite to the approved information collection request and include the Office of Management and Budget (OMB) control number.

In addition, in order to enable us to more efficiently review and consider comments, we ask that the comments be submitted in the format shown in table 1 of this document.

TABLE 1—FORMAT FOR SUBMITTING COMMENTS

Name of regulation	
Type of product or FDA Center regulating the product.	
Citation to Code of Federal Regulations and statutory citation (as applicable).	
Approved information collection and OMB Control Number (as applicable).	
Brief description of concern	(For example, what innovation makes the regulation outdated? Why?)
Available data on cost or economic impact	(Quantified costs and/or cost savings. Qualitative description, if needed.)
Proposed solution	(Include your solution. For example, how would you modify the regulation? Provide specific text if you are recommending a modification.)

III. References

The following references are on display in the Dockets Management Staff Office (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. Executive Order 13771 (January 30, 2017); available at *https://www.federalregister.gov/documents/2017/02/03/2017-02451/reducing-regulation-and-controlling-regulatory-costs.*
2. Executive Order 13777 (February 24, 2017); available at *https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda.*

Dated: August 30, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–19032 Filed 9–7–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Chapter I

[Docket No. FDA–2017–N–5105]

Review of Existing Center for Devices and Radiological Health Regulatory and Information Collection Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Request for comments and information.

SUMMARY: As part of the implementation of Executive Order 13771 entitled, ''Reducing Regulation and Controlling Regulatory Costs,'' and Executive Order 13777 entitled, ''Enforcing the Regulatory Reform Agenda,'' the Food and Drug Administration (FDA, Agency, or we) is seeking comments and information from interested parties to help FDA identify existing regulations and related paperwork requirements that could be modified, repealed, or replaced, consistent with the law, to achieve meaningful burden reduction while allowing us to achieve our public health mission and fulfill statutory obligations. This document relates to the products regulated by the Center for Devices and Radiological Health (CDRH).

DATES: Submit either electronic or written comments on this document by December 7, 2017.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be

considered. Electronic comments must be submitted on or before December 7, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of December 7, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions.'')

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–5105 for ''Review of Existing Center for Devices and Radiological Health Regulatory and Information Collection Requirements.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff Office between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff Office, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Erica Blake Payne, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–3999, *cdrh-regreview@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. FDA's Regulatory Mission

FDA is responsible for protecting the public health by: (1) Ensuring the safety, efficacy, and security of human and veterinary drugs, biological products, and medical devices; (2) ensuring the safety, security, and appropriate labeling of our nation's food supply, products that emit radiation, and cosmetics; and (3) regulating the manufacture, marketing, and distribution of tobacco products. Equally important, FDA promotes the public health by fostering and supporting innovative approaches and solutions for some of our nation's most compelling health and medical challenges.

FDA's CDRH regulates medical devices from simple tongue depressors to complex programmable pacemakers and laser-based surgical devices. Medical devices include in vitro diagnostic products, such as general purpose lab equipment, reagents, and test kits, which may include monoclonal antibody technology. CDRH also regulates radiation emitting electronic products. Electronic products include certain medical devices (*e.g.,* diagnostic ultrasound products, x-ray machines, and medical lasers) and certain products without medical applications (*e.g.,* microwave ovens, television receivers and monitors). This document is seeking comments and information solely on regulations and approved information collections related to these product areas.

B. The Regulatory Reform Agenda: Executive Orders 13771 and 13777

On January 30, 2017, President Trump issued Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (Ref. 1). This Executive Order states that the policy of the Executive Branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources, and that it is essential to manage the costs associated with complying with Federal regulations. On February 24, 2017, President Trump issued Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda'' (Ref. 2). The purpose of this Executive Order is to alleviate unnecessary regulatory burdens placed on the American people. Executive Order 13777 directs each Agency to establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations and identify those that may merit repeal, replacement, or modification. Section 3(d) of the Executive Order provides that, at a minimum, each RRTF must attempt to identify regulations that:

- Eliminate jobs, or inhibit job creation;
- Are outdated, unnecessary, or ineffective;
- Impose costs that exceed benefits;

- Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;
- Are inconsistent with the requirements of the Information Quality Act, or the guidance issued pursuant to that Act, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or
- Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

II. Request for Comments and Information

To assist with our implementation of Executive Orders 13771 and 13777 and support the work of the RRTF of the Department of Health and Human Services, FDA is issuing this Request for Information soliciting broad public comment on ways we can change our regulations to achieve meaningful burden reduction while continuing to achieve our public health mission and fulfill statutory obligations. We request comment, including supporting technical, scientific, economic, or other data, from all persons and entities significantly affected by FDA regulations, including consumers, patients and caregivers, researchers, healthcare institutions, the regulated industry, trade associations, public interest organizations, academia, and State, local, and tribal governments, as well as any other interested stakeholder. These comments and data will supplement and inform our own ongoing, systematic review of our regulations.

The following list of questions includes those that FDA is using to guide our initial review of our regulations. This list is intended to help the public in providing comments, not to restrict the issues that may be addressed.

- Is the regulation still current, or is it outdated or unnecessary in some way?
  - Have there been advancements and innovations in science, technology, or FDA or industry practice, or any other changes that suggest repeal of or modification to the regulation may be warranted or appropriate?
  - Has the regulation been superseded or made irrelevant or unenforceable by statute, another FDA regulation or guidance, a regulation by another Federal Agency, or controlling legal authority? If yes, identify the statute, regulation, guidance, or legal precedent and explain what FDA regulation is affected and in what way it is affected.
  - Is this regulation duplicative of requirements in other FDA regulations or other Federal Agency regulations? If yes, identify the overlapping regulation(s) and responsible Federal Agency and describe the way(s) in which the regulations overlap, as well as any suggestions with respect to how best to resolve the duplication.
- Have regulated entities had difficulties complying with the regulation? If yes, identify what entity or entities have had such difficulties and the nature of the difficulties.
- Does the regulation impose requirements that are also provided for in voluntary or consensus standards or guidance by third party organizations (*e.g.,* International Council for Harmonisation, International Organization for Standardization, Codex Alimentarius)? Do the entities covered by these standards or guidance take steps to meet the standards and to document that they meet the standards? If met, do the standards achieve the same level of public health protection as the FDA regulation? Are there entities who are not covered by these standards or guidances or who choose not to observe them?
- Does the regulation contain redundant, outdated, or unnecessary collections of information or retention of records, *e.g.,* reporting, recordkeeping, or labeling requirements? Explain in your response why the information is redundant, outdated, or unnecessary.
- Could the goal of the regulation be achieved by less costly means that would provide the same level of public health protection? If yes, provide examples of alternatives that may reduce costs to industry while retaining the same level of public health protection.
- What factors should FDA consider in selecting and prioritizing regulations and reporting requirements for reform?

The most current version of FDA regulations may be found at *https://www.ecfr.gov.* We request that comments be as specific as possible, include any supporting data or other information, such as cost information, provide a *Code of Federal Regulations* (CFR) citation when referencing a specific regulation, and provide specific suggestions regarding repeal, replacement, or modification. For comments relating to an information collection, cite to the approved information collection request and include the Office of Management and Budget (OMB) control number.

In addition, in order to enable us to more efficiently review and consider comments, we ask that the comments be submitted in the format shown in table 1 of this document.

TABLE 1—FORMAT FOR SUBMITTING COMMENTS

Name of regulation	
Type of product or FDA Center regulating the product.	
Citation to Code of Federal Regulations and statutory citation (as applicable).	
Approved information collection and OMB Control Number (as applicable).	
Brief description of concern	(For example, what innovation makes the regulation outdated? Why?)
Available data on cost or economic impact	(Quantified costs and/or cost savings. Qualitative description, if needed.)
Proposed solution	(Include your solution. For example, how would you modify the regulation? Provide specific text if you are recommending a modification.)

III. References

The following references are on display in the Dockets Management Staff office (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. Executive Order 13771 (January 30, 2017); available at *https://*

www.federalregister.gov/documents/2017/02/03/2017-02451/reducing-regulation-and-controlling-regulatory-costs.

2. Executive Order 13777 (February 24, 2017); available at *https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda.*

Dated: August 30, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–19034 Filed 9–7–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Chapter I

[Docket No. FDA–2017–N–5104]

Review of Existing Center for Veterinary Medicine Regulatory and Information Collection Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Request for comments and information.

SUMMARY: As part of the implementation of Executive Order 13771 entitled, ''Reducing Regulation and Controlling Regulatory Costs,'' and Executive Order 13777 entitled, ''Enforcing the Regulatory Reform Agenda,'' the Food and Drug Administration (FDA, Agency, or we) is seeking comments and information from interested parties to help FDA identify existing regulations and related paperwork requirements that could be modified, repealed, or replaced, consistent with the law, to achieve meaningful burden reduction while allowing us to achieve our public health mission and fulfill statutory obligations. This document relates to the products regulated by the Center for Veterinary Medicine (CVM).

DATES: Submit either electronic or written comments on this document by December 7, 2017.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 7, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of December 7, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions.'')

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions)*: Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–5104 for ''Review of Existing Center for Veterinary Medicine Regulatory and Information Collection Requirements.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff Office between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff Office, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Diane Heinz, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–5692, *diane.heinz@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. FDA's Regulatory Mission

FDA is responsible for protecting the public health by: (1) Ensuring the safety, efficacy, and security of human and veterinary drugs, biological products, and medical devices; (2) ensuring the safety, security, and appropriate labeling of our nation's food supply, products that emit radiation, and cosmetics; and (3) regulating the manufacture, marketing, and distribution of tobacco products. Equally important, FDA promotes the public health by fostering and supporting innovative approaches and solutions for some of our nation's most

compelling health and medical challenges.

FDA's CVM regulates the manufacture and distribution of food, food additives, and drugs that will be given to animals, including animals from which human foods are derived, as well as companion animals, and takes enforcement action against unsafe veterinary devices. This document is seeking comments and information solely on regulations and approved information collections related to these product areas.

B. The Regulatory Reform Agenda: Executive Orders 13771 and 13777

On January 30, 2017, President Trump issued Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (Ref. 1). This Executive Order states that the policy of the Executive Branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources, and that it is essential to manage the costs associated with complying with Federal regulations. On February 24, 2017, President Trump issued Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda'' (Ref. 2). The purpose of this Executive Order is to alleviate unnecessary regulatory burdens placed on the American people. Executive Order 13777 directs each Agency to establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations and identify those that may merit repeal, replacement, or modification. Section 3(d) of the Executive Order provides that, at a minimum, each RRTF must attempt to identify regulations that:

- Eliminate jobs, or inhibit job creation;
- Are outdated, unnecessary, or ineffective;
- Impose costs that exceed benefits;
- Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;
- Are inconsistent with the requirements of the Information Quality Act, or the guidance issued pursuant to that Act, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or
- Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

II. Request for Comments and Information

To assist with our implementation of Executive Orders 13771 and 13777 and support the work of the RRTF of the Department of Health and Human Services, FDA is issuing this Request for Information soliciting broad public comment on ways we can change our regulations to achieve meaningful burden reduction while continuing to achieve our public health mission and fulfill statutory obligations. We request comment, including supporting technical, scientific, economic, or other data, from all persons and entities significantly affected by FDA regulations, including consumers, patients and caregivers, researchers, health care institutions, the regulated industry, trade associations, public interest organizations, academia, and State, local, and tribal governments, as well as any other interested stakeholder. These comments and data will supplement and inform our own ongoing, systematic review of our regulations.

The following list of questions includes those that FDA is using to guide our initial review of our regulations. This list is intended to help the public in providing comments, not to restrict the issues that may be addressed.

- Is the regulation still current, or is it outdated or unnecessary in some way?
  - Have there been advancements and innovations in science, technology, or FDA or industry practice, or any other changes that suggest repeal of or modification to the regulation may be warranted or appropriate?
  - Has the regulation been superseded or made irrelevant or unenforceable by statute, another FDA regulation or guidance, a regulation by another Federal Agency, or controlling legal authority? If yes, identify the statute, regulation, guidance, or legal precedent and explain what FDA regulation is affected and in what way it is affected.
  - Is this regulation duplicative of requirements in other FDA regulations or other Federal Agency regulations? If yes, identify the overlapping regulation(s) and responsible Federal Agency and describe the way(s) in which the regulations overlap, as well as any suggestions with respect to how best to resolve the duplication.
- Have regulated entities had difficulties complying with the regulation? If yes, identify what entity or entities have had such difficulties and the nature of the difficulties.
- Does the regulation impose requirements that are also provided for in voluntary or consensus standards or guidance by third party organizations (*e.g.,* International Council for Harmonisation, International Organization for Standardization, Codex Alimentarius)? Do the entities covered by these standards or guidance take steps to meet the standards and to document that they meet the standards? If met, do the standards achieve the same level of public health protection as the FDA regulation? Are there entities who are not covered by these standards or guidances or who choose not to observe them?
- Does the regulation contain redundant, outdated, or unnecessary collections of information or retention of records, *e.g.,* reporting, recordkeeping, or labeling requirements? Explain in your response why the information is redundant, outdated, or unnecessary.
- Could the goal of the regulation be achieved by less costly means that would provide the same level of public health protection? If yes, provide examples of alternatives that may reduce costs to industry while retaining the same level of public health protection.
- What factors should FDA consider in selecting and prioritizing regulations and reporting requirements for reform?

The most current version of FDA regulations may be found at *https://www.ecfr.gov.* We request that comments be as specific as possible, include any supporting data or other information, such as cost information, provide a *Code of Federal Regulations* (CFR) citation when referencing a specific regulation, and provide specific suggestions regarding repeal, replacement, or modification. For comments relating to an information collection, cite to the approved information collection request and include the Office of Management and Budget (OMB) control number.

In addition, in order to enable us to more efficiently review and consider comments, we ask that the comments be submitted in the format shown in table 1 of this document.

TABLE 1—FORMAT FOR SUBMITTING COMMENTS

Name of regulation	
Type of product or FDA Center regulating the product.	
Citation to *Code of Federal Regulations* and statutory citation (as applicable).	
Approved information collection and OMB Control Number (as applicable).	
Brief description of concern	(For example, what innovation makes the regulation outdated? Why?)
Available data on cost or economic impact	(Quantified costs and/or cost savings. Qualitative description, if needed.)
Proposed solution	(Include your solution. For example, how would you modify the regulation? Provide specific text if you are recommending a modification.)

III. References

The following references are on display in the Dockets Management Staff Office (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. Executive Order 13771 (January 30, 2017); available at *https://www.federalregister.gov/documents/2017/02/03/2017-02451/reducing-regulation-and-controlling-regulatory-costs.*
2. Executive Order 13777 (February 24, 2017); available at *https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda.*

Dated: August 30, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–19031 Filed 9–7–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Chapter I

[Docket No. FDA–2017–N–5101]

Review of Existing Center for Drug Evaluation and Research Regulatory and Information Collection Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Request for comments and information.

SUMMARY: As part of the implementation of Executive Order 13771 entitled, ''Reducing Regulation and Controlling Regulatory Costs,'' and Executive Order 13777 entitled, ''Enforcing the Regulatory Reform Agenda,'' the Food and Drug Administration (FDA, Agency, or we) is seeking comments and information from interested parties to help FDA identify existing regulations and related paperwork requirements that could be modified, repealed, or replaced, consistent with the law, to achieve meaningful burden reduction while allowing us to achieve our public health mission and fulfill statutory obligations. This document relates to the products regulated by the Center for Drug Evaluation and Research (CDER).

DATES: Submit either electronic or written comments on this document by December 7, 2017.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 7, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of December 7, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions.'')

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–5101 for ''Review of Existing Center for Drug Evaluation and Research Regulatory and Information Collection Requirements.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff Office between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the

claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

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FOR FURTHER INFORMATION CONTACT: Christine Kirk, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–2465, *christine.kirk@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. FDA's Regulatory Mission

FDA is responsible for protecting the public health by: (1) Ensuring the safety, efficacy, and security of human and veterinary drugs, biological products, and medical devices; (2) ensuring the safety, security, and appropriate labeling of our nation's food supply, products that emit radiation, and cosmetics; and (3) regulating the manufacture, marketing, and distribution of tobacco products. Equally important, FDA promotes the public health by fostering and supporting innovative approaches and solutions for some of our nation's most compelling health and medical challenges.

FDA's CDER regulates over-the-counter and prescription drugs, including therapeutic biological products and generic drugs. This document is seeking comments and information solely on regulations and approved information collections related to these product areas.

B. The Regulatory Reform Agenda: Executive Orders 13771 and 13777

On January 30, 2017, President Trump issued Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (Ref. 1). This Executive Order states that the policy of the Executive Branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources, and that it is essential to manage the costs associated with complying with Federal regulations. On February 24, 2017, President Trump issued Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda'' (Ref. 2). The purpose of this Executive Order is to alleviate unnecessary regulatory burdens placed on the American people. Executive Order 13777 directs each Agency to establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations and identify those that may merit repeal, replacement, or modification. Section 3(d) of the Executive Order provides that, at a minimum, each RRTF must attempt to identify regulations that:

- Eliminate jobs, or inhibit job creation;
- Are outdated, unnecessary, or ineffective;
- Impose costs that exceed benefits;
- Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;
- Are inconsistent with the requirements of the Information Quality Act, or the guidance issued pursuant to that Act, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or
- Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

II. Request for Comments and Information

To assist with our implementation of Executive Orders 13771 and 13777 and support the work of the RRTF of the Department of Health and Human Services, FDA is issuing this Request for Information soliciting broad public comment on ways we can change our regulations to achieve meaningful burden reduction while continuing to achieve our public health mission and fulfill statutory obligations. We request comment, including supporting technical, scientific, economic, or other data, from all persons and entities significantly affected by FDA regulations, including consumers, patients and caregivers, researchers, healthcare institutions, the regulated industry, trade associations, public interest organizations, academia, and State, local, and tribal governments, as well as any other interested stakeholder. These comments and data will supplement and inform our own ongoing, systematic review of our regulations.

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  - Has the regulation been superseded or made irrelevant or unenforceable by statute, another FDA regulation or guidance, a regulation by another Federal Agency, or controlling legal authority? If yes, identify the statute, regulation, guidance, or legal precedent and explain what FDA regulation is affected and in what way it is affected.
  - Is this regulation duplicative of requirements in other FDA regulations or other Federal Agency regulations? If yes, identify the overlapping regulation(s) and responsible Federal Agency and describe the way(s) in which the regulations overlap, as well as any suggestions with respect to how best to resolve the duplication.
- Have regulated entities had difficulties complying with the regulation? If yes, identify what entity or entities have had such difficulties and the nature of the difficulties.
- Does the regulation impose requirements that are also provided for in voluntary or consensus standards or guidance by third party organizations (*e.g.,* International Council for Harmonisation, International Organization for Standardization, Codex Alimentarius)? Do the entities covered by these standards or guidance take steps to meet the standards and to document that they meet the standards? If met, do the standards achieve the same level of public health protection as the FDA regulation? Are there entities who are not covered by these standards or guidances or who choose not to observe them?

• Does the regulation contain redundant, outdated, or unnecessary collections of information or retention of records, *e.g.,* reporting, recordkeeping, or labeling requirements? Explain in your response why the information is redundant, outdated, or unnecessary.

• Could the goal of the regulation be achieved by less costly means that would provide the same level of public health protection? If yes, provide examples of alternatives that may reduce costs to industry while retaining the same level of public health protection.

• What factors should FDA consider in selecting and prioritizing regulations and reporting requirements for reform?

The most current version of FDA regulations may be found at *https://www.ecfr.gov.* We request that comments be as specific as possible, include any supporting data or other information, such as cost information, provide a *Code of Federal Regulations* (CFR) citation when referencing a specific regulation, and provide specific suggestions regarding repeal, replacement, or modification. For comments relating to an information collection, cite to the approved information collection request and include the Office of Management and Budget (OMB) control number.

In addition, in order to enable us to more efficiently review and consider comments, we ask that the comments be submitted in the format shown in table 1 of this document.

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Proposed solution	(Include your solution. For example, how would you modify the regulation? Provide specific text if you are recommending a modification.)

III. References

The following references are on display in the Dockets Management Staff Office (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. Executive Order 13771 (January 30, 2017); available at *https://www.federalregister.gov/documents/2017/02/03/2017-02451/reducing-regulation-and-controlling-regulatory-costs.*
2. Executive Order 13777 (February 24, 2017); available at *https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda.*

Dated: August 30, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–19033 Filed 9–7–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Chapter I

[Docket No. FDA–2017–N–5095]

Review of Existing Center for Tobacco Products Regulatory and Information Collection Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Request for comments and information.

SUMMARY: As part of the implementation of Executive Order 13771 entitled, ''Reducing Regulation and Controlling Regulatory Costs,'' and Executive Order 13777 entitled, ''Enforcing the Regulatory Reform Agenda,'' the Food and Drug Administration (FDA, Agency, or we) is seeking comments and information from interested parties to help FDA identify existing regulations and related paperwork requirements that could be modified, repealed, or replaced, consistent with the law, to achieve meaningful burden reduction while allowing us to achieve our public health mission and fulfill statutory obligations. This document relates to the products regulated by the Center for Tobacco Products (CTP).

DATES: Submit either electronic or written comments on this document by December 7, 2017.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 7, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of December 7, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

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• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your

comments, that information will be posted on *https://www.regulations.gov*.

• If you want to submit a comment with confidential information that you do not wish to be made available to the public submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions.'')

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–5095 for ''Existing Center for Tobacco Products Regulatory and Information Collection Requirements.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff Office between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff Office, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Gerie Voss, Center for Tobacco Products, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 1–877–CTP–1373, *gerie.voss@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. FDA's Regulatory Mission

FDA is responsible for protecting the public health by: (1) Ensuring the safety, efficacy, and security of human and veterinary drugs, biological products, and medical devices; (2) ensuring the safety, security, and appropriate labeling of our nation's food supply, products that emit radiation, and cosmetics; and (3) regulating the manufacture, marketing, and distribution of tobacco products. Equally important, FDA promotes the public health by fostering and supporting innovative approaches and solutions for some of our nation's most compelling health and medical challenges.

FDA's CTP regulates the manufacture, marketing, and distribution of tobacco products. This document is seeking comments and information solely on regulations and approved information collections related to this product area.

B. The Regulatory Reform Agenda: Executive Orders 13771 and 13777

On January 30, 2017, President Trump issued Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (Ref. 1). This Executive Order states that the policy of the Executive Branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources, and that it is essential to manage the costs associated with complying with Federal regulations. On February 24, 2017, President Trump issued Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda'' (Ref. 2). The purpose of this Executive Order is to alleviate unnecessary regulatory burdens placed on the American people. Executive Order 13777 directs each Agency to establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations and identify those that may merit repeal, replacement, or modification. Section 3(d) of the Executive Order provides that, at a minimum, each RRTF must attempt to identify regulations that:

• Eliminate jobs, or inhibit job creation;

• Are outdated, unnecessary, or ineffective;

• Impose costs that exceed benefits;

• Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;

• Are inconsistent with the requirements of the Information Quality Act, or the guidance issued pursuant to that Act, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or

• Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

II. Request for Comments and Information

To assist with our implementation of Executive Orders 13771 and 13777 and support the work of the RRTF of the Department of Health and Human Services, FDA is issuing this Request for Information soliciting broad public comment on ways we can change our regulations to achieve meaningful burden reduction while continuing to achieve our public health mission and fulfill statutory obligations. We request comment, including supporting technical, scientific, economic, or other data, from all persons and entities significantly affected by FDA regulations, including consumers, patients and caregivers, researchers, healthcare institutions, the regulated industry, trade associations, public interest organizations, academia, and State, local, and tribal governments, as well as any other interested stakeholder. These comments and data will supplement and inform our own ongoing, systematic review of our regulations.

The following list of questions includes those that FDA is using to guide our initial review of our regulations. This list is intended to help the public in providing comments, not to restrict the issues that may be addressed.

- Is the regulation still current, or is it outdated or unnecessary in some way?

○ Have there been advancements and innovations in science, technology, or FDA or industry practice, or any other changes that suggest repeal of or modification to the regulation may be warranted or appropriate?

○ Has the regulation been superseded or made irrelevant or unenforceable by statute, another FDA regulation or guidance, a regulation by another Federal Agency, or controlling legal authority? If yes, identify the statute, regulation, guidance, or legal precedent and explain what FDA regulation is affected and in what way it is affected.

○ Is this regulation duplicative of requirements in other FDA regulations or other Federal Agency regulations? If yes, identify the overlapping regulation(s) and responsible Federal Agency and describe the way(s) in which the regulations overlap, as well as any suggestions with respect to how best to resolve the duplication.

- Have regulated entities had difficulties complying with the regulation? If yes, identify what entity or entities have had such difficulties and the nature of the difficulties.
- Does the regulation impose requirements that are also provided for in voluntary or consensus standards or guidance by third party organizations (*e.g.,* International Council for Harmonisation, International Organization for Standardization, Codex Alimentarius)? Do the entities covered by these standards or guidance take steps to meet the standards and to document that they meet the standards? If met, do the standards achieve the same level of public health protection as the FDA regulation? Are there entities who are not covered by these standards or guidances or who choose not to observe them?
- Does the regulation contain redundant, outdated, or unnecessary collections of information or retention of records, *e.g.,* reporting, recordkeeping, or labeling requirements? Explain in your response why the information is redundant, outdated, or unnecessary.
- Could the goal of the regulation be achieved by less costly means that would provide the same level of public health protection? If yes, provide examples of alternatives that may reduce costs to industry while retaining the same level of public health protection.
- What factors should FDA consider in selecting and prioritizing regulations and reporting requirements for reform?

The most current version of FDA regulations may be found at *https://www.ecfr.gov.* We request that comments be as specific as possible, include any supporting data or other information, such as cost information, provide a *Code of Federal Regulations* (CFR) citation when referencing a specific regulation, and provide specific suggestions regarding repeal, replacement, or modification. For comments relating to an information collection, cite to the approved information collection request and include the Office of Management and Budget (OMB) control number.

In addition, in order to enable us to more efficiently review and consider comments, we ask that the comments be submitted in the format shown in table 1 of this document.

TABLE 1—FORMAT FOR SUBMITTING COMMENTS

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Type of product or FDA Center regulating the product.	
Citation to Code of Federal Regulations and statutory citation (as applicable).	
Approved information collection and OMB Control Number (as applicable).	
Brief description of concern	(For example, what innovation makes the regulation outdated? Why?)
Available data on cost or economic impact	(Quantified costs and/or cost savings. Qualitative description, if needed.)
Proposed solution	(Include your solution. For example, how would you modify the regulation? Provide specific text if you are recommending a modification.)

III. References

The following references are on display in the Dockets Management Staff Office (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. Executive Order 13771 (January 30, 2017); available at *https://www.federalregister.gov/documents/2017/02/03/2017-02451/reducing-regulation-and-controlling-regulatory-costs.*
2. Executive Order 13777 (February 24, 2017); available at *https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda.*

Dated: August 30, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–19035 Filed 9–7–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Chapter I

[Docket No. FDA–2017–N–5094]

Review of Existing Center for Food Safety and Applied Nutrition Regulatory and Information Collection Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Request for comments and information.

SUMMARY: As part of the implementation of Executive Order 13771 entitled, ''Reducing Regulation and Controlling Regulatory Costs,'' and Executive Order 13777 entitled, ''Enforcing the

Regulatory Reform Agenda,'' the Food and Drug Administration (FDA, Agency, or we) is seeking comments and information from interested parties to help FDA identify existing regulations and related paperwork requirements that could be modified, repealed, or replaced, consistent with the law, to achieve meaningful burden reduction while allowing us to achieve our public health mission and fulfill statutory obligations. This document relates to the products regulated by the Center for Food Safety and Applied Nutrition (CFSAN).

DATES: Submit either electronic or written comments on this document by December 7, 2017.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 7, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of December 7, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–5094 for ''Review of Existing Center for Food Safety and Applied Nutrition Regulatory and Information Collection Requirements.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff Office between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff Office, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Karen Strambler, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2378, *karen.strambler@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. FDA's Regulatory Mission

FDA is responsible for protecting the public health by: (1) Ensuring the safety, efficacy, and security of human and veterinary drugs, biological products, and medical devices; (2) ensuring the safety, security, and appropriate labeling of our nation's food supply, products that emit radiation, and cosmetics; and (3) regulating the manufacture, marketing, and distribution of tobacco products. Equally important, FDA promotes the public health by fostering and supporting innovative approaches and solutions for some of our nation's most compelling health and medical challenges.

FDA's CFSAN regulates human food (including dietary supplements) and cosmetics. This document is seeking comments and information solely on regulations and approved information collections related to these product areas.

B. The Regulatory Reform Agenda: Executive Orders 13771 and 13777

On January 30, 2017, President Trump issued Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (Ref. 1). This Executive Order states that the policy of the Executive Branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources, and that it is essential to manage the costs associated with complying with Federal regulations. On February 24, 2017, President Trump issued Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda'' (Ref. 2). The purpose of this Executive Order is to alleviate unnecessary regulatory burdens placed on the American people. Executive Order 13777 directs each Agency to establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations and identify those that may

merit repeal, replacement, or modification. Section 3(d) of the Executive Order provides that, at a minimum, each RRTF must attempt to identify regulations that:

- Eliminate jobs, or inhibit job creation;
- Are outdated, unnecessary, or ineffective;
- Impose costs that exceed benefits;
- Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;
- Are inconsistent with the requirements of the Information Quality Act, or the guidance issued pursuant to that Act, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or
- Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

II. Request for Comments and Information

To assist with our implementation of Executive Orders 13771 and 13777 and support the work of the RRTF of the Department of Health and Human Services, FDA is issuing this Request for Information soliciting broad public comment on ways we can change our regulations to achieve meaningful burden reduction while continuing to achieve our public health mission and fulfill statutory obligations. We request comment, including supporting technical, scientific, economic, or other data, from all persons and entities significantly affected by FDA regulations, including consumers, patients and caregivers, researchers, health care institutions, the regulated industry, trade associations, public interest organizations, academia, and State, local, and tribal governments, as well as any other interested stakeholder. These comments and data will supplement and inform our own ongoing, systematic review of our regulations.

The following list of questions includes those that FDA is using to guide our initial review of our regulations. This list is intended to help the public in providing comments, not to restrict the issues that may be addressed.

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- Could the goal of the regulation be achieved by less costly means that would provide the same level of public health protection? If yes, provide examples of alternatives that may reduce costs to industry while retaining the same level of public health protection.
- What factors should FDA consider in selecting and prioritizing regulations and reporting requirements for reform?

The most current version of FDA regulations may be found at *https://www.ecfr.gov.* We request that comments be as specific as possible, include any supporting data or other information, such as cost information, provide a *Code of Federal Regulations* (CFR) citation when referencing a specific regulation, and provide specific suggestions regarding repeal, replacement, or modification. For comments relating to an information collection, cite to the approved information collection request and include the Office of Management and Budget (OMB) control number.

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Dated: August 30, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–19030 Filed 9–7–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Chapter I

[Docket No. FDA–2017–N–5093]

Review of Existing General Regulatory and Information Collection Requirements of the Food and Drug Administration

AGENCY: Food and Drug Administration, HHS.

ACTION: Request for comments and information.

SUMMARY: As part of the implementation of Executive Order 13771 entitled, ''Reducing Regulation and Controlling Regulatory Costs,'' and Executive Order 13777 entitled, ''Enforcing the Regulatory Reform Agenda,'' the Food and Drug Administration (FDA, Agency, or we) is seeking comments and information from interested parties to help FDA identify existing regulations and related paperwork requirements that could be modified, repealed, or replaced, consistent with the law, to achieve meaningful burden reduction while allowing us to achieve our public health mission and fulfill statutory obligations. This document relates to general regulatory and information collection requirements that affect multiple FDA Centers and/or Offices.

DATES: Submit either electronic or written comments on this document by December 7, 2017.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 7, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of December 7, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

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Instructions: All submissions received must include the Docket No. FDA–2017–N–5093 for ''Review of Existing General Regulatory and Information Collection Requirements of the Food and Drug Administration.'' Received comments, those filed in a timely manner (see **ADDRESSES)**, will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff Office between 9 a.m. and 4 p.m., Monday through Friday.

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FOR FURTHER INFORMATION CONTACT: Megan Velez, Office of Policy, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–4830, *megan.velez@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. FDA's Regulatory Mission

FDA is responsible for protecting the public health by: (1) Ensuring the safety, efficacy, and security of human and veterinary drugs, biological products, and medical devices; (2) ensuring the safety, security, and appropriate labeling of our nation's food supply, products that emit radiation, and cosmetics; and (3) regulating the manufacture, marketing, and distribution of tobacco products. Equally important, FDA promotes the public health by fostering and supporting innovative approaches and solutions for some of our nation's most compelling health and medical challenges.

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On January 30, 2017, President Trump issued Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (Ref. 1). This Executive Order states that the policy of the Executive Branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources, and that it is essential to manage the costs associated with complying with Federal regulations. On February 24, 2017, President Trump issued Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda'' (Ref. 2). The purpose of this Executive Order is to alleviate unnecessary regulatory burdens placed on the American people. Executive Order 13777 directs each Agency to establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations and identify those that may merit repeal, replacement, or modification. Section 3(d) of the Executive Order provides that, at a minimum, each RRTF must attempt to identify regulations that:

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- Does the regulation contain redundant, outdated, or unnecessary collections of information or retention of records, *e.g.,* reporting, recordkeeping, or labeling requirements? Explain in your response why the information is redundant, outdated, or unnecessary.
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III. References

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1. Executive Order 13771 (January 30, 2017); available at *https://www.federalregister.gov/documents/2017/02/03/2017-02451/reducing-regulation-and-controlling-regulatory-costs.*
2. Executive Order 13777 (February 24, 2017); available at *https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda.*

Dated: August 30, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–19047 Filed 9–7–17; 8:45 am]

BILLING CODE 4164–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[EPA–HQ–OAR–2016–0456; FRL–9966–75–OAR]

RIN 2060–AS91

Method 202—Dry Impinger Method for Determining Condensable Particulate Emissions From Stationary Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: In this action, the Environmental Protection Agency (EPA) proposes editorial and technical revisions to the EPA's Method 202—Dry Impinger Method for Determining Condensable Particulate Emissions from Stationary Sources to improve the consistency in results achieved across the testing community.

DATES:

Comments. Comments must be received on or before November 7, 2017.

Public Hearing. If a public hearing is requested by September 18, 2017, then we will hold a public hearing on October 10, 2017 at the location described in the **ADDRESSES** section. The last day to pre-register in advance to speak at the public hearing will be October 6, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2016–0456, to the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. 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.*

Public Hearing. If a public hearing is requested, it will be held at EPA Headquarters, William Jefferson Clinton East Building, 1201 Constitution Avenue NW., Washington, DC 20004. If a public hearing is requested, then we will provide details about the public hearing on our Web site at: *https://www.epa.gov/emc/emc-proposed-test-methods.* The EPA does not intend to publish another document in the **Federal Register** announcing any updates on the request for a public hearing. Please contact Mr. Ned Shappley at (919) 541–7903 or by email at *shappley.ned@epa.gov* to request a public hearing, to register to speak at the public hearing, or to inquire as to whether a public hearing will be held.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the EPA Docket Center, EPA/DC, EPA WJC West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC. This Docket Facility 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 Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Ned Shappley, Office of Air Quality Planning and Standards, Air Quality Assessment Division, Measurement Technology Group (E143–02), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541–5225; fax number: (919) 541–0516; email address: *shappley.ned@epa.gov.*

SUPPLEMENTARY INFORMATION: The following topics are discussed in this preamble.

I. General Information

A. Does this action apply to me?

This action applies to you if you operate a stationary source that is subject to applicable requirements to control or measure condensable particulate matter (CPM) emissions where EPA Method 202 is incorporated as a component of the applicable test method. In addition, this action applies to you if federal, state, tribal, or local agencies take certain additional independent actions. For example, this action applies to sources through actions by state and local agencies that implement CPM control measures to attain the National Ambient Air Quality Standards (NAAQS) for particles less than 2.5 micrometers in diameter ($PM_{2.5}$) and specify the use of EPA Method 202 to demonstrate compliance with the control measures. State, tribal, and local agencies that specify the use of EPA Method 202 would have to implement the following requirements: (1) Adopt this method in rules or permits (either by incorporation by reference or by duplicating the method in its entirety) and (2) promulgate an emissions limit requiring the use of EPA Method 202 (or a method that incorporates EPA Method 202). This action also applies to stationary sources that are required to meet applicable CPM requirements established through federal, state, or tribal rules or permitting programs such as New Source Performance Standards and New Source Review (NSR), which specify the use of EPA Method 202 to demonstrate compliance with the control measures.

The source categories and entities potentially affected include, but are not limited to, the following:

Category	NAICS [a]	Examples of regulated entities
Industry	332410	Fossil fuel steam generators.
	332410	Industrial, commercial, institutional steam generating units.
	332410	Electricity generating units.
	324110	Petroleum refineries.
	562213	Municipal waste combustors.
	322110	Pulp and paper mills.
	325188	Sulfuric acid plants.
	327310	Portland cement plants.
	327410	Lime manufacturing plants.
	211111	Coal preparation plants.
	212111	
	212112	
	212113	
	331312	Primary and secondary aluminum plants.
	331314	
	331111	Iron and steel plants.
	331513	
	321219	Plywood and reconstituted products plants.
	321211	
	321212	

[a] North American Industrial Classification System.

If you have any questions regarding the applicability of the proposed changes to Method 202, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. What should I consider as I prepare my comments?

1. Submitting CBI

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 marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2.

Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. Send or deliver information identified as CBI to only the following address: OAQPS Document Control Officer (Room C404–02), U.S. EPA, Research Triangle Park,

NC 27711, Attention Docket ID No. EPA–HQ–OAR–2016–0456.

If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

2. Docket

The docket number for the Method 202 revisions is Docket ID No. EPA–HQ–OAR–2016–0456.

C. Where can I get a copy of this document and other related information?

World Wide Web (WWW). In addition to being available in the docket, an electronic copy of the proposed method revisions is available on the Air Emission Measurement Center (EMC) Web site at *https://www.epa.gov/emc/emc-proposed-test-methods*.

II. Background

Section 110 of the Clean Air Act, as amended (42 U.S.C. 7410), requires state and local air pollution control agencies to develop, and submit for EPA approval, State Implementation Plans (SIPs) that provide for the attainment, maintenance, and enforcement of the NAAQS in each air quality control region (or portion thereof) within each state. The emissions inventory and analyses used in the state's attainment demonstrations must consider $PM_{2.5}$ and particles less than 10 micrometers in diameter (PM_{10}) emissions from stationary sources that are significant contributors of primary PM_{10} and $PM_{2.5}$ emissions. Primary or direct PM emissions are the solid particles or liquid droplets emitted directly from an air emissions source or activity and the gaseous emissions or liquid droplets from an air emissions source or activity that condense to form PM or liquid droplets at ambient temperatures.

Subpart A of 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans) defines primary $PM_{2.5}$ and PM_{10} as including both the filterable and condensable fractions of PM. Filterable PM consists of those particles that are directly emitted by a source as a solid or liquid at the stack (or similar release conditions) and captured on the filter of a stack test sampling train. Condensable PM is the material that is in vapor phase at stack conditions but condenses and/or reacts upon cooling and dilution in the ambient air to form solid or liquid PM immediately after discharge from the stack. In response to the need to quantify primary PM_{10} and $PM_{2.5}$ emissions from stationary sources, the EPA previously developed and promulgated Method 202 (Determination of Condensable Particulate Emissions from Stationary Sources) in 40 CFR part 51, appendix M (Recommended Test Methods for State Implementation Plans).

Specifically, on December 17, 1991 (56 FR 65433), the EPA first promulgated Method 202 to provide a test method for measuring CPM from stationary sources. Method 202, as promulgated in 1991, used water-filled impingers to cool, condense, and collect materials that are vaporous at stack conditions and become solid or liquid PM at ambient air temperatures. Method 202, as promulgated in 1991, contains several optional procedures that were intended to accommodate the various test methods in use by state and local regulatory entities at the time Method 202 was being developed.

When conducted consistently and carefully, this version of the method provided improved precision for most emission sources, and has been successfully implemented in regulatory programs where the emission limits and compliance demonstrations are established based on a consistent application of Method 202 and its associated options. However, when the same emission source is tested using different combinations of the optional procedures within the method, there were variations in the measured CPM emissions. Additionally, during validation of the method, we determined that sulfur dioxide (SO_2) gas (a typical component of emissions from several types of stationary sources) can be absorbed partially in the impinger solutions and can react chemically to form sulfuric acid. This sulfuric acid ''artifact'' is not related to the primary emission of CPM from the source, but may be counted erroneously as CPM when using Method 202. The EPA conducted additional studies to further examine the mechanism and the effects of sulfuric acid formation. The results of our 1989 laboratory study and field evaluation commissioned to evaluate the impinger approach can be found in ''Laboratory and Field Evaluation of the EPA Method 5 Impinger Catch for Measuring Condensible Matter from Stationary Sources.'' The report of that work is available in the docket as EPA–HQ–OAR–2016–0456–0001. Essentially, the 1989 study verified the need for a nitrogen purge when SO_2 is present in stack gas and also provided guidance for analyzing the collected samples. In 2005, an EPA contractor conducted a second study, ''Laboratory Evaluation of Method 202 to Determine Fate of SO_2 in Impinger Water,'' that replicated some of the earlier EPA work and addressed some additional issues. The report of that work is available in the docket as EPA–HQ–OAR–2016–0456–0002. In 2009, an EPA contractor conducted a third study, ''Evaluation and Improvement of Condensable Particulate Matter Measurement,'' that presents the results of a laboratory evaluation of a dry impinger modification to Method 202. The report of that work is available in the docket as EPA–HQ–OAR–2016–0456–0003.

In 2010, the EPA promulgated amendments to Method 202 (75 FR 80118) to improve the measurement of fine PM emissions. The final amendments revised the sample collection and recovery procedures of the method to: (1) Reduce the potential for CPM formation due to oxidation of dissolved SO_2 when using Method 202 (as promulgated in 1991) and (2) promote consistent application of the method by eliminating most of the hardware and analytical options in the existing method. The most significant procedural changes were the addition of a condenser prior to the first impinger, the removal of water from the two impingers between the condenser and the CPM filter, and the addition of the requirement for a post-test nitrogen purge. These revisions increased the precision of Method 202 and reduced potential positive and negative biases by removal of the myriad of options and elimination of water in the two impingers, which significantly improved the consistency in the measurements obtained between source tests performed under different regulatory authorities.

On April 8, 2014, the EPA issued interim guidance on the treatment of CPM results in the Prevention of Significant Deterioration (PSD) and Nonattainment NSR Permitting Programs. The purpose of this guidance was to address concerns that CPM test results obtained with the method could include a positive bias that results in the overestimation of emissions due to the potential for blank contamination associated with the implementation of Method 202. In this interim guidance, we recommend to air agencies and permit applicants that it is appropriate on an interim basis to allow major source permit applicants to depart from one aspect of Method 202, specifically the current upper limit of 2.0 milligrams (mg) for the field train recovery blank. Consistent with this guidance, during the prescribed interim period, air agencies may allow permit applicants to use field train proof blanks, in lieu of the field train recovery blanks, and blank values as high as 5.1 mg can then

be used in the calculation of CPM emissions. As part of this guidance, the EPA announced plans to issue guidance on best practices for Method 202 implementation and to revise Method 202 as necessary. In addition, this guidance stated that the interim guidance period will end on the effective date of any revision that the EPA may make for Method 202 regarding the use of blanks in the field train on individual test results. We intend that the interim guidance will no longer apply as of the effective date of the final rule resulting from this proposal. A copy of the interim guidance is available in the docket (EPA–HQ–OAR–2016–0456–003) and on the EMC Web site at *https://www3.epa.gov/ttn/emc/methods/psdnsrinterimcmpmemo4814.pdf*.

On March 10, 2016, the EPA released the EPA Method 202 Best Practices Handbook. This handbook provides quality control procedures for evaluating the cause of blank contamination and practices to reduce contamination, so that testers may achieve the expected results when using Method 202. A copy of this handbook is available in the docket as EPA–HQ–OAR–2016–0456–004 and on the EMC Web site at *https://www3.epa.gov/ttn/emc/methods/m202-best-practices-handbook.pdf*.

III. Summary of Proposed Revisions

In this action, we are proposing technical revisions and editorial changes to clarify and update the requirements and procedures specified in Method 202. Proposed editorial changes include correcting inconsistent terminology, improving readability, and simplifying text to aid in consistent implementation of the method. Proposed technical revisions are discussed below.

A. Blank Correction

In this action, we propose to replace the field train recovery blank requirement used to determine the blank correction (up to 2.0 mg) with a field train proof blank requirement. In the current version of Method 202, the result of the field train recovery blank is used as the basis for the blank correction (up to 2.0 mg). Specifically, we propose to revise section 8.5.4.10 (and renumber as section 8.5.5.8) to require conducting a field train proof blank to demonstrate the cleanliness of the sampling train. We propose to revise sections 9.9, 12.1, and 12.2.2, and Figures 4, 5, and 6 to replace the field train recovery blank with the field train proof blank. We also propose to remove the field train recovery blank requirement and the associated text in section 9.10 from the method.

The EPA received technical information and recommendations from the National Council on Air and Stream Improvement (NCASI) supporting the use of a field train proof blank to evaluate method blank correction. The EPA believes the updated field train proof blank is a better indicator of the total systematic blank error for Method 202 sample runs. Under the proposed amendments, a clean and prepared sampling train is transported and fully assembled at the sampling location, leak checked, left in place without collecting a sample, purged with nitrogen, and recovered in the same manner as a sample collection train. All components of the Method 202 sampling train must be included in the field train proof blank to properly quantify the blank value. The field train proof blank represents the systematic bias associated with all of the uncertainty from the reagents, sampling media, glassware preparation, recovery and analysis procedures, environmental contamination, leak checks, and test crew sample handling.

B. Procedures for the Field Train Proof Blank

In the current version of Method 202, the setup and recovery procedures for the field train proof blank are incomplete. We are proposing the following revisions for the field train proof blank setup and recovery procedures specified in sections 8.5.5.8, 8.5.5.8.1, 8.5.5.8.2, and 9.9:

- Adding a full sampling train setup including the front half of the train for collecting filterable PM, probe extension and/or transfer line, condenser, impingers, and filter used to collect the CPM.
- Requiring that the entire filterable PM and CPM sampling train is transported to and assembled at the sampling location.
- Adding pre- and post-test leak checks.
- Exposing the assembled field train proof blank sampling train to the sampling environment for the same duration as the test runs to be conducted.
- Performing a post-test nitrogen purge of the field train proof blank.
- Requiring recovery of the sampling train components identical to how field samples are recovered.

In this action, we are also proposing to add section 8.5.5.8.3 to include procedures for handling the CPM filter from the field train proof blank. We believe that the proposed revisions will generate blank samples that duplicate sources of possible contamination experienced by the field samples.

C. Configuration of the Vertical Condenser

Currently, Method 202 does not specify the orientation of the moisture condenser located before the first impinger of the sampling train. Although the sampling trains depicted in Figures 1 through 3 show the placement of the condenser, the incline of the condenser in the figures is not specified.

When the condenser is installed horizontally or at an angle, condensed moisture may pool in the condenser coils, increasing the potential for SO_2 to dissolve into that water and slowly oxidize to form CPM that is not related to the primary emission of CPM from the source. We believe that requiring the condenser to be installed vertically will minimize pooling of condensed moisture in the condenser coils, thereby reducing the potential for this bias and promoting consistency in CPM measurement.

In this action, we propose revisions to sections 2.1.2, 6.1.2, and 8.4.1 to require that the moisture condenser be installed in a vertical orientation. We propose to revise Figures 1 through 3 to depict the condenser in the vertical position consistent with the changes to the method text. We also propose to revise section 6.1.4 (and renumber as section 6.1.3) to allow other equipment options to purge the water in the dropout impinger.

D. Use of Graduated Cylinders

Currently, Method 202 allows the use of a graduated cylinder to measure the volume of moisture collected in the impingers and the silica gel trap for the purpose of calculating the moisture content of the effluent gas. We believe that using a graduated cylinder to measure the accumulated water is not sensitive enough to measure the moisture and potentially adds an unnecessary additional source for potential loss of condensable particulate residual mass in samples measured by Method 202. Therefore, we propose to revise section 8.5.3.4 (and renumber as section 8.5.3) to remove the option to use graduated cylinders and to require use of a balance to determine the mass of each impinger for the purpose of measuring the moisture collected during sampling. Instructions to weigh each impinger before testing, which is a necessary step for determining the amount of moisture collected when using a balance, are proposed for relocation to section 8.4.5. We also propose to make accompanying

revisions in sections 8.5.1.1, 8.5.1.2, and 11.1(b) to clarify the procedures for weighing the impingers and captured moisture. Sections related to transferring the moisture-trap impinger and silica gel impinger contents in sample containers for measurement using graduated cylinders are proposed to be removed.

E. Limitations of Method 202

High moisture in the sampled gas stream can result in the accumulation of SO_2 in the collected moisture resulting in a positive bias for CPM measurements. As the moisture accumulates in the sample impingers, the method performs similarly to the original version of Method 202 where SO_2 in the effluent could react in the condensed moisture and form sulfuric acid that may be counted erroneously as CPM. In addition, longer sampling times coupled with high moisture can (in the water-contained impingers) allow more SO_2 conversion to CPM since the conversion of SO_2 to CPM has a relatively slow reaction rate.

Section 8.5.1.1 of Method 202 recommends removing moisture from the sampling train during the test run when the amount of moisture collected is greater than half the capacity of the water dropout impinger or the moisture level of the back-up impinger is above the impinger tip.

Longer sampling run times also delay the start of the post-test nitrogen purge. The post-test nitrogen purge is designed to remove dissolved gasses from the accumulated moisture and thus reduce the potential chemical reactions. In this action, we propose to amend Method 202 by adding a recommendation in section 1.5 to limit the sampling time to 2 hours for Method 202 testing when excessive moisture collection is expected. We also propose revisions to section 8.5.1.1 to specify that if accumulated water exceeds half of the capacity of the water dropout impinger, or if water accumulates in the back-up impinger sufficient to cover the impinger tip, the impinger(s) must be removed and replaced with new pre-weighed impingers and all resulting impingers must be weighed, purged and recovered following the procedures of the method.

The current version of Method 202 also prohibits the use of certain filterable particulate test methods in conjunction with Method 202. In this action, we propose revisions to section 1.4 to state only the acceptable filterable particulate test methods and to include a note that you must maintain the gas filtration temperature as specified in the filterable PM test method unless otherwise specified by an applicable subpart.

F. Required Use of Method 202

Condensable PM is formed from gaseous materials that condense and/or react upon cooling and dilution in the ambient air. Method 202 requires the use of a particulate sampling method (*e.g.,* Method 5, 17, or 201A) to separately collect the filterable PM from CPM.

Filterable PM methods that collect particulate out-of-stack have specified filter temperature requirements and require the addition of a Method 202 sampling train to collect CPM. Filterable PM methods that employ in-stack filters collect particulate material at the source gas temperature.

If the temperature of the filterable PM sampling equipment, including the filter, meets Method 202 temperature requirements (*i.e.,* ≤30 °C (85 °F)), both filterable and CPM are collected together on the filter and CPM is not quantified independently but rather as total particulate, total PM_{10}, or total $PM_{2.5}$ depending on the filterable collection method.

In this action, we propose to revise section 1.2 to clearly state that, if the sample gas filtration temperature never exceeds 30 °C (85 °F), then Method 202 is not required to measure total primary PM because the CPM would be collected with the filterable PM.

G. Sample Container Material

Currently, section 6.2.1(d) of Method 202 specifies the use of amber glass sample bottles for sample recovery. In this action, we propose to revise section 6.2.1(d) to allow the use of sample containers made from other non-reactive materials (*e.g.,* high density polyethylene (HDPE), polytetrafluoroethylene (PTFE)) as an alternative to amber glass bottles for inorganic (aqueous) samples. We also propose to revise sections 6.2.1(d), 8.5.5.3, 8.5.5.5, and 8.5.5.7 to require cleaning of all sample containers according to the procedures in section 8.4 prior to use.

Although we are proposing to revise the method to allow use of polymer or glass sample containers for inorganic samples, we continue to require glass containers for organic samples. The proposed revisions would provide testers with an alternative for storing inorganic samples to avoid this potential source of contamination.

H. Weighing Containers

Currently, section 6.2.2(b) of Method 202 specifies that glass evaporation vials, fluoropolymer beaker liners, or aluminum weighing tins can be used for final sample evaporation and weighing. In this action, we propose to include a list of acceptable weighing containers that includes fluoropolymer beaker liners and other vessels that have low mass and are unreactive to the sample and the atmosphere. Laboratories have reported that aluminum weighing tins may oxidize in contact with some sample matrices. The heavier weight of some glass beakers or containers may cause difficulty with measurement of trace amounts of residual mass. We propose to revise sections 6.2.2(b), 11.2.2.3, 11.2.3, 11.2.4, 11.2.5, and 11.2.6 to remove the connotation of sampling ''tin'' as an implicit approval of aluminum tins.

I. Laboratory Analytical Balance Requirements

We propose additional quality control requirements for analytical balance use. Currently, section 9.6 of Method 202 requires calibration of the analytical balance on each day that samples are weighed, and section 10.3 of the Method 202 Best Practices Handbook provides additional steps that stack testers can use to improve consistency in analytical balance measurements. In this action, we propose to amend section 9.6 to specify the correct mass standard to use for the Analytical Calibration Check, specifications for the temperature and humidity control in weighing areas and requirements for balance calibration checks that approximately match the sample measurements to include the following requirements:

- The laboratory analytical balance must be maintained at a constant temperature of 20 °C ± 3 °C (68 °F ± 5 °F).
- The relative humidity at the location of the laboratory analytical balance must be maintained at 35 to 50 percent, with the exception that if the relative humidity is lower than 35 percent, the relative humidity must be maintained within ±10 percent during sample weighing.
- The results of the calibration check of the laboratory analytical balance must be within 0.05 percent of the applicable certified weight.
- The laboratory analytical balance must be checked each day it is used for gravimetric measurements by weighing at least one ASTM E617–13 Class 2 tolerance (or better) calibration weight that corresponds to 50 to 150 percent of the weight of one filter or between 1 gram (g) and 5 g. If the scale cannot reproduce the value of the calibration weight to within 0.5 mg of the certified mass, perform corrective measures and

conduct the multipoint calibration before use.

J. Field Balance Requirements

In this action, we propose to correct section 9.4 to specify the mass standard with which to conduct the field balance calibration check. We believe that this additional requirement is necessary to increase consistency of Method 202 moisture sample measurements. We propose the requirement that the field balance calibration check be performed daily with an ASTM E617–13 Class 6 (or better) weight.

K. pH Measurement

In sections 6.2.2(h) and 11.2.2.2 of the current method, pH measurement by pH meter or colorimetric pH indicator is allowable for the titration procedure. While the use of a colorimetric (*e.g.,* Phenolphthalein) indicator is an acceptable technique for accurately determining the end-point of an acid-base titration, we are concerned that determining the pH using colorimetric pH indicators may introduce additional error in the measurement of CPM due to over-titration.

In this action, we propose to amend sections 6.2.2(h) and 11.2.2.2 to remove the option of using a colorimetric pH indicator and require the use of a pH meter whose calibration has been checked immediately prior to the titration step. We also propose to correct the CPM Sample Processing Flow Chart for sample analysis (Figure 8). We believe these revisions will increase the consistency and comparability of Method 202 results between source tests.

L. Glassware Cleaning Procedures

To obtain reliable CPM data using Method 202 for PSD and NSR permits, residual mass from sampling and analysis equipment must be minimized.

In this action, we propose the following amendments to clarify equipment and glassware cleaning in section 8.4 of Method 202, including:

- Adding a specification that all glassware used in the implementation of Method 202, including the impinger train and sample containers, should be cleaned sufficiently to meet the blank correction maximum limit of 2.0 mg in section 9.9.
- Removing the statement referencing cleaning silicone grease so that it is not mistakenly viewed as acceptable to use such grease in Method 202 sampling trains.
- Removing the requirement that glassware must be baked after cleaning (although the EPA is proposing to remove the baking requirement, we highly recommended baking of glassware as discussed in the EPA Method 202 Best Practices Handbook).
- Removing the option to use the field train proof blank as an alternative to baking since the field train proof blank is being proposed as a requirement of Method 202.
- Adding a recommended procedure for cleaning the probe liners by heating for a period of at least 3 hours at the maximum practical temperature.

These proposed revisions make the glassware cleaning procedures performance-based, clarify the requirements, and provide testers with an additional method for ensuring cleanliness of the probe liners.

M. Reagent Blanks

Currently, Method 202 specifies a volume of 150 milliliters (mL) for performing reagent blank analyses and specifies that field reagent blanks are optional. In this action, we propose to revise section 9.7 to specify a minimum volume of 200 mL for these field reagent blank volumes and to revise section 9.8 to require analysis of field reagent blanks in the performance of Method 202. We also propose to make accompanying revisions to sections 8.5.5.5, 8.5.5.6, 8.5.5.7, 11.2.4, 11.2.5, and 11.2.6.

The original solvent blank volume was intended to represent amounts typically used during sample recovery. A larger reagent blank volume is necessary to quantify residual mass using the analytical balance specified in Method 202 with a sensitivity of 0.0001 g (0.1 mg). These proposed revisions are based on recommendations received from state agencies. This change to the method quality control quantifies any addition to the sample mass from gross contamination originating from the use of reagents in the field.

N. Nitrogen Purge Requirements

Method 202, as promulgated in 2010, includes two approaches for performing the post-test nitrogen purge: (1) A negative pressure purge using the pump and meter box from the sampling train or (2) a positive pressure purge using the gas cylinder pressure to propel the nitrogen gas through the CPM collection components.

The intent of the multiple purge options was to allow the testing contractors to either purge the sampling train on or near the sampling location or to transport the train components to a controlled environment less susceptible to sources of contamination. We now believe that a post-test nitrogen purge of the sampling train using the meter box and a vacuum pump adds steps that could potentially contaminate samples and outweigh the advantages of train purges done immediately following the sampling. In this action, we propose to revise section 8.5.4 to eliminate the option for performing the post-test nitrogen purge using the meter box and vacuum pump. We also propose to make accompanying revisions in sections 8.5.4.1, 8.5.4.2, 8.5.4.4 and 8.5.4.5.

O. Data Record Requirements

In this action, we propose the following amendments to Method 202 sections to record and report test information that were either absent or undefined in the current promulgated method:

- Record the pre- and post-test weights of the impingers, as well as the color of the indicating silica gel, at the completion of sampling (sections 8.4.5 and 8.5.3).
- Record the results of the pre- and post-test leak checks of the sampling train (sections 8.4.6 and 8.5.2).
- Record the time (hh:mm), nitrogen flowrate, CPM filter temperature, and moisture trap temperature (if applicable) during the post-test nitrogen purge (section 8.5.4.4).
- Record the results of the field and laboratory analytical balance calibration checks (sections 9.4 and 9.6.4).
- Record the temperature and relative humidity conditions of the laboratory analytical balance (section 9.6.3).

P. Method Detection Limits

In this action, we propose to revise section 13.0 regarding method performance. We updated method detection limit values based on a formal study submitted to the EPA by NCASI that evaluated the zero bias of Method 202 when Method 202 Best Practices were implemented. A copy of this study titled, ''Method 202 Zero Bias Study When Incorporating Draft Best Practices Developed by the US EPA,'' (NCASI 2017) is available in the docket (EPA–HQ–OAR–2016–0456–005).

Q. Alternative Blank Procedure and Correction Value

While the EPA believes that field train proof blank results of 2.0 mg or less are achievable, we recognize there may be certain instances when the environment surrounding the sampling location may significantly contribute to the systematic bias of the method results as measured by the field train proof blank. This proposed alternative procedure would account for the uncontrollable environmental bias associated with measurements collected in problematic sampling locations.

In this action, we are proposing to amend section 16.1 of Method 202 to allow the combined results from multiple field train proof blanks to be used as the basis for blank correction up to 3.9 mg when approved by the regulatory authority. The 3.9 mg value is based on the Upper Prediction Limit (UPL) of the NCASI field study used to update the method detection limit (NCASI 2017). In this procedure, we have included conditions and criteria that a facility must satisfy in order to demonstrate need for the alternative procedure.

IV. Request for Comments

The EPA is requesting public comments on all of the proposed editorial and technical amendments to Method 202. For the convenience of the reader, we include in this notice the entire text of Method 202, including proposed revisions, but the scope of this rulemaking is limited to the proposed revisions and does not include any unchanged provisions.

V. 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 and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. The revisions being proposed in this action do not add information collection requirements, but make corrections and updates to existing testing methodology.

D. 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. This action will not impose any requirements on small entities. The proposed revisions to Method 202 neither impose any requirements on regulated entities beyond those specified in the current regulations, nor do they change any emission standard.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded 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. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. 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.

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

This action does not have tribal implications, as specified in Executive Order 13175. This action proposes corrections and updates to the existing procedures specified in Method 202. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 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.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This action makes corrections and updates to existing testing methodology and does not have any impact on human health or the environment.

List of Subjects in 40 CFR Part 51

Administrative practice and procedure, Air pollution control, EPA Method 202, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: August 23, 2017.

E. Scott Pruitt,

Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency proposes to amend title 40, chapter I of the Code of Federal Regulations as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 51 continues to read as follows:

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

Subpart BB—Data Requirements for Characterizing Air Quality for the Primary SO_2 NAAQS

■ 2. In appendix M to part 51—Recommended Test Methods for State Implementation Plans, revise Method 202 to read as follows:

Method 202—Dry Impinger Method for Determining Condensable Particulate Emissions From Stationary Sources

1.0 Scope and Applicability

1.1 Scope. The U.S. Environmental Protection Agency (U.S. EPA or ''we'') developed this method to describe the procedures that the stack tester (''you'') must follow to measure condensable particulate matter (CPM) emissions from stationary sources. This method includes procedures for measuring both organic and inorganic CPM.

1.2 Applicability. This method addresses the equipment, preparation, and analysis necessary to measure only CPM. You can use this method only for stationary source emission measurements. You can use this method to measure CPM from stationary source

emissions after filterable particulate matter (PM) has been removed. Condensable PM is measured in the emissions after removal from the stack and after passing through a filter.

(a) If you are required to measure total primary (direct) $PM_{2.5}$ and/or PM_{10}, then you must combine the procedures in this method with the procedures in Method 201A of appendix M to this part. If you are required to measure both the filterable and condensable components of total primary (direct) PM emissions to the atmosphere, then you may use Method 5 of appendix A–3 to part 60, or Method 17 of appendix A–6 to part 60.

Note: If Method 17 of appendix A–6 to part 60 is attempted in conjunction with Method 202 to measure total primary PM, and the constant weight requirements for the filterable fractions cannot be met, it may be necessary to conduct additional test runs using an applicable filterable PM method that requires a heated filter temperature.

(b) If the gas filtration temperature of the filterable PM method used does not exceed 30 °C (85 °F), then use of this method is not necessary to measure primary PM, as the CPM is collected as filterable PM.

Note: For those methods that require in-stack filtration (*i.e.,* Method 17 and 201A), the measured stack temperature is considered the filtration temperature.

1.3 Responsibility. You are responsible for obtaining the equipment and supplies you will need to use for this method. You should also develop your own procedures for following this method and any additional procedures to ensure accurate sampling and analytical measurements.

1.4 Additional Methods. To obtain reliable results, you should have a thorough knowledge of the following test methods that are found in appendices A–1 through A–3 and A–6 to part 60, and in appendix M to this part:

(a) Method 1—Sample and velocity traverses for stationary sources.

(b) Method 2—Determination of stack gas velocity and volumetric flow rate (Type S pitot tube).

(c) Method 3—Gas analysis for the determination of dry molecular weight.

(d) Method 4—Determination of moisture content in stack gases.

(e) Method 5—Determination of particulate matter emissions from stationary sources.

(f) Method 17—Determination of particulate matter emissions from stationary sources (in-stack filtration method).

(g) Method 201A—Determination of PM_{10} and $PM_{2.5}$ emissions from stationary sources (constant sampling rate procedure).

(h) In addition to Method 5, it is also acceptable to use Method 5A, 5D or 5I to collect filterable PM from stationary sources.

Note: You must maintain the gas filtration temperature of the filterable PM method as specified in the method, unless otherwise specified by an applicable subpart.

1.5 Limitations. You can use this method to measure emissions in stacks that have entrained droplets only when this method is combined with a filterable PM test method that operates at high enough temperatures to cause water droplets sampled through the probe to become vaporous.

Note: The EPA recommends that under these conditions or any other conditions, when moisture collection is expected to be in excess of 2 percent, the testing periods be limited to no greater than 2 hours.

1.6 Conditions. You must maintain isokinetic sampling conditions to meet the requirements of the filterable PM test method used in conjunction with this method. You must sample at the required number of sampling points specified in the filterable PM test method used in conjunction with this method. Also, if you are using this method as an alternative to a required performance test method, you must receive approval from the regulatory authority that established the requirement to use this test method prior to conducting the test.

2.0 Summary of Method

2.1 Summary. The CPM is collected in dry impingers after filterable PM has been collected on a filter maintained as specified in either Method 5 of appendix A–3 to part 60, Method 17 of appendix A–6 to part 60, or Method 201A of appendix M to this part. The organic and aqueous sample fractions from the impingers and an out-of-stack CPM filter are then taken to dryness and weighed. The total mass collected from the impinger fractions and the CPM filter represents the CPM. Compared to the version of Method 202 that was promulgated on December 17, 1991, this method eliminates the use of water as the collection media in impingers and includes the addition of a condenser followed by a water dropout impinger after the final in-stack or heated filter. This method also includes the addition of one modified Greenburg-Smith impinger (backup impinger) and a CPM filter following the water dropout impinger. Figure 1 of section 18 presents the schematic of the sampling train configured with these changes.

2.1.1 Condensable PM. Condensable PM is collected in the water dropout impinger, the modified Greenburg-Smith impinger, and the CPM filter of the sampling train as described in this method. The impinger contents are purged with nitrogen as soon as possible after the post-test leak check to remove dissolved sulfur dioxide (SO_2) gases from the impingers. The impinger solutions are collected and the glassware is rinsed with water, acetone, and hexane. The CPM filter is extracted with water and hexane; the extracted liquid is then combined with the hexane and water fractions from the impingers. The aqueous impinger solution is then extracted with hexane. The organic and aqueous fractions are evaporated to dryness and the residues are weighed. The total of the aqueous and organic fractions represents the CPM.

2.1.2 Dry Impinger and Additional Filter. The potential artifacts from SO_2 are reduced using a vertical condenser and water dropout impinger to separate CPM from reactive gases. No water is added to the water dropout and backup impingers prior to the start of sampling. To improve the collection efficiency of CPM, an additional filter (the ''CPM filter'') is placed between the second and third impingers.

3.0 Definitions

3.1 Condensable PM (CPM) means material that is vapor phase at stack conditions, but condenses and/or reacts upon cooling and dilution in the ambient air to form solid or liquid PM immediately after discharge from the stack. Note that all condensable PM is assumed to be in the $PM_{2.5}$ size fraction.

3.2 Constant weight means a difference of no more than 0.5 mg or 1 percent of total weight less tare weight, whichever is greater, between two consecutive weighings, with no less than 6 hours of desiccation time between weighings.

3.3 Field Train Proof Blank. A field train proof blank for each source category tested is recovered on-site from a clean, fully-assembled sampling train.

3.4 Filterable PM means particles that are emitted directly by a source as a solid or liquid at stack or release conditions and captured on the filter of a stack test train.

3.5 Primary PM (also known as direct PM) means particles that enter the atmosphere as a direct emission from a stack or an open source. Primary PM comprises two components: Filterable PM and condensable PM. These two PM components have no upper particle size limit.

3.6 Primary $PM_{2.5}$ (also known as direct $PM_{2.5}$, total $PM_{2.5}$, $PM_{2.5}$, or

combined filterable $PM_{2.5}$ and condensable PM) means PM with an aerodynamic diameter less than or equal to 2.5 micrometers. These solid particles are emitted directly from an air emissions source or activity, or are the gaseous emissions or liquid droplets from an air emissions source or activity that condense to form PM at ambient temperatures. Direct $PM_{2.5}$ emissions include elemental carbon, directly emitted organic carbon, directly emitted sulfate, directly emitted nitrate, and other inorganic particles (including but not limited to crustal material, metals and sea salt).

3.7 Primary PM_{10} (also known as direct PM_{10}, total PM_{10}, PM_{10}, or the combination of filterable PM_{10} and condensable PM) means PM with an aerodynamic diameter equal to or less than 10 micrometers.

3.8 ASTM E617–13. ASTM E617–13 ''Standard Specification for Laboratory Weights and Precisions Mass Standards,'' approved May 1, 2013, was developed and adopted by the American Society for Testing and Materials (ASTM). The standards cover weights and mass standards used in laboratories for specific classes. The ASTM E617–13 standard has been approved for incorporation by reference by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The standard may be obtained from *http://www.astm.org* or from the ASTM at 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959. All approved material is available for inspection at the EPA Docket Office, EPA WJC West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460, telephone number (202) 566–1744. It is also available for inspection 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/code_of_federal_regulattions/ibr_locations.html.*

4.0 Interferences

[Reserved]

5.0 Safety

Disclaimer. Because the performance of this method may require the use of hazardous materials, operations, and equipment, you should develop a health and safety plan to ensure the safety of your employees who are on site conducting the particulate emission test. Your plan should conform with all applicable Occupational Safety and Health Administration, Mine Safety and Health Administration, and Department of Transportation regulatory requirements. Because of the unique situations at some facilities and because some facilities may have more stringent requirements than is required by state or federal laws, you may have to develop procedures to conform to the plant health and safety requirements.

6.0 Equipment and Supplies

The equipment used in the filterable particulate portion of the sampling train is described in Methods 5 and 17 of appendix A–1 through A–3 and A–6 to part 60 and Method 201A of appendix M to this part. The equipment used in the CPM portion of the train is described in this section.

6.1 Condensable Particulate Sampling Train Components. The sampling train for this method is used in addition to filterable particulate collection using Method 5 of appendix A–3 to part 60, Method 17 of appendix A–6 to part 60, or Method 201A of appendix M to this part. This method includes the following exceptions or additions:

6.1.1 Probe Extension and Liner. The probe extension between the filterable particulate filter and the condenser must be glass- or fluoropolymer-lined. Follow the specifications for the probe liner specified in section 6.1.1.2 of Method 5 of appendix A–3 to part 60.

6.1.2 Condenser and Impingers. You must add the following components to the filterable particulate sampling train: A vertical condenser, followed by a water dropout impinger or flask, followed by a modified Greenburg-Smith impinger (backup impinger) with an open tube tip as described in section 6.1.1.8 of Method 5 of appendix A–3 to part 60.

6.1.3 Dropout Impinger Insert for Nitrogen Purge. You must use a leak-free ground glass fitting with a long glass or PTFE stem (*e.g.,* modified Greenburg-Smith impinger insert or purge stem, etc.) for the water dropout impinger to perform the nitrogen purge of the sampling train. The glass stem must be designed so that the tip of the stem is ½″ from the bottom of the impinger.

6.1.4 CPM Filter Holder. The modified Greenburg-Smith impinger is followed by a filter holder that is either glass, stainless steel (316 or equivalent), or fluoropolymer-coated stainless steel. Commercial size filter holders are available depending on project requirements. Use a commercial filter holder capable of supporting 47 mm or greater diameter filter. Commercial size filter holders contain a fluoropolymer O-ring, stainless steel, ceramic or fluoropolymer filter support and a final fluoropolymer O-ring. At the exit of the CPM filter, install a fluoropolymer-coated or stainless steel encased thermocouple that is in direct contact with the gas stream.

6.2 Sample Recovery Equipment

6.2.1 Condensable PM Recovery. Use the following equipment to quantitatively determine the amount of CPM recovered from the sampling train.

(a) Nitrogen purge line. You must use inert tubing and fittings capable of delivering at least 14 liters/min of nitrogen gas to the impinger train from a standard gas cylinder (*see* Figures 2 and 3 of section 18). You may use standard 0.6 centimeters (¼ inch) tubing and compression fittings in conjunction with an adjustable pressure regulator and needle valve.

(b) Rotameter. You must use a rotameter capable of measuring gas flow up to 20 liters/min. The rotameter must be accurate to five percent of full scale.

(c) Nitrogen gas purging system. Compressed ultra-pure nitrogen, regulator, and filter must be capable of providing at least 14 liters/min purge gas for one hour through the sampling train.

(d) Sample bottles (500 ml). You must use amber glass bottles or other non-reactive bottles (*e.g.,* High Density Linear Polyethylene (HDLPE), or PTFE) pre-cleaned sample bottles for inorganic samples. Amber glass bottles are required for organic samples and must be prepared according to section 8.4 of this method.

6.2.2 Analysis Equipment. The following equipment is necessary for CPM sample analysis:

(a) Separatory Funnel. Glass, 1 liter.

(b) Weighing Containers. Fluoropolymer beaker liners or other low-mass vessels which are unreactive to the sample or atmosphere.

Note: The use of an anti-static device(s) during gravimetric analysis to prevent static from interfering with the analysis is recommended when using Fluoropolymer or similar beaker liners.

(c) Glass Beakers. 300 to 500 ml.

(d) Drying Equipment. A desiccator containing anhydrous calcium sulfate that is maintained below 10 percent relative humidity, and a hot plate or oven equipped with temperature control.

(e) Glass Pipets. 5 ml.

(f) Burette. Glass, 0 to 100 ml in 0.1 ml graduations.

(g) Analytical Balance. Analytical balance capable of weighing at least 0.0001 g (0.1 mg).

(h) pH Meter. The pH meter must be capable of determining the acidity of liquid within 0.1 pH units.

(i) Sonication Device. The device must have a minimum sonication frequency of 20 kHz and be approximately four to six inches deep to accommodate the sample extractor tube.

(j) Leak-Proof Sample Containers. Containers used for sample and blank recovery must not contribute more than 0.05 mg of residual mass to the CPM measurements.

(k) Wash bottles. Any container material is acceptable, but wash bottles used for sample and blank recovery must not contribute more than 0.1 mg of residual mass to the CPM measurements.

7.0 Reagents and Standards

7.1 Sample Collection. To collect a sample, you will need a CPM filter, crushed ice, and silica gel. You must also have water and nitrogen gas to purge the sampling train. You will find additional information on each of these items in the following summaries.

7.1.1 CPM Filter. You must use a nonreactive, non-disintegrating polymer filter that does not have an organic binder and does not contribute more than 0.5 mg of residual mass to the CPM measurements. The CPM filter must also have an efficiency of at least 99.95 percent (less than 0.05 percent penetration) on 0.3 micrometer dioctyl phthalate particles. You may use test data from the supplier's quality control program to document the CPM filter efficiency.

7.1.2 Silica Gel. Use an indicating-type silica gel of 6 to 16 mesh. You must obtain approval of the Administrator for other types of desiccants (equivalent or better) before you use them. Allow the silica gel to dry for 2 hours at 175 °C (350 °F) if it is being reused. You do not have to dry new silica gel if the indicator shows the silica gel is active for moisture collection.

7.1.3 Water. Use deionized, ultra-filtered water that contains 1.0 parts per million by weight (ppmw) (1 mg/L) residual mass or less to recover and extract samples.

7.1.4 Crushed Ice. Obtain from the best readily available source.

7.1.5 Nitrogen Gas. Use Ultra-High Purity compressed nitrogen or equivalent to purge the sampling train. The compressed nitrogen you use to purge the sampling train must contain no more than 1 parts per million by volume (ppmv) oxygen, 1 ppmv total hydrocarbons as carbon, and 2 ppmv moisture. The compressed nitrogen must not contribute more than 0.1 mg of residual mass per purge.

7.2 Sample Recovery and Analytical Reagents. You will need acetone, hexane, anhydrous calcium sulfate, ammonia hydroxide, and deionized water for the sample recovery and analysis. Unless otherwise indicated, all reagents must conform to the specifications established by the Committee on Analytical Reagents of the American Chemical Society. If such specifications are not available, then use the best available grade. Additional information on each of these items is in the following paragraphs:

7.2.1 Acetone. Use acetone that is stored in a glass bottle. Do not use acetone from a metal container because it normally produces a high residual mass in the laboratory and field reagent blanks. You must use acetone that has a blank value less than 1.0 ppmw (0.1 mg/100 g) residue.

7.2.2 Hexane, American Chemical Society Grade or Equivalent. You must use hexane that has a blank residual mass value less than 1.0 ppmw (0.1 mg/100 g) residue.

7.2.3 Water. Use deionized, ultra-filtered water that contains 1.0 ppmw (1.0 mg/L) residual mass or less to recover material caught in the impinger.

7.2.4 Condensable Particulate Sample Desiccant. Use indicating-type anhydrous calcium sulfate to desiccate water and organic extract residue samples prior to weighing.

7.2.5 Ammonium Hydroxide. Use National Institute of Standards and Technology (NIST)-traceable or equivalent (0.1 N) ammonium hydroxide (NH_4OH).

7.2.6 Standard Buffer Solutions. Use one buffer solution with a neutral pH and a second buffer solution with an acid pH of no less than 4.

8.0 Sample Collection, Preservation, Storage, and Transport

8.1 Qualifications. This is a complex test method. To obtain reliable results, you should be trained and experienced with in-stack filtration systems (such as, cyclones, impactors, and thimbles) and impinger and moisture train systems.

8.2 Preparations. Clean all glassware used to collect and analyze samples prior to field tests as described in Section 8.4 prior to use. Cleaned glassware must be used at the start of each new source category tested at a single facility. You must analyze laboratory reagent blanks (water, acetone, and hexane) before field tests to verify low blank concentrations for the reagent lot(s) used. Follow the pretest preparation instructions in Section 8.1 of Method 5.

8.3 Site Setup. You must follow the procedures required in Methods 5, 17, or 201A, whichever is applicable to your test requirements including:

(a) Determining the sampling site location and traverse points.

(b) Calculating probe/cyclone blockage (as appropriate).

(c) Verifying the absence of cyclonic flow.

(d) Completing a preliminary velocity profile, and selecting a nozzle(s) and sampling rate.

8.3.1 Sampling Site Location. Follow the standard procedures in Method 1 of appendix A–1 to part 60 to select the appropriate sampling site. Choose a location that maximizes the distance from upstream and downstream flow disturbances.

8.3.2 Traverse Points. Use the required number of traverse points at any location, as found in in the method used to collect the filterable particulate. You must prevent the disturbance and capture of any solids accumulated on the inner wall surfaces by maintaining a 1 inch distance from the stack wall (0.5 inch for sampling locations less than 24 inches in diameter).

8.4 Sampling Train Preparation. A schematic of the sampling train used in this method is shown in Figure 1 of section 18. All glassware that is used to collect and analyze samples should be cleaned sufficiently to meet the maximum field train proof blank contribution to be subtracted from the test results in section 9.9 (0.002g or 2.0 mg). Cleaning glassware prior to the test with soap and water, then rinsing with tap water, followed by deionized water, acetone, and finally, hexane is recommended. After cleaning, you should bake glassware at 300 °C for 6 hours prior to beginning tests at each source category sampled at a facility. Prior to each sampling run, the train glassware used to collect condensable PM must be rinsed thoroughly with acetone, hexane, and then deionized, ultra-filtered water that contains 1 ppmw (1 mg/L) residual mass or less.

Note: Due the length of most probes, it is not practical to heat them in an oven. After cleaning the probe liners, it is recommended to heat the probe to the maximum temperature practical for the probe sheath for a period of at least 3 hours. Then rinse thoroughly with acetone, hexane, and deionized, ultra-filtered water.

8.4.1 Condenser and Water Dropout Impinger. Add a vertical condenser and a water dropout impinger without bubbler tube after the final probe extension that connects the in-stack or out-of-stack hot filter assembly with the CPM sampling train. This vertical condenser must be constructed in a manner that prevents the pooling of the condensate liquid within the condenser and be capable of cooling the stack gas to less than or equal to 30 °C (85 °F).

At the start of the tests, the condenser and water dropout impingers must be clean, without any water or reagent added.

8.4.2 Backup Impinger. The water dropout impinger is followed by a modified Greenburg-Smith impinger (backup impinger) with no taper (*see* Figure 1 of section 18). Place the water dropout and backup impingers in an insulated box with water at less than or equal to 30 °C (less than or equal to 85 °F). At the start of the tests, the backup impinger must be free of any residual solvents from the recovery or glassware preparation.

8.4.3 CPM Filter. Place a filter holder with a filter meeting the requirements in section 7.1.1 after the backup impinger. The connection between the CPM filter and the moisture trap impinger must include a thermocouple fitting that provides a leak-free seal between the thermocouple and the stack gas.

8.4.4 Moisture Traps. You must use a modified Greenburg-Smith impinger containing 100 ml of water, or the alternative described in Method 5 of appendix A–3 to part 60, followed by an impinger containing 200 to 300 g of indicating-type silica gel to collect moisture that passes through the CPM filter. You must maintain the gas temperature below 20 °C (68 °F) at the exit of the moisture traps.

8.4.5 Weighing of Impingers (Pretest). Weigh each impinger to 0.1 g, including the silica gel impinger prior to train assembly using the field balance. Record the weights of each impinger on the CPM Impinger Data Sheet (Figure 4).

8.4.6 Leak-Check (Pretest). Use the procedures outlined in Method 5 of appendix A–3 to part 60, Method 17 of appendix A–6 to part 60, or Method 201A of appendix M to this part as appropriate to leak check the entire sampling system. Specifically, perform the following procedures:

8.4.6.1 Sampling train. You must pretest the entire sampling train for leaks. The pretest leak-check must have a leak rate of not more than 0.02 actual cubic feet per minute or 4 percent of the average sample flow during the test run, whichever is less. Additionally, you must conduct the leak-check at a vacuum equal to or greater than the vacuum anticipated during the test run. Record the leak-check results on the field test data sheet (*see* Figure 5). (**Note:** Conduct leak-checks during port changes only as allowed by the filterable particulate method used with this method.)

8.4.6.2 Pitot tube assembly. After you leak-check the sample train, perform a leak-check of the pitot tube assembly. Follow the procedures outlined in section 8.4.1 of Method 5.

8.5 Sampling Train Operation. Operate the sampling train as described in the filterable particulate sampling method (*i.e.,* Method 5 of appendix A–3 to part 60, Method 17 of appendix A–6 to part 60, or Method 201A of appendix M to this part) with the following additions or exceptions:

8.5.1 Impinger and CPM Filter Assembly

8.5.1.1 During sampling, monitor the moisture condensation in the water dropout impinger and backup impinger. If the accumulated water from moisture condensation overwhelms (*i.e.,* the water level is more than approximately one-half the capacity of the water dropout impinger) the water dropout impinger, or if water accumulates in the backup impinger sufficient to cover the impinger insert tip, then you must interrupt the sampling run, leak check the Method 202 portion of the sampling train, replace the water dropout and/or backup impingers with new pre-weighed impinger(s), reassemble, leak check the sampling train, and then resume the sampling run. Weigh the impingers removed from the sampling train and purge the water collected as soon as practical following the procedures in section 8.5.3.

8.5.1.2 You must include the weight of the moisture in your moisture calculation and you must combine the recovered water with the appropriate sample fraction for subsequent CPM analysis.

8.5.1.3 Use the field data sheet to record the CPM filter temperature readings at the beginning of each sample time increment and when sampling is halted. Maintain the CPM filter greater than 20 °C (greater than 65 °F) but less than or equal to 30 °C (less than or equal to 85 °F) during sample collection.

8.5.2 Leak-Check (Post-Test). Conduct the leak rate check according to the filterable particulate sampling method used during sampling. Conduct the leak-check at a vacuum equal to or greater than the maximum vacuum achieved during the test run. Record the leak-check results on the field test data sheet. If the leak rate of the sampling train exceeds 0.02 actual cubic feet per minute or 4 percent of the average sampling rate during the test run (whichever is less), then the run is invalid and you must repeat it.

8.5.3 Weighing of Impingers (Post-test). You must weigh each impinger to 0.1 g after the completion of the testing and prior to the post-test nitrogen purge and record these weights on the CPM Impinger data sheet. Alternatively, you may choose to weigh each impinger after completion of the post-test nitrogen purge. If this option is chosen, you must do the following in addition to the procedures of section 8.5.4. Purge the sampling train from the water dropout impinger to the exhaust of the moisture traps (*see* Figure 2). You must maintain the temperature of the moisture traps following the CPM filter to prevent removal of moisture during the purge. If necessary, add more ice during the purge to maintain the gas temperature measured at the exit of the silica gel impinger below 20 °C (68 °F).

Note: You should also note the color of the indicating silica gel to determine whether it has been completely spent, and record its condition on the CPM Impinger Data Sheet.

8.5.4 Post-Test Nitrogen Purge. As soon as possible after the post-test leak-check, conduct the nitrogen purge. If no water was collected before the CPM filter, then you may skip the remaining purge steps and proceed with sample recovery (*see* section 8.5.5). If any water was collected before the CPM filter, you must purge the CPM sampling train.

8.5.4.1 You may purge the entire CPM sample collection train from the water dropout impinger through the CPM filter holder outlet *or* you may quantitatively transfer the water collected in the water dropout impinger to the backup impinger and purge only the backup impinger and the CPM filter and holder (*see* Figure 3).

8.5.4.2 If you choose to conduct a purge of the entire CPM sampling train, you must place the dropout impinger insert into the water dropout impinger, and the impinger tip must extend at least 1 centimeter below the water level of the impinger catch.

8.5.4.3 If the tip of the impinger insert does not extend below the water level (including the water transferred from the water dropout impinger if this option was chosen), you must add a measured amount of degassed, deionized ultra-filtered water that contains 1 ppmw (1 mg/L) residual mass or less until the impinger tip is at least 1 centimeter below the surface of the water. You must record the amount of water added to the water dropout impinger (Vp) (*see* Figure 4 of section 18) to correct the moisture content of the effluent gas. (**Note:** Prior to use, water must be degassed using a nitrogen purge bubbled through the water for at least 15 minutes to remove dissolved oxygen.)

8.5.4.4 To perform the nitrogen purge, you must start with no flow of gas running through the clean purge line and fittings. Connect the purge nitrogen in-line filter outlet to the input of the

impinger train to be purged. Increase the nitrogen flow gradually to avoid over-pressurizing the impinger array. You must purge the CPM train at a minimum of 14 liters per minute. Record the time (hh:mm), nitrogen flowrate, and the temperature(s) of the CPM filter and moisture trap (if applicable) at the start of the nitrogen purge on the CPM Impinger Data Sheet.

8.5.4.5 During the purge procedure, maintain the gas temperature measured at the exit of the CPM filter greater than 20 °C (65 °F), but less than or equal to 30 °C (85 °F). Continue the purge under these conditions for at least 1 hour, recording the CPM temperature and nitrogen rotameter value every 10 minutes. At the conclusion of the purge, turn off the nitrogen delivery system. Record the time (hh:mm) of the purge and the temperature of the CPM filter at the start of the nitrogen purge on the CPM Impinger Data Sheet.

8.5.5 Sample Recovery

8.5.5.1 Filterable PM samples. Recovery of the filterable PM samples involves the quantitative transfer of PM according to the filterable particulate sampling method used (*i.e.,* Method 5 of appendix A–3 to part 60, Method 17 of appendix A–6 to part 60, or Method 201A of appendix M to this part).

8.5.5.2 CPM Container #1, Aqueous liquid impinger contents. Quantitatively transfer liquid from the dropout and the backup impingers prior to the CPM filter into a clean, leak-proof container labeled with test identification and ''CPM Container #1, Aqueous Liquid Impinger Contents.'' Rinse all sampling train components including the back half of the filterable PM filter holder, the probe extension (if applicable), condenser, each impinger and the connecting glassware, and the front half of the CPM filter housing twice with water. Recover the rinse water, and add it to CPM Container #1. Mark the liquid level on the container.

8.5.5.3 CPM Container #2, Organic rinses. Follow the water rinses of the back half of the filterable PM filter holder, probe extension (if applicable), condenser, each impinger, and all of the connecting glassware and front half of the CPM filter with an acetone rinse. Recover the acetone rinse into a clean, leak-proof amber glass container labeled with test identification and ''CPM Container #2, Organic Rinses.'' Then repeat the entire rinse procedure with two rinses of hexane, and save the hexane rinses in the same container as the acetone rinse (CPM Container #2). Mark the liquid level on the container.

8.5.5.4 CPM Container #3, CPM filter sample. Use tweezers and/or clean disposable surgical gloves to remove the filter from the CPM filter holder. Place the filter in the Petri dish labeled with test identification and ''CPM Container #3, Filter Sample.''

8.5.5.5 CPM Container #4, Acetone field reagent blank. Take a minimum of 200 ml of the acetone directly from the wash bottle you used for sample recovery and place it in a clean, leak-proof amber glass container labeled with test identification and ''CPM Container #4, Acetone Field Reagent Blank'' (*see* section 11.2.6 for analysis). Mark the liquid level on the container. Collect one acetone field reagent blank from each lot of acetone used for the test.

8.5.5.6 CPM Container #5, Water field reagent blank. Take a minimum of 200 ml of the water directly from the wash bottle you used for sample recovery and place it in a clean, leak-proof container labeled with test identification and ''CPM Container #5, Water Field Reagent Blank'' (*see* section 11.2.7 for analysis). Mark the liquid level on the container. Collect one water field reagent blank from each lot of water used for the test.

8.5.5.7 CPM Container #6, Hexane field reagent blank. Take a minimum of 200 ml of the hexane directly from the wash bottle you used for sample recovery and place it in a clean, leak-proof amber glass container labeled with test identification and ''CPM Container #6, Hexane Field Reagent Blank'' (*see* section 11.2.8 for analysis). Mark the liquid level on the container. Collect one hexane field reagent blank from each lot of hexane used for the test.

8.5.5.8 Field train proof blank. To demonstrate the cleanliness of sampling train glassware, you must prepare a full sampling train to serve as a field train proof blank just as it would be prepared for sampling, including the filterable PM method front half, probe extension (if applicable), condenser, impingers, CPM filter, and transfer line. Transport and assemble the field train proof blank sample train to the sampling location and perform a pre-test leak check as if it were an actual sample train. Hold this train at the sampling location for the same amount of time as a test run unless otherwise specified by the Administrator, and perform a post-test leak check on this train at the end of the actual test sampling time. After the post-test leak check, you must conduct a nitrogen purge of the field train proof blank sample as specified in section 8.5.4. For the nitrogen purge, you must add 100 ml of deionized ultra-filtered water and replicate the nitrogen purge procedures that you will use for the test runs. After conducting the nitrogen purge, recover the field train proof blank as described in sections 8.5.5.8.1 through 8.5.5.8.3.

8.5.5.8.1 CPM Container #7, Field train proof blank, inorganic rinses. Rinse the probe extension, condenser, each impinger and the connecting glassware, and the front half of the CPM filter housing twice with water. Recover the rinse water and place it in a clean, leak-proof container labeled with test identification and ''CPM Container #7, Field Train Proof Blank, Inorganic Rinses.'' Mark the liquid level on the container.

8.5.5.8.2 CPM Container #8, Field train proof blank, organic rinses. Follow the water rinse of the probe extension, condenser, each impinger and the connecting glassware, and the front half of the CPM filter housing with an acetone rinse. Recover the acetone rinse into a clean, leak-proof container labeled with test identification and ''CPM Container #8, Field Train Proof Blank, Organic Rinses.'' Then repeat the entire rinse procedure with two rinses of hexane and recover the hexane rinses into the same container as the acetone rinse (CPM Container #10). Mark the liquid level on the container.

8.5.5.8.3 CPM Container #9, Field train proof blank, filter sample. Use tweezers and/or clean disposable surgical gloves to remove the filter from the CPM filter holder. Place the filter in the Petri dish labeled with test identification and ''CPM Container #9, Field Train Proof Blank, Filter Sample.''

8.5.6 Sample Transport procedures. Containers must remain in an upright position at all times during shipping. You do not have to ship the containers under dry or blue ice. However, samples should be maintained at or below 30 °C (85 °F) during shipping.

9.0 Quality Control

9.1 Daily Quality Checks. You must perform daily quality checks of field log notebooks and data entries and calculations using data quality indicators from this method and your site-specific test plan. You must review and evaluate recorded and transferred raw data, calculations, and documentation of testing procedures. You must initial or sign log notebook pages and data entry forms that were reviewed.

9.2 Calculation Verification. Verify the calculations by independent, manual checks. You must flag any suspect data and identify the nature of the problem and potential effect on data quality. After you complete the test, prepare a data summary and compile all the calculations and raw data sheets.

9.3 Conditions. You must document data and information on the process

unit tested, the particulate control system used to control emissions, any non-particulate control system that may affect particulate emissions, the sampling train conditions, and weather conditions. Discontinue the test if the operating conditions may cause non-representative particulate emissions.

9.4 Field Balance Calibration Check. Record the results of the calibration check procedures on field balances each day that they are used as required in section 10.3.

9.5 Glassware. Use class A volumetric glassware for titrations, or calibrate your equipment against NIST-traceable glassware.

9.6 Laboratory Analytical Balance

9.6.1 Maintain the location of the analytical balance (*i.e.,* weighing room) at 20 °C ± 3 °C (68 °F ± 5 °F).

9.6.2 Maintain the location the analytical balance (i.e., weighing room) at 35 to 50 percent relative humidity. Alternatively, it is acceptable for the percent relative humidity to be less than 35 percent. In either case, you should maintain the relative humidity within ±10 percent relative humidity for sampling weighings.

9.6.3 Record and report the temperature and relative humidity of the analytical balance location for each measurement performed.

9.6.4 Calibration Check. Record the calibration check of your laboratory analytical balance at least once each day that you weigh CPM samples. Audit the balance using at least one ASTM E617–13 Class 2 tolerance (or better) calibration weight, within 1 g to 5 g of the weight of the sample plus container you will be weighing.

9.7 Laboratory Reagent Blanks. You should analyze blanks of water, acetone, and hexane used for field recovery and sample analysis. Analyze and report at least one sample (500 ml minimum) of each lot of reagents that you plan to use for sample recovery and analysis. These blanks are not required by the test method, but analyzing reagent blanks before field use is recommended to verify low reagent blank concentrations.

9.8 Field Reagent Blanks. You must analyze and report the results of each lot of reagent used for the field test.

9.9 Field Train Proof Blank. You must recover a minimum of one field train proof blank for each new source category at a single facility using glassware prepped according to section 8.4. You must assemble the sampling train as it will be used for testing, including the filterable PM method front half, CPM filter, and transfer line. You must prepare and recover the field train proof blank as described in section 8.5.5.8. From each field sample weight, you will subtract the condensable particulate mass you determine with this field train proof blank or 0.002 g (2.0 mg), whichever is less, unless otherwise specified by the regulatory authority.

10.0 Calibration and Standardization

Maintain a field log notebook of all condensable particulate sampling and analysis calibrations. Include copies of the relevant portions of the calibration and field logs in the final test report.

10.1 Thermocouple Calibration. You must calibrate the thermocouples using the procedures described in section 10.3.1 of Method 2 of appendix A–1 to part 60 or Alternative Method 2, Thermocouple Calibration (ALT–011) (*https://www.epa.gov/emc*). Calibrate each temperature sensor at a minimum of three points over the anticipated range of use against a NIST-traceable thermometer. Alternatively, a reference thermocouple and potentiometer calibrated against NIST standards can be used.

10.2 Ammonium Hydroxide. The 0.1 N NH_4OH used for titrations in this method is made as follows: Add 7 ml of concentrated (14.8 M) NH_4OH to 1 liter of water. Standardize against certified standard of 0.1 N H_2SO_4, and calculate the exact normality using a procedure parallel to that described in section 10.5 of Method 6 of appendix A–4 to 40 CFR part 60. Alternatively, purchase 0.1 N NH_4OH that has been standardized against a NIST reference material. Record the normality on the CPM Work Table (*see* Figure 6 of section 18).

10.3 Field Balance Calibration Check. Check the calibration of the balance used to weigh impingers with a weight that is at least 500 g or within 50 g of a loaded impinger. The weight must be ASTM E617–13 ''Standard Specification for Laboratory Weights and Precision Mass Standards'' Class 6 (or better). Daily, before use, the field balance must measure the weight within ± 0.5 g of the certified mass and record the results. If the balance calibration check fails, perform corrective measures and repeat the check before using balance.

10.4 Analytical Balance Calibration. Perform a multipoint calibration (at least five points spanning the operational range) of the analytical balance before the first use, and semiannually thereafter. The calibration of the analytical balance must be conducted using ASTM E617–13 ''Standard Specification for Laboratory Weights and Precision Mass Standards'' Class 2 (or better) tolerance weights. Audit the balance each day it is used for gravimetric measurements by weighing at least one ASTM E617–13 Class 2 tolerance (or better) calibration weight that corresponds to 50 to 150 percent of the weight of one filter or between 1 g and 5 g and record the results. If the scale cannot reproduce the value of the calibration weight to within 0.5 mg of the certified mass, perform corrective measures and conduct the multipoint calibration before use.

11.0 Analytical Procedures

11.1 Analytical Data Sheets

(a) Record the filterable particulate field data on the appropriate (*i.e.,* Method 5, 17, or 201A) analytical data sheets. Record the condensable particulate data on the CPM Work Table (*see* Figure 7 of section 18).

(b) Visually inspect the liquid level mark on each sample container and record on the CPM Work Table whether leakage occurred during transport. If a noticeable amount of leakage has occurred, either void the sample or use methods, subject to the approval of the Administrator, to correct the final results.

11.2 Condensable PM Analysis. See the flow chart in Figure 8 of section 18 for the steps to process and combine fractions from the CPM train.

11.2.1 Container #3, CPM Filter Sample. Extract the CPM filter as described in this section.

11.2.1.1 Extract the water soluble (aqueous or inorganic) CPM from the CPM filter by placing it into a clean extraction container or flask. Add sufficient deionized, ultra-filtered water to cover the filter (*e.g.,* 10 ml of water). Place the extractor container into a sonication bath and extract the water-soluble material for a minimum of 2 minutes. Combine the aqueous extract with the contents of Container #1. Repeat this extraction step twice for a total of three extractions.

11.2.1.2 Extract the organic soluble CPM from the CPM filter by adding sufficient hexane to cover the filter (*e.g.,* 10 ml of hexane). Place the extractor tube into a sonication bath and extract the organic soluble material for a minimum of two minutes. Combine the organic extract with the contents of Container #2. Repeat this extraction step twice for a total of three extractions.

11.2.2 CPM Container #1, Aqueous Liquid Impinger Contents. Analyze the water-soluble CPM in Container #1 as described in this section. Place the contents of Container #1 into a separatory funnel. Add approximately 30 ml of hexane to the funnel, mix well, and pour off the upper organic phase. Repeat this procedure twice with 30 ml

of hexane each time combining the organic phase from each extraction. Each time, leave a small amount of the organic/hexane phase in the separatory funnel, ensuring that no water is collected in the organic phase. This extraction should yield about 90 ml of organic extract. Combine the organic extract from Container #1 with the organic train rinse in Container #2.

11.2.2.1 Determine the inorganic fraction weight. Transfer the aqueous fraction from the extraction to a clean 500 ml or smaller beaker. Evaporate to no less than 10 ml liquid on a hot plate or in the oven at 105 °C and allow to dry at room temperature (not to exceed 30 °C (85 °F)). Following evaporation, desiccate the residue for 24 hours in a desiccator containing anhydrous calcium sulfate. Weigh at intervals of at least 6 hours to a constant weight. (*See* section 3.0 for a definition of constant weight.) Report results to the nearest 0.1 mg on the CPM Work Table (*see* Figure 6 of section 18) and proceed directly to section 11.2.3. If the residue cannot be weighed to constant weight, re-dissolve the residue in 100 ml of deionized distilled ultra-filtered water that contains 1 ppmw (1 mg/L) residual mass or less and continue to section 11.2.2.2.

11.2.2.2 You must ensure that water and volatile acids have completely evaporated before neutralizing nonvolatile acids in the sample. Only after failure to reach constant weight and rehydration, per section 11.2.2.1, use titration to neutralize acid in the sample and remove water of hydration. Calibrate the pH meter with the neutral and acid buffer solutions immediately prior to the titration of the samples. Then titrate the sample with 0.1 N NH_4OH to a pH of 7.0, as indicated by the pH meter. Record the volume of titrant used on the CPM Work Table (*see* Figure 6 of section 18).

11.2.2.3 Using a hot plate or an oven at 105 °C, evaporate the aqueous phase to approximately 10 ml. Quantitatively transfer the beaker contents to a clean, 50 ml pre-tared weighing container and evaporate to dryness at room temperature (not to exceed 30 °C (85 °F)) and pressure in a laboratory hood. Following evaporation, desiccate the residue for 24 hours in a desiccator containing anhydrous calcium sulfate. Weigh at intervals of at least 6 hours to a constant weight. (*See* section 3.0 for a definition of constant weight.) Report results to the nearest 0.1 mg on the CPM Work Table (*see* Figure 6 of section 18).

11.2.2.4 Calculate the correction factor to subtract the NH_4^+ retained in the sample using Equation 1 in section 12.

11.2.3 CPM Container #2, Organic Fraction Weight Determination. Analyze the organic soluble CPM in Container #2 as described in this section. Place the organic phase in a clean glass beaker. Evaporate the organic extract at room temperature (not to exceed 30 °C (85 °F)) and pressure in a laboratory hood to not less than 10 ml. Quantitatively transfer the beaker contents to a clean 50 ml pre-tared weighing container and evaporate to dryness at room temperature (not to exceed 30 °C (85 °F)) and pressure in a laboratory hood. Following evaporation, desiccate the organic fraction for 24 hours in a desiccator containing anhydrous calcium sulfate. Weigh at intervals of at least 6 hours to a constant weight (*i.e.,* less than or equal to 0.5 mg change from previous weighing), and report results to the nearest 0.1 mg on the CPM Work Table (*see* Figure 6 of section 18).

11.2.4 Container #4, Acetone Field Reagent Blank. Use 200 ml of acetone from the blank container used for this analysis. Transfer 200 ml of the acetone field reagent blank to a clean 250 ml beaker. Evaporate the acetone at room temperature (not to exceed 30 °C (85 °F)) and pressure in a laboratory hood to approximately 10 ml. Quantitatively transfer the beaker contents to a clean pre-tared weighing container, and evaporate to dryness at room temperature (not to exceed 30 °C (85 °F)) and pressure in a laboratory hood. Following evaporation, desiccate the residue for 24 hours in a desiccator containing anhydrous calcium sulfate. Weigh at intervals of at least 6 hours to a constant weight (*i.e.,* less than or equal to 0.5 mg change from previous weighing), and report results to the nearest 0.1 mg on Figure 5 of section 19.

11.2.5 Container #5, Water Field Reagent Blank. Use 200 ml of the water from the blank container for this analysis. Transfer the water to a clean 250 ml beaker, and evaporate to approximately 10 ml liquid in the oven at 105 °C. Quantitatively transfer the beaker contents to a clean 50 ml pre-tared weighing container and evaporate to dryness at room temperature (not to exceed 30 °C (85 °F)) and pressure in a laboratory hood. Following evaporation, desiccate the residue for 24 hours in a desiccator containing anhydrous calcium sulfate. Weigh at intervals of at least 6 hours to a constant weight (*i.e.,* less than or equal to 0.5 mg change from previous weighing) and report results to the nearest 0.1 mg on Figure 5 of section 18.

11.2.6 Container #6, Hexane Field Reagent Blank. Use 200 ml of hexane from the blank container for this analysis. Transfer 150 ml of the hexane to a clean 250 ml beaker. Evaporate the hexane at room temperature (not to exceed 30 °C (85 °F)) and pressure in a laboratory hood to approximately 10 ml. Quantitatively transfer the beaker contents to a clean 50 ml pre-tared weighing container and evaporate to dryness at room temperature (not to exceed 30 °C (85 °F)) and pressure in a laboratory hood. Following evaporation, desiccate the residue for 24 hours in a desiccator containing anhydrous calcium sulfate. Weigh at intervals of at least 6 hours to a constant weight (*i.e.,* less than or equal to 0.5 mg change from previous weighing), and report results to the nearest 0.1 mg on Figure 5 of section 18.

12.0 Calculations and Data Analysis

12.1 Nomenclature. Report results in International System of Units (SI units) unless the regulatory authority for testing specifies English units. The following nomenclature is used.

$\Delta H_@$ = Pressure drop across orifice at flow rate of 0.75 SCFM at standard conditions, inches of water column (**Note** Specific to each orifice and meter box).
17.03 = mg/milliequivalents for ammonium ion.
ACFM = Actual cubic feet per minute.
C_{cpm} = Concentration of the condensable PM in the stack gas, dry basis, corrected to standard conditions, milligrams/dry standard cubic foot.
m_c = Mass of the NH_4^+ added to sample to form ammonium sulfate, mg.
m_{cpm} = Mass of the total condensable PM, mg.
m_{fb} = Mass of total CPM in field train proof blank, mg.
mg = Milligrams.
mg/dscf = Milligrams per dry standard cubic foot.
mg/L = Milligrams per liter.
m_i = Mass of inorganic CPM, mg.
m_{ib} = Mass of inorganic CPM in field train proof blank, mg.
m_o = Mass of organic CPM, mg.
m_{ob} = Mass of organic CPM in field train blank, mg.
m_r = Mass of dried sample from inorganic fraction, mg.
N = Normality of ammonium hydroxide titrant.
ppmv = Parts per million by volume.
ppmw = Parts per million by weight.
$V_{m(std)}$ = Volume of gas sample measured by the dry gas meter, corrected to standard conditions, dry standard cubic meter (dscm) or dry standard cubic foot (dscf) as defined in Equation 5–1 of Method 5.
V_t = Volume of NH_4OH titrant, ml.
V_p = Volume of water added during train purge.

12.2 Calculations. Use the following equations to complete the calculations required in this test method. Enter the appropriate results from these calculations on the CPM Work Table (*see* Figure 7 of section 18).

12.2.1 Mass of ammonia correction. Correction for ammonia added during titration of 100 ml aqueous CPM sample. This calculation assumes no waters of hydration.

$$M_c = 17.03 \times V_t \times N \quad \text{(Eq. 1)}$$

12.2.2 Mass of the Field Train Proof Blank (mg). Per section 9.9, the mass of the field train proof blank, m_{fb}, shall not exceed 2.0 mg.

$$M_{fb} = M_{ib} + M_{ob} \quad \text{(Eq. 2)}$$

12.2.3 *Mass of Inorganic CPM (mg).*

$$m_i = m_r - m_c \quad \text{(Eq. 3)}$$

12.2.4 Total Mass of CPM (mg).

$$m_{cpm} = m_i + m_o - m_{fb} \quad \text{(Eq. 4)}$$

12.2.5 Concentration of CPM (mg/dscf).

$$C_{cpm} = \frac{m_{cpm}}{V_{m(std)}} \quad \text{(Eq. 5)}$$

12.3 Emissions Test Report. You must prepare a test report following the guidance in EPA Guideline Document 043.

13.0 Method Performance

A field evaluation (NCASI 2017) of Method 202 incorporating Best Practices showed that the detection limit was 1.6 for total CPM; consisting of approximately 1.0 mg for organic CPM and approximately 0.6 mg for inorganic CPM. This field evaluation also demonstrated that the expected blank value of the field train proof blank was less than 1.8 mg.

14.0 Pollution Prevention

[Reserved]

15.0 Waste Management

Solvent and water are evaporated in a laboratory hood during analysis. No liquid waste is generated in the performance of this method. Organic solvents used to clean sampling equipment should be managed as Resource Conservation and Recovery Act organic waste.

16.0 Alternative Procedures

16.1 Alternative Field Train Proof Blank Procedure. The following procedure may be utilized with approval by the regulatory authority at stationary sources with environments with significant ambient PM concentrations that could positively bias the results of the Method 202 samples collected. This procedure would permit you to subtract up to 0.0039 g (3.9 mg) from the measured condensable particulate mass.

16.1.1 The facility must request this alternative prior to the test program, and the request must be approved by the regulatory authority prior to the testing. The request may include the following elements:

(1) Documented adherence to the Best Practices for Method 202 by the tester. This documentation may include:

(a) Tester's Method 202 standard operating procedure (SOP);

(b) Residual mass of the laboratory reagent blanks (Reagent ID, Manufacturer, Lot Number);

(c) Tester-specific Method Detection Limit;

(d) Training records.

(2) Justification by the facility that the environment around the sampling location is likely to bias the CPM results. This justification may include:

(a) Schematic of the facility identifying locations that may contribute to environmental bias;

(b) Ambient PM concentration (mg/m^3);

(c) Previous test results (*i.e.,* field train proof blank results).

16.1.2 Upon the regularity authority approval, you will recover a minimum of two field train proof blanks for each source category tested at the subject facility using glassware prepped according to section 8.4 of this method. You must perform the field train proof blank evaluations as described in section 9.9 of this method.

16.1.3 From each field sample weight, you will subtract the average condensable particulate mass you determine with all of the duplicate field train proof blank trains or 0.0039 g (3.9 mg), whichever is less unless the difference between highest and lowest values of the field train proof blanks is >1.0 mg. If the agreement is >1.0 mg, then you must subtract the lowest

condensable particulate mass values you determine with the field train proof blank trains or 0.002 g (2.0 mg), whichever is less, unless otherwise specified by the regulatory authority.

16.2 Alternative Method 2. Thermocouple Calibration (ALT–011) for the thermocouple calibration can be found at *http://www3.epa.gov/ttn/emc/approalt/alt-011.pdf.*

17.0 References

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(2) DeWees, W.D. and K.C. Steinsberger. 1989. ''Method Development and Evaluation of Draft Protocol for Measurement of Condensable Particulate Emissions.'' Draft Report. November 17, 1989.

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18.0 Tables, Diagrams, Flowcharts, and Validation Data

BILLING CODE 6560–50–P

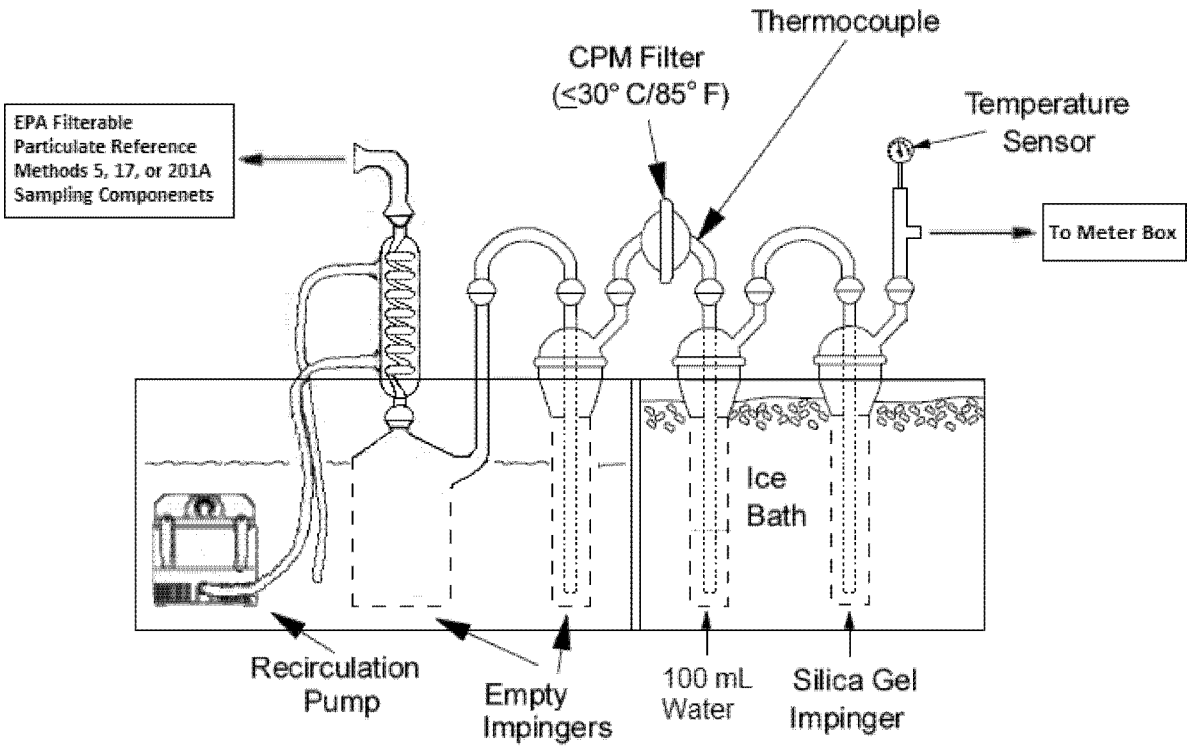

Figure 1. Schematic of Condensable Particulate Sampling Train

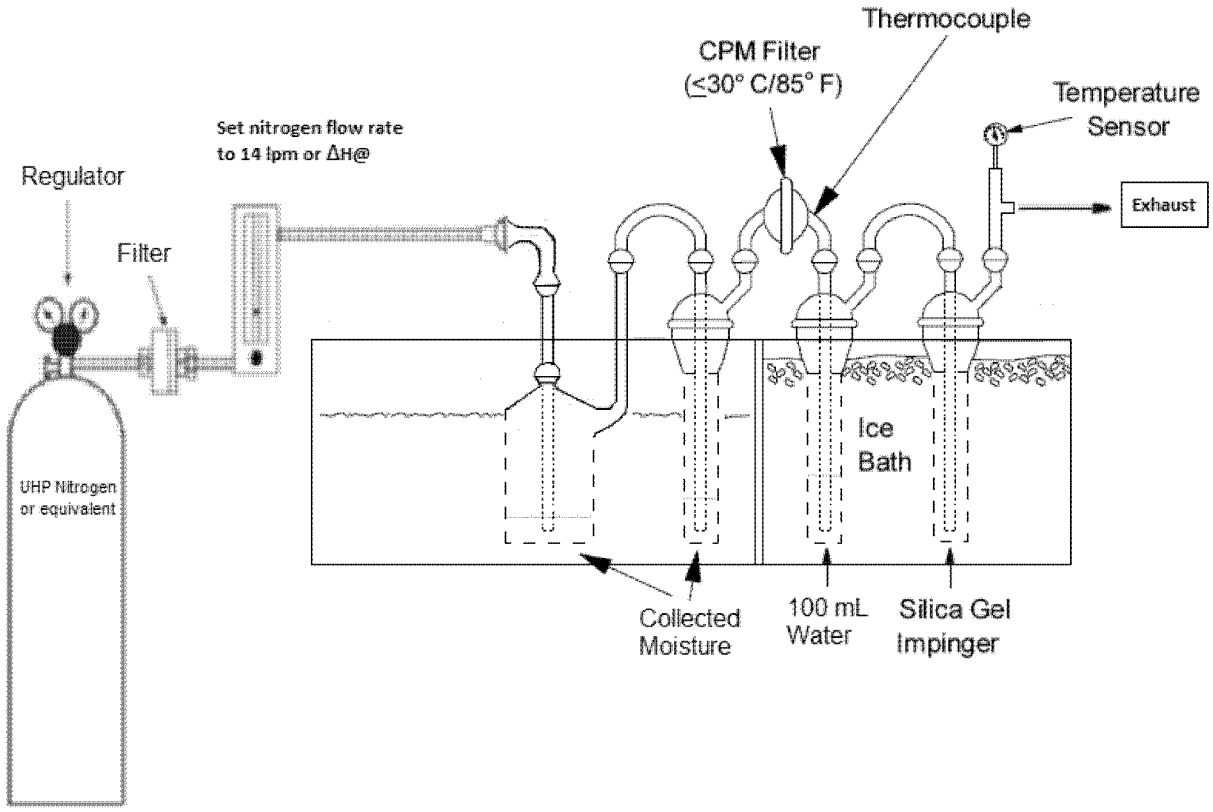

Figure 2. Nitrogen Purge (Entire CPM Train)

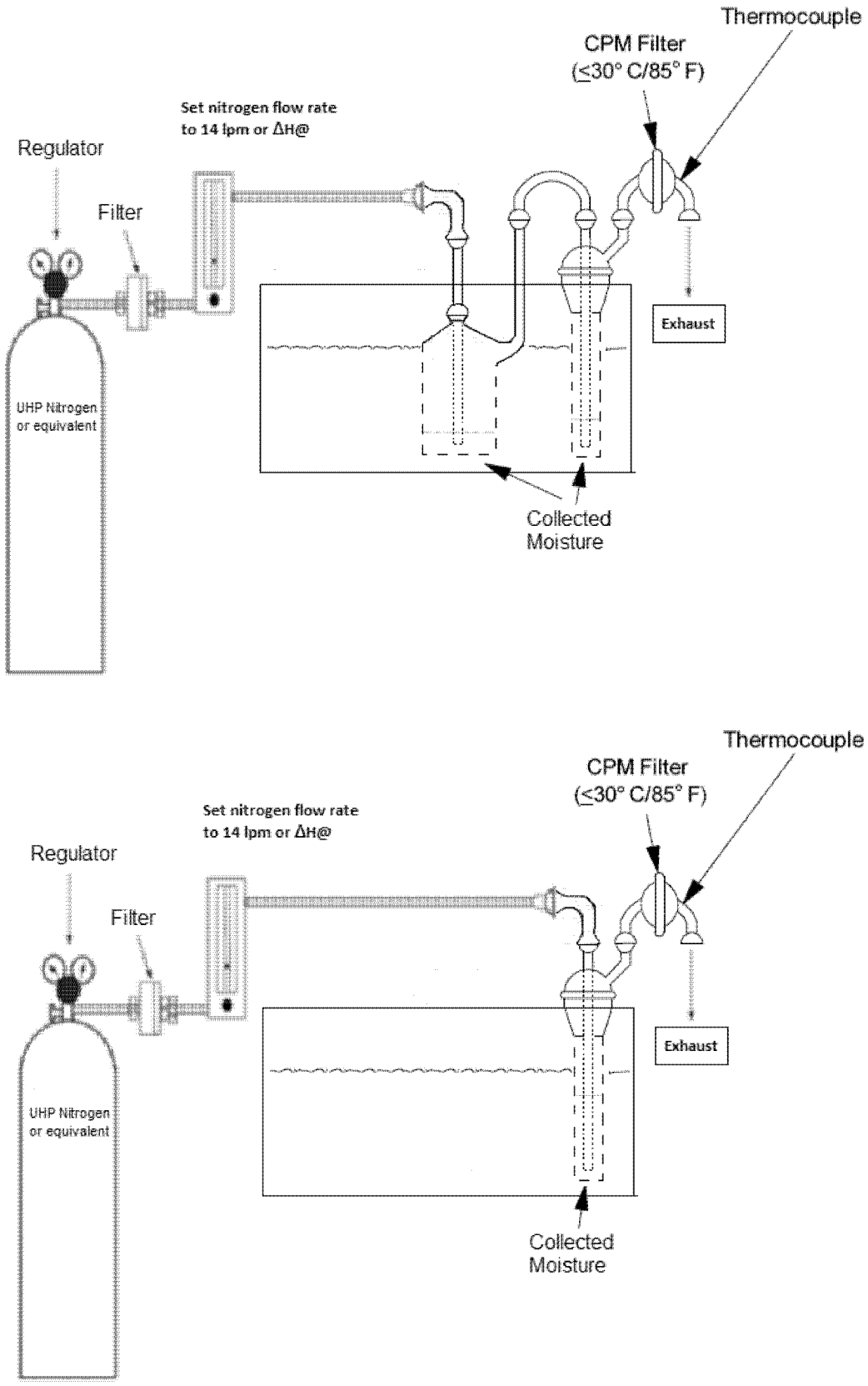

Figure 3. Nitrogen Purge (Alternative Configurations)

CPM Impinger Field Data Page				
Plant				
Date				
Source ID				
Run Number				
	Mass of Liquid Collected			
	CPM Impingers		**Moisture Trap**	
	Dropout Impinger	**Back-up Impinger**	**Impinger**	**Silica Gel**
Final - g				
Initial – g				
V_p - Water added to purge train – ml[1]			----	----
Mass of water collected[2]				
Total mass of water collected				
Condition of Silica Gel				
Post-Test Purge				
	Time (HH:MM)	**Nitrogen Flowrate-lpm**	**CPM Filter Temp. (°F)**	**Moisture Trap Temp.[3] (°F)**
Start				
End				

[1] Convert volume of water to mass by multiplying volume by density of water (1g/ml)
[2] Final Mass – (Initial mass – water added for purge)
[3] If applicable

Figure 4. CPM Impinger Data Sheet

Plant				Ambient Pres. – "Hg			
Location				Barometric Pres – "Hg			
Operator				Static Press. – "H_20			
Date				Assumed %M			
Run Number				Probe Length			
Sample Box				Leak Checks			
Meter Box ID		Y - Meter Box Cal.		Sample Train Vacuum – "Hg	Pre	Post	
Pitot Tube ID		Cp – Pitot Cal.					
Nozzle ID		D_n Nozzle Diameter– in		Sample Train Rate - cfm			
				Pitot Tube			

Traverse Point Number	**Time**	**DGM Gas Meter Reading**	**ΔP Velocity Head Pressure**	ΔH **Meter Pressure**	**Meter Vacuum**	**Probe Temperature**	**Filter Temperature**	**CPM Filter Temperature**	**Exit to Moisture Trap Temperature**	**T_m Inlet to Dry Gas Meter**	**T_m Outlet to Dry Gas Meter**
	(min)	**(cf)**	**("H_20)**	**("H_20)**	**("Hg)**	**(°F)**	**(°F)**	**(°F)**	**(°F)**	**(°F)**	**(°F)**

Figure 5. Field Data Sheet

Field Train Proof Blank Condensable Particulate Calculations	
Plant	
Date	
Blank No.	
Field Reagent Blank Mass	
Water (Section 11.2.7)	mg
Acetone (Section 11.2.6)	mg
Hexane (Section 11.2.8)	mg
Field Train Proof Blank Mass	
Mass of Organic CPM (m_{ob})(Section 11.2.3)	mg
Mass of Inorganic CPM (m_{ib})(Equation 3)	mg
Mass of the Field Train Proof Blank (not to exceed 2.0 mg) (Equation 2)	mg

Figure 6. Field Train Proof Blank Condensable Particulate Calculations

Calculations for Recovery of Condensable PM (CPM)		
Plant _____		
Date _____		
Run No._____		
Sample Preparation - CPM Containers No. 1 and 2 (Section 11.1)		
Was significant volume of water lost during transport? Yes or No	_____	
If Yes, measure the volume received.	_____	
Estimate the volume lost during transport.	_____	ml
Was significant volume of organic rinse lost during transport? Yes or No	_____	
If Yes, measure the volume received.	_____	
Estimate the volume lost during transport.	_____	ml
For Titration		
Normality of NH_4OH (N) (Section 10.2)	_____	N
Volume of titrant (V_t) (Section 11.2.2.2)	_____	ml
Mass of NH_4 added (m_c) (Equation 1)	_____	mg
For CPM Blank Weights		
Inorganic Field Train Proof Blank Mass(m_{ib}) (Section 9.9)	_____	mg
Organic Field Train Proof Blank Mass (m_{ob}) (Section 9.9)	_____	mg
Mass of Field Train Proof Blank (M_{fb}) (max. 2 mg) (Equation 2)	_____	mg
For CPM Train Weights		
Mass of Organic CPM (m_o) (Section 11.2.3)	_____	mg
Mass of Inorganic CPM (m_i) (Equation 3)	_____	mg
Total CPM Mass (m_{cpm}) (Equation 4)	_____	mg

Figure 7. CPM Work Table

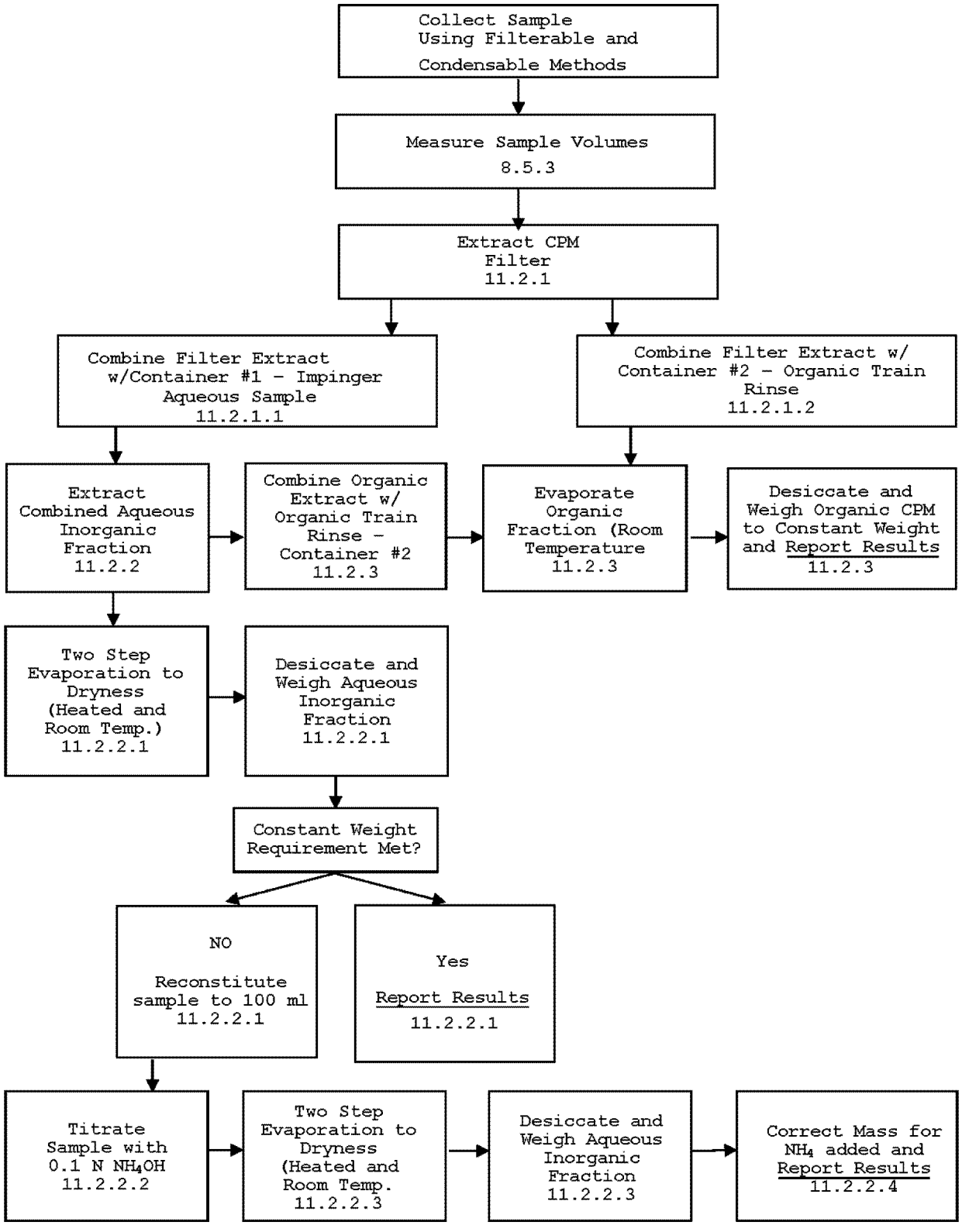

Figure 8. CPM Sample Processing Flow Chart

[FR Doc. 2017–18425 Filed 9–7–17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0128; FRL–9963–03]

RIN 2070–ZA16

Aluminum tris (O-ethylphosphonate), Carbon disulfide, p-Chlorophenoxyacetic acid, Cyromazine, Dichlobenil, et al.; Proposed Tolerance and Tolerance Exemption Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to revoke certain tolerances for aluminum tris (*O*-ethylphosphonate), carbon disulfide, cyromazine, dichlobenil, isoxaben, oxydemeton-methyl, propachlor, sulfentrazone, and thiodicarb, and a tolerance exemption for *d*-limonene. Also, EPA is proposing to modify certain tolerances for aluminum tris (*O*-ethylphosphonate) and cyromazine, and to establish new tolerances for aluminum tris (*O*-ethylphosphonate), cyromazine, dichlobenil, isoxaben, and sulfentrazone, and new tolerance exemptions for *d*-limonene and tartrazine. In addition, EPA is proposing to revise the tolerance expressions for *p*-chlorophenoxyacetic acid and dichlobenil, remove expired tolerances for disulfoton, correct the listing of a tolerance for thiacloprid, and correct the listing of significant figures for certain existing tolerances of specific pesticide active ingredients.

DATES: Comments must be received on or before November 7, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2017–0128, 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: Joseph Nevola, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8037; email address: *nevola.joseph@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. 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:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. 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*.

C. What can I do if I wish the Agency to maintain a tolerance that the agency proposes to revoke?

This proposed rule provides a comment period of 60 days for any person to state an interest in retaining a tolerance proposed for revocation. If EPA receives a comment within the 60-day period to that effect, EPA will not proceed to revoke the tolerance immediately. However, EPA will take steps to ensure the submission of any needed supporting data and will issue an order in the **Federal Register** under the Federal Food, Drug, and Cosmetic Act (FFDCA) section 408(f), if needed. The order would specify data needed and the timeframes for its submission, and would require that within 90 days some person or persons notify EPA that they will submit the data. If the data are not submitted as required in the order, EPA will take appropriate action under FFDCA.

EPA issues a final rule after considering comments that are submitted in response to this proposed rule. In addition to submitting comments in response to this proposal, you may also submit an objection at the time of the final rule. If you fail to file an objection to the final rule within the time period specified, you will have waived the right to raise any issues resolved in the final rule. After the specified time, issues resolved in the final rule cannot be raised again in any subsequent proceedings.

II. Background

A. What action is the Agency taking?

EPA is proposing, in follow-up to canceled product registrations or uses, to revoke certain tolerances for carbon disulfide (degradate of sodium tetrathiocarbonate), dichlobenil, oxydemeton-methyl, propachlor, and thiodicarb; and to revoke a tolerance exemption for insecticidal uses of *d*-limonene in 40 CFR part 180 subpart C (for tolerances) and concomitantly establish two tolerance exemptions to cover both the existing insecticidal and herbicidal uses of *d*-limonene in 40 CFR part 180 subpart D (for exemptions).

As part of registration review, EPA will harmonize U.S. tolerances with international Maximum Residue Limits (MRLs) where possible. Therefore, EPA is proposing to modify certain tolerances for aluminum tris (*O*-ethylphosphonate) and cyromazine for harmonization purposes.

In a series of planned crop group updates, EPA has revised crop groupings to promote the greater use of crop groupings for tolerance-setting purposes and, in particular, to assist in making available lower risk pesticides for minor crops. EPA plans to eventually convert tolerances for any pre-existing crop group to tolerances with coverage under the revised crop group. This conversion will occur through the registration review process

and in the course of evaluating new uses for a pesticide registration. Consequently, the Agency is proposing to update crop groupings or subgroupings for aluminum tris (*O*-ethylphosphonate), cyromazine, isoxaben, and sulfentrazone.

Also, EPA is proposing to modify certain tolerances for aluminum tris (*O*-ethylphosphonate) and cyromazine, and to establish a cherry tolerance for dichlobenil (concomitant with a proposed revocation of a stone fruit group tolerance that is no longer needed), and a new tolerance exemption for tartrazine. In addition, EPA is proposing to revise the tolerance expressions for *p*-chlorophenoxyacetic acid (to remove a metabolite that is not considered to be a risk concern and to revise it in accordance with current Agency practice) and dichlobenil (to revise it in accordance with current Agency practice), remove expired tolerances for disulfoton, correct the listing of a tolerance for thiacloprid, and correct the listing of significant figures for certain existing tolerances of specific pesticide active ingredients.

Detailed explanations for proposed modifications or establishments of tolerances or tolerance exemptions, or tolerance expression changes other than minor revisions in accordance with current Agency practice, can be found in the Human Health Risk Assessment for Registration Review and the Interim Registration Review Decision for the following: aluminum tris (*O*-ethylphosphonate), also known as fosetyl-Al, in docket EPA–HQ–OPP–2007–0379, p-chlorophenoxyacetic acid in docket EPA–HQ–OPP–2014–0544 and the *p-Chlorophenoxyacetic Acid Product Chemistry and Residue Chemistry Chapter for the Registration Eligibility Decision (RED)* is available in docket EPA–HQ–OPP–2006–0036, cyromazine in docket EPA–HQ–OPP–2006–0108, isoxaben in docket EPA–HQ–OPP–2007–1038, *d*-limonene in docket EPA–HQ–OPP–2010–0673, sulfentrazone in docket EPA–HQ–OPP–2009–0624, and tartrazine, which is a component of aquashade (see aquashade in docket EPA–HQ–OPP–2015–0639), available through EPA's electronic docket and comment system, *regulations.gov* at *http://www.regulations.gov*.

The selection of an individual tolerance level is based on crop field residue studies designed to produce the maximum residues under the existing or proposed product label. Generally, the level selected for a tolerance is a value slightly above the maximum residue found in such studies, provided that the tolerance is safe. The evaluation of whether a tolerance is safe is a separate inquiry. EPA favors raising a tolerance when data show that:

1. Lawful use (sometimes through a label change) may result in a higher residue level on the commodity; and

2. The tolerance remains safe, notwithstanding increased residue level allowed under the tolerance.

EPA also seeks to harmonize tolerances with international standards set by the Codex Alimentarius Commission, as described in Unit III.

EPA has found that the tolerances that are proposed in this document to be modified, are safe; *i.e.,* that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residues, in accordance with FFDCA section 408(b)(2)(C). (Note that changes to tolerance nomenclature do not constitute modifications of tolerances). These findings are discussed in detail in each Human Health Risk Assessment for Registration Review.

Also, in accordance with current Agency practice to describe more clearly the measurement of residues for tolerances and coverage of metabolites and degradates of a pesticide by the tolerances, EPA is proposing to make minor revisions to the introductory text for dichlobenil. The revisions to the tolerance expression do not substantively change the tolerance or, in any way, modify the permissible level of residues permitted by the tolerances.

In addition, EPA is proposing to revoke certain specific tolerances because either they are no longer needed or are associated with food uses that are no longer registered under FIFRA. Those instances where registrations were canceled were because the registrant failed to pay the required maintenance fee and/or the registrant voluntarily requested cancellation of one or more registered uses of the pesticide. It is EPA's general practice to propose revocation of those tolerances for residues of pesticide active ingredients on crop uses for which there are no active registrations under FIFRA, unless any person in comments on the proposal indicates a need for the tolerance to cover residues in or on imported commodities or legally treated domestic commodities.

1. *Aluminum tris (O-ethylphosphonate).* EPA on its own initiative, under FFDCA section 408(e), 21 U.S.C. 346a(e), is proposing to establish tolerances in 40 CFR 180.415(a) for aluminum tris (*O*-ethylphosphonate), also known as fosetyl-Al, residues in or on bushberry subgroup 13–07B at 40 ppm and fruit, pome, group 11–10 at 10 ppm concomitant with the revocation of the tolerances on bushberry subgroup 13B at 40 ppm and fruit, pome, group 11 at 10 ppm. Also, based on available residue data, the Agency determined that harmonization with Canadian MRLs for tolerances on caneberries, citrus fruit, and ginseng is possible. Therefore, based on its own initiative, the Agency is proposing to establish tolerances in 40 CFR 180.415(a) for aluminum tris (*O*-ethylphosphonate) residues in or on caneberry subgroup 13–07A at 0.05 ppm to harmonize with Canadian MRLs, and in or on fruit, citrus, group 10–10 at 9.0 ppm to harmonize with Canadian MRLs, concomitant with the revocation of the tolerances on caneberry subgroup 13A at 0.1 ppm and fruit, citrus, group 10 at 5.0 ppm. In addition, EPA is proposing to decrease the tolerance in 40 CFR 180.415(a) on ginseng from 0.1 to 0.05 ppm to harmonize with the Canadian MRL.

Also, in accordance with current Agency practice to list significant figures for tolerance values, EPA is proposing to list existing tolerances in 180.415(a) for pineapple at 0.10 ppm, pea, succulent at 0.30 ppm, onion, bulb at 0.50 ppm, tomato at 3.0 ppm, and onion, green at 10 ppm.

2. *Carbon disulfide.* Carbon disulfide is a degradate of sodium tetrathiocarbonate. In the **Federal Register** notice of November 10, 2010 (75 FR 69073) (FRL–8851–5), EPA announced its receipt of voluntary requests by registrants to cancel certain registrations, including the last sodium tetrathiocarbonate products registered for use on specific food commodities (almond, grape, grapefruit, lemon, orange, peach, plum, and prune) in the United States. In the **Federal Register** notice of February 25, 2011 (76 FR 10587) (FRL–8863–4), EPA published a cancellation order in follow-up to the November 10, 2010 notice and granted the requested product cancellations for sodium tetrathiocarbonate. EPA permitted the registrant to sell and distribute existing stocks of those sodium tetrathiocarbonate products until February 25, 2012 and persons other than the registrant to sell, distribute, and use existing stocks until supplies are exhausted. EPA believes that existing stocks are exhausted; *i.e.,* more than 4 years after the registrant was no longer permitted to sell and distribute them, and therefore the tolerances for them are no longer needed and should be revoked. Consequently, EPA is proposing to revoke the tolerances in 40 CFR 180.467 for residues of carbon disulfide from the

application of sodium tetrathiocarbonate in or on almond; almond, hulls; grape; grapefruit; lemon; orange, sweet; peach; and plum, prune, fresh.

3. *p-Chlorophenoxyacetic acid (p-CPA or 4–CPA).* In the 1997 RED for 4–CPA and the 1994 *p-Chlorophenoxyacetic Acid Product Chemistry and Residue Chemistry Chapter for the RED,* the Agency recommended approval of a registrant petition for the elimination of the metabolite *p*-chlorophenol from the tolerance expression, as it was not considered a metabolite of risk concern. Therefore, EPA is proposing in 40 CFR 180.202 to revise the introductory text (remove the metabolite *p*-chlorophenol from the tolerance expression) and also revise it in accordance with current Agency practice to describe more clearly the measurement and scope or coverage of tolerances to read as set out in the proposed regulatory text at the end of this document.

4. *Cyromazine.* The U.S. regulates residues of cyromazine on cyromazine only, which is not in harmony with the tolerance expression in Canada, which includes melamine, a metabolite of cyromazine. In the **Federal Register** of May 4, 2000 (65 FR 25857) (FRL–6556–3), EPA removed melamine from the U.S. tolerance expression for cyromazine since the Agency no longer considered melamine to be a residue of concern. EPA does not have any toxicological concerns for melamine that could result from the use of the pesticide cyromazine. In addition, the acute and chronic dietary risk assessments, and aggregate risk assessment for the registration review of cyromazine do not exceed the Agency's level of concern. The Agency determined that specific cyromazine tolerances increased for international harmonization are safe; *i.e.,* there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue. Therefore, EPA has determined that it is appropriate to numerically harmonize certain U.S. tolerances with international MRLs that are higher. On its own initiative, under FFDCA section 408(e), 21 U.S.C. 346a(e), in order to harmonize with the level of Canadian MRLs for cyromazine, EPA is proposing to increase tolerances in 40 CFR 180.414(a)(1) for cyromazine residues in or on mushroom from 1.0 to 8.0 ppm, pepper from 1.0 to 3.0 ppm, tomato from 0.5 to 1.0 ppm, vegetable, brassica, leafy, group 5, except broccoli from 10.0 to 35 ppm, vegetable, leafy, except brassica, group 4 from 7.0 to 10 ppm, and milk from 0.05 to 0.10 ppm; and revoke the tolerance on onion, bulb at 0.2 ppm and concomitantly establish a tolerance on onion, bulb, subgroup 3–07A at 0.30 ppm.

Also, EPA on its own initiative, under FFDCA section 408(e), 21 U.S.C. 346a(e), in order to harmonize with certain higher Codex MRLs (defined as cyromazine residues), believes the tolerances in 40 CFR 180.414(a)(1) for cyromazine residues in or on ''kidney'' of cattle, goats, hogs, horses, and sheep should be increased from 0.2 to 0.30 ppm; and ''meat byproducts, except kidney'' of cattle, goats, hogs, horses, and sheep should be increased from 0.05 to 0.30 ppm. Because tolerances for ''kidney'' and ''meat byproducts, except kidney'' for cattle, goats, hogs, horses, and sheep would be revised to the same tolerance levels at 0.30 ppm, EPA is proposing to revoke the existing tolerances in 40 CFR 180.414(a)(1) for cyromazine residues in or on cattle, kidney; goat, kidney; hog, kidney; horse, kidney; sheep, kidney; cattle, meat byproducts, except kidney; goat, meat byproducts, except kidney; hog, meat byproducts, except kidney; horse, meat byproducts, except kidney; and sheep, meat byproducts, except kidney and to concomitantly establish tolerances at 0.30 ppm for cattle, meat byproducts; goat, meat byproducts; hog, meat byproducts; horse, meat byproducts; and sheep, meat byproducts.

In addition, EPA on its own initiative, under FFDCA section 408(e), 21 U.S.C. 346a(e), in order to harmonize with Codex MRLs, is proposing to increase tolerances in 40 CFR 180.414(a)(1) for cyromazine residues in or on egg from 0.25 to 0.30 ppm; cattle, meat; goat, meat; hog, meat; horse, meat; and sheep, meat from 0.05 to 0.30 ppm; mango from 0.3 to 0.50 ppm; poultry, meat (from chicken layer hens and chicken breeder hens only) from 0.05 to 0.10 ppm; poultry, meat byproducts (from chicken layer hens and chicken breeder hens only) from 0.05 to 0.20 ppm; and vegetable, cucurbit, group 9 from 1.0 to 2.0 ppm.

Also, registrations exist for use of cyromazine for fly control in mushroom compost and as a feed-through fly control agent for chicken manure, and such cyromazine-treated manure from chickens may be used as a soil fertilizer supplement. A greenhouse rotational crop study showed a maximum cyromazine residue level of 0.08 ppm in spring wheat straw from an application rate of 0.05 lb active ingredient (ai) per acre (A). Data from a magnitude of residue study in poultry excreta topically treated with cyromazine showed residues of 40 ppm in manure at day 24. At 40 ppm (40 mg ai/kg manure or 18.2 mg ai/pound (lb) manure), the maximum label application rate of 4 tons treated manure per acre (8000 lb manure/A) is calculated to result in residues of cyromazine of 0.15 kg ai/A or 0.33 lb ai/A, which is 7X (0.33 lb ai/A vs. 0.05 lb ai/A) the rate used in the greenhouse study. Therefore, to support current registrations, the Agency determined that at the maximum application rate, indirect or inadvertent residue tolerances at 0.60 ppm (7×0.08 ppm) were needed for crops that do not have current tolerances established based on direct application of cyromazine. Consequently, EPA is proposing to re-designate 40 CFR 180.414(d) into § 180.414(d)(1), establish § 180.414(d)(2), and in newly designated 40 CFR 180.414(d)(2) to add introductory text and establish tolerances for indirect and inadvertent residues of cyromazine resulting from crops grown in soil amended with cyromazine treated fertilizer at 0.60 ppm for the following: grain, cereal, forage, fodder and straw, group 16; grain, cereal, group 15; herbs and spices, group 19; oilseed, group 20; onion, bulb, subgroup 3–07A; strawberry; vegetable, foliage of legume, group 7; vegetable, fruiting, group 8–10; vegetable, leaves of root and tuber, group 2; vegetable, legume, group 6; and vegetable, root and tuber, group 1.

Also, in accordance with current Agency practice to list significant figures for tolerance values, EPA is proposing to list existing tolerances in 40 CFR 180.414(a)(1) for garlic; garlic, great-headed, bulb; rakkyo, bulb; and shallot, bulb at 0.20 ppm, potato at 0.80 ppm, and cabbage, abyssinian; cabbage, seakale; hanover salad, leaves; and turnip, greens at 10 ppm, and tolerances in newly designated 40 CFR 180.414(d)(1) for cotton, undelinted seed at 0.10 ppm, and corn, sweet, kernel plus cob with husks removed; corn, sweet, forage; corn, sweet, stover; radish, roots; and radish, tops at 0.50 ppm.

5. *Dichlobenil.* Cherry is the only registered stone fruit for dichlobenil since 1995, and therefore, with the exception of a need for a tolerance to cover cherry, the crop group tolerance for stone fruit is no longer needed and should be revoked. Consequently, in 40 CFR 180.231 for dichlobenil residues of concern, EPA is proposing to revoke the tolerance on fruit, stone, group 12 at 0.15 ppm and to concomitantly establish a tolerance on cherry at 0.15 ppm.

In accordance with current Agency practice to describe more clearly the measurement and scope or coverage of tolerances, EPA is proposing to revise

the introductory text in 40 CFR 180.231(a) to read as set out in the proposed regulatory text at the end of this document. Also, in accordance with current Agency practice to list significant figures for tolerance values, EPA is proposing to list existing tolerances in § 180.231(a) for cranberry and hazelnut at 0.10 ppm, and apple and pear at 0.50 ppm.

6. *Disulfoton.* Because the tolerances in 40 CFR 180.183 for disulfoton residues of concern all expired from December 31, 2013 to December 31, 2014, EPA is proposing to remove that section in its entirety.

7. *Isoxaben.* EPA on its own initiative, under FFDCA section 408(e), 21. U.S.C. 346a(e), is proposing to establish a tolerance in 40 CFR 180.650(a) for isoxaben residues in or on nut, tree, group 14–12 at 0.02 ppm. The Agency is also proposing to revoke the existing tolerances in 40 CFR 180.650(a) for nut, tree, group 14 at 0.02 ppm and pistachio at 0.02 ppm since they will be superseded by the newly established tolerance.

8. *d-Limonene.* Currently, under 40 CFR 180.539, subpart C (the subpart for specific tolerances), a tolerance exemption for *d*-limonene exists when used in insect-repellent tablecloths and in insect-repellent strips in food- or feed-handling establishments. Although there are no active registrations in the U.S. for those *d*-limonene uses, there are active registrations for *d*-limonene uses as an insecticide in kitchens and pantries. As an active ingredient, it is also registered for food or feed crop uses as an herbicide. In order to support both the existing herbicidal and insecticidal uses of *d*-limonene, the Agency determined that an exemption from the requirement of a tolerance should be established for each of them under 40 CFR part 180, subpart D, the subpart for exemptions from tolerances. Therefore, EPA is proposing to establish two tolerance exemptions under 40 CFR part 180, subpart D, in newly designated § 180.1342, to cover both registered uses of *d*-limonene concomitant with the revocation of the tolerance exemption in 40 CFR 180.539, in subpart C, by removing that section in its entirety.

9. *Oxydemeton-methyl (S-(2-(Ethylsulfinyl)ethyl) O,O-dimethyl phosphorothioate).* In the **Federal Register** notice of February 20, 2013 (78 FR 11881) (FRL–9378–9), EPA announced its receipt of voluntary requests by registrants to cancel certain registrations, including the last oxydemeton-methyl products registered for use on food commodities in the United States. In the **Federal Register** notice of May 1, 2013 (78 FR 25438) (FRL–9384–7), EPA published a cancellation order in follow-up to the February 20, 2013 notice and granted the requested product cancellations for oxydemeton methyl. EPA permitted the registrant to sell and distribute existing stocks of those oxydemeton methyl products until December 31, 2014 and persons other than the registrant to sell and distribute until December 31, 2016, and end users to use existing stocks until supplies are exhausted. EPA believes that existing stocks are likely to be exhausted by December 31, 2017. Therefore, EPA is proposing to revoke the tolerances in 40 CFR 180.330(a)(1) for oxydemeton-methyl residues of concern in or on alfalfa, forage; alfalfa, hay; bean, lima; beet, sugar, roots; beet, sugar, tops; broccoli; Brussels sprouts; cabbage; cauliflower; clover, forage; clover, hay; corn, sweet, forage; corn, sweet, kernel plus cob with husks removed; corn, sweet, stover; cotton, undelinted seed; cucumber; eggplant; grapefruit; hazelnut; lemon; lettuce, head; melon; onion, bulb; orange; pepper; peppermint, tops; pumpkin; safflower, seed; sorghum, forage, forage; sorghum, grain, forage; sorghum, grain, grain; spearmint, tops; squash, summer; squash, winter; strawberry; and walnut; in 40 CFR 180.330(a)(2) for cattle, fat; cattle, meat; cattle, meat byproducts; egg; goat, fat; goat, meat; goat, meat byproducts; hog, fat; hog, meat; hog, meat byproducts; horse, fat; horse, meat; horse, meat byproducts; milk; poultry, fat; poultry, meat; poultry, meat byproducts; sheep, fat; sheep, meat; and sheep, meat byproducts; and in 40 CFR 180.330(c) for broccoli raab; each with an expiration/revocation date of December 31, 2017.

Also, in accordance with current Agency practice to list significant figures for tolerance values, EPA is proposing to list existing tolerances in § 180.330(a)(1) for bean, lima; melon; and pumpkin at 0.20 ppm, beet, sugar, roots and squash, winter at 0.30 ppm, and beet, sugar, tops and corn, sweet, kernel plus cob with husks removed at 0.50 ppm, and alfalfa, hay at 11 ppm.

10. *Propachlor.* Because there have been no active propachlor registrations for over 5 years, there is no longer a need for the tolerances. Therefore, the propachlor tolerances should be revoked. Consequently, EPA is proposing to revoke the tolerances in 40 CFR 180.211(a) for propachlor residues of concern in or on cattle, fat; cattle, kidney; cattle, meat; cattle, meat byproducts, except kidney; corn, field, forage; corn, field, grain; corn, field, stover; corn, sweet, forage; goat, fat; goat, kidney; goat, meat; goat, meat byproducts, except kidney; hog, fat; hog, meat; hog, meat byproducts; horse, fat; horse, kidney; horse, meat; horse, meat byproducts, except kidney; milk; sheep, fat; sheep, kidney; sheep, meat; sheep, meat byproducts, except kidney; sorghum, forage, forage; sorghum, grain, forage; sorghum, grain, grain; and sorghum, grain, stover.

11. *Sulfentrazone.* As described previously in Unit II of this document, regarding crop group updates, EPA on its own initiative, under FFDCA section 408(e), 21. U.S.C. 346a(e), is proposing to establish a tolerance in 40 CFR 180.498(a)(2) for sulfentrazone residues of concern in or on nut, tree, group 14–12 at 0.15 ppm. The Agency is also proposing to revoke the existing tolerances in 40 CFR 180.498(a)(2) for nut, tree, group 14 at 0.15 ppm and pistachio at 0.15 ppm since they will be superseded by the newly established tolerance. Also, in order to conform to current Agency practice, EPA is proposing in 40 CFR 180.498(a)(2) to revise the commodity terminology for ''flax'' to ''flax, seed.'' In addition, in accordance with current Agency practice to list significant figures for tolerance values, EPA is proposing to list existing tolerances for indirect or inadvertent residues in 40 CFR 180.498(d) for grain, cereal, forage, fodder and straw, group 16, except sweet corn; stover; and grain, cereal, group 15, except sweet corn at 0.10 ppm; grain, cereal, forage, fodder and straw, group 16, except sweet corn; forage; and grain, cereal, forage, fodder and straw, group 16, except sweet corn; hay at 0.20 ppm; and grain, cereal, forage, fodder and straw, group 16, except sweet corn; straw at 0.60 ppm.

12. *Tartrazine.* In order to support existing registrations for tartrazine, a dye also known as F.D.&C. Yellow No. 5 or Acid Yellow 23, when used as an aquatic plant control agent, EPA recommended (in the 2005 RED for Aquashade) that an exemption from the requirement of a tolerance should be established since treated water may be used for irrigation of crops, livestock watering, and fishing. Therefore, EPA is proposing to establish an exemption from a tolerance for tartrazine when used as an aquatic plant control agent under 40 CFR part 180, subpart D, in newly designated § 180.1343.

13. *Thiacloprid.* In the **Federal Register** proposed and final rules of July 22, 2015 (80 FR 43373) (FRL–9929–12) and June 1, 2016 (81 FR 34902) (FRL–9943–73), EPA inadvertently revised the listing for the tolerance at 0.05 ppm in 40 CFR 180.594(a) from Plum subgroup 12–12C to Peach subgroup 12–12C. Consequently, EPA is proposing in 40 CFR 180.594(a) to correct the listing for

the tolerance as Plum subgroup 12–12C at 0.05 ppm.

14. *Thiodicarb.* In the **Federal Register** of October 17, 2014 (79 FR 62439) (FRL–9916–78), among other actions requested, EPA announced receipt of request from the registrant to amend the sole technical registration to delete the last uses of thiodicarb for broccoli, cabbage, cauliflower, sweet corn, and leafy vegetables. EPA approved the use deletions effective November 17, 2014 since the registrant did not withdraw the request and there were no significant public comments. Previously, the last end-use registrations of thiodicarb for broccoli, cabbage, cauliflower, sweet corn, and leafy vegetables had been canceled, due to non-payment of the maintenance fee, in the **Federal Register** of June 26, 2013 (78 FR 38319) (FRL–9388–4), and permitted the registrant to sell and distribute existing stocks until January 15, 2014. Therefore, EPA believes that existing stocks of end-use registrations for these thiodicarb uses were exhausted two to three years ago, and the tolerances are no longer needed. Consequently, EPA is proposing to revoke the tolerances in 40 CFR 180.407(a) for broccoli; cabbage; cauliflower; corn, sweet, kernel plus cob with husks removed; and vegetable, leafy, except brassica, group 4.

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

A ''tolerance'' represents the maximum level for residues of pesticide chemicals legally allowed in or on raw agricultural commodities and processed foods. Section 408 of FFDCA, 21 U.S.C. 346a, authorizes the establishment of tolerances, exemptions from tolerance requirements, modifications in tolerances, and revocation of tolerances for residues of pesticide chemicals in or on raw agricultural commodities and processed foods. Without a tolerance or exemption, food containing pesticide residues is considered to be unsafe and therefore ''adulterated'' under FFDCA section 402(a), 21 U.S.C. 342(a). Such food may not be distributed in interstate commerce, 21 U.S.C. 331(a). For a food-use pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances under the FFDCA, but also must be registered under FIFRA, 7 U.S.C. 136 *et seq.* Food-use pesticides not registered in the United States must have tolerances in order for commodities treated with those pesticides to be imported into the United States.

EPA's general practice is to propose revocation of tolerances for residues of pesticide active ingredients on crops for which FIFRA registrations no longer exist and on which the pesticide may therefore no longer be used in the United States. EPA has historically been concerned that retention of tolerances that are not necessary to cover residues in or on legally treated foods may encourage misuse of pesticides within the United States. Nonetheless, EPA will establish and maintain tolerances even when corresponding domestic uses are canceled if the tolerances, which EPA refers to as ''import tolerances,'' are necessary to allow importation into the United States of food containing such pesticide residues. However, where there are no imported commodities that require these import tolerances, the Agency believes it is appropriate to revoke tolerances for unregistered pesticides in order to prevent potential misuse.

Furthermore, as a general matter, the Agency believes that retention of import tolerances not needed to cover any imported food may result in unnecessary restriction on trade of pesticides and foods. Under FFDCA section 408, a tolerance may only be established or maintained if EPA determines that the tolerance is safe based on a number of factors, including an assessment of the aggregate exposure to the pesticide and an assessment of the cumulative effects of such pesticide and other substances that have a common mechanism of toxicity. In doing so, EPA must consider potential contributions to such exposure from all tolerances. If the cumulative risk is such that the tolerances in aggregate are not safe, then every one of these tolerances is potentially vulnerable to revocation. Furthermore, if unneeded tolerances are included in the aggregate and cumulative risk assessments, the estimated exposure to the pesticide would be inflated. Consequently, it may be more difficult for others to obtain needed tolerances or to register needed new uses. To avoid potential trade restrictions, the Agency is proposing to revoke tolerances for residues on crops uses for which FIFRA registrations no longer exist, unless someone expresses a need for such tolerances. Through this proposed rule, the Agency is inviting individuals who need these import tolerances to identify themselves and the tolerances that are needed to cover imported commodities.

Parties interested in retention of the tolerances should be aware that additional data may be needed to support retention. These parties should be aware that, under FFDCA section 408(f), if the Agency determines that additional information is reasonably required to support the continuation of a tolerance, EPA may require that parties interested in maintaining the tolerances provide the necessary information. If the requisite information is not submitted, EPA may issue an order revoking the tolerance at issue.

C. When do these actions become effective?

EPA is proposing that the actions herein become effective 6 months after the date of publication of the final rule in the **Federal Register**. EPA is proposing this effective date for these actions to allow a reasonable interval for producers in exporting members of the World Trade Organization's (WTO's) Sanitary and Phytosanitary (SPS) Measures Agreement to adapt to the requirements of a final rule. With the exception of the proposed revocation of tolerances with expiration dates for oxydemeton-methyl, the Agency believes that existing stocks of pesticide products labeled for the uses associated with the tolerances proposed for revocation have been completely exhausted and that treated commodities have cleared the channels of trade. Where EPA is proposing revocation with expiration dates for oxydemeton-methyl, the Agency believes that this revocation date allows users to exhaust stocks and allows sufficient time for passage of treated commodities through the channels of trade. If you have comments regarding existing stocks and whether the effective date allows sufficient time for treated commodities to clear the channels of trade, please submit comments as described under **SUPPLEMENTARY INFORMATION**.

Any commodities listed in this proposal treated with the pesticides subject to this proposal, and in the channels of trade following the tolerance revocations, shall be subject to FFDCA section 408(1)(5), as established by FQPA. Under this unit, any residues of these pesticides in or on such food shall not render the food adulterated so long as it is shown to the satisfaction of the Food and Drug Administration that:

1. The residue is present as the result of an application or use of the pesticide at a time and in a manner that was lawful under FIFRA, and

2. The residue does not exceed the level that was authorized at the time of the application or use to be present on the food under a tolerance or exemption from tolerance. Evidence to show that food was lawfully treated may include records that verify the dates when the pesticide was applied to such food.

III. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with

international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for aluminum tris (*O*-ethylphosphonate), carbon disulfide (degradate of sodium tetrathiocarbonate), *p*-chlorophenoxyacetic acid (*p*-CPA), isoxaben, *d*-limonene, propachlor, sulfentrazone, tartrazine, thiodicarb, or dichlobenil in or on cherry.

The Codex has established MRLs for cyromazine in or on [cucumber at 2 mg/kg; edible offal (mammalian) and eggs at 0.3 mg/kg; mango at 0.5 mg/kg; poultry meat at 0.1 mg/kg; and poultry, edible offal at 0.2 mg/kg. These MRLs are currently different, but the same as certain proposed U.S. tolerances (to harmonize with Codex MRLs) for cyromazine in the United States.

The Codex has established MRLs for oxydemeton-methyl in or on various commodities, including cauliflower and sugar beet at 0.01 mg/kg; fat of cattle, poultry, and sheep, meat of cattle, hogs, sheep, and poultry, and cotton seed at 0.05 mg/kg; and lemon at 0.2 mg/kg. These MRLs are different than the tolerances, proposed for revocation, for oxydemeton-methyl in the United States because of differences in use patterns, and/or good agricultural practices.

IV. Statutory and Executive Order Reviews

In this proposed rule, EPA is proposing to establish tolerances under FFDCA section 408(e), and also modify and revoke specific tolerances established under FFDCA section 408. The Office of Management and Budget (OMB) has exempted these types of actions (*e.g.,* establishment and modification of a tolerance and tolerance revocation for which extraordinary circumstances do not exist) from review under Executive Order 12866, entitled ''*Regulatory Planning and Review*'' (58 FR 51735, October 4, 1993). Because this proposed rule has been exempted from review under Executive Order 12866 due to its lack of significance, this proposed rule is not subject to Executive Order 13211, entitled ''*Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*'' (66 FR 28355, May 22, 2001). This proposed rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*). Nor does it require any special considerations as required by Executive Order 12898, entitled ''*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*'' (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled ''*Protection of Children from Environmental Health Risks and Safety Risks*'' (62 FR 19885, April 23, 1997). This proposed rule does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note). Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency previously assessed whether establishment of tolerances, exemptions from tolerances, raising of tolerance levels, expansion of exemptions, or revocations might significantly impact a substantial number of small entities and concluded that, as a general matter, these actions do not impose a significant economic impact on a substantial number of small entities. These analyses for tolerance establishments and modifications, and for tolerance revocations were published in the **Federal Register** of May 4, 1981 (46 FR 24950) and December 17, 1997 (62 FR 66020) (FRL–5753–1), respectively, and were provided to the Chief Counsel for Advocacy of the Small Business Administration. Taking into account this analysis, and available information concerning the pesticides listed in this proposed rule, the Agency hereby certifies that this proposed rule will not have a significant negative economic impact on a substantial number of small entities. In a memorandum dated May 25, 2001, EPA determined that eight conditions must all be satisfied in order for an import tolerance or tolerance exemption revocation to adversely affect a significant number of small entity importers, and that there is a negligible joint probability of all eight conditions holding simultaneously with respect to any particular revocation. (This Agency document is available in the docket of this proposed rule). Furthermore, for the pesticides named in this proposed rule, the Agency knows of no extraordinary circumstances that exist as to the present proposed rule that would change EPA's previous analysis. Any comments about the Agency's determination should be submitted to the EPA along with comments on the proposed rule, and will be addressed prior to issuing a final rule. In addition, the Agency has determined that this proposed rule will not have a substantial direct effect on 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, as specified in Executive Order 13132, entitled ''*Federalism*'' (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive order to include regulations that 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.'' This proposed rule directly regulates growers, food processors, food handlers, and food retailers, not States. This proposed rule does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this proposed rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled ''*Consultation and Coordination with Indian Tribal Governments*'' (65 FR 67249, November 9, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on one or more Indian tribes, 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.'' This proposed rule will not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this proposed rule.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 23, 2017.

Richard P. Keigwin, Jr.,

Acting Director, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

§ 180.183 [Removed]

■ 2. Remove § 180.183.

■ 3. In § 180.202, revise the introductory text in paragraph (a) to read as follows:

§ 180.202 *p*-Chlorophenoxyacetic acid; tolerances for residues.

(a) *General.* A tolerance is established for residues of the plant regulator *p*-chlorophenoxyacetic acid, including its metabolites and degradates, in or on the commodity in the table in this paragraph (a). Compliance with the tolerance level specified in this paragraph (a) is to be determined by measuring only *p*-chlorophenoxyacetic acid, in or on the commodity.

* * * * *

§ 180.211 [Removed]

■ 4. Remove § 180.211.

■ 5. In § 180.231, revise paragraph (a) to read as follows:

§ 180.231 Dichlobenil; tolerances for residues.

(a) *General.* Tolerances are established for residues of dichlobenil, including its metabolites and degradates, in or on the commodities in the table in this paragraph (a). Compliance with the tolerance levels specified in this paragraph (a) is to be determined by measuring only the sum of dichlobenil (2,6-dichlorobenzonitrile) and its BAM metabolite (2,6-dichlorobenzamide), calculated as the stoichiometric equivalent of dichlobenil, in or on the commodity.

Commodity	Parts per million
Apple	0.50
Bushberry subgroup 13–07B	0.15
Caneberry subgroup 13–07A	0.10
Cherry	0.15
Cranberry	0.10
Grape	0.15
Hazelnut	0.10
Pear	0.50
Rhubarb	0.06

* * * * *

■ 6. In § 180.330, revise the tables in paragraphs (a)(1), (a)(2), and (c) to read as follows:

§ 180.330 S-(2-(Ethylsulfinyl)ethyl) O,O-dimethyl phosphorothioate; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million	Expiration/ revocation date
Alfalfa, forage	5.0	12/31/17
Alfalfa, hay	11	12/31/17
Bean, lima	0.20	12/31/17
Beet, sugar, roots	0.30	12/31/17
Beet, sugar, tops	0.50	12/31/17
Broccoli	1.0	12/31/17
Brussels sprouts	1.0	12/31/17
Cabbage	2.0	12/31/17
Cauliflower	1.0	12/31/17
Clover, forage	5.0	12/31/17
Clover, hay	10.0	12/31/17
Corn, sweet, forage	1.0	12/31/17
Corn, sweet, kernel plus cob with husks removed	0.50	12/31/17
Corn, sweet, stover	3.0	12/31/17
Cotton, undelinted seed	0.02	12/31/17
Cucumber	1.0	12/31/17
Eggplant	1.0	12/31/17
Grapefruit	1.0	12/31/17
Hazelnut	0.05	12/31/17
Lemon	1.0	12/31/17
Lettuce, head	2.0	12/31/17
Melon	0.20	12/31/17
Onion, bulb	0.05	12/31/17
Orange	1.0	12/31/17
Pepper	0.75	12/31/17
Peppermint, tops	12.5	12/31/17
Pumpkin	0.20	12/31/17
Safflower, seed	1.0	12/31/17
Sorghum, forage, forage	2.0	12/31/17
Sorghum, grain, forage	2.0	12/31/17
Sorghum, grain, grain	0.75	12/31/17
Spearmint, tops	12.5	12/31/17
Squash, summer	1.0	12/31/17
Squash, winter	0.30	12/31/17
Strawberry	2.0	12/31/17
Walnut	0.05	12/31/17

(2) * * *

Commodity	Parts per million	Expiration/ revocation date
Cattle, fat	0.01	12/31/17
Cattle, meat	0.01	12/31/17
Cattle, meat byproducts	0.01	12/31/17
Egg	0.01	12/31/17
Goat, fat	0.01	12/31/17
Goat, meat	0.01	12/31/17
Goat, meat byproducts	0.01	12/31/17
Hog, fat	0.01	12/31/17
Hog, meat	0.01	12/31/17
Hog, meat byproducts	0.01	12/31/17
Horse, fat	0.01	12/31/17
Horse, meat	0.01	12/31/17
Horse, meat byproducts	0.01	12/31/17
Milk	0.01	12/31/17
Poultry, fat	0.01	12/31/17
Poultry, meat	0.01	12/31/17
Poultry, meat byproducts	0.01	12/31/17
Sheep, fat	0.01	12/31/17
Sheep, meat	0.01	12/31/17
Sheep, meat byproducts	0.01	12/31/17

* * * * *

(c) * * *

Commodity	Parts per million	Expiration/ revocation date
Broccoli raab	2.0	12/31/17

* * * * *

§ 180.407 [Amended]

■ 7. In § 180.407, remove the entries for ''Broccoli,'' ''Cabbage,'' ''Cauliflower,'' ''Corn, sweet, kernel plus cob with husks removed,'' and ''Vegetable, leafy, except brassica, group 4'' from the table in paragraph (a).

■ 8. In § 180.414, revise the table in paragraph (a)(1), and revise paragraph (d) to read as follows:

§ 180.414 Cyromazine; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
Bean, dry, except cowpea	3.0
Bean, lima	1.0
Bean, succulent	2.0
Broccoli	1.0
Cabbage, abyssinian	10
Cabbage, seakale	10
Cattle, fat	0.05
Cattle, meat	0.30
Cattle, meat byproducts	0.30
Egg	0.30
Garlic	0.20
Garlic, great-headed, bulb	0.20
Goat, fat	0.05
Goat, meat	0.30
Goat, meat byproducts	0.30
Hanover salad, leaves	10
Hog, fat	0.05
Hog, meat	0.30
Hog, meat byproducts	0.30
Horse, fat	0.05
Horse, meat	0.30
Horse, meat byproducts	0.30
Leek	3.0
Mango [1]	0.50
Milk	0.10
Mushroom	8.0
Onion, bulb, subgroup 3–07A	0.30
Onion, green	3.0
Onion, potato	3.0
Onion, tree	3.0
Onion, welsh	3.0
Pepper	3.0
Potato	0.80
Poultry, fat (from chicken layer hens and chicken breeder hens only)	0.05
Poultry, meat (from chicken layer hens and chicken breeder hens only)	0.10
Poultry, meat byproducts (from chicken layer hens and chicken breeder hens only)	0.20
Rakkyo, bulb	0.20
Shallot, bulb	0.20
Shallot, fresh leaves	3.0
Sheep, fat	0.05
Sheep, meat	0.30
Sheep, meat byproducts	0.30
Tomato	1.0
Turnip, greens	10
Vegetable, brassica, leafy, group 5, except broccoli	35
Vegetable, leafy, except brassica, group 4	10
Vegetable, cucurbit, group 9	2.0

[1] There are no U.S. registrations on mango as of May 4, 2000.

* * * * *

(d)(1) *Indirect or inadvertent residues.* Tolerances are established for indirect or inadvertent residues of the insecticide cyromazine, including its metabolites and degradates, in or on the commodities in the table in this paragraph (d)(1) when present therein as a result of the application of cyromazine to growing crops listed in paragraph (a)(1) of this section. Compliance with the tolerance levels specified in this paragraph (d)(1) is to be determined by measuring only cyromazine, *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine, in or on the commodity.

Commodity	Parts per million
Cotton, undelinted seed	0.10
Corn, sweet, kernel plus cob with husks removed	0.50
Corn, sweet, forage	0.50
Corn, sweet, stover	0.50
Radish, roots	0.50
Radish, tops	0.50

(2) *Indirect or inadvertent residues.* Tolerances are established for indirect or inadvertent residues of the insecticide cyromazine, including its metabolites and degradates, in or on the commodities in the table in this paragraph (d)(2) when present therein as a result of the application of fertilizer containing cyromazine to growing crops that do not have a higher tolerance in paragraph (a)(1) of this section. Compliance with the tolerance levels specified in this paragraph (d)(2) is to be determined by measuring only cyromazine, *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine, in or on the commodity.

Commodity	Parts per million
Grain, cereal, forage, fodder and straw, group 16	0.60
Grain, cereal, group 15	0.60
Herbs and spices, group 19	0.60
Oilseed, group 20	0.60
Onion, bulb, subgroup 3–07A	0.60
Strawberry	0.60
Vegetable, foliage of legume, group 7	0.60
Vegetable, fruiting, group 8–10	0.60
Vegetable, leaves of root and tuber, group 2	0.60
Vegetable, legume, group 6	0.60
Vegetable, root and tuber, group 1	0.60

■ 9. In § 180.415, revise the table in paragraph (a) to read as follows:

§ 180.415 Aluminum tris (*O*-ethylphosphonate); tolerances for residues.

(a) * * *

Commodity	Parts per million
Avocado	25
Banana	3.0
Bushberry subgroup 13–07B	40
Caneberry subgroup 13–07A	0.05
Cranberry	0.5
Fruit, citrus, group 10–10	9.0
Fruit, pome, group 11–10	10
Ginseng	0.05
Hop, dried cones	45
Juneberry	40
Lingonberry	40
Nut, macadamia	0.20
Onion, bulb	0.50
Onion, green	10
Pea, succulent	0.30
Pepper/eggplant, subgroup 8–10B	0.01
Pineapple	0.10
Salal	40
Strawberry	75
Tomato	3.0
Turnip, greens	40
Turnip, roots	15
Vegetable, brassica, leafy, group 5	60
Vegetable, cucurbit, group 9	15
Vegetable, leafy, except brassica, group 4	100

* * * * *

§ 180.467 [Removed]

■ 10. Remove § 180.467.

■ 11. In § 180.498, revise the tables in paragraphs (a)(2) and (d) to read as follows:

§ 180.498 Sulfentrazone; tolerances for residues.

(a) * * *

(2) * * *

Commodity	Parts per million
Apple	0.15
Asparagus	0.15
Berry and small fruit, group 13–07	0.15
Brassica, head and stem, subgroup 5A	0.20
Brassica, leafy greens, subgroup 5B	0.40
Corn, field, forage	0.20
Corn, field, grain	0.15
Corn, field, stover	0.30
Flax, seed	0.15
Fruit, citrus, group 10–10	0.15
Horseradish	0.20
Melon, subgroup 9A	0.15
Nut, tree, group 14–12	0.15
Pea and bean, dried shelled, except soybean, subgroup 6C	0.15
Pea, succulent	0.15
Peanut	0.20
Peanut, meal	0.40
Peppermint, tops	0.30
Rhubarb	0.15
Spearmint, tops	0.30
Sugarcane, cane	0.15
Sugarcane, molasses	0.20
Sunflower subgroup 20B	0.20
Turnip, roots	0.15
Turnip, tops	0.60
Vegetable, fruiting, group 8–10	0.15
Vegetable, soybean, succulent	0.15
Vegetable, tuberous and corm, subgroup 1C	0.15

* * * * *

(d) * * *

Commodity	Parts per million
Grain, cereal (excluding sweet corn), hulls	0.30
Grain, cereal, forage, fodder and straw, group 16, except sweet corn; forage	0.20
Grain, cereal, forage, fodder and straw, group 16, except sweet corn; hay	0.20
Grain, cereal, forage, fodder and straw, group 16, except sweet corn; stover	0.10
Grain, cereal, forage, fodder and straw, group 16, except sweet corn; straw	0.60
Grain, cereal, group 15, except sweet corn	0.10
Grain, cereal, group 15, except sweet corn; bran	0.15

§ 180.539 [Removed]

■ 12. Remove § 180.539.

§ 180.594 [Amended]

■ 13. In § 180.594, in the table in paragraph (a), remove the text ''Peach subgroup 12–12C [1]'', add in its place the text ''Plum subgroup 12–12C [1]'', and designate the entry for ''Plum subgroup 12–12C [1]'' in alphabetical order.

■ 14. In § 180.650, revise the table in paragraph (a) to read as follows:

§ 180.650 Isoxaben; tolerances for residues.

(a) * * *

Commodity	Parts per million
Almond, hulls	0.40
Grape	0.01
Nut, tree group 14–12	0.02

* * * * *

■ 15. Add § 180.1342 to subpart D to read as follows:

§ 180.1342 *d*-Limonene; exemption from the requirement of a tolerance.

(a) An exemption from the requirement of a tolerance is established for residues of *d*-limonene, (4*R*)-1-methyl-4-(1-methylethenyl)cyclohexene, in or on all food commodities when applied as an herbicide used in accordance with good agricultural practices.

(b) A exemption from the requirement of a tolerance is established for residues of *d*-limonene, (4*R*)-1-methyl-4-(1-methylethenyl)cyclohexene, in or on all food commodities when applied as an insecticide in kitchens and pantries.

■ 16. Add § 180.1343 to subpart D to read as follows:

§ 180.1343 Tartrazine; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of tartrazine (F.D.&C. Yellow No. 5 or Acid Yellow 23), in or on all food commodities when used as an aquatic plant control agent.

[FR Doc. 2017–18780 Filed 9–7–17; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 82, No. 173
Friday, September 8, 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 COMMERCE

National Institute of Standards and Technology

National Construction Safety Team Advisory Committee Meeting

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

ACTION: Notice of open meeting.

SUMMARY: The National Construction Safety Team (NCST) Advisory Committee (Committee) will meet in person and via teleconference on Thursday, September 28, 2017 from 8:30 a.m. to 5:00 p.m. Eastern Time. The primary purpose of this meeting is to update the Committee on the progress of the implementation of the recommendations made as a result of the National Institute of Standards and Technology (NIST) Joplin tornado investigation, provide the Committee an overview of ongoing work focused on enhancing the readiness and effectiveness of future National Construction Safety Teams in the field, and provide NIST's response to the Committee's 2016 Annual Report and recommendations. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST Web site at *https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee*.

DATES: The NCST Advisory Committee will meet on Thursday, September 28, 2017 from 8:30 a.m. until 5:00 p.m. Eastern Time. The meeting will be open to the public.

ADDRESSES: The meeting will be held in the Heritage Room of Building 101, NIST, 100 Bureau Drive, Gaithersburg, Maryland 20899. For instructions on how to participate in the meeting, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Benjamin Davis, Management and Program Analyst, Community Resilience Program, Engineering Laboratory, NIST, 100 Bureau Drive, Mail Stop 8615, Gaithersburg, Maryland 20899–8604. Mr. Davis' email address is *Benjamin.Davis@nist.gov;* and his phone number is (301) 975–6071.

SUPPLEMENTARY INFORMATION: The Committee was established pursuant to Section 11 of the NCST Act (Pub. L. 107–231, codified at 15 U.S.C. 7301 *et seq*). The Committee is currently composed of four members, appointed by the Director of NIST, who were selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting the National Construction Safety Teams. The Committee advises the Director of NIST on carrying out the NCST Act; reviews the procedures developed for conducting investigations; and reviews the reports issued documenting investigations. Background information on the NCST Act and information on the NCST Advisory Committee is available at *https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee*.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the NCST Advisory Committee will meet on Thursday, September 28, 2017, from 8:30 a.m. until 5:00 p.m. Eastern Time. The meeting will be open to the public. The meeting will be held in the Heritage Room of Building 101, NIST, 100 Bureau Drive, Gaithersburg, Maryland 20899. The primary purpose of this meeting is to update the Committee on the progress of the implementation of the NIST Joplin Tornado Investigation Report's recommendations, available at *http://www.nist.gov/el/disasterstudies/upload/Recommendations_Joplin.pdf,* and receive NIST's response to the Committee's 2016 Annual Report recommendations which can be found at *https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee*. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST Web site at *https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee-meetings*.

Individuals and representatives of organizations who would like to offer comments and suggestions related to items on the Committee's agenda for this meeting are invited to request a place on the agenda. On September 28, 2017, approximately fifteen minutes will be reserved from 1:05 p.m. to 1:20 p.m. Eastern Time for public comments. Speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be three minutes each. Questions from the public will not be considered during this period. All those wishing to speak must submit their request by email to the attention of Mr. Benjamin Davis, *Benjamin.Davis@nist.gov,* by 5:00 p.m. Eastern Time, Friday, September 8, 2017.

Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend are invited to submit written statements to the NCST, National Institute of Standards and Technology, 100 Bureau Drive, MS 8604, Gaithersburg, Maryland 20899–8604, or electronically by email to *Benjamin.Davis@nist.gov*.

To participate in the teleconference, please submit your first and last name, email address, and phone number to Benjamin Davis at *Benjamin.Davis@nist.gov* or (301) 975–6071. After pre-registering, participants will be provided with detailed instructions on how to join the teleconference remotely. All visitors to the NIST site are required to pre-register to be admitted. Anyone wishing to attend this meeting must register by 5:00 p.m. Eastern Time, Friday, September 8, 2017, in order to attend. Please submit your full name, email address, and phone number to Benjamin Davis at *Benjamin.Davis@nist.gov*; his phone number is (301) 975–6071. Non-U.S. citizens must submit additional information; please contact Mr. Davis. For participants attending in person, please note that federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance.

NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed information please contact Benjamin Davis or visit: *http://www.nist.gov/public_affairs/visitor/*.

Kevin Kimball,

NIST Chief of Staff.

[FR Doc. 2017–19080 Filed 9–7–17; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 170804731–7731–01]

Building the Foundations for Quantum Industry

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

ACTION: Notice; request for information (RFI).

SUMMARY: The National Institute of Standards and Technology (NIST) requests information about the broader needs of the industrial community in the area of quantum information science (QIS). NIST seeks input from stakeholders regarding opportunities for research and development, means and methods of inducing interaction and collaboration, providing support for emerging market areas, identifying barriers to near-term and future applications, and understanding workforce needs. As part of this effort, NIST will hold a workshop on Thursday, October 5, 2017. The information received in response to this RFI and during the workshop will inform recommendations for the development and coordination of U.S. Government policies, programs, and budgets to advance U.S. competitiveness in QIS.

DATES:

For Comments: Comments must be received by 5:00 p.m. Eastern Time on October 10, 2017. Written comments in response to the RFI should be submitted according to the instructions in the **SUPPLEMENTARY INFORMATION** section below.

For Workshop: The Workshop on Building the Foundations for Quantum Industry will be held on Thursday, October 5, 2017 from 9:00 a.m. to 5:00 p.m. Eastern Time. Attendees must register by 5:00 p.m. Eastern Time on September 29, 2017.

ADDRESSES:

For Comments: Written comments may be submitted only by email to Dr. Jacob Taylor at *qid@nist.gov* in any of the following formats: ASCII; Word; RTF; or PDF. Please include your name, organization's name (if any), and cite ''Building the Foundations for Quantum Industry RFI'' in the subject line of all correspondence. All comments will be made publicly available at *https://www.nist.gov/news-events/events/2017/10/quantum-industry-day* as submitted. Accordingly, proprietary or confidential information should not be included in any comments, as they will be posted without change.

For Workshop: The workshop will be held at NIST, 100 Bureau Dr., Gaithersburg, MD 20899. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice. To register, go to: *https://www.nist.gov/news-events/events/2017/10/quantum-industry-day.* Additional information about the workshop will be available at this web address as the workshop approaches.

FOR FURTHER INFORMATION CONTACT: Kimberly Emswiler, Jacob Taylor, or Carl Williams by email at *qid@nist.gov,* or Kimberly Emswiler by phone at (301) 975–4208. Please direct media inquiries to NIST's Office of Public Affairs at (301) 975–2762.

SUPPLEMENTARY INFORMATION:

Background: Twenty five years of research and development work in QIS is producing dramatic new commercial opportunities domestically, including the first niche applications. There is also an increasing level of international activity and investment in the field. NIST is requesting this information and holding the workshop in support of the Interagency Working Group (IWG) on QIS of the National Science and Technology Council, Committee on Science, Subcommittee on Physical Sciences. The IWG was chartered in October 2014 to develop and coordinate policies, programs, and budgets for QIS research and development, and to further develop the scientific basis, infrastructure, future technical workforce, and intellectual property that will be required to address agency missions and secure future U.S. competitiveness in QIS. The IWG includes participants from the Departments of Commerce, Defense, and Energy; the Office of the Director of National Intelligence; and the National Science Foundation. In 2016, the IWG published an initial report identifying key challenges for emerging quantum industry, including: Institutional boundaries, education and training, technology development, and levels and stability of funding.

Request for Information

NIST seeks input from stakeholders regarding opportunities for research and development, emerging market areas, barriers to near-term and future applications, and workforce needs. The objective of this RFI is to gather facts that will assist the IWG's formation of recommendations for the development and coordination of U.S. Government policies, programs, and budgets to advance U.S. competitiveness in QIS. The questions below are intended to assist in the formulation of comments and should not be construed as a limitation on the number of comments that interested persons may submit or the issues that may be addressed in such comments. Comments containing references, studies, research, and other empirical data that are not widely published should include copies of the referenced materials. As noted above, all comments will be made publicly available as submitted; therefore proprietary or confidential information should not be included. NIST is specifically interested in receiving input pertaining to one or more of the following questions:

(1) Identification of Opportunities

QIS includes, for example, quantum computing and processing, quantum algorithms and programming languages, quantum communications, quantum sensors, quantum devices, single photon sources, and detectors. What areas of pre-competitive QIS research and development appear most promising? What areas should be the highest priorities for Federal investment? What are the emerging frontiers? What methods of monitoring new developments are most effective? What market areas are well-positioned to benefit from new developments in QIS? Where will a technology perspective study help most? Where are roadmaps useful for coordination?

(2) Surmounting Challenges

The 2016 report ''Advancing Quantum Information Science: National Challenges and Opportunities'' [1] identified institutional boundaries and knowledge transfer challenges, as well as workforce needs across the emerging quantum industry. To what extent are these challenges addressable by the formation of consortia? May they be addressed with structured academic-commercial or commercial-governmental interactions? What potential collaborative structures might

[1] *https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/images/Quantum_Info_Sci_Report_2016_07_22%20final.pdf.*

industry adopt to best address these challenges?

(3) Funding and Knowledge Considerations

Uncertain market needs, imperfect investment levels and mechanisms, undeveloped technology, challenges in dissemination of information, and technology transfer are some of the potential barriers to adoption of QIS technology. What are the greatest technical and organizational barriers to advancing important near-term and future applications of QIS and what should be done to address these barriers? What methods might be adopted to encourage both small and large efforts to provide a healthy industrial base? Which areas are underfunded, inconsistently funded, or need better funding clarity from the government for progress of the industry as a whole? At what level of knowledge or development should intellectual property move from being freely available to exclusive? How can industry or government address these concerns?

Workshop

The purpose of the workshop is to convene stakeholders in the development and commercialization of quantum technologies to address the identified key challenges via industrial, academic, and governmental means. Topics to be discussed include opportunities for research and development and means and methods of facilitating interaction and collaboration such as creation of consortia, providing support for emerging market areas, identifying barriers to near-term and future applications, and understanding workforce needs. Information gathered at this workshop will be used in the development and coordination of U.S. Government policies, programs, and budgets to advance U.S. competitiveness in QIS. Furthermore, this workshop will provide a discussion place for industry to consider methods of collaboration in a neutral setting, including the potential benefits of developing a technology perspective study as well as other helpful organizing elements, including consortia and future roadmap development for subfields.

This workshop will focus on addressing the key challenges described above under ''Request for Information.'' It will include invited presentations by leading experts from academia, industry, and government; time for group discussion; and breakout sessions for discussing subfields, potential consortia frameworks, and the role of technology perspective studies.

There is no cost for participating in the workshop. No proprietary information will be accepted, presented or discussed as part of the workshop, and all information accepted, presented or discussed at the workshop will be in the public domain.

All workshop participants must pre-register at the following web address to be admitted: *https://www.nist.gov/news-events/events/2017/10/quantum-industry-day.* Anyone wishing to attend this meeting must register by 5:00 p.m. Eastern Time on September 29, 2017, in order to attend. Also, please note that federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federally-issued identification in lieu of a state-issued driver's license. For detailed information please contact Kimberly Emswiler at (301) 975–4208 or visit: *http://www.nist.gov/public_affairs/visitor/.*

Authority: 15 U.S.C. 272(b)(1), (4), (11) & 15 U.S.C. 272(c)(12).

Kevin Kimball,

NIST Chief of Staff.

[FR Doc. 2017–19081 Filed 9–7–17; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF666

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council, NEFMC) will hold a three-day meeting to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, Wednesday, and Thursday, September 26, 27, and 28, 2017, beginning at 9 a.m. on September 26, 8:30 a.m. on September 27, and 8:30 a.m. on September 28.

ADDRESSES:

Meeting address: The meeting will be held at the Beauport Hotel, 55 Commercial Street, Gloucester, MA 01930; telephone (978) 282–0008; online at *www.beauporthotel.com.*

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone (978) 465–0492; *www.nefmc.org.*

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492, ext. 113.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, September 26, 2017

After introductions and brief announcements, the meeting will begin with the swearing-in of reappointed Council members, followed by the election of 2017–2018 officers. The Council then will hear reports from the Council Chairman and Executive Director, NMFS's Regional Administrator for the Greater Atlantic Regional Fisheries Office (GARFO), liaisons from the Northeast Fisheries Science Center (NEFSC) and Mid-Atlantic Fishery Management Council, representatives from NOAA General Counsel and the Office of Law Enforcement, and staff from the Atlantic States Marine Fisheries Commission and U.S. Coast Guard. In addition, the Northeast Trawl Advisory Panel will provide a report. Next, the Council will hear from its Whiting Committee, which will cover three items of business. The first involves Amendment 22 to the Northeast Multispecies Fishery Management Plan (FMP). The amendment is being developed to potentially limit access to the small-mesh multispecies fishery, which includes red, silver, and offshore hakes. The Council is expected to select limited access, permitting, and possession limit preferred alternatives for Amendment 22 to send to public hearing. Next, the Whiting Plan Development Team (PDT) will present the Annual Monitoring Report, which summarizes 2016 fishing year activity and contains an assessment update and specification recommendations. Finally, the Council will initiate an action to develop 2018–20 specifications for the small-mesh multispecies fishery.

Following the lunch break, the Council will resume the whiting discussion if necessary. Otherwise, it will move on to the Atlantic Herring Committee report and address three items related to Draft Amendment 8 to the Atlantic Herring FMP. First, the

Council will review and clarify unresolved details related to alternatives under consideration in the amendment. Next, it will review results from the Management Strategy Evaluation process used to develop a new acceptable biological catch (ABC) control rule for Atlantic herring. Finally, the Council potentially will select preferred alternatives for an ABC control rule. Following these actions, the Council will adjourn for the day.

Wednesday, September 27, 2017

The second day of the meeting will begin with a report from the Transboundary Resource Assessment Committee (TRAC) summarizing results from the 2017 stock assessments for Eastern Georges Bank cod, Eastern Georges Bank haddock, and Georges Bank yellowtail flounder. The Scientific and Statistical Committee (SSC) will report next with 2018–19 overfishing limit (OFL) and ABC recommendations for Georges Bank yellowtail flounder and the Northeast skate complex. A short SSC working group update will follow. Next, the Council will hear from U.S. representatives to the Transboundary Management Guidance Committee (TMGC) and potentially approve TMGC recommendations for 2018 total allowable catches (TACs) for shared U.S./Canada groundfish stocks on Georges Bank. The TMGC considers TRAC advice when formulating recommendations. Members of the public then will be able to speak during an open comment period on issues that relate to Council business but are not included on the published agenda for this meeting. The Council asks the public to limit remarks to 3–5 minutes. Following the public comment period, the Council will receive a Groundfish Committee report, beginning with an update on Framework Adjustment 57 to the Northeast Multispecies FMP. The framework includes: (1) 2018–2020 Fishery specifications; (2) 2018 TACs for U.S./Canada stocks; (3) Atlantic halibut accountability measures (AMs); (4) recreational management measures; (5) common pool trimester TAC adjustments; and (6) southern windowpane flounder AMs. During the Groundfish Committee report, the Council also will receive and potentially further discuss the TMGC's TAC recommendations for U.S./Canada shared stocks and the SSC's OFL and ABC recommendations for Georges Bank yellowtail flounder. Finally, the Committee will present a progress report on Groundfish Monitoring Amendment 23.

After a lunch break, the Groundfish Committee report will continue until related business is concluded. The Skate Committee Report will follow. The Council will receive the Annual Monitoring Report on fishing year 2016 activity and then discuss Framework Adjustment 5 to the Northeast Skate Complex FMP. The Council may consider final action on the framework, which was initiated to develop fishing year 2018–2019 specifications and allow the landing of barndoor skates. The Council also will receive an update on Amendment 5 to potentially develop a limited access program for skates. At the conclusion of the skate discussion, the Council will adjourn for the day.

Thursday, September 28, 2017

The third day of the meeting will begin with a preliminary discussion of 2018 Council priorities. Here, the Council will review and discuss a draft list of possible actions and tasks for further development in 2018 covering all committees. The Council will not take final action on priorities until its December meeting. Next, the Council will hear from its Scallop Committee, beginning with a summary of 2017 scallop survey results. The Council then will receive a progress report on Framework Adjustment 29 to the Atlantic Sea Scallop FMP. This framework contains: (1) Fishery specifications for the 2018 fishing year and default specifications for 2019; (2) scallop fishery AMs for yellowtail flounder and windowpane flounder; (3) Northern Gulf of Maine Management Area modifications; and (4) Closed Area I Scallop Access Area changes to be consistent with pending habitat area revisions. The Ecosystem-Based Fishery Management (EBFM) Committee then will provide a progress report on developing an example Fishery Ecosystem Plan for Georges Bank. The EBFM PDT will report on the application of operating models for a Georges Bank Ecosystem Production Unit, describing how the models could be used to support a Management Strategy Evaluation. Next, the Council will receive three brief habitat-related updates: One on the Omnibus Deep-Sea Coral Amendment; another on the Clam Dredge Framework; and a third on wind energy development.

Following a lunch break, the Council will receive an update on the status of the Council Program Review. The Research Steering Committee will report next on three issues: (1) Developing a process to prioritize Council research priorities; (2) providing input to the Northeast Cooperative Research Program; and (3) reviewing collaborative research projects. The Council then will discuss two issues related to Standardized Bycatch Reporting Methodology (SBRM). First the Council is expected to take final action on the SBRM Omnibus Framework Adjustment to address assigning at-sea observers to the lobster pot fleet in an unbiased manner through the Northeast Fishery Observer Program. It then will receive an update on the SBRM Three-Year Report. The Council will close out the meeting with ''other business'' and then potentially go into closed session to discuss ongoing litigation.

Although non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: September 5, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–19057 Filed 9–7–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF661

North Pacific Fishery Management Council; Notice of Public Meeting

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

ACTION: Notice of public meetings of the North Pacific Fishery Management Council Ecosystem Committee.

SUMMARY: The North Pacific Fishery Management Council (Council) Ecosystem Committee will meet in Seatte, WA. The meeting will be available via web delivery and

teleconference. Web URL and teleconference line will be provided on the meeting agenda.

DATES: The meeting will be held on September 22, 2017, from 9 a.m. to 5 p.m., Pacific Time (PST).

ADDRESSES: The meeting will be held at the Alaska Fisheries Science Center, 7600 Sand Point Way NE., Seattle, WA, USA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Steve MacLean, Council staff, phone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The purpose of the Ecosystem Committee meeting is to review the draft Bering Sea Fishery Ecosystem Plan being developed by Council committee. Resources will be available on the Council's Ecosystem Committee Web page at *https://www.npfmc.org/committees/ecosystem-committee/.*

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: September 5, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–19058 Filed 9–7–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF645

Fisheries of the South Atlantic, Gulf of Mexico, and Caribbean; Southeast Data, Assessment, and Review (SEDAR) Public Meeting

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

ACTION: Notice of public meeting of the SEDAR Steering Committee.

SUMMARY: The SEDAR Steering Committee will meet to discuss the SEDAR process and assessment schedule. See **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR Steering Committee will meet Tuesday, September 26, 2017, from 1 p.m. until 6 p.m. and Wednesday, September 27, 2017, from 8:30 a.m. until 1 p.m.

ADDRESSES:

Meeting address: The Steering Committee meeting will be held at the Crowne Plaza Charleston Airport, 4831 Tanger Outlet Boulevard, North Charleston, SC 29418, 2008 Savannah Highway, Charleston, SC 29407; telephone: (843) 744–4422.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405. *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: John Carmichael, Deputy Executive Director, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366 or toll free 866/SAFMC–10; fax: (843) 769–4520; email: *john.carmichael@safmc.net.*

SUPPLEMENTARY INFORMATION: The items of discussion are as follows:

1. Research Track Process
2. SEDAR Current Projects Update
3. SEDAR Future Projects Schedule
4. Budget Report

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 5, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–19056 Filed 9–7–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF642

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its Citizen Science Advisory Panel Communication/Outreach/Education Action Team via webinar.

DATES: The meeting will be held Friday, September 22, 2017 at 10 a.m. The meeting is scheduled to last approximately 90 minutes. Additional Action Team webinar and plenary webinar dates and times will publish in a subsequent issue in the **Federal Register**.

ADDRESSES:

Meeting address: The meetings will be held via webinar and are open to members of the public. Webinar registration is required and registration links will be posted to the Citizen Science program page of the Council's Web site at *www.safmc.net.*

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Amber Von Harten, Citizen Science Program Manager, SAFMC; phone: (843) 302–8433 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *amber.vonharten@safmc.net.*

SUPPLEMENTARY INFORMATION: The South Atlantic Fishery Management Council created a Citizen Science Advisory Panel Pool in June 2017. The Council appointed members of the Citizen Science Advisory Panel Pool to five Action Teams in the areas of *Volunteers, Data Management, Projects/Topics Management, Finance,* and *Communication/Outreach/Education* to develop program policies and operations for the Council's Citizen Science Program.

The Communication/Outreach/Education Action Team will meet to continue work on developing recommendations on program policies and operations to be reviewed by the Council's Citizen Science Committee.

Items to be addressed during these meetings:

1. Discuss work on tasks in the Terms of Reference
2. Other business

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 5, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–19055 Filed 9–7–17; 8:45 am]

BILLING CODE 3510–22–P

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 20 September 2017, at 9:00 a.m. in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street NW., Washington, DC 20001–2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: *www.cfa.gov.* Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by emailing *staff@cfa.gov;* or by calling 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated: August 31, 2017, in Washington, DC.

Thomas Luebke,

Secretary.

[FR Doc. 2017–18965 Filed 9–7–17; 8:45 am]

BILLING CODE 6330–01–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds product(s) and/or service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) and/or service(s) from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* October 8, 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 7/28/2017 (82 FR 35187–35188) and 8/7/2017 (82 FR 36753–36754), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and a service and impact of the additions on the current or most recent contractors, the Committee has determined that the products and service 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 organizations that will furnish the products and service to the Government.

2. The action will result in authorizing small entities to furnish the products and service 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 products and service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and service are added to the Procurement List:

Products

NSN(s)—Product Name(s):
7125–00–NIB–0006—Cabinet, Storage, Blow-Molded, 46″, Black
7125–00–NIB–0007—Cabinet, Storage, Blow-Molded, 46″, Platinum
7125–00–NIB–0008—Cabinet, Storage, Blow-Molded, 66″, Black
7125–00–NIB–0009—Cabinet, Storage, Blow-Molded, 66″, Platinum
7125–00–NIB–0010—Cabinet, Storage, Blow-Molded, 72″, Black
7125–00–NIB–0011—Cabinet, Storage, Blow-Molded, 72″, Platinum
7125–00–NIB–0012—Shelf, Open Storage, 4 Shelves, 54″, Platinum
7125–00–NIB–0013—Shelf, Open Storage, 4 Shelves, 54″, Charcoal
7125–00–NIB–0014—Shelf, Open Storage, 4 Shelves, 54″, Black
7125–00–NIB–0015—Shelf, Open Storage, 5 Shelves, 74″, Platinum
7125–00–NIB–0016—Shelf, Open Storage, 5 Shelves, 74″, Charcoal
7125–00–NIB–0017—Shelf, Open Storage, 5 Shelves, 74″, Black
Mandatory for: Broad Government Requirement
Mandatory Source(s) of Supply: MidWest Enterprises for the Blind, Inc., Kalamazoo, MI
Contracting Activity: General Services Administration, Philadelphia, PA
Distribution: B-List

Service

Service Type: Base Supply Center
Mandatory for: U.S. Army Corps of Engineers, Engineer Research & Development Center, 3909 Halls Ferry Road, Vicksburg, MS
Mandatory Source(s) of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: Dept of the Army, W2R2 USA ENGR R AND D CTR

Deletions

On 7/21/2017 (82 FR 33872–33873), 7/28/2017 (82 FR 35187–35188), and 8/7/2017 (82 FR 36753–36754), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and/or service(s) listed below are no longer 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 additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and/or service(s) 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 product(s) and/or service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following products and services are deleted from the Procurement List:

Products

NSN(s)—Product Name(s):
4610–00–268–9890—Bag, Drinking Water Storage
Mandatory Source(s) of Supply: Huntsville Rehabilitation Foundation, Huntsville, AL
Contracting Activity: Defense Logistics Agency Troop Support
NSN(s)—Product Name(s):
6920–01–NSH–9023—Target
6920–01–NSH–9025—Target
6920–01–NSH–9026—Target
6920–01–NSH–9027—Target
6920–01–NSH–9028—Target
6920–01–NSH–9029—Target
6920–01–NSH–9031—Target
6920–01–NSH–9035—Target
6920–01–NSH–9036—Target
6920–01–NSH–9030—Target
Mandatory Source(s) of Supply: Walterboro Vocational Rehabilitation Center, Walterboro, SC
Contracting Activity: W6QM MICC–FT STEWART, Fort Stewart, GA
NSN(s)—Product Name(s):
8410–01–474–6871—Slacks, Dress, Belted, Navy, Women's, White, 20WR
8410–01–474–6872—Slacks, Dress, Belted, Navy, Women's, White, 20WR
Mandatory Source(s) of Supply: Goodwill Industries of South Florida, Inc., Miami, FL
Contracting Activity: Defense Logistics Agency Troop Support
NSN(s)—Product Name(s):
8405–00–NSH–1415—XXX Large Tall
8405–00–NSH–1407—Medium Tall
8405–00–NSH–1409—Large Tall
8405–00–NSH–1411—X Large Tall
8405–00–NSH–1413—XX Large Tall
Mandatory Source(s) of Supply: Human Technologies Corporation, Utica, NY
Contracting Activity: USDA APHIS MRPBS, Minneapolis, MN
NSN(s)—Product Name(s):
8410–00–NSH–6328—size 2
8410–00–NSH–6357—XXXX Large
8410–00–NSH–6383—XXXX Large Tall
8410–00–NSH–6364—XXXX Large
8410–00–NSH–6390—XXXX Large Tall
8410–00–NSH–6403—XXXX Large
8410–00–NSH–6404—XXXX Large Tall
8405–00–NSH–1332—Medium Tall
8405–00–NSH–1333—Large Tall
8405–00–NSH–1334—X Large Tall
8405–00–NSH–1335—XX Large Tall
8405–00–NSH–1336—XXX Large Tall
8405–00–NSH–1337—Medium Tall
8405–00–NSH–1338—Large Tall
8405–00–NSH–1339—X Large Tall
8405–00–NSH–1340—XX Large Tall
8405–00–NSH–1341—XXX Large Tall
8405–00–NSH–1342—Medium Tall
8405–00–NSH–1387—Medium Tall
8405–00–NSH–1389—Large Tall
8405–00–NSH–1391—X Large Tall
8405–00–NSH–1393—XX Large Tall
8405–00–NSH–1395—XXX Large Tall
8405–00–NSH–1397—Medium Tall
8405–00–NSH–1399—Large Tall
8405–00–NSH–1401—X Large Tall
8405–00–NSH–1403—XX Large Tall
8405–00–NSH–1405—XXX Large Tall
8405–00–NSH–1417—Medium Tall
8405–00–NSH–1419—Large Tall
8405–00–NSH–1421—X Large Tall
8405–00–NSH–1423—XX Large Tall
8405–00–NSH–1425—XXX Large Tall
Mandatory Source(s) of Supply: Human Technologies Corporation, Utica, NY
Contracting Activity: AMS 31C3, WASHINGTON, DC

Services

Service Type: Assembly of Backpack Pump Outfit Service
Mandatory for: GSA, Southwest Supply Center: 819 Taylor Street, Fort Worth, TX
Mandatory Source(s) of Supply: Expanco, Inc., Fort Worth, TX
Contracting Activity: General Services Administration, Fort Worth, TX
Service Types: Kitting Service (Assembly); Belt Weather Kit: (6660–01–024–2638); Canteen, Water Disposable: (8465–01–062–5854); Dinnerware Kit: (7360–00–139–0480); Mop-up Kit, Lateral Line: (4210–01–321–4206)
Mandatory Source(s) of Supply: Expanco, Inc., Fort Worth, TX
Contracting Activity: General Services Administration, Fort Worth, TX
Service Type: Janitorial/Custodial Service
Mandatory for: NAVFAC Southwest, Marine Corps Reserve Center, Bakersfield, CA
Mandatory Source(s) of Supply: Bakersfield Arc, Inc., Bakersfield, CA
Contracting Activity: DEPT OF THE NAVY, NAVFAC SOUTHWEST
Service Type: Janitorial/Custodial Service
Mandatory for: Naval & Marine Corps Reserve Center, Mobile, AL
Mandatory Source(s) of Supply: GWI Services, Inc., Mobile, AL
Contracting Activity: Dept Of The Navy, Navy Facilities Engineering Command
Service Type: Grounds Maintenance Service
Mandatory for: Naval Air Station, Joint Reserve Base, Fort Worth, TX
Mandatory Source(s) of Supply: Trace, Inc., Boise, ID
Contracting Activity: Dept of The Navy, U.S. Fleet Forces Command
Service Type: Facilities Maintenance Service
Mandatory for: Greater Louisville Technology Park: Port Hueneme Detachment & Navy Caretaker Site Off, Louisville, KY
Mandatory Source(s) of Supply: Employment Source, Inc., Fayetteville, NC
Contracting Activity: DEPT OF THE NAVY, NAVAL FAC ENGINEEERING CMD MIDWEST

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–19083 Filed 9–7–17; 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 product(s) and/or service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) and/or service(s) previously furnished by such agencies.

DATES: Comments must be received on or before October 8, 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 listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products are proposed for addition to the Procurement List for

production by the nonprofit agencies listed:

Products

NSN(s)—Product Name(s):
8920–01–E62–5585—Rice, Brown, Parboiled, Long Grain, CS/Four (4) Five (5) Pound Bags
8920–01–E62–5586—Rice, Brown, Parboiled, Long Grain, CS/Two (2) Ten (10) Pound Bags
Mandatory for: 100% of the requirement of the Department of Defense
Mandatory Source(s) of Supply: VisionCorps, Lancaster, PA
Contracting Activity: Defense Logistics Agency Troop Support
Distribution: C-List

NSN(s)—Product Name(s):
5940–01–089–7066—Adapter, Battery Terminal, Negative Post, E
5940–01–520–6775—Adapter, Battery Terminal, Positive Post, E
Mandatory Source(s) of Supply: Eastern Carolina Vocational Center, Inc., Greenville, NC
Mandatory for: 100% of the requirement of the Department of Defense
Contracting Activity: Defense Logistics Agency Land and Maritime
Distribution: C-List

Deletion

The following products and services are proposed for deletion from the Procurement List

Product

NSN(s)—Product Name(s): 2910–00–740–9419—Strap, Fuel Tan
Mandatory Source(s) of Supply: Employment Source, Inc., Fayetteville, NC
Contracting Activity: Defense Logistics Agency Land and Maritime

NSN(s)—Product Name(s):
8410–01–414–6979—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 4 Regula
8410–01–414–6980—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 6 Regula
8410–01–414–6981—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 8 Regula
8410–01–414–7023—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 10 Regula
8410–01–414–7105—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 12 Regula
8410–01–414–7113—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 14 Regula
8410–01–414–7116—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 16 Regula
8410–01–414–7118—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 18 Regula
8410–01–414–7120—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 20 Regula
8410–01–414–7186—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 22 Regula
8410–01–414–7232—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 24 Regula
8410–01–414–7233—Shirt, Tuck-in, Army, Women's, Short Sleeved, Green, 26 Regula
Mandatory Source(s) of Supply: Middle Georgia Diversified Industries, Inc., Dublin, GA
Contracting Activity: Defense Logistics Agency Troop Support

NSN(s)—Product Name(s): 1670–00–805–3522—Strap Set, Webbin
Mandatory Source(s) of Supply: Huntsville Rehabilitation Foundation, Huntsville, AL
Contracting Activity: Defense Logistics Agency Aviation

NSN(s)—Product Name(s):
8465–00–001–6487—Belt, Individual Equipment, Olive Drab, Larg
8465–00–001–6488—Belt, Individual Equipment, LC–1, Olive Drab, Mediu
8465–01–120–0674—Belt, Individual Equipment, USN/USA, LC–2, Olive Drab, Mediu
8465–01–120–0675—Belt, Individual Equipment, Olive Drab, Larg
Mandatory Source(s) of Supply: Mississippi Industries for the Blind, Jackson, MS
Contracting Activity: Defense Logistics Agency Troop Support

Service

Service Type: Grounds Maintenance Servic
Mandatory for: Pennington Memorial U.S. Army Reserve Center: 2164 Harding Highway East, Marion, OH
Mandatory Source(s) of Supply: MARCA Industries, Inc., Marion, OH
Contracting Activity: Dept of the Army, W6QM MICC Ft McCoy (RC)
Service Type: Mail and Messenger Servic
Mandatory for: Headquarters, Naval Facilities Engineering Command (NAVFACENGCOM), Washington, DC
Mandatory Source(s) of Supply: ServiceSource, Inc., Oakton, VA
Contracting Activity: Dept of the Navy, U.S. Fleet Forces Command
Service Type: Mailroom Operation Service
Mandatory for: Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD
Mandatory Source(s) of Supply: Linden Resources, Inc., Arlington, VA
Contracting Activity: Dept of Health And Human Services/Food and Drug Administration
Service Type: Mess Attendant Servic
Mandatory for: Willow Grove Naval Air Station Joint Reserve Base: Liberty Dining Hall, Horsham, PA
Mandatory Source(s) of Supply: Occupational Training Center of Burlington County, Burlington, NJ
Contracting Activity: Dept of tThe Navy, U.S. Fleet Forces Command

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–19082 Filed 9–7–17; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare an Environmental Impact Statement for the Combined Operational Plan, Broward, Miami-Dade Counties, Florida

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The Jacksonville District, U.S. Army Corps of Engineers (Corps) is beginning preparation of a National Environmental Policy Act (NEPA) assessment for the Combined Operational Plan (COP). The purpose of the COP is to define operations for the constructed features of the Modified Water Deliveries to Everglades National Park (MWD) and Canal 111 (C–111) South Dade Projects, while maintaining the congressionally authorized purposes of the Central and Southern Florida (C&SF) Project to include flood control; water supply for agricultural irrigation, municipalities and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation.

ADDRESSES: U.S. Army Corps of Engineers, Planning and Policy Division, Environmental Branch, P.O. Box 4970, Jacksonville, FL 32232–0019.

FOR FURTHER INFORMATION CONTACT: Melissa Nasuti at 904–232–1368 or email at *melissa.a.nasuti@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

a. The COP will result in a comprehensive integrated water control plan for the operation of water management infrastructure associated with the MWD and C–111 South Dade Projects in Miami Dade County, Florida. Development of the COP will be informed by a series of operational field tests previously conducted under the authority of the MWD Project that include incremental increases in water delivered from Water Conservation Area 3 (WCA 3) to Everglades National Park (ENP). Information gained from water management actions taken by the Corps in response to unseasonable high water levels within the WCAs in 2016 and 2017 will also be utilized to inform development of the COP.

b. Implementation of the COP is anticipated to increase the availability of water deliveries from WCA 3A to ENP through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of ENP.

c. Water management operating criteria defined during development of the COP will be incorporated into the 2012 WCAs, ENP, and ENP to South Dade Conveyance system Water Control Plan following completion of NEPA.

d. A scoping letter will be used to invite comments from Federal, State, and local agencies, affected Indian tribes, and other interested private organizations and individuals.

e. All alternative plans will be reviewed under provisions of appropriate laws and regulations, including the Endangered Species Act, Fish and Wildlife Coordination Act, Clean Water Act, and Farmland Protection Policy Act.

f. The Draft Environmental Impact Assessment is expected to be available for public review in 2019.

Dated: August 22, 2017.

Gina Paduano Ralph,

Chief, Environmental Branch.

[FR Doc. 2017–19065 Filed 9–7–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, U.S. Army Corps of Engineers

Notice of Intent To Prepare an Integrated Environmental Impact Statement for the Lower Columbia River Federal Navigation Channel Maintenance Plan

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The Portland District, U.S. Army Corps of Engineers (Corps) intends to prepare an integrated Environmental Impact Statement (EIS) and Federal Navigation Channel (FNC) Maintenance Plan, hereafter referred to as the Plan. The purpose of this Plan is to ensure the continued maintenance of the 43-foot deep Lower Columbia River FNC for the next 20 years. The Port of Longview, Port of Kalama, Port of Woodland, Port of Vancouver, and the Port of Portland (collectively the Sponsor Ports) are non-federal sponsors of the project, who will have Oregon and Washington State permitting requirements to execute on the Plan. The Corps will serve as the lead federal agency for purposes of the National Environmental Policy Act (NEPA). The Sponsor Ports will serve as cooperating agencies for purposes of NEPA. The Washington ports' activities in support of the proposed project will be subject to environmental review under chapter 43.21C Revised Code of Washington (RCW), the Washington State Environmental Policy Act (SEPA). The Washington Sponsor Ports will be co-lead agencies under SEPA, and the Port of Longview will serve as the nominal SEPA lead agency for purposes of SEPA compliance. To satisfy the requirements of NEPA and SEPA, the Corps and Sponsor Ports will be jointly preparing an integrated EIS for the Plan.

DATES: Written comments for consideration in the development of the scope of the joint NEPA/SEPA EIS are due to the addresses below no later than Thursday, November 16, 2017. Comments may also be made at the public scoping meetings listed in this notice. Additional information related to the public scoping process will be provided through advertisements placed in regional newspapers of general circulation, Public Notice, and on the project Web site at *www.nwp.usace.army.mil/lcrchannelmaintenance.*

ADDRESSES: Mailed comments may be sent to: U.S. Army Corps of Engineers, Portland District, P.O. Box 2946, Attn: CENWP–PM–E, Portland, Oregon 97208–2946. Email comments to: *ColumbiaNavChannel@usace.army.mil.* All written comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public.

FOR FURTHER INFORMATION CONTACT: For questions regarding the Plan, the EIS, or special accommodations for scoping process participation, please contact Kate Wells, Environmental Resources Specialist; Attn: CENWP–PM–E, P.O. Box 2946, Portland, Oregon 97208–2946; (503) 808–4664; *ColumbiaNavChannel@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

Project Background. The Lower Columbia River FNC project includes a main channel that is 43 feet deep and generally 600 feet wide, and extends upstream of the Mouth of Columbia River, River Mile (RM) 3 to Vancouver, WA, RM 105.5. The FNC also extends into lower Oregon Slough and includes vessel turning basins at Astoria in Oregon and Longview, Kalama, and Vancouver in Washington. The FNC is maintained using a combination of dredging and hydraulic control works (pile dikes). Advanced maintenance dredging is currently approved up to 5 feet below authorized depth (−48 feet) and up to 100 feet outside the authorized channel width. For the past several years, dredging 6 to 8 million cubic yards of localized sand shoals has been required annually to provide reliable service for deep-draft navigation. The Corps' policy requires all federally maintained navigation projects to demonstrate that there is sufficient dredged material placement capacity for a minimum of 20 years. An updated Plan for the Lower Columbia River FNC is needed now because the existing dredged material placement network is nearing capacity and, if insufficient capacity exists, navigation maintenance dredging may be negatively affected. Non-federal project sponsors for the Lower Columbia River FNC include the Port of Portland individually and as representative of the Port of St. Helens in Oregon, and the Port of Longview, the Port of Kalama, the Port of Woodland, and the Port of Vancouver in Washington. These ports are stakeholders in the channel depth maintenance of the Columbia River. Maintenance of the channel depth is necessary for the ports' and other channel users' continued industrial economic development and trade promotion. In 2015, the Lower Columbia River FNC was used to transport nearly 55 million tons of cargo valued at $22 billion. Vessels drafting the full authorized channel depth of 43 feet carried approximately 11 million tons of export shipments worth nearly $3 billion in 2015. Tonnage amounts refer to Corps Waterborne Commerce Statistics Center (WCSC) data for the Columbia & Lower Willamette Rivers below Vancouver, WA, and Portland, OR, Waterway as processed by the Corps Channel Portfolio Tool (CPT). Cargo values are estimated by the CPT based on the WCSC tonnage amounts multiplied by national average commodity unit price ($ per ton) data derived from USA Trade Online (*https://usatrade.census.gov/*).

Proposed Project. The Corps will develop the subject Plan in accordance with the procedures for a dredged material management plan in Engineering Regulation 1105–2–100, which governs Corps project formulation, evaluation, and implementation. As a dredged material management plan, it will ensure warranted and environmentally acceptable maintenance of the 43-foot Lower Columbia River FNC for the next 20 years. Specifically, the Plan will be designed to facilitate efficient management of dredged material, accounting for variability of shoaling processes, to provide a reliable channel for deep-draft navigation. The Plan will describe the results of investigations and analyses used to make determinations as to current and forecasted dredging needs and material placement capacity, potential additional

placement sites, measures to reduce the need to dredge and avoidance, minimization, and mitigation measures as needed. As the non-federal sponsors of the Plan, the Sponsor Ports are required to obtain permits for the dredged material placement sites. To satisfy the requirements of NEPA and SEPA, the Corps and Sponsor Ports will be jointly preparing an integrated EIS for the Plan.

Alternatives. The Plan will be developed in accordance with Corps policy to accomplish channel maintenance, including dredged material placement, in the least costly manner that is consistent with sound engineering practice and meets all federal environmental laws. In addition to the No Action Alternative, in which case existing channel maintenance practices will continue in the absence of the Plan, dredged material management alternatives to be considered include: Management of existing sites to extend or expand capacity; various combinations of new sites involving different placement methods, locations and periods of use; measures to reduce dredging requirements, including hydraulic control works and changes to maintenance dimensions. Potential beneficial uses of dredged material (such as fish and wildlife habitat creation and ecosystem restoration) will be assessed. Additional alternatives could be developed during the scoping and evaluation process.

Scoping Process/Public Involvement. The Corps and Sponsor Ports invite all affected federal, state, and local agencies, affected Native American Tribes, and other interested parties to participate in the NEPA and SEPA process during development of the Plan and EIS. The purpose of the public scoping process is to provide information to the public, narrow the scope of analysis to significant environmental issues, and serve as a mechanism to solicit agency and public input on alternatives and issues of concern, and ensure full and open participation in scoping of the Draft EIS. A series of public scoping meetings is scheduled for October 2017. The specific dates, times, and locations of the meetings are provided below.

Public Scoping Meetings:

- Monday, October 2, 2017, 4:00 p.m. to 7:00 p.m., Cowlitz County Event Center, 1900 7th Avenue, Longview, Washington.
- Thursday, October 5, 2017, 4:00 p.m. to 7:00 p.m., Marshall Community Center, 1009 East McLoughlin Boulevard, Vancouver, Washington.
- Friday, October 6, 2017, 4:00 p.m. to 7:00 p.m., Charles Jordan Community Center, 9009 North Foss Avenue, Portland, Oregon.
- Monday, October 16, 2017, 4:00 p.m. to 7:00 p.m., Meriwether Place, 1070 Columbia Boulevard, St. Helens, Oregon.
- Tuesday, October 17, 2017, 4:00 p.m. to 7:00 p.m., Columbia River Maritime Museum Barbey Maritime Center, 1792 Marine Drive, Astoria, Oregon.
- Thursday, October 19, 2017, 4:00 p.m. to 7:00 p.m., Norse Hall, 444 State Route 4, Puget Island, Cathlamet, Washington.

Upon completion of the scoping process, the Draft Plan/Draft EIS will be developed. The DEIS will then be circulated for public review and comment. The Corps and Sponsor Ports expect to release the Draft EIS for public review and comment in 2018. The Corps will issue a Notice of Availability in the **Federal Register** announcing the release of the Draft EIS for public comment. The Sponsor Ports will publish a Notice of Availability of the Draft EIS for public comment in accordance with SEPA regulations. Documents and other important information related to the Plan/EIS will be available for review on the Corps' project Web site.

Aaron L. Dorf,

Colonel, Corps of Engineers, District Commander.

[FR Doc. 2017–18988 Filed 9–7–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of meetings.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet on September 13, 2017, at the Conference Centre of the French Ministry of Foreign Affairs, 27, Rue de la Convention, 75015 Paris, France, in connection with a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM) on September 14, 2017, in connection with a meeting of the SEQ on that day.

DATES: September 13, 14, 2017.

ADDRESSES: 27, Rue de la Convention, 75015 Paris, France.

FOR FURTHER INFORMATION CONTACT: Thomas Reilly, Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202–586–5000.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)) (EPCA), the following notice of meetings is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held at the Centre de Conférence Ministériel of the French Ministry of Foreign Affairs Building, 27 Rue de la Convention, 75015 Paris, France, commencing at 9:30 a.m. on September 13, 2017. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ), which is scheduled to be held at the same location and time. The IAB will also hold a preparatory meeting among company representatives at the same location at 8:30 a.m. on September 13. The agenda for this preparatory meeting is to review the agenda for the SEQ meeting.

The agenda of the SEQ meeting is under the control of the SEQ. It is expected that the SEQ will adopt the following agenda:

Draft Agenda of the 152nd Meeting of the SEQ to be held at the Centre de Conférence Ministériel of the French Ministry of Foreign Affairs Building, 27 Rue de la Convention, 75015 Paris, France, 13 September 2017, beginning at 9:30 a.m.

Closed SEQ Session—IEA Member Countries Only

1. Adoption of the Agenda
2. Approval of the Summary Record of the 151st Meeting
3. Status of Compliance with IEP Agreement Stockholding Obligations
4. Preparations for the IEA Ministerial
5. Stockholding Methodology Issues

Open SEQ Session—Open to Association Countries

6. Update on Study into Legal Systems of Emergency Policy
7. Proposal for Update of 2013 Cost-benefit of Stockholding Study
8. Industry Advisory Board Update
9. Mid-term Review of Indonesia
10. Proposal for Energy Security Study for ASEAN +6
11. Update on Preparations for ERE9
12. Mid-term Review of the United Kingdom
13. Outreach
    —Recent APERC meeting
    —Recent JOGMEC training for China
    —Overview of recent activities
14. Update on Cyber Security & Digitalization

15. Mid-term Review of Portugal
16. Oral Reports by Administrations
17. Other Business
—ERR Programme
Schedule of SEQ & SOM Meetings
—20–22 March 2018
—19–21 June 2018 (TBC)
— 27–29 November 2018

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held at the Conference Centre of the French Ministry of Foreign Affairs, 27 Rue de la Convention, 75015 Paris, France, commencing at 10:00 on September 14, 2017. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM), which is scheduled to be held at the same location and time.

The agenda of the meeting is under the control of the SEQ and the SOM. It is expected that the SEQ and the SOM will adopt the following agenda:

Draft Agenda of the Joint Session of the SEQ and the SOM to be held at the Conference Centre of the French Ministry of Foreign Affairs, 27 Rue de la Convention, 75015 Paris, France, 14 September 2017, beginning at 10:00.

Start Meeting/Introduction

18. Adoption of the Agenda
19. Approval of Summary Record of 15 June 2017
20. Reports on Recent Oil Market and Policy Developments in IEA Countries
21. Update on the Current Oil Market Situation followed by Q&A
22. Presentation: ''Recent Trends in Oil Demand'' followed by Q&A
—Oral report by the Secretariat
23. Presentation followed by Q&A
— Oral report by the Secretariat
24. Presentation: ''European Refining'' followed by Q&A
— External speaker (KBC)
25. Presentation followed by Q&A
—External speaker (BP)
26. Presentation followed by Q&A
— External speaker
27. Presentation: ''Global Investment Report'' followed by Q&A
— Oral report by the Secretariat
28. Other Business
—Tentative schedule of SEQ and SOM meetings on: 20–22 March 2018

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), the meetings of the IAB are open to representatives of members of the IAB and their counsel; representatives of members of the IEA's Standing Group on Emergency Questions and the IEA's Standing Group on the Oil Markets; representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of Congress, the IEA, and the European Commission; and invitees of the IAB, the SEQ, the SOM, or the IEA.

Issued in Washington, DC, September 1, 2017.

Thomas Reilly,

Assistant General Counsel for International and National Security Programs.

[FR Doc. 2017–19052 Filed 9–7–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR17–24–000]

Valero Energy Corporation; Valero Marketing and Supply Company; Notice of Emergency Request for Temporary Waiver

Take notice that on September 5, 2017, Valero Energy Corporation and Valero Marketing and Supply Company, filed a request that the Federal Energy Regulatory Commission (Commission), under its emergency powers pursuant to section 1(15) of the Interstate Commerce Act, 49 U.S.C. App. 1(15), allow, or if necessary direct, Colonial Pipeline Company to temporarily waive any and all RVP product specifications for conventional and reformulated gasoline that are inconsistent with the Environmental Protection Agency's August 31, 2017 Fuel Waiver, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on September 7, 2017.

Dated: September 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–19121 Filed 9–7–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR17–23–000]

Colonial Pipeline Company; Notice of Emergency Petition for Waiver

Take notice that on September 5, 2017, pursuant to Rule 207(a)(5) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385. 207(a)(5) (2017), Colonial Pipeline Company filed an emergency petition for waiver of certain requirements of its tariffs for petroleum products transportation service between origin points in the Gulf Coast region and destination points on its pipeline system throughout the Southern and Eastern Seaboard states, consistent with the Environmental Protection Agency's August 31, 2017 Fuel Waiver, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on September 7, 2017.

Dated: September 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–19120 Filed 9–7–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9035–1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www2.epa.gov/nepa/.*

Weekly receipt of Environmental Impact Statements (EISs)
Filed 08/28/2017 Through 09/01/2017
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: *https://cdxnodengn.epa.gov/cdx-nepa-public/action/eis/search.*

EIS No. 20170172, Draft, FRA, VA, Southeast High Speed Rail Washington, DC to Richmond, VA, Comment Period Ends: 11/07/2017, Contact: John Winkle 202–493–6067.

EIS No. 20170173, Final Supplement, BLM, USFS, CO, Federal Coal Lease Modifications COC–1362 and COC–67232, Review Period Ends: 10/08/2017, Contact: Niccole Mortenson 406–329–3163.

EIS No. 20170174, Final, USFS, CO, La Garita Hills Restoration Project, Review Period Ends: 10/08/2017, Contact: Diana McGinn 719–852–6241.

Amended Notices

EIS No. 20170078, Draft, USFWS, NE., Issuance of an Incidental Take Permit and Implementation of a Habitat Conservation Plan for the R-Project Transmission Line, Comment Period Ends: 11/07/2017, Contact: Eliza Hines 308–382–6468 ext. 204. Revision to FR Notice Published 05/12/2017; The USFWS has reopened the Comment Period to end 11/07/2017.

Dated: September 5, 2017.

Kelly Knight,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017–19059 Filed 9–7–17; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meeting; Farm Credit Administration Board

AGENCY: Farm Credit Administration.

ACTION: Notice, regular meeting.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATES: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on September 14, 2017, from 9:00 a.m. until such time as the Board concludes its business.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- August 10, 2017

B. New Business

- Fall 2017 Abstract of the Unified Board Action Agenda of Federal Regulatory and Deregulatory Actions and the Fall 2017 Regulatory Projects Plan

C. Report

- Quarterly Report on Economic Conditions and FCS Conditions

Closed Session*

- Office of Examination Quarterly Report

Dated: September 5, 2017.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

* Session Closed-Exempt pursuant to 5 U.S.C. Section 552b(c)(8) and (9).

[FR Doc. 2017–19101 Filed 9–6–17; 11:15 am]

BILLING CODE 6705–01–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Request for Comment on the Exposure Draft of a Proposed Technical Bulletin, Intragovernmental Exchange Transactions

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

Board Action: Pursuant to 31 U.S.C. 3511(d), the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and the FASAB Rules Of Procedure, as amended in October 2010, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) has issued an exposure draft of a proposed Technical Bulletin entitled *Intragovernmental Exchange Transactions.*

The exposure draft is available on the FASAB Web site at *http://www.fasab.gov/documents-for-comment/.* Copies can be obtained by contacting FASAB at (202) 512–7350.

Respondents are encouraged to comment on any part of the exposure draft. Written comments are requested by October 5, 2017, and should be sent to *fasab@fasab.gov* or Wendy M. Payne,

Executive Director, Federal Accounting Standards Advisory Board, 441 G Street NW., Suite 6814, Mailstop 6H19, Washington, DC 20548.

FOR FURTHER INFORMATION CONTACT: Ms. Wendy M. Payne, Executive Director, 441 G Street NW., Mailstop 6H19, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act, Pub. L. 92–463.

Dated: September 5, 2017.

Wendy M. Payne,

Executive Director.

[FR Doc. 2017–19062 Filed 9–7–17; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 4, 2017.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *Carpenter Bank Partners, Inc., CCFW, Inc., Carpenter Fund Manager GP, LLC, Carpenter Fund Management Company, LLC, Carpenter Community BancFund, L.P., Carpenter Community BancFund-A, L.P., and Carpenter Community BancFund-CA, L.P., all of Irvine, California:* to acquire approximately 11.2 percent of Pacific Premier Bancorp and indirectly acquire Pacific Premier Bank, both of Irvine, California.

Board of Governors of the Federal Reserve System, September 5, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–19066 Filed 9–7–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 171–0057]

Mars, Incorporated and VCA Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before September 29, 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: ''In the Matter of Mars, Incorporated and VCA Inc., File No. 171–0057'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/marsvcaconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''In the Matter of Mars, Incorporated and VCA Inc., File No. 171–0057'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), 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 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Michael Barnett (202–326–2362), Bureau of Competition, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for August 30, 2017), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 29, 2017. Write ''In the Matter of Mars, Incorporated and VCA Inc., File No. 171–0057'' 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 *https://www.ftc.gov/policy/public-comments.*

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. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/marsvcaconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you prefer to file your comment on paper, write ''In the Matter of Mars, Incorporated and VCA Inc., File No. 171–0057'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), 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 (Annex D), 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.

Visit the FTC Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. 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 29, 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.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') with Mars, Incorporated (''Mars''), which is designed to remedy the anticompetitive effects that would result from Mars' proposed acquisition of VCA Inc. (''VCA'').

Pursuant to an Agreement and Plan of Merger announced January 9, 2017, Mars proposes to acquire all of the assets of VCA in a transaction valued at approximately $9.1 billion (the ''Acquisition''). Both parties provide specialty and emergency veterinary services in clinics they operate in cities across the United States. The Commission alleges in its Complaint that the Acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by lessening competition in the markets for certain specialty and emergency veterinary services in ten different localities in the United States. The proposed Consent Agreement will remedy the alleged violations by preserving the competition that would otherwise be eliminated by the Acquisition. Specifically, under the terms of the Consent Agreement, Mars is required to divest twelve clinics. Mars and VCA have proposed National Veterinary Associates (''NVA''), PetVet Care Centers (''PetVet''), and Pathway Partners Vet Management Company (''Pathway'') as buyers of these clinics.

The proposed Consent Agreement has been placed on the public record for 30 days for receipt of comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will review proposed Consent Agreement and comments received, and decide whether it should withdraw, modify, or make the Consent Agreement final.

II. The Relevant Markets and Market Structures

The relevant lines of commerce in which to analyze the Acquisition are individual specialty and off-hours emergency veterinary services. Specialty veterinary services are required in cases that a general practitioner veterinarian cannot treat properly. General practitioner veterinarians commonly refer such cases to a specialist, typically a doctor of veterinary medicine board certified in the required specialty. Individual veterinary specialties include cardiology, critical care, internal medicine, neurology, oncology, ophthalmology, and surgery. Emergency veterinary services are used in acute situations where a general practice veterinarian is not available or in some cases not trained or equipped to treat the animal's medical problem.

The relevant areas for the provision of specialty and off-hours emergency veterinary services are local, delineated by the distance and time that pet owners travel to receive treatment. The distance and time customers travel for specialty services are highly dependent on local factors such as the proximity of a clinic offering the required specialty service, population density, population demographics, traffic congestion, or specific local geographic barriers. The markets affected by the transaction differ by area. The localities and services at issue are:

a. Oncology in western suburbs of Chicago, IL;

b. Emergency in Corpus Christi, TX;

c. Critical Care, Emergency, Internal Medicine, and Surgery in Kansas City, MO;

d. Critical Care and Emergency in Mesa, AZ;

e. Critical Care and Oncology in northern New York City, NY and its northern suburbs;

f. Critical Care, Internal Medicine, Neurology, Oncology, and Ophthalmology in Portland, OR;

g. Emergency, Internal Medicine, and Oncology in Rockville, MD;

h. Emergency in San Antonio, TX;

i. Cardiology, Critical Care, Emergency, Internal Medicine, and Neurology in Seattle, WA; and

j. Emergency, Internal Medicine, Oncology, and Ophthalmology in Vienna, VA.

In each locality listed above, the relevant market is highly concentrated. In a number of these markets, the combined firm would be the only provider following the transaction. In other markets, consumers would only have one remaining alternative to the combined firm following the transaction. In all of these markets, the Acquisition would substantially increase concentration within the described localities.

III. Entry

Entry into the relevant markets described above would not be timely, likely, or sufficient in magnitude, character, and scope to deter or

counteract the anticompetitive effects of the Acquisition. For de novo entrants, obtaining financing to build a new specialty or emergency veterinary facility and acquiring or leasing necessary equipment can be expensive and time consuming. The investment is risky for specialists that do not have established practices and bases of referrals in the area. Further, to become a licensed veterinary specialist requires extensive education and training, significantly beyond that for a general practitioner veterinarian. Consequently, specialists are in short supply, and recruiting them to move to a new area often takes more than two years, making timely expansion by existing specialty clinics unlikely.

IV. Effects of the Acquisition

The Acquisition, if consummated, may substantially lessen competition and tend to create a monopoly in the relevant markets by eliminating head-to-head competition between Mars and VCA in the provision of specialty and emergency veterinary services; increasing the likelihood that Mars would unilaterally exercise market power; and increasing the likelihood that customers would be forced to pay higher prices for and degraded quality of the relevant services.

V. The Consent Agreement

The proposed Consent Agreement effectively remedies the Acquisition's anticompetitive effects in ten markets where both Mars and VCA operate specialty or emergency veterinary clinics by requiring the parties to divest 12 facilities. Clinics in Kansas City, New York, and Phoenix are to be divested to NVA. Clinics in Portland, Rockville, and Vienna are to be divested to PetVet. Clinics in Chicago, Corpus Christi, San Antonio, and Seattle are to be divested to Pathway. The divestitures will preserve competition between the divested clinics and Mars' BluePearl or VCA's clinics that offer the same specialty or emergency services within each locality. NVA, PetVet, and Pathway are qualified acquirers of the divested assets. Each firm has significant experience acquiring, integrating, and operating specialty and emergency veterinary clinics.

The divestiture includes all regulatory permits and approvals, confidential business information, including customer information, related to the divested clinics, and other assets associated with providing specialty and emergency veterinary care at the divested clinics. To ensure the divestiture is successful, the Order requires Mars and VCA to secure all third-party consents, assignments, releases, and waivers required to permit the buyers to conduct business at the divested clinics.

As part of these divestitures, Mars and VCA are required to provide reasonable financial incentives to certain employees to continue in their positions. Such incentives may include, but are not limited to, guaranteeing a retention bonus for the specialty veterinarians at the divestiture clinics to assure their continued employment at such clinic, a continuation of all employee benefits, including the funding of regularly scheduled raises and bonuses, and the vesting of pension benefits (as permitted by law and for those Relevant Employees covered by a pension plan), offered by the parties. These provisions ensure that the buyers will have the assets necessary to operate the divested clinics in a competitive manner.

The Consent Agreement contains several additional provisions designed to ensure that the divestitures are successful. First, the Consent Agreement prevents Mars for a period of one year from contracting with any specialty or emergency veterinarian affiliated with a divested clinic. This provides the buyers with sufficient time to build goodwill and working relationships with the veterinarians before Mars could capitalize on its prior relationships in soliciting their services. Second, to ensure continuity of patient care and records as the buyers implement their own quality care, billing, and supply systems, Mars will provide transitional services for a period of one year. Finally, the Consent Agreement requires Mars for a period of ten years from the date the Commission issues the Order to provide prior notice to the Commission of its planned acquisitions of specialty or emergency veterinary clinics in certain geographic areas.

The Order requires Mars and VCA to divest the clinics no later than ten business days after the consummation of the Acquisition.

The Commission has appointed Thomas A. Carpenter, D.V.M. as Interim Monitor to ensure that Mars and VCA comply with all of their obligations pursuant to the Consent Agreement and to keep the Commission informed about the status of the transfer of the rights and assets to NVA, Pathway, and PetVet. Dr. Carpenter assists client companies undergoing regulator-mandated ownership transitions and has experience with the purchase and sale of veterinary clinics.

If the Commission determines that NVA, Pathway, and PetVet are not acceptable acquirers of the divested assets, or that the manner of the divestitures is not acceptable, the parties must unwind the sale of rights and assets to NVA, Pathway, and PetVet and divest them to a Commission-approved acquirer within six months of the date the Order becomes final. In that circumstance, the Commission may appoint a trustee to divest the rights and assets if the parties fail to divest them as required.

The purpose of this analysis is to facilitate public comment on the proposed Consent Agreement, and it is not intended to constitute an official interpretation of the proposed Decision and Order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–19044 Filed 9–7–17; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–MK–2017–03; Docket No.2017–0002; Sequence 16]

The Presidential Commission on Election Integrity (PCEI); Upcoming Public Advisory Meeting; Extension of Comment Period

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Meeting notice with request for comments; extension of comment period.

SUMMARY: GSA and OGP issued a notice on August 25, 2017, seeking input on an upcoming public advisory meeting, held by the PCEI. The comment period is extended to provide additional time for interested parties to review and submit comments on the notice.

DATES: The comment period for the notice published in the **Federal Register** at 82 FR 40581 on August 25, 2017, is extended until September 12, 2017. Comments pertaining to the meeting should be submitted no later than 5:00 p.m., Eastern Standard Time, on Tuesday, September 12, 2017.

ADDRESSES: Individuals who wish to submit written comments for the Commission's consideration may do so by either of the following methods:

• *Regulations.gov: http://www.regulations.gov.* Submit public comments or written statements via the Federal eRulemaking portal by searching for ''Notice–MK–2017–03.'' Select the link ''Comment Now'' that corresponds with ''Notice–MK–2017–

03.'' Follow the instructions provided on the screen. Please include your name, organization (if any), and ''Notice–MK–2017–03'' on your attached document. Please note that any information, including personal or contact information, that you provide on the *www.regulations.gov* comment form or in an attachment will be publicly disclosed as it is entered, searchable on the Internet, and included in any paper docket.

• *Mail:* Public comments may also be submitted via mail. Please address public comments to: Mr. Ron Williams, Policy Advisor, Presidential Advisory Commission on Election Integrity, 1650 Pennsylvania Avenue NW., Eisenhower Executive Office Building (EEOB), Rm. 268, Washington, DC 20504. Please note that any written comments received via mail will be uploaded to the docket on *www.regulations.gov,* where they will be viewable in full by the public, including any personal or contact information.

Written comments not received by 5:00 p.m., EST, on Tuesday, September 12, 2017 may be submitted but will not be considered for the meeting held on Tuesday, September 12, 2017.

FOR FURTHER INFORMATION CONTACT: For questions, please contact Mr. Ron Williams, Policy Advisor, Presidential Advisory Commission on Election Integrity, via email at *ElectionIntegrityStaff@ovp.eop.gov* or telephone at 202–395–1587. For additional information, please check the Commission's Web page at *https://www.whitehouse.gov/blog/2017/07/13/presidential-advisory-commission-election-integrity.*

SUPPLEMENTARY INFORMATION: GSA and OGP issued a notice on August 25, 2017, seeking input on an upcoming public advisory meeting, held by the PCEI. The comment period is extended to provide additional time for interested parties to review and submit comments on the notice.

Dated: September 1, 2017.

Allison Fahrenkopf Brigati,

Associate Administrator, Office of Government-wide Policy.

[FR Doc. 2017–19025 Filed 9–7–17; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 75 FR 6677, dated February 10, 2010) is amended to reflect the Order of Succession for the Centers for Disease Control and Prevention.

Section C–C, Order of Succession, is hereby amended as follows:

Delete in its entirety Section C–C, Order of Succession, and insert the following:

During the absence or disability of the Director, Centers for Disease Control and Prevention (CDC), or in the event of a vacancy in that office, the first official listed below who is available shall act as Director, except that during a planned period of absence, the Director may specify a different order of succession:

1. Principal Deputy Director
2. Director, Office of Public Health Preparedness and Response
3. Associate Director for Science
4. Director, National Institute for Occupational Safety and Health

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2017–19023 Filed 9–7–17; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Statement of Organization, Functions, and Delegations of Authority

Part J (Agency for Toxic Substances and Disease Registry) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (50 FR 25129–25130, dated June 17, 1985, as amended most recently at 80 FR 61424, dated October 13, 2015) is amended to reflect the Order of Succession for the Agency for Toxic Substances and Disease Registry.

Section J–C, Order of Succession:

Delete in its entirety the Section C–C, Order of Succession, and insert the following:

During the absence or disability of the Administrator, Agency for Toxic Substances and Disease Registry (ATSDR), or in the event of a vacancy in that office, the first official listed below who is available shall act as Administrator, except during a planned period of absence, the Administrator may specify a different order of succession:

1. Principal Deputy Administrator, ATSDR
2. Assistant Administrator, ATSDR
3. Deputy Director for Noncommunicable Diseases, Injury and Environmental Health
4. Director, Office of Public Health Preparedness and Response
5. Director, National Institute for Occupational Safety and Health

Sherri A. Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2017–19024 Filed 9–7–17; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers 10401]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates 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 must be received by November 7, 2017.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov*. Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of 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:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10401 Standards Related to Reinsurance, Risk Corridors, and Risk Adjustment

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Standards Related to Reinsurance, Risk Corridors, and Risk Adjustment; *Use:* Extension of data collection required to run Reinsurance, Risk Corridors, and Risk Adjustment programs pending complete revision in near future to update and remove obsolete programs; *Form Number:* CMS–10401 (OMB control number: 0938–1155); *Frequency:* Annually; *Affected Public:* Health Insurance Issuers; *Number of Respondents:* 2,400; *Total Annual Responses:* 15,600,081,744; *Total Annual Hours:* 19,281,600. (For policy questions regarding this collection contact Ernest Ayukawa at 410.492.5213.)

Dated: September 5, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–19060 Filed 9–7–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Administration for Native Americans (ANA) On-Going Progress Report (OPR) and Objective Work Plan (OWP).

OMB No.: 0970–0452.

Description: Content changes are being made to the Objective Progress Report, now known as the On-going Progress Report (OPR) previously approved under information collection (OMB No. 0980–0204. ANA reduced and renumbered the OPR questions to allow for the collection of information necessary for the ongoing monitoring of grantee progress and performance of their grant award. The majority of information requested from the grantees is less than previous OPR versions and includes edits for clarification and simplification purposes.

The information in the OPR is collected on a semi-annual basis to monitor the performance of grantees and better gauge grantee progress. The semi-annual data collection replaces the previous quarterly filing requirement of the OPR.

The Objective Work Plan information collection is conducted in accordance with 42 U.S.C. of the Native American Programs Act of 1972, as amended. This collection is necessary to evaluate applications for financial assistance and determine the relative merits of the projects for which such assistance is requested, as set forth in Sec. 806 [42 U.S.C. 2991d–1](a)(1).

The Ongoing Progress Report information collection is conducted in accordance with Sec. 811 [42 U.S.C. 2992] of the Native American Programs Act and will allow ANA to report quantifiable results across all program areas. It also provides grantees with parameters for reporting their progress and helps ANA better monitor and determine the effectiveness of their projects.

Respondents:

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
OWP	500	1	3	1,500
OPR	275	2	1	550

Estimated Total Annual Burden Hours: 2,050.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–19061 Filed 9–7–17; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–4790]

Self-Collection Devices for Pap Test; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the following public workshop entitled ''Self-Collection Devices for Pap Test.'' The purpose of the public workshop is to obtain feedback about the feasibility, benefits, risks, impact on current standard of care, and least burdensome validation approaches for self-collection devices for cervical samples for the purpose of cervical cancer screening by Pap testing. Comments and suggestions generated through this workshop will guide the development of an appropriate least burdensome regulatory framework for the evaluation of cervical sample self-collection devices to be used for cervical cancer screening of patients.

DATES: The public workshop will be held on January 11, 2018, from 9 a.m. to 4 p.m. Submit either electronic or written comments on this public workshop by February 14, 2018.

ADDRESSES: The public workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.* See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before February 14, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of February 14, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–4790 for ''Self-Collection Devices for Pap Test.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://*

www.regulations.gov and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Shyam Kalavar (Rm. 5660, 301–796–6807, *Shyam.Kalavar@fda.hhs.gov*) or Cheng Cui (Rm. 5543, 240–402–5028, *Cheng.Cui@fda.hhs.gov*), Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Silver Spring, MD 20993–0002.

SUPPLEMENTARY INFORMATION:

I. Background

Cervical cancer is a disease that results from uncontrolled, or abnormal, growth of cells in the cervix. Cervical cancer is generally considered as a consequence of a long-term infection with human papillomavirus (HPV), especially with high-risk strains such as HPV16 and 18. Through regular screening and early detection, cervical cancer can often be prevented. According to the National Cancer Institute, routine screening with Pap Test (or Pap smear) and HPV Test in the United States has decreased the incidence of cervical cancer, based on an estimated 12,820 new cases and 4,210 deaths (0.7 percent of all cancer deaths) in 2017 (Ref. 1).

The standard of care for cervical cancer screening has been well-established in the United States over the past several decades. Automated liquid-based Pap Test has largely replaced conventional Pap smear method. Liquid-based cervical specimens can be used for both Pap Test and HPV Test. By using specimen collection devices such as a cervical broom or cervical spatula and brush combination, cervical specimens are collected by healthcare professionals and sent to a Clinical Laboratory Improvement Amendments certified laboratory for processing for Pap Test and HPV Test. The results of these tests are then returned to the ordering clinician who conveys the results to the patient and initiates appropriate treatment.

Despite the established standard of care for cervical cancer screening in the United States, gaps in cervical cancer screening exist. Barriers to cervical cancer screening may include limited access to such services in rural areas, socioeconomic status, etc. As a result, in certain populations and geographic areas of the United States, cervical cancer incidence and death rate are still high, due in large part to limited access to cervical cancer screening (Refs. 2–3).

The role of self-sampling in overcoming these barriers is unclear. Careful evaluation of risks and benefits, and impact to current standard of care is needed to better understand issues concerning how such devices should be dispensed to end users for self-collection, proper use of the device to ensure patient safety, the collection of adequate samples for testing, the use of these test results in patient care, and the impact on the current regulatory framework. FDA is holding this public workshop to solicit input from stakeholders about the self-collection of cervical specimens for cancer screening, including its feasibility, benefits, risks, current attitudes, and impact on current standard of care.

II. Topics for Discussion at the Public Workshop

This public workshop will consist of both morning and afternoon sessions. Each session will include brief presentations followed by an interactive panel discussion. The presentations will provide information to outline the goals of the workshop and help promote interactive discussions. Following the presentations, there will be a moderated discussion where speakers and additional panelists will be asked to provide their individual perspectives.

The presentations and discussions will focus on several related topics. The morning session will involve scientific considerations, focusing on the current status of cervical cancer screening and the feasibility, benefits, and risks of self-collection of cervical specimens for Pap Test. The afternoon session will involve validation and regulatory considerations, focusing on the impact of self-collection of cervical samples on the current standard of care and the regulatory environment for supporting self-collection for Pap Test. A detailed agenda will be posted on the following Web site in advance of the workshop: *https://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.*

III. Participating in the Public Workshop

Registration: To register for the public workshop, please visit FDA's Medical Devices News & Events—Workshops & Conferences calendar (*https://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm*) and select this event from the list of items provided. Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone number.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public workshop must register by January 3, 2018, 4 p.m. Eastern Time. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. Registrants will receive confirmation when they have been accepted. If time and space permit, onsite registration on the day of the public workshop will be provided beginning at 8 a.m. We will let registrants know if registration closes before the day of the public workshop.

If you need special accommodations due to a disability, please contact Susan Monahan, 301–796–5661 or email *Susan.Monahan@fda.hhs.gov,* no later than December 28, 2017.

Requests for Oral Presentations: During online registration you may indicate if you wish to present during a public comment session or participate in a specific session, and which topic(s) you wish to address. We will do our best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and request time for a joint presentation, or submit requests for designated representatives to participate in the focused sessions. Following the close of registration, we will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin, and will select and notify participants prior to the workshop. All requests to make oral presentations must be received by the close of registration on January 3, 2018, 4 p.m. Eastern Time. If selected for presentation, any presentation materials must be emailed to Shyam Kalavar and Cheng Cui (see **FOR FURTHER INFORMATION CONTACT**) in advance of the workshop. No commercial or promotional material will be permitted to be presented or distributed at the public workshop.

Streaming webcast of the public workshop: This public workshop will also be webcast. The webcast link will be available on the registration web page after January 3, 2018. Organizations are requested to register all participants, but to view using one connection per location.

If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *https://www.adobe.com/*

go/connectpro_overview. FDA has verified the Web site addresses in this document, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

Transcripts: Please be advised that as soon as a transcript of the public workshop is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the Internet at *https://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.*

IV. References

The following references are on display in the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. National Cancer Institute, ''Cancer Stat Facts: Cervix Uteri Cancer,'' (*http://seer.cancer.gov/statfacts/html/cervix.html*).
2. Horner, M.J., S.F. Altekruse, Z. Zou, L. Wideroff, et al. ''U.S. Geographic Distribution of Pre-Vaccine Era Cervical Cancer Screening, Incidence, Stage, and Mortality.'' *Cancer Epidemiology, Biomarkers & Prevention.* 2011 Jan.; 20(4):591–9. doi: 10.1158/1055–9965. EPI–10–1183.
3. Freeman, H.W.B. ''Excess Cervical Cancer Mortality: A Marker for Low Access to Health Care in Poor Communities.'' Rockville (MD): National Cancer Institute, Center to Reduce Cancer Health Disparities; 2005.

Dated: September 1, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–19029 Filed 9–7–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the NHLBI Special Emphasis Panel.

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 Heart, Lung, and Blood Institute Special Emphasis Panel; Resources for Clinical Trials.

Date: September 20, 2017.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7200, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael P. Reilly, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7200, Bethesda, MD 20892, 301–827–7975, *reillymp@nhlbi.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 1, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–19027 Filed 9–7–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed 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 Cancer Institute Special Emphasis Panel; Pancreatic Cancer Detection Consortium (U01).

Date: November 3, 2017.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W240, Rockville, MD 20850, (Telephone Conferece Call).

Contact Person: Hasan Siddiqui, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W240, Bethesda, MD 20892–9750, 240–276–5122, *hasan.siddiqui@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Cooperative Agreement To Develop Targeted Agents Used With Systemic Agents Plus Radiotherapy.

Date: November 17, 2017.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W640, Rockville, MD 20850, (Telephone Conferece Call).

Contact Person: Saejeong J. Kim, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W640, Bethesda, MD 20892–9750, 240–276–7684, *saejeong.kim@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: September 1, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–19026 Filed 9–7–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 30-Day Comment Request; Application To Participate in the National Institutes of Health Technical Assistance Programs: Commercialization Accelerator Program (CAP)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on June 15, 2017, page 27516 (82 FR 27516) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: J. P. Kim, NIH SBIR/STTR Program Manager & NIH Extramural Data Sharing Policy Officer, Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Program Office, Office of Extramural Programs (OEP)/Office of Extramural Research (OER), Office of the Director (OD)/National Institutes of Health (NIH), 6705 Rockledge Drive, Suite 350; Bethesda, Maryland 20892–7963 or call non-toll-free number (301) 435–0189 or Email your request, including your address to: *jpkim@nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: The Commercialization Accelerator Program (CAP), National Institutes of Health, 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.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Application to Participate in the National Institutes of Health Technical Assistance Programs: Commercialization Accelerator Program (CAP)—0925—Existing Without OMB Approval, Office of Extramural Programs (OEP)/Office of Extramural Research (OER), Office of the Director (OD)/National Institutes of Health.

Need and Use of Information Collection: The purpose of this application is to collect information to be used internally by the NIH SBIR/STTR staff to identify and select small businesses that would most benefit if selected as participants in the NIH Commercialization Accelerator Program (CAP). The data will not be used to formulate or change policies. Rather, it will be used to enable NIH SBIR/STTR staff to be responsive to its constituents by offering commercialization training to meet the goals of the Phase II small business NIH awardees. The form will be online for any potential CAP applicant companies and completed electronically.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 150.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average time per response	Total annual burden hour
SBIR Phase II Awardees	100	1	90	150
Total	100	100	.....	150

Dated: September 1, 2017.

Lawrence A. Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2017–19078 Filed 9–7–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2016–1084]

Navigation and Vessel Inspection Circular (NVIC) 05–17; Guidelines for Addressing Cyber Risks at Maritime Transportation Security Act (MTSA) Regulated Facilities

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability and request for comments; extension of comment period.

SUMMARY: The Coast Guard is extending the comment period for its notice of availability and request for comments, published on July 12, 2017. The notice announced the availability of the draft Navigation and Vessel Inspection Circular (NVIC) 05–17 entitled Guidelines for Addressing Cyber Risks at Maritime Transportation Security Act (MTSA) Regulated Facilities, and requested public comments on the draft. The comment period was set to close on September 11, 2017. The Coast Guard has received requests to extend the comment period by 30 days due to the conditions caused by hurricane Harvey, which prevent some members of the public from submitting comments by the original deadline.

DATES: Comments and related material must reach the Coast Guard on or before October 11, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2016–1084 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section of the July 12, 2017 notice for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email, Jason Warren, Coast Guard; telephone 202–372–1106, email *Jason.S.Warren@uscg.mil* or LCDR Josephine Long, Coast Guard; telephone 202–372–1109, email *Josephine.A.Long@uscg.mil.*

Dated: September 5, 2017.

R.D. Manning,

Captain, U.S. Coast Guard, Chief, Office of Port and Facility Compliance.

[FR Doc. 2017–19037 Filed 9–7–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0827]

Great Lakes Pilotage Advisory Committee

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

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Great Lakes Pilotage Advisory Committee will meet in Martinsburg, West Virginia, at the U.S. Coast Guard National Maritime Center to discuss Committee matters relating to Great Lakes pilotage, including review of proposed Great Lakes pilotage regulations and policies. The meeting will be open to the public.

DATES: The Great Lakes Pilotage Advisory Committee will meet on Tuesday, September 26, 2017, from 8 a.m. to 5:30 p.m. EDT, and on Wednesday, September 27, 2017 from 8 a.m. to 5:30 p.m. EDT. Please note that this meeting may adjourn early if the Committee has completed its business.

ADDRESSES: The meeting will be held at the Coast Guard National Maritime Center, 100 Forbes Drive, Martinsburg, West Virginia, 25404–0001. *http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/National-Maritime-Center-NMC/about/.*

All attendees will be required to provide a government-issued picture identification card in order to gain admittance to the building.

For additional information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Instructions: You are free to submit comments at any time, including orally at the meetings, but if you want Committee members to review your comment before the meetings, please submit your comments no later than September 20, 2017. We are particularly interested in comments on the issues in the ''Agenda'' section below. You must include the words ''Department of Homeland Security'' and the docket number USCG–2017–0827. Written comments may also be submitted using the Federal e-Rulemaking Portal at *http://www.regulations.gov.* If you encounter technical difficulties with comment submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review the Privacy and Security Notice for the Federal Docket Management System at *https://www.regulations.gov/privacyNotice.*

Docket Search: For access to the docket or to read documents or comments related to this notice, go to *http://www.regulations.gov,* and use ''USCG–2017–0827'' in the ''Search'' box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Ms. Michelle Birchfield, Alternate Designated Federal Officer of the Great Lakes Pilotage Advisory Committee, telephone (202) 372–1533, or email *michelle.r.birchfield@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is in compliance with the Federal Advisory Committee Act, (Title 5 U.S.C. Appendix). The Great Lakes Pilotage Advisory Committee is established under the authority of 46 U.S.C. 9307, and makes recommendations to the Secretary of Homeland Security and the Coast Guard on matters relating to Great Lakes pilotage, including review of proposed Great Lakes pilotage regulations and policies.

A copy of all meeting materials will be made available at *https://homeport.uscg.mil/glpac* by September 22, 2017.

Agenda

The Great Lakes Pilotage Advisory Committee will meet on Tuesday, September 26, and Wednesday, September 27, 2017 to review, discuss, deliberate and formulate recommendations, as appropriate, on the following topics:

1. Reports:

a. Change Point Review Subcommittee and;

b. Input to Support Regulatory Reform of Coast Guard Regulations-Executive Orders 13771 and 13783 Subcommittee;

2. Coast Guard contracted studies;

3. Individual pilot compensation;

4. Staffing and dispatch;

5. Use of the 10-year rolling average of traffic;

6. Weighting factors;

7. Authorized pilotage charges;

8. Audits;

9. Working capital fund;

10. Coast Guard communications with external stakeholders;

11. Reports and updates on ongoing association and Pilotage Office projects; and

12. Public comment period.

Public comments or questions will be taken throughout the meeting as the Committee discusses the issues and prior to deliberations and voting. There will also be a public comment period at the end of the meeting. Speakers are requested to limit their comments to 5 minutes. Please note that the public comment period will end following the last call for comments. Contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above, to register as a speaker.

Dated: September 5, 2017.

Michael D. Emerson,

Director, Marine Transportation Systems.

[FR Doc. 2017–19054 Filed 9–7–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R6–ES–2014–0048; FF06E220000–178–FXES11140600000]

Endangered and Threatened Wildlife and Plants; Incidental Take Permit Application; Draft R-Project Transmission Line Habitat Conservation Plan for the American Burying Beetle and Draft Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; reopening of public comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are reopening the comment period for the public to review the draft Habitat Conservation Plan for the R-Project Transmission Line in Nebraska (HCP), draft Environment Impact Statement of the R-Project HCP (DEIS), draft Migratory Bird Conservation Plan (MBCP); and draft Restoration Management Plan. The HCP identifies conservation measures to minimize and mitigate the potential effects of incidental take of the American burying beetle from the construction, operations, and maintenance of the R-Project transmission line. If you previously submitted comments, you need not resubmit them; we have already incorporated them into the public record and will fully consider them in finalizing these documents.

DATES: *Comment submission:* To ensure consideration, written comments must be submitted by November 7, 2017.

ADDRESSES: *Submitting comments:* To send written comments, please use one of the following methods, and note that your information requests or comments are in reference to the draft R-Project HCP. Please specify which document your comment addresses.

- *Internet:* Submit comments at *http://www.regulations.gov* to Docket Number FWS–R6–ES–2014–0048.
- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS–R6–ES–2014–0048; U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Eliza Hines, at 308–382–6468, extension 204 (phone), or *eliza_hines@fws.gov* (email). If you use a telecommunications device for the deaf, hard-of-hearing, or speech disabled, please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), are reopening the comment period for the public to review the draft Habitat Conservation Plan for the R-Project Transmission Line in Nebraska (HCP), draft Environment Impact Statement of the R-Project HCP (DEIS), draft Migratory Bird Conservation Plan (MBCP), and draft Restoration Management Plan. The HCP identifies conservation measures to minimize and mitigate the potential effects of incidental take of the American burying beetle. As of July 3, 2017, we received requests from over 60 individuals and organizations to provide a longer comment period. In response to these requests, we are reopening the comment period. If you previously submitted comments, you need not resubmit them; we have already incorporated them into the public record and will fully consider them in finalizing these documents.

On May 12, 2017, we opened a 60-day public comment period via a **Federal Register** notice (82 FR 22153). This comment period officially closed on July 11, 2017. Public meetings were held in the cities of Sutherland, Nebraska, on June 12, 2017; Thedford, Nebraska, on June 13, 2017; and Burwell, Nebraska on June 14, 2017. As of July 3, 2017, we received requests from over 60 individuals and organizations to add more time for public review. In response to these requests, we are reopening the comment period (see **DATES**).

Background

For background information, see our May 12, 2017, notice (82 FR 22153).

Document Availability

The draft HCP, DEIS, draft MBCP, and draft Restoration Management Plan are available via the Internet at the Federal eRulemaking Portal (*www.regulations.gov*) in Docket No. FWS–R6–ES–2014–0048. Information regarding the DEIS and accompanying documents is available in alternative formats upon request (see **FOR FURTHER INFORMATION CONTACT**). Documents will also be available for public inspection by appointment (call 308–382–6468, extension 204) during normal business hours at the U.S. Fish and Wildlife Service, Nebraska Field Office, 9325 South Alda Road, Wood River, NE 68883. An electronic copy of all four documents on a CD is available upon request (see **FOR FURTHER INFORMATION CONTACT**). Additionally, electronic copies of all four documents are available for viewing at the following locations:

- North Platte Public Library, 120 West 4th Street, North Platte, Nebraska.
- Logan County Library, 317 Main Street, Stapleton, Nebraska.
- Hooker County Library, 102 North Cleveland Avenue, Mullen, Nebraska.
- Garfield County Library, 217 G Street, Burwell, Nebraska.
- Ewing Township Library, 202 East Nebraska, Ewing, Nebraska.
- Ainsworth Public Library, 455 North Main Street, Ainsworth, Nebraska.
- Valentine Public Library, 324 North Main Street, Valentine, Nebraska.
- Thomas County Library, 501 Main Street, Thedford, Nebraska.

Marjorie Nelson,

Chief—Ecological Services, Mountain-Prairie Region, U.S. Fish and Wildlife Service, Lakewood, Colorado.

[FR Doc. 2017–18823 Filed 9–7–17; 8:45 am]

BILLING CODE 4333–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1038]

Certain Electronic Devices, Including Mobile Phones, Tablet Computers, and Components Thereof; Notice of a Commission Determination Not To Review an Initial Determination Granting a Joint Motion To Terminate the Investigation; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 26) of the presiding administrative law judge (''ALJ'') granting a joint motion to terminate the investigation based on settlement.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 27, 2017, based on a complaint and supplements, filed on behalf of Nokia Technologies Oy of Espoo, Finland (''complainant''). 82 FR 8626–27 (Jan. 27, 2017). The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices, including mobile phones, tablet computers, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,415,247 (''the '247 patent''); 9,270,301 (''the '301 patent''); 6,393,260 (''the '260 patent''); 6,826,391 (''the '391 patent''); 6,480,700; 9,473,602; 7,653,366; and 8,036,619. The Notice of Investigation named Apple Inc., a/k/a Apple Computer, Inc. of Cupertino, California (''respondent'') as a respondent. The Office of Unfair Import Investigations (''OUII'') was named as a party. On January 26, 2017, the ALJ severed the investigation into two investigations. The '301, '391, '260 and '247 patents are now asserted in Inv. No. 337–TA–1039.

On June 7, 2017, complainant and respondent filed a joint motion to

terminate the investigation based on a settlement agreement and related agreements. OUII did not oppose the motion. The parties represented that the Settlement and Release Agreement and related agreements reflect the entire and only agreements between the parties regarding the subject matter of the investigation and that there are no other agreements, written or oral, express or implied between the parties regarding the subject matter of the investigation. The parties were directed to file revised public versions of the settlement agreement and related agreements. On August 1, 2017, the parties filed an updated joint supplement submission reflecting the updates submitted in co-pending Inv. 337–TA–1039.

On August 8, 2017, the ALJ issued an order (Order No. 26) granting the joint motion to terminate the investigation. The ALJ found that no public interest concerns are implicated by this settlement. No petitions for review were filed.

The Commission has determined not to review the ID and terminates the investigation.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 5, 2017.

Jessica Mullan,

Attorney Advisor.

[FR Doc. 2017–19084 Filed 9–7–17; 8:45 am]

BILLING CODE 7020–02–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Education and Human Resources; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Education and Human Resources (#1119)—Report of the Building Capacity at Hispanic Serving Institutions (Subcommittee of the Advisory Committee).

Date and Time: September 29, 2017; 1:00 p.m.–2:00 p.m. (EST).

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

Operated assisted teleconference is available for this meeting. Call 888–677–2612 with password EHRAC and you will be connected to the audio portion of the meeting.

Meeting materials and minutes will also be available on the EHR Advisory Committee Web site at *http://www.nsf.gov/ehr/advisory.jsp.*

Type of Meeting: Open, Teleconference.

Contact Person: Susan Brennan, National Science Foundation, 2415 Eisenhower Avenue, Suite C11000, Alexandria, VA 22314; (703) 292–5096 (*sbrennan@nsf.gov*).

Purpose of Meeting: To provide advice with respect to the Foundation's science, technology, engineering, and mathematics (STEM) education and human resources programming.

Agenda

Friday, September 29, 2017; 1:00 p.m.–2:00 p.m. (EST)

Welcoming Remarks
- Francisco Rodriguez, EHR Advisory Committee Chair
- Jim Lewis, Acting Assistant Director for Education and Human Resources

Introduction of the Report
- Francisco Rodriguez, EHR Advisory Committee Member and Chair of the Subcommittee

Advisory Committee Deliberation
- Francisco Rodriguez, EHR Advisory Committee Chair

Advisory Committee Report Disposition
- Francisco Rodriguez, EHR Advisory Committee Chair

Concluding Comments
- Jim Lewis, Acting Assistant Director for Education and Human Resources
- Francisco Rodriguez, EHR Advisory Committee Chair

Dated: September 5, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–19077 Filed 9–7–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0001]

Sunshine Act Meeting Notice

DATES: Weeks of September 11, 18, 25, October 2, 9, 16, 2017.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of September 11, 2017

There are no meetings scheduled for the week of September 11, 2017.

Week of September 18, 2017—Tentative

There are no meetings scheduled for the week of September 18, 2017.

Week of September 25, 2017—Tentative

There are no meetings scheduled for the week of September 25, 2017.

Week of October 2, 2017—Tentative

Thursday, October 5, 2017

9:00 a.m.—Hearing on Combined Licenses for Turkey Point, Units 6 and 7: Section 189a. of the Atomic Energy Act Proceeding (Public Meeting), (*Contact:* Manny Comar: 301–415–3863)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of October 9, 2017—Tentative

There are no meetings scheduled for the week of October 9, 2017.

Week of October 16, 2017—Tentative

There are no meetings scheduled for the week of October 16, 2017.

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: September 6, 2017

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2017–19138 Filed 9–6–17; 11:15 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 17f–2 (d), SEC File No. 270–036, OMB Control No. 3235–0028.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17f–2(d) (17 CFR 240.17f–2(d)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17f–2(d) requires that records created pursuant to the fingerprinting requirements of Section 17(f)(2) of the Act be maintained and preserved by every member of a national securities exchange, broker, dealer, registered transfer agent and registered clearing agency (''covered entities'' or ''respondents''); permits, under certain circumstances, the records required to be maintained and preserved by a member of a national securities exchange, broker, or dealer to be maintained and preserved by a self-regulatory organization that is also the designated examining authority for that member, broker or dealer; and permits the required records to be preserved on microfilm. The general purpose for Rule 17f–2 is to: (i) Identify security risk personnel; (ii) provide criminal record information so that employers can make fully informed employment decisions; and (iii) deter persons with criminal records from seeking employment or association with covered entities. The rule enables the Commission or other examining authority to ascertain whether all required persons are being fingerprinted and whether proper procedures regarding fingerprinting are being followed. Retention of these records for a period of not less than three years after termination of a covered person's employment or relationship with a covered entity ensures that law enforcement officials will have easy access to fingerprint cards on a timely basis. This in turn acts as an effective deterrent to employee misconduct.

Approximately 4,200 respondents are subject to the recordkeeping requirements of the rule. Each respondent maintains approximately 68 new records per year, each of which takes approximately 2 minutes per record to maintain, for an annual burden of approximately 2.2666667 hours (68 records times 2 minutes). The total annual burden for all respondents is approximately 9,520 (4,200 respondents times 2.2666667 hours). As noted above, all records maintained subject to the rule must be retained for a period of not less than three years after termination of a covered person's employment or relationship with a covered entity. In addition, we estimate the total cost to respondents is approximately $42,000 in third party storage costs.

Written comments are invited on: (a) 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; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: September 5, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–19069 Filed 9–7–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 19a–1; SEC File No. 270–240, OMB Control No. 3235–0216

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Section 19(a) (15 U.S.C. 80a–19(a)) of the Investment Company Act of 1940 (the ''Act'')[1] makes it unlawful for any registered investment company to pay any dividend or similar distribution from any source other than the company's net income, unless the payment is accompanied by a written statement to the company's shareholders which adequately discloses the sources of the payment. Section 19(a) authorizes the Commission to prescribe the form of such statement by rule.

Rule 19a–1 (17 CFR 270.19a–1) under the Act, entitled ''Written Statement to Accompany Dividend Payments by Management Companies,'' sets forth specific requirements for the information that must be included in statements made pursuant to section 19(a) by or on behalf of management companies.[2] The rule requires that the statement indicate what portions of distribution payments are made from net income, net profits from the sale of a security or other property (''capital gains'') and paid-in capital. When any part of the payment is made from capital gains, rule 19a–1 also requires that the statement disclose certain other information relating to the appreciation or depreciation of portfolio securities. If an estimated portion is subsequently determined to be significantly inaccurate, a correction must be made on a statement made pursuant to section 19(a) or in the first report to

[1] 15 U.S.C. 80a.

[2] Section 4(3) of the Act (15 U.S.C. 80a–4(3)) defines ''management company'' as ''any investment company other than a face amount certificate company or a unit investment trust.''

shareholders following the discovery of the inaccuracy.

The purpose of rule 19a–1 is to afford fund shareholders adequate disclosure of the sources from which distribution payments are made. The rule is intended to prevent shareholders from confusing income dividends with distributions made from capital sources. Absent rule 19a–1, shareholders might receive a false impression of fund gains.

Based on a review of filings made with the Commission, the staff estimates that approximately 11,818 series of registered investment companies that are management companies may be subject to rule 19a–1 each year,[3] and that each portfolio on average mails two statements per year to meet the requirements of the rule.[4] The staff further estimates that the time needed to make the determinations required by the rule and to prepare the statement required under the rule is approximately 1 hour per statement. The total annual burden for all portfolios therefore is estimated to be approximately 23,636 burden hours.[5]

The staff estimates that approximately one-third of the total annual burden (7,879 hours) would be incurred by a paralegal with an average hourly wage rate of approximately $205 per hour,[6] and approximately two-thirds of the annual burden (15,757 hours) would be incurred by a compliance clerk with an average hourly wage rate of $66 per hour.[7] The staff therefore estimates that the aggregate annual cost of complying with the paperwork requirements of the rule is approximately $2,655,157 ((7,879 hours × $205 = $1,615,195) + (15,757 hours × $66 = $1,039,962)).

To comply with state law, many investment companies already must distinguish the different sources from which a shareholder distribution is paid and disclose that information to shareholders. Thus, many investment companies would be required to distinguish the sources of shareholder dividends whether or not the Commission required them to do so under rule 19a–1.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. Compliance with the collection of information required by rule 19a–1 is mandatory for management companies that make statements to shareholders pursuant to section 19(a) of the Act. 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 control number.

Written comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burdens of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: September 5, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–19070 Filed 9–7–17; 8:45 am]

BILLING CODE 8011–01–P

[3] This estimate is based on statistics compiled by Commission staff as of April 30, 2017. The number of management investment company portfolios that make distributions for which compliance with rule 19a–1 is required depends on a wide range of factors and can vary greatly across years. Therefore, the calculation of estimated burden hours is based on the total number of management investment company portfolios, each of which may be subject to rule 19a–1.

[4] A few portfolios make monthly distributions from sources other than net income, so the rule requires them to send out a statement 12 times a year. Other portfolios never make such distributions.

[5] This estimate is based on the following calculation: 11,818 management investment company portfolios × 2 statements per year × 1 hour per statement = 23,636 burden hours.

[6] Hourly rates are derived from the Securities Industry and Financial Markets Association (''SIFMA''), Management and Professional Earnings in the Securities Industry 2013, modified to account for an 1,800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead.

[7] Hourly rates are derived from SIFMA's Office Salaries in the Securities Industry 2013, modified to account for an 1,800-hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 17Ad–3(b),

SEC File No. 270–424, OMB Control No. 3235–0473.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17Ad–3(b) (17 CFR 240.17Ad–3(b)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17Ad–3(b) requires registered transfer agents to send a copy of the written notice required under Rules 17Ad–2(c), (d), and (h) to the chief executive officer of each issuer for which the transfer agent acts when it has failed to turnaround at least 75% of all routine items in accordance with the requirements of Rule 17Ad–2(a), or to process at least 75% of all items in accordance with the requirements of Rule 17Ad–2(b), for two consecutive months. The issuer may use the information contained in the notices: (1) As an early warning of the transfer agent's non-compliance with the Commission's minimum performance standards regarding registered transfer agents; and (2) to become aware of certain problems and poor performances with respect to the transfer agents that are servicing the issuer's issues. If the issuer does not receive notice of a registered transfer agent's failure to comply with the Commission's minimum performance standards then the issuer will be unable to take remedial action to correct the problem or to find another registered transfer agent. Pursuant to Rule 17Ad–3(b), a transfer agent that has already filed a Notice of Non-Compliance with the Commission pursuant to Rule 17Ad–2 will only be required to send a copy of that notice to issuers for which it acts when that transfer agent fails to turnaround 75% of all routine items or to process 75% of all items.

The Commission estimates that only one transfer agent will meet the requirements of Rule 17Ad–3(b) each year. If a transfer agent fails to meet those turnaround and processing performance requirements under 17Ad–3(b), it would simply send a copy of the notice to its issuer-clients that had already been produced for the Commission pursuant to Rule 17Ad–2(c) or (d). The Commission estimates

the requirement will take each respondent approximately four hours to complete. The Commission staff estimates that compliance staff work at registered transfer agents to comply with the third party disclosure requirement will result in an internal cost of compliance, at an estimated hourly wage of $283, of $1,128 per year per transfer agent (4 hours × $283 per hour = $1,128 per year). Therefore, the aggregate annual internal cost of compliance for the approximately one registered transfer agent each year to comply with Rule 17Ad–3(b) is also $1,128. There are no external labor costs associated with sending the notice to issuers.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: September 5, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–19071 Filed 9–7–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 0–1, SEC File No. 270–472, OMB Control No. 3235–0531

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l *et seq.*), the Securities and Exchange Commission (''Commission'') plans to submit to the Office of Management and Budget a request for extension of the previous approved collection of information discussed below.

The Investment Company Act of 1940 (the ''Act'') [1] establishes a comprehensive framework for regulating the organization and operation of investment companies (''funds''). A principal objective of the Act is to protect fund investors by addressing the conflicts of interest that exist between funds and their investment advisers and other affiliated persons. The Act places significant responsibility on the fund board of directors in overseeing the operations of the fund and policing the relevant conflicts of interest.[2]

In one of its first releases, the Commission exercised its rulemaking authority pursuant to sections 38(a) and 40(b) of the Act by adopting rule 0–1 (17 CFR 270.0–1).[3] Rule 0–1, as subsequently amended on numerous occasions, provides definitions for the terms used by the Commission in the rules and regulations it has adopted pursuant to the Act. The rule also contains a number of rules of construction for terms that are defined either in the Act itself or elsewhere in the Commission's rules and regulations. Finally, rule 0–1 defines terms that serve as conditions to the availability of certain of the Commission's exemptive rules. More specifically, the term ''independent legal counsel,'' as defined in rule 0–1, sets out conditions that funds must meet in order to rely on any of ten exemptive rules (''exemptive rules'') under the Act.[4]

The Commission amended rule 0–1 to include the definition of the term ''independent legal counsel'' in 2001.[5] This amendment was designed to enhance the effectiveness of fund boards of directors and to better enable investors to assess the independence of those directors. The Commission also amended the exemptive rules to require that any person who serves as legal counsel to the independent directors of any fund that relies on any of the exemptive rules must be an ''independent legal counsel.'' This requirement was added because independent directors can better perform the responsibilities assigned to them under the Act and the rules if they have the assistance of truly independent legal counsel.

If the board's counsel has represented the fund's investment adviser, principal underwriter, administrator (collectively, ''management organizations'') or their ''control persons'' [6] during the past two years, rule 0–1 requires that the board's independent directors make a determination about the adequacy of the counsel's independence. A majority of the board's independent directors are required to reasonably determine, in the exercise of their judgment, that the counsel's prior or current representation of the management organizations or their control persons was sufficiently limited to conclude that it is unlikely to adversely affect the counsel's professional judgment and legal representation. Rule 0–1 also requires that a record for the basis of this determination is made in the minutes of the directors' meeting. In addition, the independent directors must have obtained an undertaking from the counsel to provide them with the information necessary to make their determination and to update promptly that information when the person begins to represent a management organization or control person, or when he or she materially increases his or her representation. Generally, the independent directors must re-evaluate their determination no less frequently than annually.

Any fund that relies on one of the exemptive rules must comply with the requirements in the definition of ''independent legal counsel'' under rule 0–1. We assume that approximately 3,108 funds rely on at least one of the exemptive rules annually.[7] We further assume that the independent directors of approximately one-third (1,036) of those funds would need to make the required determination in order for their counsel to meet the definition of

[1] 15 U.S.C. 80a.

[2] For example, fund directors must approve investment advisory and distribution contracts. *See* 15 U.S.C. 80a–15(a), (b), and (c).

[3] Investment Company Act Release No. 4 (Oct. 29, 1940) (5 FR 4316 (Oct. 31, 1940)). Note that rule 0–1 was originally adopted as rule N–1.

[4] The relevant exemptive rules are: Rule 10f–3 (17 CFR 270.10f–3), rule 12b–1 (17 CFR 270.12b–1), rule 15a–4(b)(2) (17 CFR 270.15a–4(b)(2)), rule 17a–7 (17 CFR 270.17a–7), rule 17a–8 (17 CFR 270.17a–8), rule 17d–1(d)(7) (17 CFR 270.17d–1(d)(7)), rule 17e–1(c) (17 CFR 270.17e–1(c)), rule 17g–1 (17 CFR 270.17g–1), rule 18f–3 (17 CFR 270.18f–3), and rule 23c–3 (17 CFR 270.23c–3).

[5] *See* Role of Independent Directors of Investment Companies, Investment Company Act Release No. 24816 (Jan. 2, 2001) (66 FR 3735 (Jan. 16, 2001)).

[6] A ''control person'' is any person—other than a fund—directly or indirectly controlling, controlled by, or under common control, with any of the fund's management organizations. *See* 17 CFR 270.01(a)(6)(iv)(B).

[7] Based on statistics compiled by Commission staff, we estimate that there are approximately 3,453 funds that could rely on one or more of the exemptive rules (this figure reflects the three-year average of open-end and closed-end funds (3,349) and business development companies (104)). Of those funds, we assume that approximately 90 percent (3,108) actually rely on at least one exemptive rules annually.

independent legal counsel.[8] We estimate that each of these 1,036 funds would be required to spend, on average, 0.75 hours annually to comply with the recordkeeping requirement associated with this determination, for a total annual burden of approximately 777 hours. Based on this estimate, the total annual cost for all funds' compliance with this rule is approximately $168,350. To calculate this total annual cost, the Commission staff assumed that approximately two-thirds of the total annual hour burden (518 hours) would be incurred by a compliance manager with an average hourly wage rate of $292 per hour,[9] and one-third of the annual hour burden (259 hours) would be incurred by compliance clerk with an average hourly wage rate of $66 per hour.[10]

These burden hour estimates are based upon the Commission staff's experience and discussions with the fund industry. The estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act. These estimates are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burdens of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: September 5, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–19072 Filed 9–7–17; 8:45 am]

BILLING CODE 8011–01–P

[8] We assume that the independent directors of the remaining two-thirds of those funds will choose not to have counsel, or will rely on counsel who has not recently represented the fund's management organizations or control persons. In both circumstances, it would not be necessary for the fund's independent directors to make a determination about their counsel's independence.

[9] The estimated hourly wages used in this PRA analysis were derived from the Securities Industry and Financial Markets Association's Reports on Management and Professional Earnings in the Securities Industry (2013) (modified to account for an 1800-hour work year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead) (adjusted for inflation), and Office Salaries in the Securities Industry (2013) (modified to account for an 1800-hour work year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead) (adjusted for inflation).

[10] (518 × $292/hour) + (259 × $66/hour) = $168,350.

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15276; California Disaster Number CA–00276 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of California

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 California, dated 08/30/2017.

Incident: Flooding Due to Extreme Snow Melt.

Incident Period: 06/17/2017 through 06/29/2017.

DATES: Issued on 08/30/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/30/2018.

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: Fresno, Tulare

Contiguous Counties:

California: Inyo, Kern, Kings, Madera, Merced, Mono, Monterey, San Benito

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 152760.

The State which received an EIDL Declaration # is California.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: August 30, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–19079 Filed 9–7–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15274 and #15275; Texas Disaster Number TX–00487]

Presidential Declaration Amendment of a Major Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA–4332–DR), dated 08/25/2017.

Incident: Hurricane Harvey.

Incident Period: 08/23/2017 and continuing.

DATES: Issued on 08/30/2017.

Physical Loan Application Deadline Date: 10/24/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/25/2018.

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: The notice of the President's major disaster declaration for the State of Texas, dated 08/25/2017, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans):

Colorado, Fayette, Hardin, Jasper, Jefferson, Montgomery, Newton, Orange, Sabine, San Jacinto, Waller

Contiguous Counties (Economic Injury Loans Only):

Texas: Angelina, Bastrop, Caldwell, Gonzales, Grimes, Lee, San Augustine, Shelby, Trinity, Tyler, Walker, Washington

Louisiana: Beauregard, Calcasieu, Cameron, Sabine, Vernon

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–19022 Filed 9–7–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15286 and #15287; Iowa Disaster Number IA–00073]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Iowa

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Iowa (FEMA–4334–DR), dated 08/27/2017.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 07/19/2017 through 07/23/2017.

DATES: Issued on 08/27/2017.

Physical Loan Application Deadline Date: 10/26/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/28/2018.

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 President's major disaster declaration on 08/27/2017, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications 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: Allamakee, Bremer, Buchanan, Chickasaw, Clayton, Fayette, Mitchell

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15286B and for economic injury is 152870.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–19020 Filed 9–7–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15284 and #15285; Idaho Disaster Number ID–00069]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Idaho

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Idaho (FEMA–4333–DR), dated 08/27/2017.

Incident: Flooding, Landslides, and Mudslides.

Incident Period: 05/06/2017 through 06/16/2017.

DATES: Issued on 08/27/2017.

Physical Loan Application Deadline Date: 10/26/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/28/2018.

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 President's major disaster declaration on 08/27/2017, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications 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: Blaine, Camas, Custer, Elmore, Gooding

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 152846 and for economic injury is 152850.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–19019 Filed 9–7–17; 8:45 am]

BILLING CODE 8025–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36127]

Grand Elk Railroad, Inc.—Acquisition Exemption—Norfolk Southern Railway Company

By petition filed on June 12, 2017, Grand Elk Railroad, Inc. (GDLK), seeks an exemption under 49 U.S.C. 10502 from the requirements of 49 U.S.C. 10902 to acquire trackage rights currently held by Norfolk Southern Railway Company over 3.3 miles of track in Grand Rapids, Mich. owned by CSX Transportation, Inc. (CSXT).[1] The proposed transaction relates to proceedings before the Board in 2008 and 2016 in Docket Nos. FD 35187 and FD 35187 (Sub-No. 1), respectively.

The Board will institute a proceeding. The Board is aware of GDLK's request for expedited consideration of this petition and GDLK's related petition in Docket No. FD 36127 (Sub-No. 1) and anticipates issuing a decision addressing these matters in the near

[1] By a second petition filed on the same date, upon approval of the acquisition exemption in Docket No. FD 36127, GDLK seeks a Board order directing restoration of GDLK operations over the 3.3-mile CSXT line. *See* GDLK Petition, *Grand Elk R.R.—Pet. for Board Order—Norfolk S. Ry.,* FD 36127 (Sub-No. 1).

future. No further briefing is necessary at this time.

It is ordered:

1. Under 49 U.S.C. 10502(b), a proceeding is instituted.

2. Notice of the Board's action will be published in the **Federal Register**.

3. This decision is effective on its service date.

Decided: September 5, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2017–19102 Filed 9–7–17; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0179]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 24 individuals who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) from operating CMVs in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

FMCSA received applications from 24 individuals who requested an exemption from the FMCSRs prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a CMV from operating CMVs in interstate commerce.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(8).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years if it finds ''such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption.''

The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(8). Therefore, the 24 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(8).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitutes final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 24 applicants do not meet the minimum time requirement for being seizure-free, either on or off of anti-seizure medication:

Bigler, David (MN)
Borrell, Clinton (PA)
Callahayre, Jessa (MN)
Calvin, Vincent (IN)
Cross, James (MA)
Darden, John (CA)
Gold, Allan (NV)
Gonzales, Jeremiah (CO)
Gress, Gary (PA)
Hitchcock, Cody (PA)
La Canne, Harold (MN)
Lewis, Jeffrey (IN)
Lloyd, Craig (GA)
Mareda, Michael (OH)
Marrill, Timothy (MO)
Moore, Phillip (CT)
Nardi, Donna (NJ)
Oglenski, Daniel (MI)
Paul, Steven (WI)
Prynn, Roger (NY)
Rhone, Corey (MD)
Schumake, Michael (VA)
Stevens, Mark (FL)
Zeigler, Jesse (PA)

Issued on: August 31, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–19048 Filed 9–7–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0149]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SILVER MAMA; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before October 10, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0149. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SILVER MAMA is:

—*Intended Commercial Use of Vessel:* ''Private Chartering of Vessel Off Of Sag Harbor, Long Island.''

—*Geographic Region:* ''New York''

The complete application is given in DOT docket MARAD–2017–0149 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

Dated: September 5, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–19045 Filed 9–7–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket Number NHTSA–2017–0033]

Reports, Forms, and Recordkeeping Requirements

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

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before November 7, 2017.

ADDRESSES: You may submit comments identified by docket number at the heading of this notice by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the instructions for submitting comments on the electronic docket site by clicking on ''Help and Information'' or ''Help/Info.''
- *Fax:* 1–202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read comments received, go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: (202) 366–9826.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Wayne McKenzie, Office of Crash Avoidance Standards (NVS–121), National Highway Traffic Safety Administration, West Building W43–462, 1200 New Jersey Avenue SE., Washington, DC 20590. Mr. McKenzie can be reached at (202) 366–1810.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing

what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

Title: 49 CFR part 564, Replaceable Light Source Dimensional Information Collection.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 2127–0563.

Affected Public: Businesses or other for profit organizations.

Abstract: The information to be collected is in response to 49 CFR part 564, ''Replaceable Light Source and Sealed Beam Headlamp Information.'' Persons desiring to use newly designed replaceable headlamp light sources are required to submit interchangeability and performance specifications to the agency. After a short agency review to assure completeness, the information is placed in a public docket for use by any person who would like to manufacture headlamp light sources for highway motor vehicles. In Federal Motor Vehicle Safety Standard No. 108, Lamps, reflective devices and associated equipment, ''Part 564 submissions'' are referenced as being the source of information regarding the performance and interchangeability information for legal headlamp light sources, whether original equipment or replacement equipment. The submitted information about headlamp light sources becomes the basis for certification of compliance with safety standards.

Estimated Annual Burden: 28 hours.

Number of respondents: 7.

Issued in Washington, DC.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2017–19014 Filed 9–7–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2017–0050]

Reports, Forms, and Recordkeeping Requirements

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

ACTION: Request for public comment on an extension of a currently approved collection.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before November 7, 2017.

ADDRESSES: Comments must refer to the docket notice numbers cited at the beginning of this notice and be submitted to Docket Management, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590 by any of the following methods.

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

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Supplementary Information section of this document. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to the street address listed above. The internet access to the docket will be at *http://www.regulations.gov.* Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Complete copies of each request for collection of information may be obtained at no charge from Hisham Mohamed or Carlita Ballard, NHTSA, 1200 New Jersey Ave. SE., Room W43–437, NRM–310, Washington, DC 20590. Mr. Mohamed's telephone number is (202) 366–0307 and Ms. Ballard's telephone number is (202) 366–5222. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i.) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii.) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii.) How to enhance the quality, utility, and clarity of the information to be collected and;

(iv.) How to minimize the burden of the collection of information on those

who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

Title: Automobile Parts Content Labeling for 49 CFR part 583.

OMB Control Number: 2127–0573.

Form Number: The collection of this information uses no standard form.

Affected Public: Vehicle manufacturers.

Requested Expiration Date of Approval: Three years from approval date.

Abstract: 49 CFR 583 establishes requirements for the disclosure of information relating to the countries of origin of the equipment of new passenger motor vehicles. This information will be used by NHTSA to determine whether manufacturers are complying with the American Automobile Labeling Act (49 U.S.C. 32304). The American Automobile Labeling Act requires all new passenger motor vehicles (including passenger cars, certain small buses, all light trucks and multipurpose passenger vehicles with a gross vehicle weight rating of 8,500 pounds or less), to bear labels providing information about domestic and foreign content of their equipment. The labels, which are affixed to new passenger motor vehicles, serve as an aid to potential purchasers in the selection of new passenger motor vehicles by providing them with information about the value of the U.S./Canadian and foreign parts of each vehicle, the countries of origin of the engine and transmission, and the site of the vehicle's final assembly.

Estimated Annual Burden: NHTSA anticipates approximately 20 vehicle manufacturers will be affected by these reporting requirements. NHTSA does not believe that any of these 20 manufacturers are a small business (*i.e.,* one that employs less than 500 persons) since each manufacturer employs more than 500 persons. Manufacturers of new passenger motor vehicles, including passenger cars, certain small buses, and light trucks with a gross vehicle weight rating of 8,500 pounds or less, must file a report annually.

NHTSA estimates that the vehicle manufacturers will incur a total reporting annual hour burden and cost burden of 50,440 hours and $3,716,740 respectively. The amount includes annual burden hours incurred by multi-stage manufacturers and motor vehicle equipment suppliers.

Number of Respondents: 20.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's 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 collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, under authority delegated in 49 CFR 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2017–19015 Filed 9–7–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2017–0047]

Reports, Forms, and Recordkeeping Requirements

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

ACTION: Request for public comment on extension of a currently approved collection of information.

SUMMARY: The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) renewed approval for an existing information collection. The collection involves labeling information from manufacturers of brake hoses, end fittings, and brake hose assemblies. The information to be collected will be used to and/or is necessary to satisfy the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 106, Brake Hoses. Under procedures established by the Paperwork Reduction Act of 1995 (Pub. L. 104–13), before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

DATES: Written comments should be submitted by November 7, 2017.

ADDRESSES: You may submit comments [identified by Docket No. DOT–NHTSA–2017–0047] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the docket number for this document. Please identify the collection of information for which a comment is provided by referencing the OMB Control Number, 2127–0052. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketsInfo.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Joshua Fikentscher, Office of Crash Avoidance Standards, Vehicle Dynamics Division (NRM–220), National Highway Traffic Safety Administration, West Building, Fourth Floor, Room W43–467, 1200 New Jersey Avenue SE., Washington, DC 20590. Mr. Fikentscher's phone number is (202) 366–1688.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2127–0052.

Title: Brake Hose Manufacturers Identification.

Form Numbers: None.

Type of Review: Request for extension of a currently approved collection of information.

Background: 49 U.S.C. 30101 *et seq.,* as amended (''the Safety Act''), authorizes NHTSA to issue Federal Motor Vehicle Safety Standards (FMVSSs). The Safety Act mandates that in issuing any FMVSS, the agency is to consider whether the standard is reasonable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed. Using this authority, FMVSS No. 106, Brake Hoses, was issued. This standard specifies labeling

and performance requirements which apply to all manufacturers of brake hoses and brake hose end fittings, and to those who assemble brake hoses (49 CFR 571.106).

Prior to assembling or selling brake hoses, these entities must register their identification marks with NHTSA to comply with the labeling requirements of this standard. In accordance with the Paperwork Reduction Act, the agency must obtain OMB approval to continue collecting labeling information. Currently, there are 2,418 manufacturers of brake hoses and end fittings, and brake hose assemblers, registered with NHTSA. However, about 60 respondents annually (annual average from 2014–2016) request to have their identification marks added to or removed from the NHTSA database. To comply with this standard, each brake hose manufacturer or assembler must contact NHTSA and state that they want to be added to or removed from the NHTSA database of registered brake hose manufacturers. This action is usually initiated by the manufacturer with a brief written request via U.S. mail, facsimile, an email message, or a telephone call. Since September 1, 2015, the request can be submitted via the Manufacturer Portal: Online Web-based Submittal Center (*https://vpic.nhtsa.dot.gov*). Currently, about 90 percent of requests are received electronically and 10 percent via mail. The estimated time for complying with the labeling requirements of this regulation is 1.5 hours per manufacturer. The corresponding total annual burden is estimated to be 90 hours (time burden of 1.5 hours per manufacturer × 60 manufacturers). The estimated manufacturer's cost for complying with this regulation is $100 per hour. Therefore, the total annual cost is estimated to be $9,000 (time burden of 90 hours × $100 cost per hour).

Respondents: Business or other for profit.

Number of Respondents: 60.

Number of Responses: 60.

Total Annual Burden: 90 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2017–19017 Filed 9–7–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket Number NHTSA–2016–0133]

Reports, Forms, and Recordkeeping Requirements

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

ACTION: Request for public comment on extension of a currently approved collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes an existing collection of information for an existing regulation for the aftermarket modification of vehicles to accommodate people with disabilities, for which NHTSA intends to seek renewed OMB approval.

DATES: Comments must be received on or before November 7, 2017.

ADDRESSES: Comments must refer to the docket number cited at the beginning of this notice, and may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays. Telephone: 1–800–647–2251.
- *Instructions:* All submissions must include the docket number for this document. Please identify the collection of information for which a comment is provided by referencing the OMB Control Number, 2127–0635. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by title name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketsInfo.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Christopher J. Wiacek, NHTSA, 1200 New Jersey Avenue SE., Room W43–474, NVS–122, Washington, DC 20590. Mr. Wiacek's telephone number is (202) 366–4801.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) How to enhance the quality, utility, and clarity of the information to be collected;

(4) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public

comments on the following collection of information:

Title: Exemption for the Make Inoperative Prohibition.

OMB Control Number: 2127–0635.

Form Number: This collection of information uses no standard form.

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

Abstract: On February 27, 2001, NHTSA published a final rule (66 FR 12638) to facilitate the modification of motor vehicles so that persons with disabilities can drive or ride in them as passengers. In that final rule, the agency issued a limited exemption from a statutory provision that prohibits specified types of commercial entities from either removing safety equipment or features installed on motor vehicles pursuant to the Federal motor vehicle safety standards or altering the equipment or features so as to adversely affect their performance. The exemption is limited in that it allows repair businesses to modify only certain types of Federally-required safety equipment and features, under specified circumstances. The regulation is found at 49 CFR part 595 subpart C, ''Vehicle Modifications to Accommodate People with Disabilities.''

This final rule included two new ''collections of information,'' as that term is defined in 5 CFR part 1320 ''Controlling Paperwork Burdens on the Public'': Modifier identification and a document to be provided to the owner of the modified vehicle stating the exemptions used for that vehicle and any reduction in load carrying capacity of the vehicle of more than 100 kg (220 lbs).

Modifiers who take advantage of the exemption created by this rule are required to furnish NHTSA with a written document providing the modifier's name, address, and telephone number, and a statement that the modifier is availing itself of the exemption. The rule requires:

''S595.6 Modifier Identification.

(a) Any motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7 shall furnish the information specified in paragraphs (a)(1) through (3) of this section to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.[1]

(1) Full individual, partnership, or corporate name of the motor vehicle repair business.

(2) Residence address of the motor vehicle repair business and State of incorporation if applicable.

(3) A statement that the motor vehicle repair business modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7.

(b) Each motor vehicle repair business required to submit information under paragraph (a) of this section shall submit the information not later than August 27, 2001. After that date, each motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7 shall submit the information required under paragraph (a) not later than 30 days after it first modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle. Each motor vehicle repair business who has submitted required information shall keep its entry current, accurate and complete by submitting revised information not later than 30 days after the relevant changes in the business occur.''

This requirement is a one-time submission unless changes are made to the business as described in paragraph (b). NHTSA estimates that there are currently 900 businesses making modifications to motor vehicles to accommodate persons with disabilities. Of those 900, we estimate 85 percent will need to use the exemptions provided by 49 CFR 595.7 (595 businesses). The initial registration of modifiers wishing to use the exemptions occurred in 2001. Based on letters received since then, we estimate that 90 businesses currently modifying vehicles will need to change their information or new registrants will elect to use the exemptions annually. We estimate the burden of new or changed registrations from 90 businesses each year of:

90 businesses × 10 minutes/business = 15 hours.

We estimate the material cost associated with each submission to be 56 cents per responding business, or $50.04 nationwide annually.

Burden means the total time, effort, or financial resources expended by a person to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instruction; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

We seek comment on:

1. Is our estimate of 900 businesses engaged in vehicle modification to accommodate people with disabilities correct?

2. Are we correct in assuming that a maximum of 85 percent of those 900 businesses, or 765 businesses, will need to use the exemptions provided by 49 CFR 595.7?

3. Are our estimates of the burden hours and material cost of compliance with 49 CFR 595.6 reasonable?

Modifiers who avail themselves of the exemptions in 49 CFR 595.7 are required to keep a record, for each applicable vehicle, listing which standards, or portions thereof, no longer comply with the Federal motor vehicle safety standards and to provide a copy to the owner of the vehicle modified (see 49 CFR 595.7(b) and (e) as published in the final rule).

We estimate that:

1. There are approximately 5,000 vehicles modified for persons with disabilities per year by 900 businesses; [2]

2. If 85 percent of the 900 businesses use the exemptions provided by 49 CFR 595.7, those 765 businesses will modify 4,383 vehicles annually; and

3. The burden for producing the record required by 49 CFR 595.7 in accordance with paragraph (e) for those vehicles will be 1,460 hours per year nationwide.

In the final rule we anticipated that the least costly way for a repair business to comply with this portion of the new rule would be to annotate the vehicle modification invoice as to the exemption, if any, involved with each item on the invoice. The cost of preparing the invoice is not a portion of our burden calculation, as that preparation would be done in the normal course of business. The time needed to annotate the invoice, we estimate, is 20 minutes. Therefore, the burden hours for a full year are calculated as:

[1] The address of NHTSA has changed since 2001 and is now 1200 New Jersey Ave. SE., Washington, DC 20590.

[2] The agency does not require modifiers to submit information to us for every vehicle that is modified. Therefore, we have no exact count of the number of modifications made each year.

4,383 vehicles × 20 minutes/vehicle = 1,460 hours.

This burden includes the calculation required by 49 CFR 595.7(e), but not the gathering of the information required for the calculation. That information would be gathered in the normal course of the vehicle modification. The only extra burden required by the rule is the calculation of the reduction in loading carrying capacity and conveying this information to the vehicle owner. Again, we are assuming that annotation on the invoice is the least burdensome way to accomplish this customer notification.

There will be no additional material cost associated with compliance with this requirement since no additional materials need be used above those used to prepare the invoice in the normal course of business. We are assuming it is normal and customary in the course of vehicle modification business to prepare an invoice, to provide a copy of the invoice to the vehicle owner, and to keep a copy of the invoice for five years after the vehicle is delivered to the owner in finished form.

We seek comment on whether our assumptions about the following are accurate:

1. The document required by 49 CFR 595.7(b) and specified in paragraph (e) will need to be prepared for approximately 4,383 vehicles modified nationwide per year,

2. Annotation of each vehicle modification invoice as to which exemptions were used will take an average of 20 minutes, and

3. It is normal in the course of vehicle modification business to prepare an invoice, to provide a copy of the invoice to the vehicle owner, and to keep a copy of the invoice for five years after the vehicle is delivered to the owner in finished form.

Affected Public: Business or other for profit.

Estimated Annual Burden: 1,475 hours, and $50.04.

Estimated Number of Respondents: 765.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's 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 collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2017–19016 Filed 9–7–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0047]

Reports, Forms, and Recordkeeping Requirements

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

ACTION: Request for extension of a currently approved collection of information.

SUMMARY: This notice solicits public comments on continuation of the requirements for the collection of information on safety standards. Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes a collection of labeling information on four Federal motor vehicle safety standards, for which NHTSA intends to seek OMB approval. The labeling requirements include brake fluid warning, glazing labeling, and safety belt labeling.

DATES: Comments must be received on or before November 7, 2017.

ADDRESSES: You may submit comments (identified by the DOT Docket ID Number above) by any of the following methods:

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

Regardless of how you submit your comments, you should mention the docket number of this document. You may call the Docket at (202) 366–9324. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB clearance Number. It is requested, but not required, that two copies of the comment be provided.

Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Complete copies of each request for collection of information may be obtained at no charge from Ms. Lori Summers, U.S. Department of Transportation, NHTSA, Room W43–320, 1200 New Jersey Avenue SE., Washington, DC 20590. Mrs. Summers' telephone number is (202) 366–4917 and fax number is (202) 366–7002.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before a proposed collection of information is submitted to OMB for approval, Federal agencies must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information:

Title: Consolidated Labeling Requirements for Motor Vehicles (except the VIN).

OMB Control Number: 2127–0512.

Requested Expiration Date of Approval: Three years from the approval date.

Type of Request: Extension of a currently approved collection.

Affected Public: Businesses.

Summary of the Collection of Information: 49 U.S.C. 30111 authorizes the issuance of Federal motor vehicle safety standards (FMVSS). The agency, in prescribing a FMVSS, considers available relevant motor vehicle safety data, and consults with other agencies, as it deems appropriate. Further, the statute mandates that in issuing any FMVSS, the agency considers whether the standard is ''reasonable, practicable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed,'' and whether such a standard will contribute to carrying out the purpose of the Act.

The Secretary is authorized to invoke such rules, as deemed necessary to carry out these requirements. Using this authority, the agency issued the following FMVSS, specifying labeling requirements to aid the agency in achieving many of its safety goals:

FMVSS No. 105, ''Hydraulic and electric brake systems,''

FMVSS No. 135, ''Light vehicle brake systems,''

FMVSS No. 205, ''Glazing materials,'' and

FMVSS No. 209, ''Seat belt assemblies.''

This notice requests comments on the labeling requirements of these FMVSS.

FMVSS No. 105, ''Hydraulic and electric brake systems,'' and FMVSS No. 135, ''Light vehicle brake systems,'' require that each vehicle shall have a brake fluid warning statement in letters at least one-eighth of an inch high on the master cylinder reservoirs. The lettering shall be permanently affixed, engraved or embossed; located so as to be visible by direct view; and of a color that contrasts with its background, if it not engraved or embossed.

FMVSS No. 205, ''Glazing materials,'' provides labeling requirements for glazing and motor vehicle manufacturers. In accordance with the standard, NHTSA requires each new motor vehicle glazing manufacturer to request and be assigned a unique mark or number. This number is then used by the manufacturer as their unique company identification on their self-certification label on each piece of motor vehicle glazing. As part of that certification label, the company must identify with the simple two or three-digit number assigned by the agency and the model of the glazing. In addition to these requirements, which apply to all glazing, certain specialty glazing items, such as standee windows in buses, roof openings, and interior partitions made of plastic require that the manufacturer affix a removable label to each item. The label specifies cleaning instructions, which will minimize the loss of transparency. Other information may be provided by the manufacturer but is not required.

FMVSS No. 209, ''Seat belt assemblies,'' requires safety belts to be labeled with the year of manufacture, the model, and the name or trademark of the manufacturer (S4.1(j)). Additionally, replacement safety belts that are for use only in specifically stated motor vehicles must have labels or accompanying instruction sheets to specify the applicable vehicle models and seating positions (S4.1(k)). Seat belt assemblies installed as original equipment in new motor vehicles need not be required to be labeled with position/model information.

Description of the Likely Respondents (Including Estimated Number and Proposed Frequency of Response to the Collection of Information): NHTSA anticipates that approximately 25 new prime glazing manufacturers per year will contact the agency and request a manufacturer identification number. These new glazing manufacturers must submit one letter, one time, identifying their company. In turn, the agency responds by assigning them a unique manufacturer number. For other collections in this notice, no response is necessary from manufacturers. These labels are only required to be placed on each master cylinder reservoir, glazing, and each safety belt intended for retail sale in the United Sates. Therefore, the number of respondents is not applicable.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting From the Collection of Information: NHTSA estimates that all manufacturers will need a total of 7,874 hours to comply with these requirements.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's 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 collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2017–19012 Filed 9–7–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket Number NHTSA–2017–0032]

Reports, Forms, and Recordkeeping Requirements

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

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before November 7, 2017.

ADDRESSES: You may submit comments identified by docket number at the heading of this notice by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the instructions for submitting comments on the electronic docket site by clicking on ''Help and Information'' or ''Help/Info.''
- *Fax:* 1–202–493–2251.

• *Mail:* U.S. Department of Transportation, Docket Operations, M–30, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

• *Hand Delivery:* 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read comments received, go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: (202) 366–9826.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Wayne McKenzie, Office of Crash Avoidance Standards (NVS–121), National Highway Traffic Safety Administration, West Building, 4th Floor, Room W43–462, 1200 New Jersey Avenue SE., Washington, DC 20590. Mr. McKenzie can be reached at (202) 366–1810.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

Title: 49 CFR 571.125, Warning Devices.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 2127–0506.

Affected Public: Businesses or other for profit organizations.

Abstract: 49 U.S.C. 30111, 30112 and 30117 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (''the Safety Act''), authorized the issuance of Federal Motor Vehicle Safety Standards (FMVSS). The Secretary is authorized to issue, amend, and revoke such rules and regulations as she/he deems necessary. Using this authority, the agency issued FMVSS No.125, ''Warning Devices'' (Appendix 2) which applies to devices, without self-contained energy sources, that are designed to be carried mandatory in buses and trucks that have a Gross Vehicle Weight Rating (GVWR) greater than 10,000 pounds and voluntarily in other vehicles. These devices are used to warn approaching traffic of the presence of a stopped vehicle, except for devices designed to be permanently affixed to the vehicles.

Estimated Annual Burden: 1 hour.

Number of Respondents: 3.

Issued in Washington, DC on:

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2017–19013 Filed 9–7–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation; Notice of Meeting Cancellation

The Department of Veterans Affairs gives notice under the Federal Advisory Committee Act that the meeting of the Advisory Committee on Disability Compensation, previously scheduled to be held at the Department of Veterans Affairs, 1800 G. Street NW., Conference Room 870, Washington, DC 20006, on September 12–13, 2017, *has been cancelled.*

For more information, please contact Stacy Boyd, Designated Federal Officer, Department of Veterans Affairs, Veterans Benefits Administration, Compensation Service, Policy Staff at (202) 461–9580 or via email at *Stacy.Boyd@va.gov.*

Dated: September 5, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–19040 Filed 9–7–17; 8:45 am]

BILLING CODE 8320–01–P

Reader Aids

Federal Register

Vol. 82, No. 173

Friday, September 8, 2017

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General Information, indexes and other finding aids	**202–741–6000**
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Executive orders and proclamations	**741–6000**
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FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

41501–41824	1
41825–42020	5
42021–42232	6
42233–42440	7
42441–42578	8

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9632.....42019
9633.....42231
9634.....42439

7 CFR

301.....41825
930.....41827
1205.....41829

8 CFR

212.....41867

9 CFR

300.....41501
441.....41501
530.....41501
531.....41501
532.....41501
533.....41501
534.....41501
537.....41501
539.....41501
540.....41501
541.....41501
544.....41501
548.....41501
550.....41501
552.....41501
555.....41501
557.....41501
559.....41501
560.....41501
561.....41501

10 CFR

72.....41873
1016.....41503
Proposed Rules:
590.....41570

14 CFR

39 .....41508, 41874, 41878, 42021, 42024, 42029, 42441, 42443
71.....42445
Proposed Rules:
21.....42049
39 .....41577, 42261, 42487, 42489

18 CFR

1301.....41511

21 CFR

112.....42031
Proposed Rules:
Ch. I.....42492, 42494, 42497, 42499, 42501, 42503, 42506

22 CFR

41.....41883

26 CFR

1.....41885, 42233

33 CFR

100.....41886
117 .....41519, 41520, 41887, 41889, 41891, 42032, 42447
165 .....41521, 41893, 42033, 42035
Proposed Rules:
100.....42050
117.....41901

38 CFR

62.....41523
Proposed Rules:
9.....42052
74.....41579

40 CFR

52 .....41526, 41527, 41895, 42037, 42040, 42233, 42447, 42451, 42454, 42457
81.....41527
180.....42235
Proposed Rules:
51.....42508
52.....42054, 42055
81.....41903
180.....42531

44 CFR

64.....42240, 42241

47 CFR

1.....41529, 41530
2.....41549
15.....41549
22.....41530
24.....41530
27.....41530
30.....41530
54.....42743
73.....42041
74.....41530, 41549
80.....41530
87.....41549
90.....41530, 41549
95.....41530
101.....41530
Proposed Rules:
1.....41580
22.....41580
24.....41580
27.....41580, 42263
30.....41580
74.....41580, 41583
80.....41580
90.....41580
95.....41580
101.....41580

50 CFR

17.....42043, 42245
300.....41562
622.....41563, 42044
648.....41564
679 .....41567, 41568, 41899, 42046, 42047

Proposed Rules:

648.....42266

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List September 5, 2017

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