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MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) is amending its rules of practice and procedure in this part to reflect the relocation of its Western Regional Office.

DATES: *Effective Date:* October 16, 2017.

FOR FURTHER INFORMATION CONTACT: Jennifer Everling, Acting Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW., Washington, DC 20419; phone: (202) 653–7200; fax: (202) 653–7130; or email: *mspb@mspb.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2017, MSPB will relocate its Western Regional Office from 201 Mission Street, San Francisco, CA, to 1301 Clay Street, Oakland, CA. Appendix II of this part is amended to show the new address. The facsimile number is changing to (510) 273–7136. The geographical areas served by the Western Regional Office are unchanged. The Board is publishing this as a final rule pursuant to 5 U.S.C. 1204(h).

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure.

Accordingly, the Board amends 5 CFR part 1201 as follows:

PART 1201—PRACTICES AND PROCEDURES

■ 1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204, 1305, and 7701, and 38 U.S.C. 4331, unless otherwise noted.

Appendix II to Part 1201—[Amended]

■ 2. Amend Appendix II to part 1201 in item 5 by removing ''201 Mission Street, Suite 2310, San Francisco, California 94105–1831 Facsimile No.: (415) 904–0580'' and adding, in its place, ''1301 Clay Street, Suite 1380N, Oakland, California 94612–5217, Facsimile No.: (510) 273–7136.''

Jennifer Everling,

Acting Clerk of the Board.

[FR Doc. 2017–21890 Filed 10–10–17; 8:45 am]

BILLING CODE 7400–01–P

DEPARTMENT OF THE TREASURY

Office of the Secretary

12 CFR Chapter V

Removal of Office of Thrift Supervision Regulations

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury is removing chapter V of title 12, Code of Federal Regulations (CFR), which contains regulations of the former Office of Thrift Supervision (OTS). The OTS, a Bureau of the Department of the Treasury, was abolished effective October 19, 2011, and its rulemaking authority and operative rules were transferred to other agencies pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act. Because those agencies have issued regulations that supersede chapter V, chapter V is no longer necessary.

DATES: Effective October 11, 2018.

FOR FURTHER INFORMATION CONTACT: Heidi Cohen, Senior Counsel for Regulatory Affairs, (202) 622–1142, Office of the Assistant General Counsel for General Law, Ethics & Regulation, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Description of Final Rule

The OTS, a Bureau of the Department of the Treasury, was abolished by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act or Act) [1] on October 19, 2011. Titles III and X of the Act transferred the powers, authorities, rights, and duties of the OTS to the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and the Consumer Financial Protection Bureau (collectively, the Agencies), effective July 21, 2011.

Chapter V of title 12 of the CFR sets out the OTS regulations. Several parts of chapter V relate to the administrative functions of the OTS. Because the OTS was abolished, those parts are inoperative. The remaining parts of chapter V concern the supervision and examination of savings associations and savings and loan holding companies. Since the abolishment of the OTS, the Agencies have republished those OTS regulations they will enforce in their own chapters of title 12.[2]

In order to eliminate the confusion that may arise from having inoperative and superseded regulations of an abolished agency published in the CFR, the Department of the Treasury is removing chapter V of title 12 of the CFR.

Notice and Comment

The Administrative Procedure Act (APA) generally requires public notice and an opportunity to comment before an agency issues a final rule.[3] However, notice and comment are not required before issuing a final rule if the rulemaking relates to agency organization, procedure, or practice or if an agency, for good cause, finds that ''notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.''

The Department of the Treasury finds that notice and comment are not required with respect to the removal of the parts of chapter V that govern the organization and administrative functions of the OTS because those

[1] Public Law 111–203, 124 Stat. 1376 (2010).

[2] *See, e.g.,* 76 FR 48950 (August 9, 2011) (republishing regulations relating to savings associations in chapter I of title 12); 76 FR 47652 (August 5, 2011) (republishing regulations relating to State savings associations in chapter III of title 12); 76 FR 56508 (September 13, 2011) (republishing regulations relating to savings and loan holding companies in chapter II of title 12); 76 FR 44226 (July 22, 2011) (republishing regulations relating to the Alternative Mortgage Transaction Parity Act and the Truth in Lending Act in chapter X of title 12); 76 FR 78487 (December 19, 2011) (republishing regulations relating to the S.A.F.E. Mortgage Licensing Act in chapter X of title 12); 76 FR 79025 (December 21, 2011) (republishing regulations relating to privacy of consumer financial information in chapter X of title 12); and 76 FR 79308 (December 21, 2011) (republishing regulations relating to the Fair Credit Reporting Act in chapter X of title 12).

[3] 5 U.S.C. 553(b)(B),

parts have been inoperative since the OTS was abolished in 2011.

Furthermore, with respect to the removal of the parts of chapter V that govern savings associations and savings and loan holding companies, the Department of the Treasury finds that notice and comment under the APA are neither necessary nor in the public interest. As discussed above, titles III and X of the Dodd-Frank Act transferred the powers, authorities, rights, and duties of the OTS to the Agencies on July 21, 2011 and abolished the OTS on October 19, 2011. Since that time, the Agencies have issued rules that supersede the OTS regulations relating to savings associations and savings and loan holding companies. This final rule does not make any substantive changes to the regulations currently applicable to savings associations and savings and loan associations and does not substantively affect these regulated entities or the public. It simply removes obsolete provisions that are likely to be a source of confusion. For these reasons, advance notice and comment under the APA are unnecessary and not in the public interest.

Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act [4] (RFA) applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). Pursuant to the APA at 5 U.S.C. 553(b)(B), general notice and an opportunity for public comment are not required prior to the issuance of a final rule when an agency, for good cause, finds that ''notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' As discussed above, the Department of the Treasury has determined for good cause that the APA does not require notice and public comment on this final rule and, therefore, it is not publishing a notice of proposed rulemaking. Thus, the RFA, pursuant 5 U.S.C. 601(2), does not apply to this final rule.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that an agency prepare a budgetary impact statement before promulgating any rule likely to result in a Federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, adjusted for inflation.[5] Because this final rule removes inoperative and superseded regulations, the Department of the Treasury has determined that there is no Federal mandate imposed by this rulemaking.

Executive Order 12866

This rule is not a significant regulatory action under Executive Order 12866, Regulatory Planning and Review.

12 CFR Chapter V [Removed]

■ For the reasons set forth in the preamble and pursuant to titles III and X of the Dodd-Frank Act, amend title 12 of the Code of Federal Regulations by removing chapter V.

Dated: October 4, 2017.

Kody H. Kinsley,

Assistant Secretary for Management.

[FR Doc. 2017–21904 Filed 10–10–17; 8:45 am]

BILLING CODE 4810–25–P

[4] (Pub. L. 96–354, Sept. 19, 1980).

[5] Public Law 104–4 (2 U.S.C. 1532).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0624; Product Identifier 2016–NM–135–AD; Amendment 39–19067; AD 2017–20–10]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A319 series airplanes, Model A320–211, –212, –214, –231, –232, and –233 airplanes, and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. This AD was prompted by a runway excursion due to an unexpected thrust increase leading to an unstable approach performed using the current flight management and guidance computer (FMGC) standard. This AD requires identification of potentially affected FMGCs, replacement of any affected FMGC, and applicable concurrent actions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 15, 2017.

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

ADDRESSES: For service information identified in this final rule, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0624.

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–2017–0624; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A319 series airplanes, Model A320–211, –212, –214, –231, –232, and –233 airplanes, and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The NPRM published in the **Federal Register** on June 29, 2017 (82 FR 29440) (''the NPRM''). The NPRM was prompted by a runway excursion due to an unexpected thrust increase leading to an unstable approach performed using the current FMGC standard. The NPRM proposed to require identification of potentially affected FMGCs, replacement of any affected FMGC, and applicable concurrent actions. We are issuing this AD to prevent unstable approaches due to an unexpected thrust increase, which could result in reduced

controllability of the airplane and runway excursions.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0122, dated June 21, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A319 series airplanes, Model A320–211, –212, –214, –231, –232, and –233 airplanes, and Model A321–111, –112, –131, –211, –212, –213, –231, and 232 airplanes. The MCAI states:

Following an instrument landing system (ILS) approach, during night, in rainy condition, an A321 aeroplane experienced a longitudinal runway excursion. Investigation revealed that the approach was not stabilized with an overspeed of 19 knots (kts) over the runway threshold, followed by a long flare (18 seconds) with touchdown far behind the touchdown zone. The aeroplane exited the runway at 75 kts and came to rest around 300 meters beyond the end of the runway. During the final approach, at 150 feet Radio Altimeter (RA) altitude, the corrected airspeed of the aeroplane was 165 kts (24 kts overspeed). Auto thrust (ATHR) commanded a transient N1 increase up to 70% due to the ATHR speed Mach control law.

The ATHR system on A320 family aeroplane was designed to maintain accurately the aircraft speed/Mach to speed/Mach target by commanding the thrust, featuring also a trade-off at low altitude between thrust corrections to maintain speed equal to speed target and too large thrust corrections destabilizing the aircraft trajectory near the ground. The conclusions of the investigations were that the main contributor to this runway excursion was a non-stabilized approach not followed by a go-around. ATHR misbehaviour in case of large overspeed led to an unexpected thrust increase, which is considered as a contributor to the long flare.

This ATHR characteristic, reported as ''Spurious thrust increase during approach,'' was initially found in 1996 and a modification was developed and introduced in Flight Guidance (FG) 2G standard ''C8 or I8'' (C for CFM engines and I for IAE engines) in 2001.

Prompted by these findings, Airbus introduced a programme to encourage operators to replace the FMGC Legacy with the FMGC equipped with Flight Management System type 2 (FMS2) and FG standard, which introduces additional operational capabilities, including Runway Overrun Protection System/Runway Overrun Warning (ROPS/ROW) and Autopilot/Traffic Collision Avoidance System (AP/TCAS). It was determined that the ROPS, in a scenario similar to the one described above, would have triggered a <<RUNWAY TOO SHORT>> aural alert before touchdown. Information was made available through Airbus Service Information Letter (SIL) 22–039 (later superseded by Word In Service Experience (WISE) In Service Information 22.83.00003), and EASA published Safety Information Bulletin (SIB) 2013–19, recommending the FMGC upgrade.

Since EASA SIB was published, it was determined that many operators have chosen not to implement the optional upgrade that improves the ATHR behaviour.

More recently, prompted by a recommendation from the BEA (Bureau d'Enquêtes et d'Analyses pour la sécurité de l'aviation civile) of France, to reduce the risk of further runway excursions due to uninterrupted unstable approaches performed with the legacy FMGC standard, EASA decided to require installation of at least the first version of the FMS2 and associated FG for legacy aeroplanes.

DGAC [Direction Générale de l'Aviation Civile] France issued AD 1999–411–140(B)R1 [which corresponds to FAA AD 2000–12–13, Amendment 39–11791 (65 FR 37845, June 19, 2000) (''AD 2000–12–13'')] and AD 1998–226–119(B)R1 [which corresponds to FAA AD 98–19–08, Amendment 39–10750 (63 FR 50503, September 22, 1998)] to address different unsafe conditions, requiring to install a certain previous FMGC standard that may be susceptible to the ''Spurious thrust increase during approach''.

For the reasons described above, this [EASA] AD * * * requires replacement of the affected FMGC units with upgraded units [and applicable concurrent actions].

Concurrent actions include the installation of certain FMGCs, wiring, display management computers, wiring associated with pin programming, and applicable operational program configuration disks. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0624.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comment received. Air Line Pilots Association, International supported the NPRM.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD as proposed, except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information, which describes procedures for replacement of any affected FMGC with a serviceable FMGC. These documents are distinct since they apply to different airplane configurations.

- Airbus Service Bulletin A320–22–1090, Revision 11, dated July 20, 2004.
- Airbus Service Bulletin A320–22–1103, Revision 04, dated March 12, 2004.
- Airbus Service Bulletin A320–22–1116, Revision 04, dated March 29, 2004.
- Airbus Service Bulletin A320–22–1152, Revision 03, dated February 18, 2005.
- Airbus Service Bulletin A320–22–1243, Revision 05, dated May 31, 2010.
- Airbus Service Bulletin A320–22–1519, Revision 02, dated December 21, 2015.

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

Costs of Compliance

We estimate that this AD affects 1,032 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × $85 per hour = $85	$0	$85	$87,720

We estimate the following costs to do any necessary replacements required based on the results of the inspection. We have no way of determining the number of aircraft that might need these replacements.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	9 work-hours × $85 per hour = $765	$30,000	$30,765

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–20–10 Airbus: Amendment 39–19067; Docket No. FAA–2017–0624; Product Identifier 2016–NM–135–AD.

(a) Effective Date

This AD is effective November 15, 2017.

(b) Affected ADs

This AD affects AD 2000–12–13, Amendment 39–11791 (65 FR 37845, June 19, 2000) (''AD 2000–12–13'').

(c) Applicability

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

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

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

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

(d) Subject

Air Transport Association (ATA) of America Code 22, Auto Flight.

(e) Reason

This AD was prompted by a report of a runway excursion due to an unexpected thrust increase leading to an unstable approach performed using the current flight management and guidance computer (FMGC) standard. We are issuing this AD to prevent unstable approaches due to an unexpected thrust increase, which could result in reduced controllability of the airplane and runway excursions.

(f) Compliance

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

(g) Inspection and Replacement of Affected FMGC

(1) Within 36 months after the effective date of this AD: Inspect the FMGC to determine if any FMGC with an affected part number identified in Figure 1 to paragraphs (g)(1), (g)(2), (h)(1), (h)(2), and (j) of this AD is installed. A review of airplane maintenance records is acceptable in lieu of inspecting the FMGC, provided those records can be relied upon for that purpose and the part number of the FMGC can be conclusively identified from that review.

(2) If any affected FMGC with an affected part number identified in Figure 1 to paragraphs (g)(1), (g)(2), (h)(1), (h)(2), and (j) of this AD is found during any inspection or review required by paragraph (g)(1) of this AD: Within 36 months after the effective date of this AD, replace the FMGC with a serviceable FMGC having a part number that is not identified in Figure 1 to paragraphs (g)(1), (g)(2), (h)(1), (h)(2), and (j) of this AD, in accordance with the Accomplishment Instructions and paragraph 1.B. (concurrent actions) of the applicable service information specified in paragraphs (g)(2)(i) through (g)(2)(vi) of this AD, or using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). Refer to Figure 2 to paragraph (g)(2) of this AD and Figure 3 to paragraph (g)(2) of this AD for the lists of approved eligible FMGCs certified as of the effective date of this AD.

(i) Airbus Service Bulletin A320–22–1090, Revision 11, dated July 20, 2004 (installation of FMGC part number (P/N) C13042BA01).

(ii) Airbus Service Bulletin A320–22–1103, Revision 04, dated March 12, 2004 (installation of FMGC P/N C13043AA01).

(iii) Airbus Service Bulletin A320–22–1116, Revision 04, dated March 29, 2004 (installation of FMGC P/N C13043BA01).

(iv) Airbus Service Bulletin A320–22–1152, Revision 03, dated February 18, 2005 (installation of FMGC P/N C13043AA02).

(v) Airbus Service Bulletin A320–22–1243, Revision 05, dated May 31, 2010 (installation of FMGC P/N C13043BA04).

(vi) Airbus Service Bulletin A320–22–1519, Revision 02, dated December 21, 2015 (installation of FMGC P/N C13207CA00).

BILLING CODE 4910–13–P

Figure 1 to paragraphs (g)(1), (g)(2), (h)(1), (h)(2), and (j) of this AD – *Affected FMGCs*

Airplanes	FMGC part number			
A319-111, A319-112, A319-113, A319-114, A319-115, A320-211, A320-212, A320-214, A321-111, A321-112, A321-211, A321-212, and A321-213 (all CFM56)	B398AAM0303	B398AAM0304	B398AAM0405	B398AAM0406
	B398AAM0407	B398AAM0408	B398AAM0409	B398AAM0410
	B398AAM0411	B398AAM0412	B398BAM0101	B398BAM0202
	B398BAM0203	B398BAM0204	B398BAM0205	B398BAM0206
	B398BAM0207	B398BAM0208	B398BAM0209	B546BAM0101
	B546BAM0202	B546BAM0203	B546BAM0204	B546BAM0205
	B546BAM0206	B546CAM0101	B546CAM0102	B546CAM0103
	B546CAM0104			
A319-131 A319-132 A319-133 A320-231 A320-232 A320-233 A321-131 A321-231 and A321-232 (all V2500)	B398BCM0101	B398BCM0102	B398BCM0103	B398BCM0104
	B398BCM0105	B398BCM0106	B398BCM0107	B398BCM0108
	B398BCM0109	B546BCM0101	B546BCM0102	B546BCM0203
	B546BCM0204	B546BCM0205	B546CCM0101	B546CCM0102
	B546CCM0103	B546CCM0104	B546CCM0105	B546CCM0106

Figure 2 to paragraph (g)(2) of this AD –

List of approved eligible FMGCs certified as of the effective date of this AD

Airplanes	FMGC part number	
A319-111, A319-112, A319-113, A319-114, A319-115, A320-211, A320-212, A320-214, A321-111, A321-112, A321-211, A321-212, and A321-213 (all CFM56)	C13042AA01	
	C13042AA02	
	C13042AA03	
	C13042AA04	
	C13042AA05	
	C13042AA06	
	C13042AA07	
	C13043AA01	
	C13043AA02	
	C13043AA03	
	C13043AA04	
	C13043AA05	
	C13043AA06	
	FMGC hardware	**Flight Guidance (FG) software**
	C13207AA00	G2858AAA01
	C13207CA00	G2858AAA02
	C13207CA00	G2858AAA03
	C13208AA00	G2858AAA01
	C13208AA00	G2858AAA02
	C13208AA00	G2858AAA03

Figure 3 to paragraph (g)(2) of this AD –

List of approved eligible FMGCs certified as of the effective date of this AD

Airplanes	FMGC part number	
A319-131, A319-132, A319-133, A320-231, A320-232, A320-233, A321-131, A321-231, and A321-232 (all V2500)	C13042BA01	
	C13042BA02	
	C13042BA03	
	C13042BA04	
	C13042BA05	
	C13042BA06	
	C13042BA07	
	C13042BA08	
	C13043BA01	
	C13043BA02	
	C13043BA03	
	C13043BA04	
	C13043BA05	
	C13043BA06	
	C13043BA07	
	C13043BA08	
	FMGC hardware	**FG software**
	C13207BA00	G2859AAA01
	C13207DA00	G2859AAA02
	C13207DA00	G2859AAA03
	C13207DA00	G2859AAA04
	C13208BA00	G2859AAA01
	C13208BA00	G2859AAA02
	C13208BA00	G2859AAA03
	C13208BA00	G2859AAA04

(h) Unaffected Airplanes

(1) An airplane on which Airbus Modification 31896 or Airbus Modification 31897 has been embodied in production is not affected by the requirements of paragraph (g) of this AD, provided it is conclusively determined that no FMGC with an affected part number identified in Figure 1 to paragraphs (g)(1), (g)(2), (h)(1), (h)(2), and (j) of this AD has been installed on that airplane since the date of issuance of the original certificate of airworthiness or the original export certificate of airworthiness. A review of airplane maintenance records is acceptable to make this determination provided those records can be relied upon for that purpose and the part number of the FMGC can be conclusively identified from that review.

(2) An airplane on which the actions specified in paragraph (g)(2) have been done before the effective date of this AD is not affected by the requirements in paragraph (g) of this AD, provided it is conclusively determined that no FMGC with an affected part number identified in Figure 1 to paragraphs (g)(1), (g)(2), (h)(1), (h)(2), and (j) of this AD has been installed on that airplane since accomplishing the actions specified in paragraph (g)(2) of this AD. A review of airplane maintenance records is acceptable to make this determination provided those records can be relied upon for that purpose and the part number of the FMGC can be conclusively identified from that review.

(i) Parts Installation Limitation

Installation of an FMGC standard approved after the effective date of this AD on any airplane, is acceptable for compliance with the actions required by paragraph (g)(2) of this AD, provided the conditions specified in paragraphs (i)(1) and (i)(2) of this AD are accomplished.

(1) The software and hardware standard, as applicable, must be approved by the

Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA.

(2) The installation must be accomplished using airplane modification instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA.

(j) Parts Installation Prohibition

As of the effective date of this AD, no person may install on any airplane an FMGC with an affected part number identified in Figure 1 to paragraphs (g)(1), (g)(2), (h)(1), (h)(2), and (j) of this AD.

(k) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g)(2) of this AD, if those actions were performed before the effective date of this AD using the applicable service information identified in Figure 4 to paragraph (k) of this AD.

Figure 4 to paragraph (k) of this AD –

Service information acceptable for credit for actions in paragraph (g)(2) of this AD

FMGC/FG install	Airbus Service Bulletin	Revision	Date
C13042BA01	A320-22-1090	00	March 5, 2002
		01	April 15, 2002
		02	June 14, 2002
		03	October 1, 2002
		04	November 26, 2002
		05	January 13, 2003
		06	March 3, 2003
		07	June 26, 2003
		08	October 15, 2003
		09	November 7, 2003
		10	January 22, 2004
C13043AA01	A320-22-1103	00	October 8, 2002
		01	April 1, 2003
		02	August 28, 2003
		03	October 15, 2003
C13043BA01	A320-22-1116	00	January 31, 2003
		01	August 4, 2003
		02	October 17, 2003
		03	February 25, 2004
C13043AA02	A320-22-1152	00	May 5, 2004
		01	July 6, 2004
		02	October 15, 2004
C13043BA04	A320-22-1243	00	October 16, 2007
		01	April 1, 2008
		02	September 10, 2008
		03	February 17, 2009
		04	March 3, 2010
C13207CA00	A320-22-1519	00	June 26, 2015
		01	August 26, 2015

BILLING CODE 4910–13–C

(l) Terminating Action for Other ADs

Accomplishing the actions required by paragraph (g)(1) of this AD, and, as applicable, paragraph (g)(2) of this AD, terminates all requirements of AD 2000–12–13.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0122, dated June 21, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0624.

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

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

(o) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A320–22–1090, Revision 11, dated July 20, 2004.

(ii) Airbus Service Bulletin A320–22–1103, Revision 04, dated March 12, 2004.

(iii) Airbus Service Bulletin A320–22–1116, Revision 04, dated March 29, 2004.

(iv) Airbus Service Bulletin A320–22–1152, Revision 03, dated February 18, 2005.

(v) Airbus Service Bulletin A320–22–1243, Revision 05, dated May 31, 2010.

(vi) Airbus Service Bulletin A320–22–1519, Revision 02, dated December 21, 2015.

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

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

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

Issued in Renton, Washington, on September 20, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–21224 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0515; Product Identifier 2016–NM–171–AD; Amendment 39–19061; AD 2017–20–04]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes), and Model A310 series airplanes. This AD was prompted by reports of unreliable airspeed indications that were caused by pitot heater resistance shorted to ground. This AD requires replacement of certain parts. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 15, 2017.

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

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* Internet: *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0515.

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–2017–0515; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes), and Model A310 series airplanes. The NPRM published in the **Federal Register** on June 9, 2017 (82 FR 26758) (''the NPRM''). The NPRM was prompted by reports of unreliable airspeed indications that were caused by pitot heater resistance shorted to ground. The NPRM proposed to require replacement of certain parts. We are issuing this AD to ensure proper flight crew awareness of unreliable airspeed indications. This condition, if not recognized by the flight crew, could possibly result in reduced control of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0195, dated September 30, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes), and Model A310 series airplanes. The MCAI states:

> An operator recently reported two events of unreliable airspeed indications. Investigations revealed that in both events, a Pitot heater resistance was shorted to ground.
>
> Pitot probes are heated to prevent ice accretion. De-icing performance of the Pitot probe might be reduced if Pitot probe heater

degrades over time. The magnitude of deicing performance reduction will depend on how much the heater is degraded. The Pitot probe de-icing reduction will be hidden to the crew (the heater current detector will not trigger a ''Heat Fault'' because in case of short-to-case failure the resulting current variation will be limited).

In severe icing conditions, if de-icing performances are significantly reduced, it may cause unreliable airspeed events, with no cockpit effects except erroneous airspeed indication(s) displayed on the Primary Flight Display (PFD) or the standby airspeed indicators.

Unreliable airspeed indications, if not recognized by the crew, could possibly result in reduced control of the aeroplane.

To ensure proper crew awareness of unreliable airspeed indication(s) situation, Airbus introduced a dedicated Electronic Centralised Aircraft Monitoring (ECAM) Warning (Indicated Airspeed Discrepancy Warning).

The following configuration is required to enable this ECAM Warning:

—The Flight Warning Computer (FWC) standard S17 has to be installed by accomplishing Service Bulletins (SB) A310–31–2144 or A300–31–6140: This requirement was already rendered mandatory by EASA AD 2015–0174 [which does not have a corresponding FAA AD. EASA AD 2015–0174 superseded EASA AD 2012–0088 (EASA AD 2012–0088 corresponds to FAA AD 2012–21–15, Amendment 39–17231 (77 FR 67256, November 9, 2012))];

—The ECAM Symbol Generator Unit (SGU), standard W32, Part Number (P/N) 9612670332 has to be installed, by accomplishing Service Bulletins (SB) A310–31–2123, A300–31–6124 or SB A300–31–6113.

For the reason described above, this [EASA] AD requires a software standard upgrade of the ECAM SGU.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0515.

Comments

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

Support for the NPRM

The Air Line Pilots Association, International and FedEx expressed support for the NPRM.

Request To Include Historical Information

Airbus requested that we include historical information regarding EASA AD 2015–0174, which is included in the quoted MCAI material in the NPRM. Airbus explained that EASA AD 2015–0174, dated August 24, 2015, superseded EASA AD 2012–0088, dated June 25, 2012, which specified accomplishment of certain Airbus Service Bulletins. Airbus stated that any corresponding FAA ADs should also be identified.

We agree that additional historical information regarding EASA AD 2015–0174 and any corresponding FAA ADs would be helpful. We have added the requested historical information to the quoted MCAI material regarding EASA AD 2015–0174, which superseded EASA AD 2012–0088, and the corresponding FAA AD.

Requests To Allow Use of a Later ECAM SGU Software Standard and Related Service Information

Airbus and FedEx requested that we revise the NPRM to allow use of ECAM SGU software standard W33, which includes the corrections found in ECAM SGU software standard W32.

FedEx also requested that we update the NPRM to include new service information that provides procedures for the upgrade to ECAM SGU software standard W33. FedEx mentioned that it is preparing to upgrade its fleet to ECAM SGU software standard W33.

We agree with the requests to allow use of ECAM SGU software standard W33, because ECAM SGU software standard W33 includes all of the necessary changes from ECAM SGU software standard W32. We have revised the preamble and regulatory text of this final rule, where applicable, to include the additional ECAM SGU software standard and part number.

We also agree to add Airbus Service Bulletins A300–31–6142, Revision 01, dated November 21, 2013, and A310–31–2145, Revision 01, dated November 13, 2013, for accomplishment of the installation of ECAM SGU software standard W33. We have revised this final rule accordingly.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information.

- Airbus Service Bulletin A300–31–6113, Revision 03, including Appendix 01, dated July 5, 2016 (for Model A300–600 series airplanes).
- Airbus Service Bulletin A300–31–6124, Revision 01, dated July 4, 2016 (for Model A300–600 series airplanes).
- Airbus Service Bulletin A300–31–6142, Revision 01, dated November 21, 2013 (for Model A300–600 series airplanes).
- Airbus Service Bulletin A310–31–2123, Revision 01, including Appendix 01, dated July 1, 2016 (for Model A310 series airplanes).
- Airbus Service Bulletin A310–31–2145, Revision 01, dated November 13, 2013 (for Model A310 series airplanes).

The service information describes procedures for replacement of the ECAM SGU software standard W32 or W33. These documents are distinct since they apply to different airplane configurations or apply to different ECAM SGU software standards (W32, part number 9612670332, and W33, part number 9612670333). This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 139 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement	Up to 4 work-hours × $85 per hour = $340	Up to $2,360	Up to $2,700	Up to $375,300.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–20–04 Airbus: Amendment 39–19061; Docket No. FAA–2017–0515; Product Identifier 2016–NM–171–AD.

(a) Effective Date

This AD is effective November 15, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5) of this AD, certificated in any category, all manufacturer serial numbers, except those on which Airbus modification 12691 or 13665 has been embodied in production.

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

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

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

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

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

(d) Subject

Air Transport Association (ATA) of America Code 31, Instruments.

(e) Reason

This AD was prompted by reports of unreliable airspeed indications that were caused by pitot heater resistance shorted to ground. We are issuing this AD to ensure proper flight crew awareness of unreliable airspeed indications. This condition, if not recognized by the flight crew, could possibly result in reduced control of the airplane.

(f) Compliance

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

(g) Replacement of the Electronic Centralized Aircraft Monitoring (ECAM) Symbol Generator Unit (SGU)

Within 36 months after the effective date of this AD, replace the ECAM SGU with a new ECAM SGU (software standard W32 or W33), in accordance with the Accomplishment Instructions of the service information identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD, as applicable.

(1) For Airbus Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes; Model A300 B4–605R and B4–622R airplanes; and Model A300 C4–605R Variant F airplanes: Airbus Service Bulletin A300–31–6113, Revision 03, including Appendix 01, dated July 5, 2016; or Airbus Service Bulletin A300–31–6142, Revision 01, dated November 21, 2013.

(2) For Airbus Model A300 F4–605R and F4–622R airplanes: Airbus Service Bulletin A300–31–6124, Revision 01, dated July 4, 2016.

(3) For Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes: Airbus Service Bulletin A310–31–2123, Revision 01, including Appendix 01, dated July 1, 2016; or Airbus Service Bulletin A310–31–2145, Revision 01, dated November 13, 2013.

(h) Parts Installation Prohibition

(1) As of the effective date of this AD, for any airplane that has ECAM SGU software standard W32, part number 9612670332, or ECAM SGU software standard W33, part number 9612670333, installed, no person may install an ECAM SGU software standard prior to W32.

(2) For any airplane that has an ECAM SGU software standard prior to W32, after modification of that airplane, no person may install an ECAM SGU software standard prior to W32.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraph (i)(1), (i)(2), (i)(3), (i)(4), or (i)(5) of this AD, as applicable.

(1) Airbus Service Bulletin A300–31–6113, Revision 02, including Appendix 01, dated September 4, 2014.

(2) Airbus Service Bulletin A300–31–6124, Revision 00, dated October 13, 2005.

(3) Airbus Service Bulletin A300–31–6142, Revision 00, dated August 13, 2013.

(4) Airbus Service Bulletin A310–31–2123, Revision 00, dated January 4, 2006.

(5) Airbus Service Bulletin A310–31–2145, Revision 00, dated August 13, 2013.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0195, dated September 30, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0515.

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

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

(l) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A300–31–6113, Revision 03, including Appendix 01, dated July 5, 2016.

(ii) Airbus Service Bulletin A300–31–6124, Revision 01, dated July 4, 2016.

(iii) Airbus Service Bulletin A300–31–6142, Revision 01, dated November 21, 2013.

(iv) Airbus Service Bulletin A310–31–2123, Revision 01, including Appendix 01, dated July 1, 2016.

(v) Airbus Service Bulletin A310–31–2145, Revision 01, dated November 13, 2013.

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

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

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

Issued in Renton, Washington, on September 18, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–21369 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0691; Product Identifier 2017–NM–029–AD; Amendment 39–19068; AD 2017–20–11]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601 Variant), and CL–600–2B16 (CL–601–3A and CL–601–3R Variants) airplanes. This AD was prompted by a report of laminated shims that may have been improperly installed at a certain wing tie beam. This AD requires revising the maintenance or inspection program to incorporate certification maintenance requirement tasks that introduce revised checks of the tie beam. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 15, 2017.

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

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0691.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0691; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601 Variant), and CL–600–2B16 (CL–601–3A and CL–601–3R Variants) airplanes. The NPRM published in the **Federal Register** on July 17, 2017 (82 FR 32652) (''the NPRM''). The NPRM was prompted by a report of laminated shims that may have been improperly installed at a certain wing tie beam. The NPRM proposed to require revising the maintenance or inspection program to incorporate certification maintenance requirement tasks that introduce revised checks of the tie beam. We are issuing this AD to detect and correct degradation of the structural integrity of the affected tie beam, which could result in cracking of the pressure floor.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2016–34, dated October 14, 2016 (referred to after

this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601 Variant), and CL–600–2B16 (CL–601–3A and CL–601–3R Variants) airplanes. The MCAI states:

> Bombardier has determined that laminated shims may have been improperly installed at the floor/wing tie beam bumper pads. Improperly installed shims may become damaged, which could result in a gapping condition. This would lead to increased stress and degradation of structural integrity of the tie beam. Undetected failure may lead to premature cracking of the pressure floor.
>
> Bombardier has introduced revised maintenance tasks through revisions of the applicable CL–600 Time Limits Maintenance Checks (TLMCs) to confirm structural integrity of the affected tie beam.
>
> This [Canadian] AD is issued to mandate the incorporation of the applicable revised TLMC tasks.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0691.

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

Comments

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

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

Bombardier, Inc., has issued the following service information.

- Task 53–10–00–131, ''Pressure Floor—Wing Tie Beam—FS460.00,'' of Section 5–10–30, ''Airworthiness Limitation Checks by ATA Chapter Number,'' of Bombardier Challenger 600 Time Limits/Maintenance Checks, Publication No. PSP 605, Revision 37, dated April 29, 2016.
- Task 53–10–00–133, ''Pressure Floor—Wing Tie Beam—FS460.00,'' of Section 5–10–30, ''Airworthiness Limitation Checks by ATA Chapter Number,'' of Bombardier Challenger 601 Time Limits/Maintenance Checks, Publication No. PSP 601–5, Revision 44, dated April 29, 2016.
- Task 53–10–00–134, ''Pressure Floor—Wing Tie Beam—FS460.00,'' of Section 5–10–30, ''Airworthiness Limitation Checks by ATA Chapter Number,'' of Bombardier Challenger 601 Time Limits/Maintenance Checks, Publication No. PSP 601A–5, Revision 40, dated April 29, 2016.

This service information identifies airworthiness limitation tasks for checks of the pressure floor at a certain wing tie beam. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 137 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
Maintenance or inspection program revision ..	1 work-hour × $85 per hour = $85	$0	$85	$11,645

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–20–11 Bombardier, Inc.: Amendment 39–19068; Docket No. FAA–2017–0691; Product Identifier 2017–NM–029–AD.

(a) Effective Date

This AD is effective November 15, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model CL–600–1A11 (CL–600) airplanes, serial numbers 1004 through 1085 inclusive; Model CL–600–2A12 airplanes (CL–601 Variant), serial numbers 3001 through 3066 inclusive; and Model CL–600–2B16 (CL–601–3A and CL–601–3R Variants) airplanes, serial numbers 5001 through 5194 inclusive; certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by a report of laminated shims that may have been improperly installed at a certain wing tie beam. We are issuing this AD to detect and correct degradation of the structural integrity of the affected tie beam, which could result in cracking of the pressure floor.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the certification maintenance requirement (CMR) task specified in the applicable service information identified in paragraphs (g)(1) through (g)(3) of this AD. The initial compliance time for the task is within the applicable time specified in the service information, or within 30 days after the effective date of this AD, whichever occurs later.

(1) For Model CL–600–1A11 (CL–600) airplanes: Task 53–10–00–131, ''Pressure Floor—Wing Tie Beam—FS460.00,'' of Section 5–10–30, ''Airworthiness Limitation Checks by ATA Chapter Number,'' of Bombardier Challenger 600 Time Limits/Maintenance Checks, Publication No. PSP 605, Revision 37, dated April 29, 2016.

(2) For Model CL–600–2A12 airplanes (CL–601 Variant) airplanes: Task 53–10–00–133, ''Pressure Floor—Wing Tie Beam—FS460.00,'' of Section 5–10–30, ''Airworthiness Limitation Checks by ATA Chapter Number,'' of Bombardier Challenger 601 Time Limits/Maintenance Checks, Publication No. PSP 601–5, Revision 44, dated April 29, 2016.

(3) For Model CL–600–2B16 (CL–601–3A and CL–601–3R Variants) airplanes: Task 53–10–00–134, ''Pressure Floor—Wing Tie Beam—FS460.00,'' of Section 5–10–30, ''Airworthiness Limitation Checks by ATA Chapter Number,'' of Bombardier Challenger 601 Time Limits/Maintenance Checks, Publication No. PSP 601A–5, Revision 40, dated April 29, 2016.

(h) No Alternative Actions or Intervals

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

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2016–34, dated October 14, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0691.

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

(k) Material Incorporated by Reference

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

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

(i) Task 53–10–00–131, ''Pressure Floor—Wing Tie Beam—FS460.00,'' of Section 5–10–30, ''Airworthiness Limitation Checks by ATA Chapter Number,'' of Bombardier Challenger 600 Time Limits/Maintenance Checks, Publication No. PSP 605, Revision 37, dated April 29, 2016. The revision level of this document is identified on only the Transmittal Letter.

(ii) Task 53–10–00–133, ''Pressure Floor—Wing Tie Beam—FS460.00,'' of Section 5–10–30, ''Airworthiness Limitation Checks by ATA Chapter Number,'' of Bombardier Challenger 601 Time Limits/Maintenance Checks, Publication No. PSP 601–5, Revision 44, dated April 29, 2016. The revision level of this document is identified on only the Transmittal Letter.

(iii) Task 53–10–00–134, ''Pressure Floor—Wing Tie Beam—FS460.00,'' of Section 5–10–30, ''Airworthiness Limitation Checks by ATA Chapter Number,'' of Bombardier Challenger 601 Time Limits/Maintenance Checks, Publication No. PSP 601A–5, Revision 40, dated April 29, 2016. The revision level of this document is identified on only the Transmittal Letter.

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

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

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

Issued in Renton, Washington, on September 27, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–21374 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0617; Airspace Docket No. 17–ANM–27]

Amendment of Class E Airspace; Sunriver, OR

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 Sunriver Airport, Sunriver, OR, to accommodate airspace redesign for the safety and management of instrument flight rules (IFR) operations within the National Airspace System.

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 7400.11B, 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 this material 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: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4511.

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 modifies Class E airspace extending upward from 700 feet above the surface at Sunriver Airport, Sunriver, OR, to support IFR operations under standard instrument approach procedures.

History

On July 5, 2017, the FAA published in the **Federal Register** (82 FR 31034) Docket FAA–2017–0617 a notice of proposed rulemaking (NPRM) to modify Class E airspace extending upward from 700 feet above the surface at Sunriver Airport, Sunriver, OR. 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 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation 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 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B 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 at Sunriver Airport, Sunriver, OR. The airspace is modified to within 4 miles each side of the 016° bearing extending from Sunriver Airport to 14.3 miles north of the airport, and within 2.5 miles each side of the 196° bearing extending from the airport to 7 miles south of the airport. This action slightly reduces the airspace area east and west of the airport due to the new airspace configuration for the safety and management of aircraft 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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 5–6.5a. 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.

Lists 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 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 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM OR E5 Sunriver, OR [Amended]

Sunriver Airport, OR
(Lat. 43°52′35″ N., long. 121°27′11″ W.)

That airspace extending upward from 700 feet above the surface within 4 miles each side of the 016° bearing extending from Sunriver Airport to 14.3 miles north of the airport, and within 2.5 miles each side of the 196° bearing from the airport extending to 7 miles south of the airport.

Issued in Seattle, Washington, on October 3, 2017.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2017–21783 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0798; Amendment No. 71–49]

Airspace Designations; Incorporation by Reference Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action incorporates certain amendments into FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, for incorporation by reference in 14 CFR 71.1.

DATES: Effective date 0901 UTC October 11, 2017. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/airtraffic/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 7400.11B at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it makes the necessary updates for airspace areas within the National Airspace System.

History

Federal Aviation Administration Airspace Order 7400.11, Airspace Designations and Reporting Points, incorporated by reference in 14 CFR 71.1, is published yearly. Amendments referred to as ''effective date straddling amendments'' were published under Order 7400.11A (dated August 3, 2016, and effective September 15, 2016), but became effective under Order 7400.11B (dated August 3, 2017, and effective September 15, 2017). This action incorporates these rules into the current FAA Order 7400.11B.

Accordingly, as this is an administrative correction to update final rule amendments into FAA Order 7400.11B, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Also, to bring these rules and legal descriptions current, I find that good cause exists, under 5 U.S.C. 553(d), for making this amendment effective in less than 30 days.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends title 14 Code of Federal Regulations (14 CFR) part 71 to incorporate certain final rules into the current FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, which are depicted on aeronautical charts.

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. 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the FAA 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 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. Section 71.1 is revised to read as follows:

For Docket No. FAA–2016–9118; Airspace Docket No. 16–AGL–3 (82 FR 28401, June 22, 2017). On page 28401, column 3, line 59, under **ADDRESSES** remove ''. . . FAA Order 7400.11 . . .'' and add in its place ''. . . FAA Order 7400.11B. . .''. On page 28402, column

1, line 10, under **ADDRESSES**; and on page 28402, column 2, line 53, and line 56, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . .FAA Order 7400.11B. . .''. On page 28402, column 2, line 40, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . .FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 28402, column 2, line 50, under Availability and Summary of Documents for Incorporation by Reference; and on page 28403, column 1, line 41, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2015–6751; Airspace Docket No. 15–AWP–18 (82 FR 31440, July 7, 2017). On page 31440, column 3, line 39, under **ADDRESSES**; and on page 31441, column 1, line 57, and line 60, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 31441, column 1, line 44, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 31441, column 1, line 54, under Availability and Summary of Documents for Incorporation by Reference; and on page 31441, column 3, line 58, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2016–9544; Airspace Docket No. 16–ASW–22 (82 FR 32450, July 14, 2017). On page 32450, column 2, line 24, and line 37, under **ADDRESSES**; and on page 32450, column 3, line 57, and line 60, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 32450, column 3, line 43, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 32450, column 3, line 54, under Availability and Summary of Documents for Incorporation by Reference; and on page 32451, column 2, line 56, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2016–9480; Airspace Docket No. 16–AEA–13 (82 FR 33790, July 21, 2017). On page 33790, column 2, line 6, and line 19, under **ADDRESSES**; and on page 33790, column 3, line 35, and line 38, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 33790, column 3, line 21, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 33790, column 3, line 32, under Availability and Summary of Documents for Incorporation by Reference; and on page 33791, column 1, line 55, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2016–9488; Airspace Docket No. 16–ASO–18 (82 FR 33792, July 21, 2017). On page 33793, column 1, line 9, and line 22, under **ADDRESSES**; and on page 33793, column 2, line 24, and line 27, under Availability and Summary of Documents for Incorporation by Reference; and on page 33793, column 2, line 46, under The Rule remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 33793, column 2, line 10, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 33793, column 2, line 21, under Availability and Summary of Documents for Incorporation by Reference; and on page 33793, column 3, line 37, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0070; Airspace Docket No. 17–ASO–2 (82 FR 33794, July 21, 2017). On page 33794, column 1, line 31, and line 45, under **ADDRESSES**; and on page 33794, column 2, line 57, and line 60, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 33794, column 2, line 43, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 33794, column 2, line 54, under Availability and Summary of Documents for Incorporation by Reference; and on page 33795, column 1, line 3, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0071; Airspace Docket No. 17–ASO–3 (82 FR 33795, July 21, 2017). On page 33795, column 1, line 56, and column 2, line 10, under **ADDRESSES**; and on page 33795, column 3, line 17, and line 20, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 33795, column 3, line 4, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 33795, column 3, line 14, under Availability and Summary of Documents for Incorporation by Reference; and on page 33796, column 1, line 34, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and

Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0195; Airspace Docket No. 16–ANM–14 (82 FR 33796, July 21, 2017). On page 33796, column 2, line 39, under **ADDRESSES**; and on page 33797, column 1, line 1, and line 4, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 33796, column 3, line 53, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 33796, column 3, line 64, under Availability and Summary of Documents for Incorporation by Reference; and on page 33797, column 2, line 52, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2013–0442; Airspace Docket No. 13–ASO–12 (82 FR 33798, July 21, 2017). On page 33798, column 1, line 30, and line 43, under **ADDRESSES**; and on page 33798, column 2, line 51, and line 54, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 33798, column 2, line 36, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 33798, column 2, line 48, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''. On page 33798, column 3, line 56, under Amendatory Instruction 2 remove ''. . . Federal Aviation Administration Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0237; Airspace Docket No. 16–ANM–10 (82 FR 35057, July 28, 2017). On page 35057, column 2, line 51, under **ADDRESSES**; and on page 35058, column 1, line 17, and line 20, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 35058, column 1, line 4, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 35058, column 1, line 14, under Availability and Summary of Documents for Incorporation by Reference; and on page 35058, column 2, line 29, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2016–9474; Airspace Docket No. 16–AWP–24 (82 FR 35058, July 28, 2017). On page 35058, column 3, line 33, under **ADDRESSES**; and on page 35059, column 1, line 65, and column 2, line 2, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 35059, column 1, line 52, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 35059, column 1, line 62, under Availability and Summary of Documents for Incorporation by Reference; and on page 35059, column 3, line 38, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0258; Airspace Docket No. 16–AWP–15 (82 FR 35060, July 28, 2017). On page 35060, column 2, line 3, under **ADDRESSES**; and on page 35060, column 3, line 20, and line 23, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 35060, column 3, line 7, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 35060, column 3, line 17, under Availability and Summary of Documents for Incorporation by Reference; and on page 35061, column 1, line 56, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0046; Airspace Docket No. 17–AWP–3 (82 FR 35061, July 28, 2017). On page 35061, column 2, line 52, under **ADDRESSES**; and on page 35062, column 1, line 7, and line 10, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 35061, column 3, line 57, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 35062, column 1, line 4, under Availability and Summary of Documents for Incorporation by Reference; and on page 35062, column 2, line 21, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0315; Airspace Docket No. 17–ANM–5 (82 FR 35438, July 31, 2017). On page 35438, column 2, line 41, under **ADDRESSES**; and on page 35438, column 3, line 59, and line 62, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and

add in its place ''. . . FAA Order 7400.11B . . .''. On page 35438, column 3, line 46, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 35438, column 3, line 56, under Availability and Summary of Documents for Incorporation by Reference; and on page 35439, column 2, line 12, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0210; Airspace Docket No. 17–AGL–10 (82 FR 35649, August 1, 2017). On page 35649, column 3, line 13, and line 26, under **ADDRESSES**; and on page 35650, column 2, line 7, and line 10, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 35650, column 1, line 57, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 35650, column 2, line 4, under Availability and Summary of Documents for Incorporation by Reference; and on page 35650, column 3, line 47, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2016–8162; Airspace Docket No. 17–ANM–12 (82 FR 36077, August 3, 2017). On page 36077, column 1, line 48, under **ADDRESSES**; and on page 36077, column 3, line 20, and line 23, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 36077, column 3, line 7, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 36077, column 3, line 17, under Availability and Summary of Documents for Incorporation by Reference; and on page 36078, column 2, line 16, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017,. . .''.

For Docket No. FAA–2017–0355; Airspace Docket No. 17–AGL–12 (82 FR 36078, August 3, 2017). On page 36079, column 1, line 9, and line 22, under **ADDRESSES**; and on page 36079, column 2, line 27, and line 30, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 36079, column 2, line 14, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 36079, column 2, line 24, under Availability and Summary of Documents for Incorporation by Reference; and on page 36079, column 3, line 57, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0297; Airspace Docket No. 16–AWP–4 (82 FR 37514, August 11, 2017). On page 37514, column 3, line 20, under **ADDRESSES**; and on page 37515, column 1, line 33, and line 36, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 37515, column 1, line 20, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 37515, column 1, line 30, under Availability and Summary of Documents for Incorporation by Reference; and on page 37515, column 2, line 44, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0287; Airspace Docket No. 17–ACE–6 (82 FR 38821, August 16, 2017). On page 38821, column 1, line 44, and column 2, line 1, under **ADDRESSES**; and on page 38821, column 3, line 12, and line 15, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 38821, column 2, line 59, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 38821, column 3, line 9, under Availability and Summary of Documents for Incorporation by Reference; and on page 38822, column 1, line 35, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0298; Airspace Docket No. 17–ASW–7 (82 FR 38822, August 16, 2017). On page 38822, column 2, line 34, and line 47, under **ADDRESSES**; and on page 38822, column 3, line 49, and line 52, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 38822, column 3, line 36, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 38822, column 3, line 46, under Availability and Summary of Documents for Incorporation by Reference; and on page 38823, column 2, line 6, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0109; Airspace Docket No. 16–ASO–13 (82 FR 39532, August 21, 2017). On page 39532, column 1, line 33, and line 46, under **ADDRESSES**; and on page 39532, column 3, line 49, and line 52, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 39532, column 3, line 36, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 39532, column 3, line 46, under Availability and Summary of Documents for Incorporation by Reference; and on page 39533, column 2, line 28, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0296; Airspace Docket No. 17–ACE–7 (82 FR 40692, August 28, 2017). On page 40693, column 1, line 24, and line 37, under **ADDRESSES**; and on page 40693, column 2, line 39, and line 42, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 40693, column 2, line 26, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 40693 column 2, line 36 under Availability and Summary of Documents for Incorporation by Reference; and on page 40693, column 3, line 57, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0182; Airspace Docket No. 17–ASW–3 (82 FR 40694, August 28, 2017). On page 40694, column 1, line 54, and column 2, line 7, under **ADDRESSES**; and on page 40694, column 3, line 9, and line 12, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 40694, column 2, line 62, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 40694 column 3, line 6, under Availability and Summary of Documents for Incorporation by Reference; and on page 40695, column 1, line 28, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0165; Airspace Docket No. 17–ACE–1 (82 FR 40695, August 28, 2017). On page 40695, column 2, line 35, and line 48, under **ADDRESSES**; and on page 40695, column 3, line 62, and line 65, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 40695, column 3, line 39, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 40695 column 3, line 59 under Availability and Summary of Documents for Incorporation by Reference; and on page 40696, column 2, line 6, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0722; Airspace Docket No. 17–AGL–16 (82 FR 40696, August 28, 2017). On page 40696, column 2, line 56, and column 3, line 10, under **ADDRESSES**; and on page 40697, column 1, line 13, and line 16, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 40696, column 3, line 66, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 40697 column 1, line 10 under Availability and Summary of Documents for Incorporation by Reference; and on page 40697, column 2, line 36, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2017–0184; Airspace Docket No. 17–ASW–5 (82 FR 40697, August 28, 2017). On page 40697, column 3, line 32, and line 45, under **ADDRESSES**; and on page 40698, column 1, line 45, under History; and on page 40698, column 1, line 57, and line 60, under Availability and Summary of Documents for Incorporation by Reference; and on page 40698, column 2, line 17 remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 40698, column 1, line 39, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 40698 column 1, line 54, under Availability and Summary of Documents for Incorporation by Reference; and on page 40698, column 3, line 16, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

For Docket No. FAA–2016–9593; Airspace Docket No. 16–ACE–12 (82 FR 42445, September 8, 2017). On page 42446, column 1, line 19, and line 32, under **ADDRESSES**; and on page 42446, column 2, line 31, and line 34, under Availability and Summary of Documents for Incorporation by Reference remove ''. . . FAA Order 7400.11A . . .'' and add in its place ''. . . FAA Order 7400.11B . . .''. On page 42446, column 2, line 18, under History remove ''. . . FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017 . . .''. On page 42446 column 2, line 28, under

Availability and Summary of Documents for Incorporation by Reference; and on page 42446, column 3, line 42, under Amendatory Instruction 2 remove ''. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .'' and add in its place ''. . . FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, . . .''.

Issued in Washington, DC, on October 3, 2017.

Scott M. Rosenbloom,

Acting Manager, Airspace Policy Group.

[FR Doc. 2017–21782 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0392; Airspace Docket No. 16–ANM–4]

Establishment of Class E Airspace, Big Timber, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Big Timber Airport, Big Timber, MT, to accommodate the development of instrument flight rules (IFR) operations under standard instrument approach and departure procedures at the airport, for the safety and management of aircraft within the National Airspace System.

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 7400.11B, 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 this material at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4511.

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 establishes Class E airspace extending upward from 700 feet above the earth at Big Timber Airport, Big Timber, MT, for the safety of aircraft and management of airspace within the National Airspace System.

History

On July 5, 2017, the FAA published a notice of proposed rulemaking in the **Federal Register** (82 FR 31031) Docket No. FAA–2017–0392 to establish Class E airspace extending upward from 700 feet above the surface at Big Timber Airport, Big Timber, MT. 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 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation 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 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B 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 establishes Class E airspace extending upward from 700 feet above the surface within an 8-mile radius of the Big Timber Airport, Big Timber, MT, with a 12-mile wide segment extending to 27.4 miles east of the airport, and a 7.6-mile wide segment extending to 12.5 miles west of the airport. This airspace is necessary to support IFR operations in standard instrument approach and departure procedures 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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 5–6.5a. 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.

Lists 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 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 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM MT E5 Big Timber, MT [New]

Big Timber Airport, MT
(Lat. 45°48′23″ N., long. 109°58′42″ W.)

That airspace upward from 700 feet above the surface within an 8-mile radius of Big Timber Airport, and within 8 miles north and 4 miles south of the 074° bearing from the airport extending to 27.4 miles east of the airport, and within 3.8 miles each side of the 253° bearing from the airport extending to 12.5 miles west of the airport.

Issued in Seattle, Washington, on October 3, 2017.

Byron Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2017–21788 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0295; Airspace Docket No. 16–AWP–2]

Establishment of Class E Airspace and Amendment of Class D and Class E Airspace; Kaunakakai, HI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies airspace designations at Molokai Airport, Kaunakakai, HI. The FAA establishes an area of Class E airspace designated as a surface area; modifies Class E airspace designated as an extension to a Class D or E surface area; and modifies Class E airspace extending upward from 700 feet above the surface. Also, this action updates the airport's geographic coordinates for the associated Class D and E airspace areas to reflect the FAA's current aeronautical database and removes references to the Molokai VHF omnidirectional range/tactical air navigation (VORTAC). These changes enhance safety and support 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 7400.11B, 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 this material at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA, 98057; telephone (425) 203–4511.

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 establishes Class E surface area airspace and modifies Class D and Class E airspace at Molokai Airport, Kaunakakai, HI, in support of standard instrument approach procedures for IFR operations at this airport.

History

On July 28, 2017, the FAA published in the **Federal Register** (82 FR 35131) Docket FAA–2017–0295, a notice of proposed rulemaking that proposed to establish Class E surface area airspace and modify Class E airspace designated as an extension to a Class D or E surface area; modify Class E airspace extending upward from 700 feet above the surface. at Molokai Airport, Kaunakakai, HI, and amend the geographic coordinates of the airport. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received supporting the proposal.

Class D and E airspace designations are published in paragraph 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class D and 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 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace designated as surface area at Molokai Airport, Kaunakakai, HI. This new airspace designation, within a 4.3-mile radius of the airport, provides controlled airspace to support increased aircraft operations under IFR during the hours that the Class D airspace area is not in effect.

This action also amends Class E airspace designated as an extension to Class D or E surface area at the airport by increasing the area to a 4.3-mile wide segment (from 3.6 miles wide) extending to 8 miles west (from 7.2 miles west) of the airport. The part-time NOTAM information is removed because Class D airspace or Class E surface airspace is continuous. The FAA also removes reference to the Molokai VORTAC in the airspace legal

description to reflect the FAA's transition from ground-based to satellite-based navigation aids.

Additionally, Class E airspace extending upward from 700 feet above the surface is enlarged west of the airport from the 6.8-mile radius of the airport to an area 10 miles wide (from 3.6 miles wide) extending to 12.4 miles west (from 8.3 miles west) of the airport.

This action also updates the airport's geographic coordinates for the associated Class D and E airspace areas to reflect the FAA's current aeronautical database. Additionally, this action replaces the outdated term ''Airport/Facility Directory'' with the term ''Chart Supplement'' in the Class D and E airspace legal descriptions. These modifications are necessary for the safety and management of IFR operations at the airport.

Lastly, a technical amendment is made to rename the airspace designation for the following airspace areas: AWP HI D Molokai, HI, is renamed Kaunakakai, HI; AWP HI E2 Molokai, HI, is renamed Kaunakakai, HI; and AWP HI E5 Molokai, HI, is renamed Kaunakakai, HI, to remain consistent in the Order.

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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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 5–6.5a. 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.

Lists 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 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 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AWP HI D Kaunakakai, HI [Amended]

Molokai Airport, HI
(Lat. 21°09′10″ N., long. 157°05′47″ W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.3-mile radius of Molokai Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

AWP HI E2 Kaunakakai, HI [New]

Molokai Airport, HI
(Lat. 21°09′10″ N., long. 157°05′47″ W.)

That airspace extending upward from the surface within a 4.3-mile radius of Molokai Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

AWP HI E4 Kaunakakai, HI [Amended]

Molokai Airport, HI
(Lat. 21°09′10″ N., long. 157°05′47″ W.)

That airspace extending upward from the surface within 1.5 miles north and 2.8 miles south of a 255° bearing from Molokai Airport extending from the 4.3-mile radius to 8 miles west of the airport.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AWP HI E5 Kaunakakai, HI [Amended]

Molokai Airport, HI
(Lat. 21°09′10″ N., long. 157°05′47″ W.)

That airspace extending upward from the surface within a 6.8-mile radius of Molokai Airport and within 5.4 miles north and 4.8 miles south of a 255° bearing from Molokai Airport extending from the 6.8-mile radius to 12.4 miles west of the airport.

Issued in Seattle, Washington, on October 3, 2017.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2017–21785 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

31 CFR Part 0

RIN 1505–AB89

Department of the Treasury Employee Rules of Conduct

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury (the ''Department'' or ''Treasury'') publishes this final rule to update its Employee Rules of Conduct, which prescribe uniform rules of conduct and procedure for all employees and officials in the Department.

DATES: *Effective* October 11, 2017.

FOR FURTHER INFORMATION CONTACT: Brian Sonfield, Deputy Assistant General Counsel, General Law and Regulation, (202) 622–9804.

SUPPLEMENTARY INFORMATION:

I. Background

On June 1, 1995, the Department issued Employee Rules of Conduct prescribing uniform rules of conduct and procedure for all employees and officials in the Department. On February 19, 2016, Treasury published in the **Federal Register** an interim final rule amending the Employee Rules of Conduct to account for current Department structure resulting from organizational changes that established new bureaus within Treasury and transferred certain functions and/or bureaus from the Department. The interim final rule also amended the Rules of Conduct to remove provisions

that pertain solely to standards of ethical conduct. The standards of ethical conduct governing employees of the Department are contained in uniform standards of ethical conduct promulgated by the Office of Government Ethics that apply to all executive branch personnel, codified at 5 CFR part 2635 (Executive Branch-wide Standards), and in the Supplemental Standards of Ethical Conduct for Employees of the Department of the Treasury, codified at 5 CFR part 3101 (Treasury Supplemental Standards). Finally, the interim final rule amended the Rules of Conduct to ensure the efficient functioning of the Department and to conform to changes in the law or Department policy.

The interim final rule went into effect on February 19, 2016. The public comment period for the interim final rule closed on April 19, 2016. One written comment responding to the interim final rule was received and is available for public inspection at *http://www.regulations.gov* or upon request. After consideration of the comment, the interim final rule revising part 0 in its entirety is adopted as amended by this final rule.

II. Public Comment and Summary of Changes From the Interim Final Rules

Section 0.216 of the interim final rule states: ''Except for the official handling, through the proper channels, of matters relating to legislation in which the Department has an interest, employees shall not use government time, money, or property to petition a Member of Congress to favor or oppose any legislation or proposed legislation, or to encourage others to do so.'' The commenter expressed concern that this language has the potential to interfere with the right of an employee representative under the Federal Labor Management Relations Statute, 5 U.S.C. 7101, *et seq.,* to communicate with Congress and to educate its members about legislative proposals. The commenter also observed that interim final rule section 0.216 could impermissibly chill communications between union leaders and bargaining unit employees about such proposals.

Treasury recognizes that it has a duty to bargain with the representatives of its employees over proposals to permit the use of official time for such representatives to lobby Congress regarding matters affecting conditions of employment. *See AFGE and U.S. Dep't of Labor,* 61 F.L.R.A. 209, 216 (2005). Section 0.216 was not intended to preclude such bargaining. In order to clarify Treasury's intent, section 0.216 has been revised to reflect that the use of government time, to petition a Member of Congress to favor or oppose any legislation or proposed legislation, is not prohibited where permitted by a collective bargaining agreement. Accordingly, the following additional sentence has been added to the end of section 0.216: ''This section does not prohibit the use of government time by union representatives to petition a Member of Congress to favor or oppose any legislation or proposed legislation, where permitted by the terms of a collective bargaining agreement.''

Treasury disagrees that section 0.216 can reasonably be construed to limit all communications between union leaders and bargaining unit employees about legislative proposals, including those that would educate union members about legislative proposals affecting their government employment. The rule prohibits only the use of government time, money, or property for communications encouraging others to petition a Member of Congress to favor or oppose any legislation or proposed legislation. Such a prohibition does not interfere with any employee right.

Although not the subject of a public comment, Treasury has also made a clarifying change to section 0.215. That section of the interim final rule provided: ''An employee shall not electronically transmit, or create audio or video recordings of, conversations, meetings, or conferences in the workplace or while conducting business on behalf of the Department, except where *doing so is part of the employee's official duties*'' (emphasis added). This wording could be construed to preclude ad hoc authorizations to record where doing so is not part of an employee's official duties. That was not Treasury's intention, and the section has therefore been changed to substitute the phrase ''where authorized'' for the phrase ''where doing so is part of the employee's official duties.''

III. Matters of Regulatory Procedure

Regulatory Flexibility Act

Because, as explained at 81 FR 8402 (Feb. 19, 2016), no notice of proposed rulemaking was required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act) requires an agency to prepare a budgetary impact statement before promulgating a rule that includes a federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. This rule generally sets out the conduct regulations that all Department employees and officials are required to follow. The Department therefore has determined that the rule will not result in expenditures by state, local or tribal governments or by the private sector of $100 million or more. Accordingly, the Department has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

Administrative Procedure Act

Under 5 U.S.C. 553(a)(2), rules relating to agency management and personnel are exempt from the rulemaking requirements of the Administrative Procedure Act (APA). As set forth in the description of the interim rule, this final rule affects only the Department and its personnel; therefore, the APA requirements for prior notice and opportunity to comment and a delayed effective date are inapplicable. Even if this rulemaking were subject to APA procedures, the Department finds that good cause exists, pursuant to 5 U.S.C. 553(b) and (d), that the requirements for prior notice and comment are unnecessary because the rule affects only Treasury employees.

List of Subjects in 31 CFR Part 0

Government employees.

For reasons set forth in the preamble, the interim rule published February 19, 2016, at 81 FR 8402, is adopted as final with the following changes:

PART 0—DEPARTMENT OF THE TREASURY EMPLOYEE RULES OF CONDUCT

■ 1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 2. Revise § 0.215 to read as follows:

§ 0.215 Recording government business.

An employee shall not electronically transmit, or create audio or video recordings of, conversations, meetings, or conferences in the workplace or while conducting business on behalf of the Department, except where authorized.

■ 3. Revise § 0.216 to read as follows:

§ 0.216 Influencing legislation or petitioning Congress.

Except for the official handling, through the proper channels, of matters relating to legislation in which the Department has an interest, employees shall not use government time, money, or property to petition a Member of Congress to favor or oppose any legislation or proposed legislation, or to encourage others to do so. This section does not prohibit the use of government time by union representatives to petition a Member of Congress to favor or oppose any legislation or proposed legislation, where permitted by the terms of a collective bargaining agreement.

Dated: October 4, 2017.

Kody H. Kinsley,

Assistant Secretary for Management.

[FR Doc. 2017–21906 Filed 10–10–17; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

31 CFR Part 23

RIN 1505–AC51

Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance From the Department of the Treasury

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: This final rule sets out the Department of the Treasury's (Treasury) rules for implementing the Age Discrimination Act of 1975, as amended (the Act). The Act prohibits discrimination on the basis of age in programs and activities receiving Federal financial assistance. The Act, which applies to persons of all ages, permits the use of certain age distinctions and factors other than age that meet the Act's requirements. This final rule follows publication of an August 4, 2015, proposed rule and takes into account the comments received.

DATES: Effective November 13, 2017.

FOR FURTHER INFORMATION CONTACT: Mariam G. Harvey, Director, Office of Civil Rights and Diversity, Department of the Treasury, (202) 622–0316 (voice).

SUPPLEMENTARY INFORMATION:

I. Background

The Age Discrimination Act of 1975, 42 U.S.C. 6101–6107 (''the Act''), which Congress enacted as part of amendments to the Older Americans Act (Pub. L. 94–135, 89 Stat. 713, 728), prohibits discrimination on the basis of age in programs and activities receiving Federal financial assistance. The Civil Rights Restoration Act of 1987 (Pub. L. 100–259, 102 Stat. 28, 31 (1988)) amended the Act and other civil rights statutes to define ''program or activity'' to mean all of the operations of specified entities, any part of which is extended Federal financial assistance. *See* 42 U.S.C. 6107(4).

The Act applies to discrimination at all age levels. The Act also contains specific exceptions that permit the use of certain age distinctions and factors other than age that meet the Act's requirements.

The Act required the former Department of Health, Education, and Welfare (HEW) to issue general, government-wide regulations, setting standards to be followed by all Federal agencies implementing the Act. These government-wide regulations, which were issued on June 12, 1979 (44 FR 33768), and became effective on July 1, 1979, require each Federal agency providing financial assistance to any program or activity to publish proposed regulations implementing the Act, and to submit final agency regulations to HEW (now the Department of Health and Human Services (HHS)), before publication in the **Federal Register**. *See* 45 CFR 90.31.

The Act became effective on the effective date of HEW's final government-wide regulations (*i.e.,* July 1, 1979). Treasury has enforced the provisions of the Act since that time. As a practical matter, the absence of Treasury-specific age regulations has not had an impact on Treasury's legal authority to enforce prohibitions against discrimination on the basis of age in programs or activities receiving Federal financial assistance from Treasury. Specifically, persons alleging age discrimination have not been hampered in their ability to file complaints nor has Treasury's Office of Civil Rights and Diversity's (OCRD) ability to process these complaints been affected.

On August 4, 2015 (80 FR 46208), the Department issued a notice of proposed rulemaking and invited comments on all aspects of the proposal.

II. Overview of Final Rule

This rule is designed to fulfill the statutory and regulatory obligations of Treasury to issue a regulation implementing the Act that conforms to the government-wide regulations at 45 CFR part 90. The rule carries out the Act's prohibition of discrimination based on age in programs and activities receiving financial assistance from Treasury and provides appropriate investigative, conciliation, and enforcement procedures. OCRD, part of the Office of the Assistant Secretary for Management, will conduct Treasury enforcement. OCRD enforces all civil rights laws applicable to entities receiving financial assistance from Treasury.

The rule is not intended to alter the legal standards found in the Act or the government-wide regulations, which are applicable to recipients of Federal financial assistance from Treasury under other statutes. Treasury does not provide financial assistance within the meaning of these rules merely by disbursing a payment on behalf of another Federal agency. The rule closely follows the wording and format of rules issued by other Federal agencies to implement the Act. In particular, Treasury modeled much of its proposal on the agency-specific regulations issued by HHS, the lead Federal agency coordinating implementation of the Act (45 CFR part 91; 47 FR 57850, Dec. 28, 1982); and the Department of Education (ED) (34 CFR part 110; 58 FR 40194, July 27, 1993). The government-wide, HHS, and ED rules were subjected to extensive public scrutiny, and the public comments were considered in finalizing those rules. Readers may review the HHS and ED **Federal Register** publications for historical and explanatory material regarding the Act, the government-wide regulations, and the provisions of the HHS and ED implementing regulations.

In general, the final rule mirrors the government-wide regulations at 45 CFR part 90 and HHS's and ED's regulations implementing the Act, with modifications to aid consistency and clarify the Treasury specific provisions. Subpart A sets forth the rule's purpose, applications, and definitions. Subpart B contains the standards for determining age discrimination. Subpart C comprises the duties and responsibilities of Treasury recipients. Subpart D establishes the procedures for investigations, conciliation and enforcement. For a complete discussion of the proposal, see the August 4, 2015, proposed rule at 80 FR 46208.

III. Summary of Public Comments and Explanation of Revisions

Treasury received three comments on the proposed rule which generally supported the rule. One commenter suggested revisions that are discussed below.

The commenter suggested there could be confusion in the employer community and among employees who may not be aware that the Age Discrimination Act (Age Act), and the Age Discrimination in Employment Act (ADEA) are separate statutes with

different purposes, procedures, and remedies. In response to this comment, Treasury added a reference to the Age Act, 42 U.S.C. 6103 (c)(2) to the rule, specifically stating that the rule does not in any way affect the Equal Employment Opportunity Commission's regulations implementing the ADEA at 29 CFR 1625, 1626, and 1627.

The commenter noted that the proposed rule purported to apply to programs under the Comprehensive Employment and Training Act (CETA) (29 U.S.C. 801, *et seq.*), but those programs are no longer in effect. Treasury has revised § 23.3(b)(2) to eliminate the reference to CETA.

The commenter suggested that the rule, at § 23.46(a)(2)(ii), should make more clear that referrals will be made to the EEOC with respect to violations of the ADEA. Treasury edited the rule to add specifically that referrals will be made to the EEOC, Labor, HHS or Education as applicable. The general reference in § 23.46(a)(2)(ii) to any Federal, State, or local government agency remains since referrals could be made to other agencies as well.

The commenter suggested that the ADEA be added to the definitions section in § 23.4. In response to this comment, Treasury added the ADEA to the definitions section.

The commenter noted that the Supreme Court held in *General Dynamics Land Systems, Inc.* v. *Cline,* 540 U.S. 581, 600 (2004) that ''the [ADEA] does not mean to stop an employer from favoring an older employee over a younger one,'' and suggested that Treasury consider whether *Cline* warrants any revisions to its Age Act regulation. Treasury has reviewed the statute and case law and has concluded that, unlike the ADEA, the Age Act does not limit its protection to a specific age group. The Age Act also provides exceptions from age discrimination requirements for normal operation or to meet statutory objectives of any program or activity (see §§ 23.13 and § 23.14). Therefore, Treasury did not adopt any revisions in response to this comment.

Another comment noted that §§ 23.13 and 23.14 discuss the defenses of 42 U.S.C. 6103(b)(1) (A) and (B), that the defense in subparagraph (A) appears to be functionally similar to the ''bona fide occupational qualification'' (BFOQ) defense set out in § 4(f)(1) of the ADEA, 29 U.S.C. 623(f)(1), and that the language of the defense in subparagraph (B) is identical to the ''reasonable factors other than age'' (RFOA) defense set out in the same ADEA section. The commenter then noted that the EEOC regulations at 29 CFR 1625.6 and 1625.7 address the BFOQ and RFOA defenses and suggested that Treasury consider whether any points made in the EEOC's BFOQ or RFOA regulations should be adapted for inclusion in the Age Act regulation. The commenter also cited the Supreme Court's decision in *Smith* v. *City of Jackson,* 544 U.S. 228 (2005), and note that this case caused the EEOC to revise the EEOC's ''reasonable factor other than age'' regulation. *See* 29 CFR 1625.7. It suggested that Treasury consider whether *Smith* warrants a revision of § 23.14.

Treasury considered adopting the EEOC's regulations for BFOQ and RFOA under the ADEA, but the legislative intent of the two statutes (ADEA and Age Act) is different. The ADEA was designed to protect older workers, while the Age Act was intended to prohibit all kinds of unreasonable age discrimination. In addition, adopting EEOC's BFOQ and RFOA factors, and applying them outside of the employment arena could create confusion with the ADEA. For these reasons, Treasury decided not to adopt the EEOC's regulations for BFOQ and RFOA for inclusion in our Age Act regulation.

The commenter noted that §§ 23.43(c) and 23.44(a)(3) discuss mediation agreements and, if the settlement purports to include rights under the ADEA, section 7(f) of the ADEA, 29 U.S.C. 626(f), sets out specific rules for the waiver of rights and claims under the ADEA. *See* 29 CFR 1625.22. Treasury considered this comment, but because the regulations do not cover employment, see § 23.3(b)(2)), Treasury does not anticipate settlements will include rights under the ADEA and has made no revisions.

IV. Regulatory Procedures

Executive Order 12866

This rule is not a ''significant regulatory action'' under Executive Order 12866. Therefore, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is hereby certified that this rule would not have a significant economic impact on a substantial number of small entities. The rule will clarify existing requirements for entities receiving financial assistance from Treasury. The requirements prohibiting age discrimination by recipients of Federal financial assistance that are in the Act and the government-wide regulations have been in effect since 1979. In addition, entities receiving financial assistance from Treasury have been expressly informed of their obligations to comply with the Act by the offices administering the assisted programs. Because the rule does not substantively change existing obligations on recipients, but merely clarifies such duties, Treasury certifies that the rule will not have a significant economic impact on a substantial number of small entities. Consequently, a regulatory flexibility analysis is not required.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act) requires an agency to prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. This rule will not result in expenditures by State, local or tribal governments or by the private sector of $100 million or more. Accordingly, the Department has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

List of Subjects in 31 CFR Part 23

Aged, Discrimination against aged.

For the reasons stated in the preamble, the Department of the Treasury amends subtitle A of title 31 of the CFR by adding part 23 to read as follows:

PART 23—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF THE TREASURY

Subpart A—General

Sec.

Subpart B—Standards for Determining Age Discrimination

Authority: Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.* (45 CFR part 90)

Subpart A—General

§ 23.1 What is the purpose of the Age Discrimination Act of 1975?

The Age Discrimination Act of 1975, as amended, is designed to prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also permits federally assisted programs and activities, and recipients of Federal funds, to continue to use certain age distinctions and factors other than age that meet the requirements of the Act and these regulations.

§ 23.2 What is the purpose of Treasury's age discrimination regulations?

The purpose of these regulations is to set out Treasury's policies and procedures under the Age Discrimination Act of 1975 and the general age discrimination regulations at 45 CFR part 90. The Act and the general regulations prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act and the general regulations permit federally assisted programs and activities, and recipients of Federal funds, to continue to use age distinctions and factors other than age that meet the requirements of the Act and its implementing regulations. These regulations do not apply to actions arising under the Age Discrimination in Employment Act of 1967, Public Law 90–202, 29 U.S.C. 621 through 634 (ADEA), and do not in any way affect the Equal Employment Opportunity Commission's regulations implementing the ADEA at 29 CFR 1625, 1626, and 1627.

§ 23.3 To what programs does this part apply?

(a) This part applies to any program or activity receiving Federal financial assistance from Treasury.

(b) The regulations in this part do not apply to:

(1) An age distinction contained in that part of a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body that:

(i) Provides any benefits or assistance to persons based on age; or

(ii) Establishes criteria for participation in age-related terms; or

(iii) Describes intended beneficiaries to target groups in age-related terms; or

(2) Any employment practice of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program.

§ 23.4 Definition of terms used in this part.

As used in these regulations, the term:

Act means the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101–6107.

Action means any act, activity, policy, rule, standard, or method of administration; or the use of any policy, rule, standard, or method of administration.

ADEA means the Age Discrimination in Employment Act of 1967, which forbids employment discrimination against anyone 40 years of age or older.

Age means how old a person is, or the number of years from the date of a person's birth.

Age distinction means any action using age or an age-related term.

Age-related term means a word or words that necessarily imply a particular age or range of ages (for example, ''children,'' ''adult,'' ''older persons,'' but not ''student'').

Federal financial assistance means any grant, entitlement, loan, cooperative agreement, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which Treasury provides assistance in the form of:

(1) Funds; or

(2) Services of Federal personnel; or

(3) Real and personal property or any interest in or use or property, including:

(i) Transfers or leases of property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of property if the federal share of its fair market value is not returned to the Federal Government.

Program or activity means all of the operations of any entity described in paragraphs (1) through (4) of this definition, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) That is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity that is established by two or more of the entities described in paragraph (1), (2), or (3) of this definition.

Recipient means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended, directly or through another recipient. Recipient includes any successor, assignee, or transferee, but excludes the ultimate beneficiary of the assistance.

Secretary means the Secretary of the Treasury, or his or her designee.

Subrecipient means any of the entities in the definition of *recipient* to which a

recipient extends or passes on Federal financial assistance. A subrecipient is generally regarded as a recipient of Federal financial assistance and has all the duties of a recipient in these regulations.

Treasury means the United States Department of the Treasury.

United States means the fifty states, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Trust Territory of the Pacific Islands, the Northern Marianas, and the territories and possessions of the United States.

Subpart B—Standards for Determining Age Discrimination

§ 23.11 Rules against age discrimination.

The rules stated in this section are limited by the exceptions contained in §§ 23.13 and 23.14.

(a) *General rule.* No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

(b) *Specific rules.* A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual licensing, or other arrangements, use age distinctions or take any other actions that have the effect, on the basis of age, of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance; or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

(c) *Non-exhaustive list.* The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list.

§ 23.12 Definitions of "normal operation" and "statutory objective."

For purposes of §§ 23.13 and 23.14, the terms ''normal operation'' and ''statutory objective'' shall have the following meaning:

(a) *Normal operation* means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

(b) *Statutory objective* means any purpose of a program or activity expressly stated in any Federal statute, State statute, or local statute or ordinance adopted by an elected, general purpose legislative body.

§ 23.13 Exceptions to the rules against age discrimination: Normal operation or statutory objective of any program or activity.

A recipient is permitted to take an action, otherwise prohibited by § 23.11, if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(a) Age is used as a measure or approximation of one or more other characteristics; and

(b) The other characteristic(s) must be measured or approximated for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and

(c) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(d) The other characteristic(s) are impractical to measure directly on an individual basis.

§ 23.14 Exceptions to the rules against age discrimination: Reasonable factors other than age.

A recipient is permitted to take an action otherwise prohibited by § 23.11 that is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

§ 23.15 Burden of proof.

The burden of proving that an age distinction or other action falls within the exceptions outlined in §§ 23.13 and 23.14 is on the recipient of Federal financial assistance.

§ 23.16 Affirmative action by recipient.

Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age.

§ 23.17 Special benefits for children and the elderly.

If a recipient's operation of a program or activity provides special benefits to the elderly or to children, such use of age distinctions shall be presumed to be necessary to the normal operation of the program or activity, notwithstanding the provisions of § 23.13.

§ 23.18 Age distinctions contained in Treasury regulations.

Any age distinctions contained in a rule or regulation issued by Treasury shall be presumed to be necessary to the achievement of a statutory objective of the program or activity to which the rule or regulation applies, notwithstanding the provisions of § 23.13.

Subpart C—Duties of Treasury Recipients

§ 23.31 General responsibilities.

Each Treasury recipient has primary responsibility to ensure that its programs and activities are in compliance with the Act and these regulations, and shall take steps to eliminate violations of the Act. A recipient also has responsibility to maintain records, provide information, and afford Treasury access to its records to the extent Treasury finds necessary to determine whether the recipient is in compliance with the Act and these regulations.

§ 23.32 Notice to subrecipients and beneficiaries.

(a) Where a recipient passes on Federal financial assistance from Treasury to subrecipients, the recipient shall provide the subrecipients written notice of their obligations under the Act and these regulations.

(b) Each recipient shall make necessary information about the Act and these regulations available to its program beneficiaries to inform them about the protections against discrimination provided by the Act and these regulations.

§ 23.33 Assurance of compliance and recipient assessment of age distinctions.

(a) *Written assurance.* Each recipient of Federal financial assistance from Treasury shall sign a written assurance as specified by Treasury that it will comply with the Act and these regulations.

(b) *Recipient assessment of age distinctions.* (1) As part of a compliance review under § 23.41 or a complaint investigation under § 23.44, Treasury may require a recipient employing the equivalent of 15 or more employees to complete a written self-evaluation, in a manner specified by the responsible Department official, of any age distinction imposed in its program or activity receiving Federal financial assistance from Treasury to assess the recipient's compliance with the Act.

(2) Whenever an assessment indicates a violation of the Act or the Treasury regulations, the recipient shall take corrective action.

§ 23.34 Information requirements.

Each recipient shall:

(a) Keep records in a form and containing information that Treasury determines may be necessary to ascertain whether the recipient is complying with the Act and these regulations.

(b) Provide to Treasury, upon request, information and reports that Treasury determines are necessary to ascertain whether the recipient is complying with the Act and these regulations.

(c) Permit reasonable access by Treasury to the books, records, accounts, and other recipient facilities and sources of information to the extent Treasury determines is necessary to ascertain whether the recipient is complying with the Act and these regulations.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

§ 23.41 Compliance reviews.

(a) Treasury may conduct compliance reviews and pre-award reviews or use other similar procedures that will permit it to investigate and correct violations of the Act and these regulations. Treasury may conduct these reviews even in the absence of a complaint against a recipient. The reviews may be as comprehensive as necessary to determine whether a violation of the Act or these regulations has occurred.

(b) If a compliance review or pre-award review indicates a violation of the Act or these regulations, Treasury will attempt to achieve voluntary compliance. If voluntary compliance cannot be achieved, Treasury will arrange for enforcement as described in § 23.46.

§ 23.42 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with Treasury, alleging discrimination prohibited by the Act or these regulations based on an action occurring on or after July 1, 1979. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However, for good cause shown, Treasury may extend this time limit.

(b) Treasury will consider the date a complaint is filed to be the date upon which the complaint is sufficient to be processed.

(c) Treasury will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(1) Accepting as a sufficient complaint any written statement that identifies the parties involved and the date the complainant first had knowledge of the alleged violation, describes generally the action or practice complained of, and is signed by the complainant.

(2) Freely permitting a complainant to add information to the complaint to meet the requirements of a sufficient complaint.

(3) Notifying the complainant and the recipient of their rights and obligations under the complaint procedure, including the right to have a representative at all stages of the complaint resolution process.

(4) Notifying the complainant and the recipient (or their representatives) of their right to contact Treasury for information and assistance regarding the complaint resolution process.

(d) Treasury will notify the complainant when the complaint falls outside the jurisdiction of these regulations, and will state the reason(s) why it is outside the jurisdiction of these regulations.

§ 23.43 Mediation.

(a) Treasury will promptly refer to a mediation agency designated by the Secretary of the Department of Health and Human Services (HHS) all sufficient complaints that:

(1) Fall within the jurisdiction of the Act and these regulations, unless the age distinction complained of is clearly within an exception; and,

(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informed judgment that an agreement is not possible.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and the recipient sign it. The mediator shall send a copy of the agreement to Treasury. Treasury will take no further action on the complaint unless the complainant or the recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentially of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the mediation agency.

(e)(1) The mediation will proceed for a maximum of 60 days after a complaint is filed with Treasury. Mediation ends if:

(i) 60 days elapse from the time the complaint is filed; or

(ii) Prior to the end of that 60-day period, an agreement is reached; or

(iii) Prior to the end of that 60-day period, the mediator determines that an agreement cannot be reached.

(2) This 60-day period may be extended by the mediator, with the concurrence of Treasury, for not more than 30 days if the mediator determines that agreement likely will be reached during such extended period.

(f) The mediator shall notify Treasury when mediation is not successful and Treasury will continue processing the complaint.

§ 23.44 Investigation.

(a) *Informal investigation.* (1) Treasury will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement.

(2) As part of the initial investigation, Treasury will use informal fact finding methods, including joint or separate discussions with the complainant and recipient, to establish the facts and, if possible, settle the complaint on terms that are mutually agreeable to the parties. Treasury may seek the assistance of any involved State agency.

(3) Any settlement agreement will be put in writing and the parties will sign it.

(4) The settlement shall not affect the operation of any other enforcement effort of Treasury, including compliance reviews and investigation of other complaints that may involve the recipient.

(5) The settlement is not a finding of discrimination against a recipient.

(b) *Formal investigation.* If Treasury cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of these regulations, Treasury will attempt to obtain voluntary compliance. If Treasury cannot obtain voluntary compliance, it will begin enforcement as described in § 23.46

§ 23.45 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by the Act or these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of Treasury's investigation, conciliation, and enforcement process.

§ 23.46 Compliance procedures.

(a) Treasury may enforce the Act and these regulations through:

(1) Termination of a recipient's Federal financial assistance from Treasury under the program or activity involved where the recipient has violated the Act or these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge.

(2) Any other means authorized by law, including but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations of the recipient created by the Act or these regulations;

(ii) Referral to the Equal Employment Opportunity Commission, Department of Labor, the Department of Health and Human Services, or the Department of Education, as applicable; and

(iii) Use of any requirement of or referral to any Federal, State, or local government agency that will have the effect of correcting a violation of the Act or these regulations.

(b) Treasury will limit any termination under paragraph (a)(1) of this section to the particular recipient and particular program or activity or part of such program or activity Treasury finds in violation of these regulations. Treasury will not base any part of a termination on a finding with respect to any program or activity of the recipient that does not receive Federal financial assistance from Treasury.

(c) Treasury will take no action under paragraph (a) of this section until:

(1) The Secretary has advised the recipient of its failure to comply with the Act and these regulations and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have elapsed after the Secretary has sent a written report of the circumstances and grounds of the action to the committees of Congress having legislative jurisdiction over the Federal program or activity involved. The Secretary will file a report whenever any action is taken under paragraph (a) of this section.

(d) Treasury also may defer granting new Federal financial assistance to a recipient when a hearing under paragraph (a)(1) of this section is initiated.

(1) New Federal financial assistance from Treasury includes all assistance for which Treasury requires an application or approval, including renewal or continuation of existing activities, or authorization of new activities, during the deferral period. New Federal financial assistance from Treasury does not include increases in funding as a result of changed computation of formula awards or assistance approved prior to the beginning of a hearing under paragraph (a)(1) of this section.

(2) Treasury will not begin a deferral until the recipient has received a notice of an opportunity for a hearing under paragraph (a)(1) of this section. Treasury will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and the Secretary. Treasury will not continue a deferral for more than 30 days after the close of the hearing, unless the hearing results in a finding against the recipient.

(3) Treasury will limit any deferral to the particular recipient and particular program or activity or part of such program or activity Treasury finds in violation of these regulations. Treasury will not base any part of a deferral on a finding with respect to any program or activity of the recipient that does not, and would not in connection with the new funds, receive Federal financial assistance from Treasury.

§ 23.47 Hearings, decisions, post-termination proceedings.

Treasury procedural provisions for hearings, decisions, and post-termination proceedings applicable to Title VI of the Civil Rights Act of 1964 and its implementing regulations within Title 31 of the CFR shall apply to Treasury enforcement of these regulations.

§ 23.48 Remedial action by recipient.

Where Treasury finds a recipient has discriminated on the basis of age in violation of the Act or this part, the recipient shall take any remedial action that Treasury may require to overcome the effects of the discrimination.

§ 23.49 Alternate funds disbursal procedure.

(a) When Treasury withholds funds from a recipient under these regulations, the Secretary may disburse the withheld funds directly to an alternate recipient, where appropriate: Any public or non-profit private organization or agency, or State or political subdivision of the State.

(b) The Secretary will require any alternate recipient to demonstrate:

(1) The ability to comply with these regulations; and

(2) The ability to achieve the goals of the Federal statute authorizing the Federal financial assistance.

§ 23.50 Exhaustion of administrative remedies.

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if:

(1) 180 days have elapsed since the complainant filed the complaint and Treasury has made no finding with regard to the complainant; or

(2) Treasury issues any finding in favor of the recipient.

(b) If Treasury fails to make a finding within 180 days or issues a finding in favor of the recipient, Treasury shall:

(1) Promptly advise the complainant of this fact; and

(2) Advise the complainant of his or her right to bring a civil action for injunctive relief; and

(3) Inform the complainant:

(i) That the complainant may bring a civil action only in a United States district court for the district in which the recipient is found or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fee, but that the complainant must demand these costs in the complaint.

(iii) That before commencing the action the complainant shall give 30 days notice by registered mail to the Secretary, the Secretary of HHS, the Attorney General of the United States, and the recipient.

(iv) That the notice must state: The alleged violation of the Act; the relief requested; the court in which the complainant is bringing the action; and whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

Kody H. Kinsley,

Assistant Secretary for Management.

[FR Doc. 2017–21905 Filed 10–10–17; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0963]

Drawbridge Operation Regulation; Sacramento River, Sacramento, CA

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 Tower Drawbridge across the Sacramento River, mile 59.0, at Sacramento, CA. The deviation is necessary to allow the community to participate in the Walk Against Breast Cancer event. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 8 a.m. through 11 a.m. on October 22, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0963, 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 Carl T. Hausner, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516; email *Carl.T.Hausner@uscg.mil.*

SUPPLEMENTARY INFORMATION: The California Department of Transportation has requested a temporary change to the operation of the Tower Drawbridge over the Sacramento River, mile 59.0, at Sacramento, CA. The drawbridge navigation span provides a vertical clearance of 30 feet above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.189(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 8 a.m. through 11 a.m. on October 22, 2017, to allow the community to participate in the Walk Against Breast Cancer event. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised. Vessels able to pass through the bridge in the closed position may do so at any time. In the event of an emergency the draw can open on signal if at least one hour notice is given to the bridge operator. There are no immediate alternate routes for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that 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: October 5, 2017.

Carl T. Hausner,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2017–21924 Filed 10–10–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0801]

RIN 1625–AA00

Safety Zone; Atlantic Intracoastal Waterway, Socastee, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary interim rule; request for comments.

SUMMARY: The Coast Guard is establishing an intermittent safety zone related to ongoing construction of South Carolina Highway 31 (SC–31) Bridge located in Socastee, SC on the Atlantic Intracoastal Waterway at mile marker 372.3. The temporary safety zone will be set one day per week during overhead construction operations. The safety zone is needed to ensure the safety of persons, vessels, and the marine environment from potential hazards created by the bridge construction. Details for specific dates and times will be relayed via Sector Charleston Marine Safety Information Bulletin and Seventh District Local Notice Mariners. Entry of vessels or persons into these zones is prohibited unless specifically authorized by the Captain of the Port Charleston or a designated representative. We invite your comments on this rulemaking.

DATES: This rule is effective from October 11, 2017 until March 19, 2018. Comments and related materials must be received by the Coast Guard on or before November 13, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0801 using the Federal eRulemaking Portal at *http://www.regulations.gov*. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0801 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: Lieutenant Justin Heck, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740–3184, email *Justin.C.Heck@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because immediate action is needed to respond to the potential safety hazards associated with bridge construction operations that are scheduled to begin on October 16, 2017. The Coast Guard was initially notified of the need for a safety zone on August 8, 2017. Hurricane Irma impacted the timeline for commencement of the project and the Coast Guard received updated plans for the construction operations on September 18, 2017. Therefore, publishing an NPRM is impracticable and contrary to public interest.

Under 5 U.S.C. 553(d)(3), and for the same reasons stated above, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material

received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov*. If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice*. Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

IV. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Charleston has determined that potential hazards associated with the bridge construction starting October 16, 2017 will be a safety concern for anyone within a 200-yard radius of the bridge, vessels, and machinery. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the construction is in progress.

V. Discussion of the Rule

This rule establishes an intermittent safety zone related to construction of the South Carolina Highway 31 (SC–31) Bridge located in Socastee, SC on the Atlantic Intracoastal Waterway at mile marker 372.3. The temporary safety zone will be set during overhead construction operations starting October 16, 2017 and ending March 19, 2018. The safety zone is scheduled to take place one day per week between 7 a.m. and 4 p.m. The safety zone is needed to ensure the safety of persons, vessels, and the marine environment from potential hazards created by the bridge construction. The safety zone will cover all navigable waters within 200 yards of the bridge, vessels, and machinery. No vessel or person will be permitted to enter, transit through, anchor in, or remain within the safety zone without first obtaining permission from the Captain of the Port Charleston or a designated representative. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative. The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

VI. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the following reasons: (1) Although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Charleston or a designated representative, they may operate in the surrounding area during the enforcement period; and (2) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves an intermittent safety zone that will prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within a limited area surrounding the SC–31 Bridge on the Atlantic Intracoastal Water Way. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; and Department of Homeland Security Delegation No. 0170.

■ 2. Add § 165.T07–0801 to read as follows:

§ 165.T07–0801 Safety Zone; Atlantic Intracoastal Waterway, Socastee, SC

(a) *Location.* All waters of the Atlantic Intracoastal Waterway encompassed within a 200-yard radius of South Carolina Highway 31 (SC–31) Bridge located in Socastee, SC on the Atlantic Intracoastal Waterway at mile marker 372.3, and vessels or machinery associated with the construction.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement period.* This rule will be enforced one day per week from October 16, 2017 through March 19, 2018, during construction activities. Details for specific dates and times will be relayed via Sector Charleston Marine Safety Information Bulletin and Seventh District Local Notice to Mariners.

Dated: October 3, 2017.

John W. Reed,

Captain, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2017–21868 Filed 10–10–17; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 266

Privacy of Information

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is revising and restating its privacy regulations to implement numerous non-substantive editorial changes. These include renaming certain offices with privacy-related duties, modification of the roles of employees tasked with implementing aspects of the privacy regulations, and minor editorial changes to postal privacy policy to improve its consistency and clarity. These rules contain procedures by which individuals may request notification of and access to records about themselves, request amendments to those records, or request an accounting of disclosures of those records by the Postal Service.

DATES: Effective October 11, 2017.

FOR FURTHER INFORMATION CONTACT: Natalie A. Bonanno, Chief Counsel, Federal Compliance, *natalie.a.bonanno@usps.gov,* 202–268–2944.

SUPPLEMENTARY INFORMATION: As revised and restated, 39 CFR part 266 is designed to carry forward the substantive content of former §§ 266.1–266.10 in an updated, accessible format.

266.1 Purpose and Scope

The Postal Service has revised § 266.1 to align with the purpose and scope of the Privacy Act of 1974, which provides the authority for these regulations. (The Postal Service has deleted former *§ 266.2 Policy* because it did not add any significant provisions, instructions, or guidance to these regulations, and has redesignated former §§ 266.3–266.10 as §§ 266.2–266.9, respectively.)

266.2 Responsibility

In revised § 266.2 and throughout these regulations, the Postal Service has updated office names to reflect its current administrative structure. Thus, ''Records Office'' has been changed to ''Privacy and Records Management Office'' to reflect the new name of this office. Similarly, ''Custodian'' has been changed to ''Records Custodian'' for clarity, and the ''Information System Executive'' has become the ''Corporate Information Security Office'' to reflect the new name and role of this functional organization.

Similarly, in revised § 266.2 and throughout these regulations, the Postal Service has revised the titles of certain employees to reflect their new titles. Specifically, ''Chief Privacy Officer'' was changed to ''Chief Privacy and Records Management Officer,'' ''Senior Vice President, Human Resources'' was changed to ''Chief Human Resources Officer and Executive Vice President'' and ''Vice President, General Counsel'' was changed to ''General Counsel and Executive Vice President.''

266.3 Collection and Disclosure of Information About Individuals

In revised § 266.3(b)(3), the Postal Service has defined the limited circumstances in which a mailing list may be disclosed. The Postal Service has also replaced the word ''correction'' with ''amendment'' in this section and throughout these regulations.

266.4 Notification

No substantive changes have been made to revised § 266.4. Minor editorial changes have been made to ensure clarity and consistency of format.

266.5 Procedures for Requesting Notification, Inspection, Copying, or Amendment of Records

In revised § 266.5(b)(2), the Postal Service has added a list of the acceptable identity verification methods that a requester may use to satisfy a records custodian as to the requester's identity before review or other access to a record containing personal information is granted. The Postal Service has also added a new paragraph 266.5(c) entitled *Compliance with notification request* to ensure custodians understand their responsibilities and requesters are aware of their rights in this regard.

266.6 Appeal Procedure

In revised § 266.6(a)(2), the Postal Service has extended the period in which a requester may file an appeal from 30 days to 90 days.

266.7 Schedule of Fees; 266.8 Exemptions; and 266.9 Computer Matching

No substantive changes have been made to revised §§ 266.7–266.9. Minor editorial changes have been made to ensure clarity and consistency of format.

List of Subjects in 39 CFR Part 266

Privacy.

■ For the reasons stated in the preamble, the Postal Service amends 39 CFR chapter I by revising part 266 to read as follows:

PART 266—PRIVACY OF INFORMATION

Sec.

Authority: 5 U.S.C. 552a; 39 U.S.C. 401.

§ 266.1 Purpose and scope.

This part contains the rules that the Postal Service follows under the Privacy Act of 1974, 5 U.S.C. 552a. These rules should be read together with the Privacy Act, which provides additional information about records maintained on individuals. The rules in this part apply to all records in systems of records maintained by the Postal Service that are retrieved by an individual's name or personal identifier. They describe the procedures by which individuals may request notification of or access to records about themselves, request amendment of those records, and request an accounting of disclosures of those records by the Postal Service. In addition, the Postal Service processes all Privacy Act requests for access to records under the Freedom of Information Act (FOIA), 5 U.S.C. 552, following the rules contained in 39 CFR 265, as necessary, which provides the requester with the greatest access to his or her personal records.

§ 266.2 Responsibility.

(a) *Privacy and Records Management Office.* The Privacy and Records Management Office will ensure Postal Service-wide compliance with this part.

(b) *Records Custodian.* Records Custodians are responsible for adherence to this part within their respective units, and in particular for affording individuals their rights to inspect and obtain copies of records concerning them.

(c) *Corporate Information Security Office.* This office is responsible for ensuring compliance with information security policies, including protection of information resources containing customer, employee, or other individuals' information; developing policy for safeguarding and disposing of electronic records (including emails) that are maintained in information systems (including those that are subject to legal holds); serving as the central contact for information security issues; preventing and engaging in some investigation of cybercrime and misuse of Postal Service information technology resources; and providing security consultation as requested.

(d) *Data Integrity Board—(1) Responsibilities.* The Data Integrity Board oversees Postal Service computer matching activities. The Board's principal function is to review, approve, and maintain all written agreements for use of Postal Service records in matching programs to ensure compliance with the Privacy Act and all relevant statutes, regulations, and guidelines. In addition, the Board annually: Reviews matching programs and other matching activities in which the Postal Service has participated during the preceding year to determine compliance with applicable laws, regulations, and agreements; compiles a biennial matching report of matching activities; and performs review and advice functions relating to record accuracy, recordkeeping and disposal practices, and other computer matching activities.

(2) *Composition.* The Privacy Act requires that the senior official responsible for implementation of agency Privacy Act policy and the Inspector General serve on the Board. The Chief Privacy and Records Management Officer, as administrator of Postal Service Privacy Act policy, serves as Secretary of the Board and performs the administrative functions of the Board. The Board is composed of these and other members designated by the Postmaster General, as follows:

(i) General Counsel and Executive Vice President (Chairman).

(ii) Chief Postal Inspector.

(iii) Inspector General.

(iv) Chief Human Resources Officer and Executive Vice President.

(v) Chief Privacy and Records Management Officer.

§ 266.3 Collection and disclosure of information about individuals.

(a) This section governs the collection of information about individuals, as

defined in the Privacy Act of 1974, throughout Postal Service operations;

(1) The Postal Service will:

(i) Collect, solicit and maintain only such information about an individual as is relevant and necessary to accomplish a purpose authorized by statute or Executive Order.

(ii) Collect information, to the greatest extent practicable, directly from the subject individual when such information may result in adverse determinations about an individual's rights, benefits, or privileges.

(iii) Inform any individuals who have been asked to furnish information about themselves, whether that disclosure is mandatory or voluntary, by what authority it is being solicited, the principal purposes for which it is intended to be used, the routine uses which may be made of it, and any consequences for the individual, which are known to the Postal Service, which will result from refusal to furnish it.

(2) The Postal Service will not disfavor any individual who fails or refuses to provide personal information unless that information is required or necessary for the conduct of the system or program in which the individual desires to participate.

(3) No information will be collected (or maintained) describing how an individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the information is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(4) The Postal Service will not require an individual to furnish a Social Security number or deny a right, privilege or benefit because of that individual's refusal to furnish the number unless required by Federal law.

(b) *Disclosures—(1) Limitations.* The Postal Service will not disseminate information about an individual unless reasonable efforts have been made to assure that the information is accurate, complete, timely and relevant to the extent provided by the Privacy Act and unless:

(i) The individual to whom the record pertains has requested in writing that the information be disseminated, unless the individual would not be entitled to access to the record under the Postal Reorganization Act, the Privacy Act, or other law;

(ii) The requester has obtained the prior written consent of the individual to whom the record pertains, unless the individual would not be entitled to access to the record under the Postal Reorganization Act, the Privacy Act, or other law; or

(iii) The dissemination is in accordance with paragraph (b)(2) of this section.

(2) *Dissemination.* Dissemination of personal information may be made:

(i) To a person pursuant to a requirement of the Freedom of Information Act (5 U.S.C. 552);

(ii) To those officers and employees of the Postal Service or employees of a Postal Service contractor who have a need for such information in the performance of their Postal Service duties;

(iii) For a routine use as contained in the system notices published in the **Federal Register**;

(iv) To a recipient who has provided advance adequate written assurance that the information will be used solely as a statistical reporting or research record, and to whom the information is transferred in a form that is not individually identifiable;

(v) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 of the U.S. Code;

(vi) To the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the U.S. Government, or for evaluation by the Archivist of the United States or an authorized designee to determine whether the record has such value;

(vii) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual, if upon such disclosure notification is transmitted to the last known address of such individual;

(viii) To a Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity, if such activity is authorized by law and if the head of the agency or instrumentality has made a written request to the Postal Service specifying the particular portion of the record desired and the law enforcement activity for which the record is sought;

(ix) To either House of Congress or its committees or subcommittees to the extent of matter within their jurisdiction;

(x) To the Comptroller General or any of that officer's authorized representatives in the course of the performance of the duties of the Government Accountability Office; or

(xi) Pursuant to the order of a court of competent jurisdiction.

(3) Under 39 U.S.C. 412(a), the Postal Service may make a mailing or other list of names and addresses of past or present postal patrons or other persons available to the public only to the extent that such action is authorized by law. Consistent with this provision, the Postal Service may make such a list available as follows:

(i) In accordance with 39 U.S.C. 412(b), to the Secretary of Commerce for use by the Bureau of the Census;

(ii) As required by the terms of a legally enforceable contract entered into by the Postal Service under its authority contained in 39 U.S.C. 401(3) and when subject to a valid non-disclosure agreement;

(iii) As required by the terms of a legally enforceable interagency agreement entered into by the Postal Service under its authority contained in 39 U.S.C. 411 and when subject to a valid non-disclosure agreement;

(iv) In accordance with 5 U.S.C. 552a(b), the Postal Service may disclose a list of names and addresses of individuals pursuant to a written request by, or with the prior written consent of, each individual whose name and address is contained in such list, provided that such names and addresses are derived from records maintained by the Postal Service in a system of records as defined by 5 U.S.C. 552a(a); or

(v) As otherwise expressly authorized by federal law.

(4) *Employee credit references.* A credit bureau or other commercial firm from which a current or former postal employee is seeking credit may be given the following past or present information upon request: Grade, duty station, dates of employment, job title, and salary. If additional information is desired, the requester must submit the written consent of the employee and an accounting of the disclosure must be kept.

(5) *Employee job references.* Upon request, prospective employers of a current or former postal employee may be furnished with the information in paragraph (b)(4) of this section, in addition to the date and the reason for separation, if applicable. The reason for separation must be limited to one of the following terms: Retired, resigned, or separated. Other terms or variations of these terms (*e.g.,* retired-disability) may not be used. If additional information is desired, the requester must submit the written consent of the employee, and an accounting of the disclosure must be kept.

(6) *Computer matching purposes.* Records from a Postal Service system of records may be disclosed to another agency for the purpose of conducting a computer matching program or other matching activity as defined in

§ 262.5(c) and (d), but only after a determination by the Data Integrity Board that the procedural requirements of the Privacy Act, the guidelines issued by the Office of Management and Budget, and these regulations as may be applicable are met. These requirements include:

(i) *Routine use.* Disclosure is made only when permitted as a routine use of the system of records. The Chief Privacy and Records Management Officer determines the applicability of a particular routine use and the necessity for adoption of a new routine use.

(ii) *Computer matching agreement.* The participants in a computer matching program must enter into a written agreement specifying the terms under which the matching program is to be conducted (see § 266.9). The Privacy and Records Management Office may require that other matching activities be conducted in accordance with a written agreement.

(iii) *Data Integrity Board approval.* No record from a Postal Service system of records may be disclosed for use in a computer matching program unless the matching agreement has received approval by the Postal Service Data Integrity Board (*see* § 266.9). Other matching activities may, at the discretion of the Privacy and Records Management Office, be submitted for Board approval.

(c) *Amendment or dispute disclosure.* If a personal record contains any amendments or notations of dispute relating to the accuracy, timeliness or relevance of the record, any person or other agency to which the record has been or is to be disclosed must be informed of the amendments or notations within 30 days of the modification.

(d) *Recording of disclosure.* (1) An accurate accounting of each disclosure will be kept in all instances except those in which disclosure is made to the subject of the record, to Postal Service employees or employees of Postal Service contractors in the performance of their Postal Service duties, when the record is publicly available, or as required by the Freedom of Information Act (5 U.S.C. 552).

(2) The accounting will be maintained for at least 5 years or the life of the record, whichever is longer.

(3) The accounting will be made available to the individual named in the record upon inquiry, except for disclosures made pursuant to paragraph (b)(2)(viii) of this section relating to law enforcement activities.

§ 266.4 Notification.

(a) *Notification of systems.* Upon written request, the Postal Service will notify any individual whether a specific system named by the individual contains a record pertaining to that individual, unless exempt from notification under the Privacy Act or other law. See § 266.5 for the suggested form of a request.

(b) *Notification of disclosure.* The Postal Service will make reasonable efforts to serve notice on an individual before any personal information on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record.

(c) *Notification of amendment.* See § 266.5(c)(1) relating to amendment of records upon request.

(d) *Notification of new use.* Any new intended use of personal information maintained by the Postal Service will be published in the **Federal Register** 30 days before such use becomes operational. Public views may then be submitted to the Privacy and Records Management Office.

(e) *Notification of exemptions.* The Postal Service will publish in the **Federal Register** its intent to exempt any system of records and will specify the nature and purpose of that system.

(f) *Notification of computer matching program.* The Postal Service publishes in the **Federal Register** and forwards to Congress and to the Office of Management and Budget (OMB) advance notice of its intent to establish, substantially revise, or renew a matching program, unless such notice is published by another participant agency. In those instances in which the Postal Service is the ''recipient'' agency, as defined in the Act, but another participant agency sponsors and derives the principal benefit from the matching program, the other agency is expected to publish the notice. The notice must be sent to Congress and OMB, and published at least 30 days prior to:

(1) The initiation of any matching activity under a new or substantially revised program; or

(2) The expiration of the existing matching agreement in the case of a renewal of a continuing program.

§ 266.5 Procedures for requesting notification, inspection, copying, or amendment of records.

The purpose of this section is to provide procedures by which an individual may request notification of, access to, or amendment of personal information within a Privacy Act System of Records.

(a) *Submission of requests*—(1) *Manner of submission.* Inquiries regarding the contents of records systems or access or amendment to personal information should be submitted in writing in accordance with the procedures described in the applicable system of records notice, or to the Privacy and Records Management Office, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260–1101. Requests to the U.S. Postal Inspection Service should be submitted to the Chief Postal Inspector, U.S. Postal Inspection Service, 475 L'Enfant Plaza SW., Washington, DC 20260. Requests to the Office of Inspector General should be submitted to the Freedom of Information Act/Privacy Officer, U.S. Postal Service Office of Inspector General, 1735 North Lynn Street, Arlington, VA 22209–2020. Inquiries should be clearly marked, ''Privacy Act Request.'' Any inquiry concerning a specific system of records should include the information contained under ''Notification Procedure'' for that system as published in the **Federal Register** or within USPS Handbook AS–353, *Guide to Privacy, the Freedom of Information Act, and Records Management, Appendix*. If the information supplied is insufficient to locate or identify the record, if any, the requester will be notified promptly and, if possible, informed of additional information required. Amendment requests that contest the relevance, accuracy, timeliness or completeness of the record should include a statement of the amendment requested.

(2) *Period for response by custodian.* Upon receipt of an inquiry, the custodian will respond with an acknowledgement of receipt within 10 days.

(b) *Compliance with request for access—(1) Notification to requester.* When a requested record has been identified and is to be made available to the requester for inspection and copying, the custodian must ensure that the record is made available promptly and must immediately notify the requester where and when the record will be available for inspection and copying. Postal Service records will normally be available for inspection and copying during regular business hours at the postal facilities at which they are maintained. The custodian may, however, designate other reasonable locations and times for inspection and copying of some or all of the records that are in the custodian's possession. If the requested record has been identified and a copy is to be provided to the requester, the copy must be promptly provided.

(2) *Identification of requester.* The requester must present identification sufficient to satisfy the custodian as to the requester's identity prior to record review or other access. As appropriate under the circumstances of the access request, the requester may be required to comply with one of the following identification verification methods:

(i) Provision of a completed *Certification of Identity* if the records pertain to the requester available at *http://about.usps.com/who-we-are/foia/welcome.htm;*

(ii) Provision of official photo identification if the records pertain to the requester, examples of which are a valid driver's license, unexpired passport, and unexpired federal government-issued employee identification card; or

(iii) Provision of a completed *Privacy Waiver* if the records pertain to another individual available at *http://about.usps.com/who-we-are/foia/welcome.htm.*

(3) *Responsibilities of requester.* The requester assumes the following responsibilities regarding the review of official personal records:

(i) The requester must agree not to leave Postal Service premises with official records unless specifically given a copy for that purpose by the custodian or the custodian's representative.

(ii) At the conclusion of the inspection, the requester must sign a statement indicating the requester has reviewed specific records or categories of records. If the requester indicates at the beginning of the inspection that he or she will not sign the statement, records may still be reviewed, and the time and date of review will be noted in the file.

(iii) The requester may be accompanied by a person of the requester's choice to aid in the inspection of information and, if applicable, the manual recording or copying of the records if the requester submits a signed statement authorizing the person to do so, and discussion of the records in the accompanying person's presence.

(4) *Special restrictions for medical and psychological records.* A medical or psychological record must be disclosed to the requester to whom it pertains unless, in the judgment of the medical officer, access to such record could have an adverse effect upon such individual. When the medical officer determines that the disclosure of medical information could have an adverse effect upon the individual to whom it pertains, the medical officer will transmit such information to a medical doctor named by the requesting individual. In such cases, an accounting of the disclosure must be kept.

(5) *Limitations on access.* Nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding. Other limitations on access are specifically addressed in paragraph (b)(4) of this section and § 266.8.

(6) *Response when compliance is not possible.* A reply denying a written request to review or otherwise access a record must be in writing, signed by the custodian or other appropriate official and must be made only if such a record does not exist or does not contain personal information relating to the requester, or is exempt from disclosure. This reply must include a statement regarding the determining factors of denial, and the right to appeal the denial to the General Counsel.

(c) *Compliance with notification request.* The custodian must promptly notify a requester if a record has been located in response to a request for notification as to whether a specific system of records contains a record pertaining to the requester, unless exempt from notification.

(d) *Compliance with request for amendment.* The custodian must:

(1) Correct or eliminate any information that is found to be incomplete, inaccurate, not relevant to a statutory purpose of the Postal Service, or not timely, and notify the requester when this action is complete; or

(2) Not later than 30 working days after receipt of a request to amend, notify the requester of a determination not to amend, the reason for the refusal, and of the requester's right to appeal, or to submit, in lieu of an appeal, a statement of reasonable length setting forth a position regarding the disputed information to be attached to the contested personal record.

(e) *Availability of assistance in exercising rights.* The Privacy and Records Management Office is available to provide an individual with assistance in exercising rights pursuant to this part.

§ 266.6 Appeal procedure.

(a) *Appeal procedure.* (1) If a request for notification of or to inspect, copy, or amend a record is denied, in whole or in part, or if no determination is made within the period prescribed by this part, the requester may appeal to the General Counsel, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260–1101.

(2) The requester must submit an appeal in writing within 90 days of the date of denial, or within 90 days of such request if the appeal is from a failure of the custodian to make a determination. The letter of appeal should include, as applicable:

(i) Reasonable identification of the record to which the requester sought notification, access, or amendment;

(ii) A statement of the Postal Service action or failure to act, and of the relief sought; and

(iii) A copy of the request, of the notification of denial, and of any other related correspondence, if any.

(3) Any record found on appeal to be incomplete, inaccurate, not relevant, or not timely, must be appropriately amended within 30 working days of the date of such findings.

(4) The decision of the General Counsel constitutes the final decision of the Postal Service on the right of the requester to be notified of; inspect, copy, or otherwise have access to; or change or update a record. The decision on the appeal must be in writing and, in the event of a denial, must set forth the reasons for such denial and state the individual's right to obtain judicial review in a district court. An indexed file of decisions on appeals must be maintained by the General Counsel.

(b) *Submission of statement of disagreement.* If the final decision concerning a request for the amendment of a record does not satisfy the requester, any statement of reasonable length provided by that individual setting forth a position regarding the disputed information will be accepted and attached to the relevant personal record.

§ 266.7 Schedule of fees.

(a) *Policy.* The purpose of this section is to establish fair and equitable fees to permit duplication of records for subject individuals (or authorized representatives) while recovering the full allowable direct costs incurred by the Postal Service.

(b) *Duplication.* (1) For duplicating any paper or micrographic record or publication or computer report, the fee is $.15 per page, except that the first 100 pages furnished in response to a particular request must be furnished without charge. See paragraph (c) of this section for fee limitations.

(2) The Postal Service may at its discretion make user-paid copy machines available at any location. In that event, requesters will be given the opportunity to make copies at their own expense.

(3) The Postal Service normally will not furnish more than one copy of any record. If duplicate copies are furnished at the request of the requester; a fee of $0.15 per page is charged for each copy

of each duplicate page without regard to whether the requester is eligible for free copies pursuant to § 266.7(b)(1).

(c) *Limitations.* No fee will be charged to an individual for the process of retrieving, reviewing, or amending a record pertaining to that individual.

(d) *Reimbursement.* The Postal Service may, at its discretion, require reimbursement of its costs as a condition of participation in a computer matching program or activity with another agency. The agency to be charged is notified in writing of the approximate costs before they are incurred. Costs are calculated in accordance with the schedule of fees set forth at § 265.9.

§ 266.8 Exemptions.

(a) The Postal Reorganization Act, 39 U.S.C. 410(c), provides that certain categories of information are exempt from disclosure under the Privacy Act. In addition, the Privacy Act, 5 U.S.C. 552a(j) and (k), authorizes the Postmaster General to exempt systems of records meeting certain criteria from various other subsections of 5 U.S.C. 552a. With respect to systems of records so exempted, nothing in this part shall require compliance with provisions hereof implementing any subsections of 5 U.S.C. 552a from which those systems have been exempted.

(b) Paragraph (b)(1) of this section summarizes the provisions of 5 U.S.C. 552a for which exemption is claimed for some systems of records pursuant to, and to the extent permitted by, 5 U.S.C. 552a(j) and (k). Paragraphs (b)(2) through (5) of this section identify the exempted systems of records, the exemptions applied to each, and the reasons for the exemptions:

(1) *Explanation of provisions of 5 U.S.C. 552a for which an exemption is claimed in the systems discussed in this section.* (i) Subsection (c)(3) of 5 U.S.C. 552a requires an agency to make available to the individual named in the records an accounting of each disclosure of records at the individual's request.

(ii) Subsection (c)(4) requires an agency to inform any person or other agency to which a record has been disclosed of any correction or notation of dispute the agency has made to the record in accordance with 5 U.S.C. 552a(d).

(iii) Subsections (d)(1) through (4) require an agency to permit an individual to gain access to records about the individual, to request amendment of such records, to request a review of an agency decision not to amend such records, and to provide a statement of disagreement about a disputed record to be filed and disclosed with the disputed record.

(iv) Subsection (e)(1) requires an agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose required by statute or executive order of the President.

(v) Subsection (e)(2) requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs.

(vi) Subsection (e)(3) requires an agency to inform each person whom it asks to supply information of the authority under which the information is sought, the purposes for which the information will be used, the routine uses that may be made of the information, whether disclosure is mandatory or voluntary, and the effects of not providing the information.

(vii) Subsections (e)(4)(G) and (H) requires an agency to publish a **Federal Register** notice of its procedures whereby an individual can be notified upon request whether the system of records contains information about the individual, how to gain access to any record about the individual contained in the system, and how to contest its content.

(viii) Subsection (e)(5) requires an agency to maintain its records with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to ensure fairness to the individual in making any determination about the individual.

(ix) Subsection (e)(8) requires an agency to make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record.

(x) Subsection (f) requires an agency to establish procedures whereby an individual can be notified upon request if any system of records named by the individual contains a record pertaining to the individual, obtain access to the record, and request amendment.

(xi) Subsection (g) provides for civil remedies if an agency fails to comply with the access and amendment provisions of subsections (d)(1) and (3), and with other provisions of 5 U.S.C. 552a, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual.

(xii) Subsection (m) requires an agency to apply the requirements of 5 U.S.C. 552a to a contractor operating a system of records to accomplish an agency function.

(2) Pursuant to 5 U.S.C. 552a(j)(2), Postal Service record systems; *Inspection Service Investigative File System, USPS 700.000; Mail Cover Program Records, USPS 700.100; Inspector General Investigative Records, USPS 700.300* are exempt from subsections 552a (c)(3), (c)(4), (d)(1)–(4), (e)(1)–(3), (e)(4)(G) and (H), (e)(5), (e)(8), (f), (g), and (m) because the systems contain information pertaining to the enforcement of criminal laws. The reasons for exemption follow:

(i) Disclosure to the record subject pursuant to subsections (c)(3), (c)(4), or (d)(1)–(4) could:

(A) Alert subjects that they are targets of an investigation or mail cover by the Postal Inspection Service or an investigation by the Office of Inspector General;

(B) Alert subjects of the nature and scope of the investigation and of evidence obtained;

(C) Enable the subject of an investigation to avoid detection or apprehension;

(D) Subject confidential sources, witnesses, and law enforcement personnel to harassment or intimidation if their identities were released to the target of an investigation;

(E) Constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation;

(F) Intimidate potential witnesses and make them reluctant to offer information;

(G) Lead to the improper influencing of witnesses, the destruction or alteration of evidence yet to be discovered, the fabrication of testimony, or the compromising of classified material; or

(H) Seriously impede or compromise law enforcement, mail cover, or background investigations that might involve law enforcement aspects as a result of the above.

(ii) Application of subsections (e)(1) and (5) is impractical because the relevance, necessity, or correctness of specific information might be established only after considerable analysis and as the investigation progresses. As to relevance (subsection (e)(1)), effective law enforcement requires the keeping of information not relevant to a specific Postal Inspection Service investigation or Office of Inspector General investigation. Such information may be kept to provide leads for appropriate law enforcement and to establish patterns of activity that might relate to the jurisdiction of the

Office of Inspector General, Postal Inspection Service, and other agencies. As to accuracy (subsection (e)(5)), the correctness of records sometimes can be established only in a court of law.

(iii) Application of subsections (e)(2) and (3) would require collection of information directly from the subject of a potential or ongoing investigation. The subject would be put on alert that he or she is a target of an investigation by the Office of Inspector General, or an investigation or mail cover by the Postal Inspection Service, enabling avoidance of detection or apprehension, thereby seriously compromising law enforcement, mail cover, or background investigations involving law enforcement aspects. Moreover, in certain circumstances the subject of an investigation is not required to provide information to investigators, and information must be collected from other sources.

(iv) The requirements of subsections (e)(4)(G) and (H), and (f) do not apply because these systems are exempt from the provisions of subsection (d). Nevertheless, the Postal Service has published notice of its notification, access, and contest procedures because access is appropriate in some cases.

(v) Application of subsection (e)(8) could prematurely reveal an ongoing criminal investigation to the subject of the investigation.

(vi) The provisions of subsection (g) do not apply because exemption from the provisions of subsection (d) renders the provisions on suits to enforce subsection (d) inapplicable.

(vii) If one of these systems of records is operated in whole or in part by a contractor, the exemptions claimed herein will remain applicable to it (subsection (m)).

(3) Pursuant to 5 U.S.C. 552a(k)(2), Postal Service record systems *Labor Relations Records, USPS 200.000; Employee Inquiry, Complaint and Investigative Records, USPS 100.900; Inspection Service Investigative File System, USPS 700.000; Mail Cover Program Records, USPS 700.100; Inspector General Investigative Records, USPS 700.300;* and *Financial Transactions, USPS 860.000,* are exempt from certain subsections of 5 U.S.C. 552a because the systems contain investigatory material compiled for law enforcement purposes other than material within the scope of subsection 552a(j)(2).

(i) *Inspection Service Investigative File System, USPS 700.000; Mail Cover Program Records, USPS 700.100;* and *Inspector General Investigative Records, USPS 700.300,* are exempt from subsections 552a(c)(3), (d)(1)–(4), (e)(1), (e)(4) (G) and (H), and (f) for the same reasons as stated in paragraph (b)(2) of this section.

(ii) *Labor Relations Records, USPS 200.000,* is exempt from subsections 552a(d)(1)–(4), (e)(4)(G) and (H), and (f) for the following reasons:

(A) Application of the requirements at subsections (d)(1)–(4) would cause disruption of the enforcement of the laws relating to equal employment opportunity (EEO). It is essential to the integrity of the EEO complaint system that information collected in the investigative process not be prematurely disclosed.

(B) The requirements of subsections (e)(4)(G) and (H), and (f) do not apply for the same reasons described in paragraph (b)(2)(iv) of this section.

(iii) *Financial Transactions, USPS 860.000,* is exempt from subsections 552a(c)(3), (d)(1)–(4), (e)(1), (e)(4)(G) and (H), and (f) for the following reasons:

(A) Disclosure of the record subject pursuant to subsections (c)(3) and (d)(1)–(4) would violate the non-notification provision of the Bank Secrecy Act, 31 U.S.C. 5318(g)(2), under which the Postal Service is prohibited from notifying a transaction participant that a suspicious transaction report has been made. In addition, the access provisions of subsections (c)(3) and (d)(1)–(4) would alert individuals that they have been identified as suspects or possible subjects of investigation and thus seriously hinder the law enforcement purposes underlying the suspicious transaction reports.

(B) This system is in compliance with subsection (e)(1) because maintenance of the records is required by law. Strict application of the relevance and necessity requirements of subsection (e)(1) to suspicious transactions would be impractical, however, because the relevance or necessity of specific information can often be established only after considerable analysis and as an investigation progresses.

(C) The requirements of subsections (e)(4)(G) and (H) and (f) do not apply because this system is exempt from the provisions of subsection (d). Nevertheless, the Postal Service has published notice of its notification, access, and contest procedures because access is appropriate in some cases.

(4) Pursuant to 5 U.S.C. 552a(k)(5), Postal Service record systems *Recruiting, Examining, and Placement Records, USPS 100.100; Inspection Service Investigative File System, USPS 700.000; and Inspector General Investigative Records, USPS 700.300* are exempt from certain subsections of 5 U.S.C. 552a because the systems contain investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for employment, contracts, or access to classified information.

(i) *Recruiting, Examining, and Placement Records, USPS 100.100,* is exempt from subsections 552a(d)(1)(4) and (e)(1) for the following reasons:

(A) During its investigation and evaluation of an applicant for a position, the Postal Service contacts individuals who, without an assurance of anonymity, would refuse to provide information concerning the subject of the investigation. If a record subject were given access pursuant to subsection (d)(1)–(4), the promised confidentiality would be breached and the confidential source would be identified. The result would be restriction of the free flow of information vital to a determination of an individual's qualifications and suitability for appointment to or continued occupancy of his or her position.

(B) In collecting information for investigative and evaluative purposes, it is impossible to determine in advance what information might be of assistance in determining the qualifications and suitability of an individual for appointment. Information that seems irrelevant, when linked with other information, can sometimes provide a composite picture of an individual that assists in determining whether that individual should be appointed to or retained in a position. For this reason, exemption from subsection (e)(1) is claimed.

(C) The requirements of subsections (e)(4)(G) and (H), and (f) do not apply because this system is exempt from the provisions of subsection (d). Nevertheless, the Postal Service has published notice of its notification, access, and contest procedures because access is appropriate in some cases.

(ii) *Inspection Service Investigative File System, USPS 700.000; and Inspector General Investigative Records, USPS 700.300,* are exempt from subsections 552a(c)(3), (d)(1)–(4), (e)(1), (e)(4) (G) and (H), and (f) for the same reasons as stated in paragraph (b)(2) of this section.

(5) Pursuant to 5 U.S.C. 552a(k)(6), Postal Service record systems *Employee Development and Training Records, USPS 100.300; Personnel Research Records, 100.600; and Emergency Management Records, USPS 500.300* are exempt from subsections 552a(d)(1)–(4), (e)(4)(G) and (H), and (f) because the systems contain testing or examination material the disclosure of which would compromise the objectivity or fairness

of the material. The reasons for exemption follow:

(i) These systems contain questions and answers to standard testing materials, the disclosure of which would compromise the fairness of the future use of these materials. It is not feasible to develop entirely new examinations after each administration as would be necessary if questions or answers were available for inspection and copying. Consequently, exemption from subsection (d) is claimed.

(ii) The requirements of subsections (e)(4)(G) and (H), and (f) do not apply because these systems are exempt from the provisions of subsection (d). Nevertheless, the Postal Service has published notice of its notification, access, and contest procedures because access is appropriate in some cases.

§ 266.9 Computer matching.

(a) *General.* Any agency or Postal Service component that wishes to use records from a Postal Service automated system of records in a computerized comparison with other postal or non-postal records must submit its proposal to the Postal Service Privacy and Records Management Office. Computer matching programs as defined in § 262.5(c) must be conducted in accordance with the Privacy Act, as amended by the Computer Matching and Privacy Protection Act of 1988. Records may not be exchanged for a matching program until all procedural requirements of the Act and these regulations have been met. Other matching activities must be conducted in accordance with the Privacy Act and with the approval of the Privacy and Records Management Office. See § 266.3(b)(6).

(b) *Procedure for submission of matching proposals.* A proposal must include information required for the matching agreement discussed in paragraph (d)(1) of this section. The Inspection Service must submit its proposals for matching programs and other matching activities to the Privacy and Records Management Office through: Counsel, Inspection Service, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260. All other matching proposals, whether from postal organizations or other government agencies, must be mailed directly to: Privacy and Records Management Office, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260–1101.

(c) *Lead time.* Proposals must be submitted to the Postal Service Privacy and Records Management Office at least three months in advance of the anticipated starting date to allow time to meet Privacy Act publication and review requirements.

(d*) Matching agreements.* The participants in a computer matching program must enter into a written agreement specifying the terms under which the matching program is to be conducted. The Privacy and Records Management Office may require similar written agreements for other matching activities.

(1) *Content.* Agreements must specify:

(i) The purpose and legal authority for conducting the matching program;

(ii) The justification for the program and the anticipated results, including, when appropriate, a specific estimate of any savings in terms of expected costs and benefits, in sufficient detail for the Data Integrity Board to make an informed decision;

(iii) A description of the records that are to be matched, including the data elements to be used, the number of records, and the approximate dates of the matching program;

(iv) Procedures for providing notice to individuals who supply information that the information may be subject to verification through computer matching programs;

(v) Procedures for verifying information produced in a matching program and for providing individuals an opportunity to contest the findings in accordance with the requirement that an agency may not take adverse action against an individual as a result of information produced by a matching program until the agency has independently verified the information and provided the individual with due process;

(vi) Procedures for ensuring the administrative, technical, and physical security of the records matched; for the retention and timely destruction of records created by the matching program; and for the use and return or destruction of records used in the program;

(vii) Prohibitions concerning duplication and redisclosure of records exchanged, except where required by law or essential to the conduct of the matching program;

(viii) Assessments of the accuracy of the records to be used in the matching program; and

(ix) A statement that the Comptroller General may have access to all records of the participant agencies in order to monitor compliance with the agreement.

(2) *Approval.* Before the Postal Service may participate in a computer matching program or other computer matching activity that involves both USPS and non-USPS records, the Data Integrity Board must have evaluated the proposed match and unanimously approved the terms of the matching agreement. Agreements are executed by the Chairman of the Board. If a matching agreement is disapproved by the Board, any party may appeal the disapproval in writing to the Director, Office of Management and Budget, Washington, DC 20503, within 30 days following the Board's written disapproval.

(3) *Effective dates.* The agreement will become effective in accordance with the date in the matching agreement and as provided to Congress and the Office of Management and Budget and published in the **Federal Register**. The agreement remains in effect only as long as necessary to accomplish the specific matching purpose, but no longer than 18 months, at which time the agreement expires unless extended. The Data Integrity Board may extend an agreement for one additional year, without further review, if within three months prior to expiration of the 18-month period it finds that the matching program is to be conducted without change, and each party to the agreement certifies that the program has been conducted in compliance with the matching agreement. Renewal of a continuing matching program that has run for the full 30-month period requires a new agreement that has received Data Integrity Board approval.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–21850 Filed 10–10–17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0333, FRL– 9968–98—Region 10]

Approval and Promulgation of Implementation Plans; Oregon: Permitting and General Rule Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving, and incorporating by reference, changes to Oregon's State Implementation Plan (SIP) submitted on April 22, 2015. The changes relate to the criteria pollutants for which the EPA has established national ambient air quality standards—carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide. Specifically, the changes account for new federal requirements

for fine particulate matter, update the major and minor source pre-construction permitting programs, and add state-level air quality designations. The changes also address public notice procedures for informational meetings, and tighten emission standards for dust and smoke. In addition, Oregon reorganized rules in the SIP by consolidating definitions, removing duplicate provisions, correcting errors, and removing outdated provisions.

DATES: This final rule is effective November 13, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2015–0333. All documents in the docket are listed on the *https://www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and is publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov* or at the EPA Region 10 Office of Air and Waste, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Kristin Hall, Air Planning Unit, Office of Air and Waste (OAW–150), Environmental Protection Agency—Region 10, 1200 Sixth Ave., Seattle, WA 98101; telephone number: (206) 553–6357; email address: *hall.kristin@epa.gov.*

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

Table of Contents

I. Background

On April 22, 2015, the Oregon Department of Environmental Quality (ODEQ) submitted revisions to 26 Oregon Administrative Rule (OAR) divisions within Chapter 340, and two source sampling and monitoring manuals related to the rules. These changes were effective on April 16, 2015, as a matter of state law. On March 22, 2017, the EPA proposed to approve the submitted rule changes (82 FR 14654). Please see our proposed rulemaking for further explanation and the basis of our finding. We note that on April 20, 2017, we received a request from the public for additional time to review the submitted changes and our proposed action. In response to the request, we reopened the comment period on May 30, 2017 for an additional 30 days, closing on June 29, 2017 (82 FR 24621). We received the following comments.

II. Response to Comment

Comment 1: A commenter asserted that certain public participation requirements in Division 209 of Oregon's air quality rules are vaguely worded, and as a result, could be hard to implement. The commenter gave only one specific example, pointing to a phrase in OAR 340–209–0030 *Public Notice Categories and Timing:* ''[t]he Department will schedule a hearing to allow interested persons to submit oral or written comments if the Department determines that a hearing is necessary.'' The commenter said the meaning of ''necessary'' is unclear and that the rule should be more specific—listing what factors will be evaluated to judge whether a hearing is, or is not, necessary.

Response 1: Federal rules require states to inform the public about plans to permit stationary sources of air pollutants. These federal requirements vary, based on the size of the source, where it's located, and the type of permit, among other things. Oregon's public participation rules in Division 209 group permit actions into four categories, assigning different levels of public participation to the categories. We first approved this approach to public involvement into the Oregon SIP on January 22, 2003 (68 FR 2891). In that action, we found that Oregon's rules were consistent with federal public process requirements for SIP permitting actions. *See* 68 FR 2891, at page 2894. Since 2003, Oregon has made minor changes to Division 209. On March 22, 2017, we proposed to approve the most recent version of Division 209 as meeting the public process requirements for new source review SIP permitting actions. *See* 82 FR 14654, at page 14658.

With respect to the commenter's concern that some aspects of Oregon's public comment procedures may be too vague to implement, the commenter cited to only one specific example: That OAR 340–209–0030 does not provide criteria for determining when a public hearing is ''necessary.'' We note, however, that Oregon's rules, in addition to requiring a public comment period, specifically require that a public hearing be held for all major new source review SIP permitting in attainment and unclassifiable areas (prevention of significant deterioration (PSD)). *See* OAR 209–0030(d)(C). For other new source review SIP permit actions, in addition to providing for a public comment period, Oregon's rules require a public hearing if 10 members of the public request a hearing, or an organization representing at least 10 people requests a hearing. *See* OAR 340–209–0030(c)(B). The provision that is of concern to the commenter provides additional discretionary authority for the ODEQ to conduct a public hearing whenever it considers such a process to be necessary. The absence of additional detail in this provision does not provide grounds for the EPA to change its proposed approval.

We continue to believe that Oregon's public participation rules meet federal requirements for new source review SIP permitting actions and we are therefore finalizing our action.

Comment 2: A commenter stated that, as a member of the construction industry for 48 years, the commenter has experienced the EPA to be a burden on the middle income taxpayer. The commenter asserted that the extra cost of regulation hurts builders and the working middle class, in part because the EPA refuses to work with builders, who must deal with environmental regulations, and who then pass on the extra cost of those regulations.

Response 2: The commenter's concerns are broad in nature and do not identify any specific requirements the commenter contends are inconsistent with CAA requirements. In approving SIPs under section 110 of the CAA, Congress gave states the lead in developing plans to implement, maintain, and enforce the national ambient air quality standards (NAAQS)—standards designed to protect public health and welfare from air pollution. In reviewing state plans, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. *See* 42 U.S.C. 7410(k) and 40 CFR 52.02(a). In this case, Oregon submitted permitting and general air quality rules to the EPA and requested that the EPA approve the rules into the Oregon SIP. Our action on the April 22, 2015 Oregon submission, with which the commenter takes issue, approves state law as meeting federal requirements and does not impose additional requirements beyond those

imposed by state law. Therefore, we are finalizing our action.

III. Final Action

We are approving, and incorporating by reference, specific rule revisions submitted by Oregon on April 22, 2015. As documented in the submission, we are approving certain of the state rule revisions to also apply in Lane County, because the Oregon Environmental Quality Commission has determined those rules to be more stringent than the corresponding local rules. We are also approving, but not incorporating by reference, specific provisions that provide the ODEQ with authority needed for SIP approval, but that may conflict with the EPA's independent authorities. We note that we are deferring action on our proposed approval of changes to Oregon excess emissions and emergency provisions, OAR 340–214–0300 through 0360, to be addressed in a separate, future action.

Lastly, we are removing repealed rules from Oregon's federally-approved SIP, as requested by the state, because they are obsolete or redundant. We are not taking action on certain rules that are inconsistent with CAA requirements or that are inappropriate for SIP approval because they are not related to the criteria pollutants regulated under title I of the CAA, not essential for meeting and maintaining the NAAQS, or not related to the requirements for SIPs under section 110 of the CAA.

A. Rules Approved and Incorporated by Reference

We are approving into the Oregon SIP, and incorporating by reference at 40 CFR part 52, subpart MM, the submitted revisions to Chapter 340 of the OAR listed below, state effective April 16, 2015:

- Division 200—General Air Pollution Procedures and Definitions (0010, 0020, 0025, 0030, 0035);
- Division 202—Ambient Air Quality Standards and PSD Increments (0010, 0020, 0050, 0070, 0100, 0130, 0200, 0210, 0220, 0225);
- Division 204—Designation of Air Quality Areas (0010, 0020, 0030, 0040, 0050, 0060, 0070, 0080, 0090, 0300, 0310, 0320);
- Division 206—Air Pollution Emergencies (0010, 0020, 0030, 0040, 0050, 0060, 0070, 8010, 8020, 8030, 8040);
- Division 208—Visible Emissions and Nuisance Requirements (0005, 0010, 0110, 0210);
- Division 209—Public Participation (0010, 0020, 0030, 0040, 0050, 0060, 0070, 0080);
- Division 210—Stationary Source Notification Requirements (0010, 0020, 0100, 0110, 0120, 0205, 0215, 0225, 0230, 0240, 0250);
- Division 212—Stationary Source Testing and Monitoring (0005, 0010, 0110, 0120, 0130, 0140, 0150);
- Division 214—Stationary Source Reporting Requirements (0005, 0010, 0100, 0110, 0114, 0130, 0200, 0210, 0220);
- Division 216—Air Contaminant Discharge Permits (0010, 0020, 0025, 0030, 0040, 0052, 0054, 0056, 0060, 0062, 0064, 0066, 0068, 0070, 0082, 0084, 0090, 0094, 8010, 8020);
- Division 222—Stationary Source Plant Site Emission Limits (0010, 0020, 0030, 0035, 0040, 0041, 0042, 0046, 0048, 0051, 0055, 0080, 0090);
- Division 224—New Source Review (0010, 0020, 0025, 0030, 0034, 0038, 0040, 0045, 0050, 0055, 0060, 0070, 0245, 0250, 0255, 0260, 0270, 0500, 0510—except paragraph (3), 0520, 0530, 0540);
- Division 225—Air Quality Analysis Requirements (0010, 0020, 0030, 0040, 0045, 0050, 0060, 0070);
- Division 226—General Emissions Standards (0005, 0010, 0100, 0110, 0120, 0130, 0140, 0210, 0310, 0320, 0400, 8010);
- Division 228—Requirements for Fuel Burning Equipment and Fuel Sulfur Content (0010, 0020, 0100, 0110, 0120, 0130, 0200, 0210);
- Division 232—Emission Standards for VOC Point Sources (0010, 0020, 0030, 0040, 0050, 0060, 0080, 0085, 0090, 0100, 0110, 0120, 0130, 0140, 0150, 0160, 0170, 0180, 0190, 0200, 0210, 0220, 0230);
- Division 234—Emission Standards for Wood Products Industries (0005, 0010 except (8) and (10), 0100, 0140, 0200, 0210—except (1), 0220—except (2), 0240—except (1), 0250—except (1) and (2), 0270, 0500, 0510, 0520, 0530, 0540);
- Divisions 236—Emission Standards for Specific Industries (0005, 0010, 0400, 0410, 0420, 0440, 8010);
- Division 240—Rules for Areas with Unique Air Quality Needs (0010, 0020, 0030, 0050, 0100, 0110, 0120, 0130, 0140, 0150, 0160, 0180, 0190, 0210, 0220, 0250, 0300, 0320, 0330, 0340, 0350, 0360, 0400, 0410, 0420, 0430, 0440, 0510, 0550, 0560, 0610);
- Division 242—Rules Applicable to the Portland Area (0400, 0410, 0420, 0430, 0440, 0600, 0610, 0620, 0630);
- Division 262—Heat Smart Program for Residential Woodstoves and Other Solid Fuel Heating Devices (0450);
- Division 264—Rules for Open Burning (0010, 0020, 0030, 0040, 0050, 0060, 0070, 0075, 0078, 0080, 0100, 0110, 0120, 0130, 0140, 0150, 0160, 0170, 0175, 0180); and
- Division 268—Emission Reduction Credits (0010, 0020, 0030).

Rules Also Approved for Lane County

- Division 200—General Air Pollution Procedures and Definitions (0020);
- Division 202—Ambient Air Quality Standards and PSD Increments (0050);
- Division 204—Designation of Air Quality Areas (0300, 0310, 0320);
- Division 208—Visible Emissions and Nuisance Requirements (0110, 0210);
- Division 214—Stationary Source Reporting Requirements (0114)(5);
- Division 216—Air Contaminant Discharge Permits (0040, 8010);
- Division 222—Stationary Source Plant Site Emission Limits (0090);
- Division 224—New Source Review (0030, 0530);
- Division 225—Air Quality Analysis Requirements (0010, 0020, 0030, 0040, 0045, 0050, 0060, 0070);
- Division 226—General Emissions Standards (0210); and
- Division 228—Requirements for Fuel Burning Equipment and Fuel Sulfur Content (0210).

B. Rules Approved but Not Incorporated by Reference

We are approving, but not incorporating by reference, the following provisions:

- ODEQ Source Sampling Manual, Volumes I and II, April 2015 (for purposes of the limits approved into the SIP);
- ODEQ Continuous Emissions Monitoring Manual, April 2015 (for purposes of the limits approved into the SIP);
- ODEQ–LRAPA Stringency Analysis and Directive, Attachment B; and
- Division 200—General Air Pollution Procedures and Definitions (0100, 0110, 0120).

C. Rules Removed

We are removing the following sections from the Oregon SIP because they have been repealed, replaced by rules noted in paragraph A above, or the state has asked that they be removed:

- Division 208—Visible Emissions and Fugitive Emissions Requirements (0100, 0200);
- Division 212—Compliance Assurance Monitoring (0200, 0210, 0220, 0230, 0240, 0250, 0260, 0270, 0280);
- Division 214—Stationary Source Reporting Requirements (0400, 0410, 0420, 0430);

• Division 222—Stationary Source Plant Site Emissions Limits (0043, 0045, 0070);
• Division 224—New Source Review (0080, 0100);
• Division 225—Air Quality Analysis Requirements (0090);
• Division 226—General Emission Standards (0200);
• Division 228—Requirements for Fuel Burning Equipment and Fuel Sulfur Content (0400, 0410, 0420, 0430, 0440, 0450, 0460, 0470, 0480, 0490, 0500, 0510, 0520, 0530);
• Division 234—Emission Standards for Wood Products Industries (0300, 0310, 0320, 0330, 0340, 0350, 0360, 0400, 0410, 0420, 0430);
• Division 236—Emission Standards for Specific Industries (0100, 0110, 0120, 0130, 0140, 0150, 0200, 0210, 0220, 0230, 0430);
• Division 240—Rules for Areas with Unique Air Quality Needs (0170, 0230, 0310);
• Division 242—Rules Applicable to the Portland Areas (0700, 0710, 0720, 0730, 0740, 0750, 0760, 0770, 0780, 0790); and
• Division 264—Rules for Open Burning (0190).

D. Rules We Are Not Acting On

For the reasons stated above, we are not incorporating the following revised provisions into the Oregon SIP because they are inappropriate for SIP approval under section 110, title I of the CAA:
• Division 200—General Air Pollution Procedures and Definitions (0050) (compliance schedules);
• Division 222—Stationary Source Plant Site Emission Limits (0060) (hazardous air pollutants);
• Division 224—New Source Review (0510(3)) (fine particulate matter inter-pollutant offset ratios); and
• Division 234—Emission Standards for Wood Products Industries (0010(8) and (10), 0210(1), 0220(2), 0240(1), 0250 (1) and (2)) (total reduced sulfur and odor).

E. Rules Deferred

• Division 214—Stationary Source Reporting Requirements (0300, 0310, 0320, 0330, 0340, 0350, 0360) (excess emissions and emergency provisions).

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, we are finalizing the incorporation by reference as described in Section III above, and the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through *https://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).

These materials have been approved by the EPA for inclusion in the SIP, 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.[1]

V. Oregon Notice Provision

Oregon Revised Statute 468.126, prohibits the ODEQ from imposing a penalty for violation of an air, water or solid waste permit unless the source has been provided five days' advanced written notice of the violation and has not come into compliance or submitted a compliance schedule within that five-day period. By its terms, the statute does not apply to Oregon's title V program or to any program if application of the notice provision would disqualify the program from federal delegation. Oregon has previously confirmed that, because application of the notice provision would preclude EPA approval of the Oregon SIP, no advance notice is required for violation of SIP requirements.

VI. Statutory and Executive Orders Review

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 11, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not

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

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, Intergovernmental relations, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: September 28, 2017.

Daniel D. Opalski,

Acting Regional Administrator, 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 MM—Oregon

■ 2. Section 52.1970 is amended:

■ a. In paragraph (c), by revising Table 2 and adding Table 5;

■ b. In paragraph (e), under the table entitled ''Oregon Administrative Rules, Approved But Not Incorporated By Reference'', by revising the entries ''200–0100'', ''200–0110'', and ''200–0120'';and by revising the tables entitled ''EPA Approved Oregon State Directive'' and ''EPA Approved Manuals.''

The revisions read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)

State citation	Title/subject	State effective date	EPA approval date	Explanations
CHAPTER 340—DEPARTMENT OF ENVIRONMENTAL QUALITY				
Division 21—General Emission Standards for Particulate Matter Industrial Contingency Requirements for PM–10 Nonattainment Areas				
021–200	Purpose	5/1/1995	9/21/1999, 64 FR 51051.	
021–205	Relation to Other Rules	3/10/1993	2/25/1997, 62 FR 8385.	
021–210	Applicability	3/10/1993	2/25/1997, 62 FR 8385.	
021–215	Definitions	3/10/1993	2/25/1997, 62 FR 8385.	
021–220	Compliance Schedule for Existing Sources.	3/10/1993	2/25/1997, 62 FR 8385.	
021–225	Wood Waste Boilers	3/10/1993	2/25/1997, 62 FR 8385.	
021–230	Wood Particle Dryers at Particleboard Plants.	3/10/1993	2/25/1997, 62 FR 8385.	
021–235	Hardboard Manufacturing Plants	3/10/1993	2/25/1997, 62 FR 8385.	
021–240	Air Conveying Systems	3/10/1993	2/25/1997, 62 FR 8385.	
021–245	Fugitive Emissions	3/10/1993	2/25/1997, 62 FR 8385.	
Division 200—General Air Pollution Procedures and Definitions				
200–0010	Purpose and Application	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
200–0020	General Air Quality Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
200–0025	Abbreviations and Acronyms	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
200–0030	Exceptions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
200–0035	Reference Materials	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Division 202—Ambient Air Quality Standards and PSD Increments				
202–0010	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
202–0020	Applicability and Jurisdiction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Ambient Air Quality Standards				
202–0050	Purpose and Scope of Ambient Air Quality Standards.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
202–0060	Suspended Particulate Matter	5/1/2011	12/27/2011, 76 FR 80747.	
202–0070	Sulfur Dioxide	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
202–0080	Carbon Monoxide	7/1/2011	1/22/2003, 68 FR 2891.	
202–0090	Ozone	5/21/2010	12/27/2011, 76 FR 80747.	
202–0100	Nitrogen Dioxide	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
202–0130	Lead	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Prevention of Significant Deterioration Increments			
202–0200	General	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
202–0210	Ambient Air PSD Increments	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
202–0220	Ambient Air Ceilings	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
202–0225	Ambient Air Quality Impact Levels for Maintenance Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Division 204—Designation of Air Quality Areas			
204–0010	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
204–0020	Designation of Air Quality Control Regions.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
204–0030	Designation of Nonattainment Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
204–0040	Designation of Maintenance Areas	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
204–0050	Designation of Prevention of Significant Deterioration Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
204–0060	Redesignation of Prevention of Significant Deterioration Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
204–0070	Special Control Areas	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
204–0080	Motor Vehicle Inspection Boundary Designations.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
204–0090	Oxygenated Gasoline Control Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Designation of Areas			
204–0300	Designation of Sustainment Areas	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
204–0310	Designation of Reattainment Areas	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
204–0320	Priority Sources	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Division 206—Air Pollution Emergencies			
206–0010	Introduction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
206–0020	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
206–0030	Episode State Criteria for Air Pollution Emergencies.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
206–0040	Special Conditions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
206–0050	Source Emission Reduction Plans	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
206–0060	Regional Air Pollution Authorities	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
206–0070	Operations Manual	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
206–8010	Air Pollution Episode ALERT Conditions Source Emission Reduction Plan Emissions Control Actions to be Taken as Appropriate in Alert Episode Area.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
206–8020	Air Pollution Episode WARNING Conditions Emission Reduction Plan.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
206–8030	Air Pollution Episode EMERGENCY Conditions Emission Reduction Plan.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
206–8040	Air Pollution Episode Conditions Due to Particulate Which is Primarily Fallout from Volcanic Activity or Windblown Dust.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Division 208—Visible Emissions and Nuisance Requirements				
208–0005	Applicability and Jurisdiction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
208–0010	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Visible Emissions				
208–0110	Visible Air Contaminant Limitations	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Fugitive Emission Requirements				
208–0210	Requirements for Fugitive Emissions.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Division 209—Public Participation				
209–0010	Purpose	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
209–0020	Applicability	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
209–0030	Public Notice Categories and Timing.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
209–0040	Public Notice Information	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
209–0050	Public Notice Procedures	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
209–0060	Persons Required to be Notified	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
209–0070	Hearing Procedures	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
209–0080	Issuance or Denial of a Permit	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Division 210—Stationary Source Notification Requirements				
210–0010	Applicability and Jurisdiction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
210–0020	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Registration				
210–0100	Registration in General	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
210–0110	Registration Requirements	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
210–0120	Re-Registration and Maintaining Registration.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Notice of Construction and Approval of Plans				
210–0205	Applicability	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
210–0215	Requirement	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
210–0225	Types of Construction/Modification Changes.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
210–0230	Notice to Construct	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
210–0240	Construction Approval	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
210–0250	Approval to Operate	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Division 212—Stationary Source Testing and Monitoring			
212–0005	Applicability and Jurisdiction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
212–0010	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Sampling, Testing and Measurement			
212–0110	Applicability	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
212–0120	Program	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
212–0130	Stack Heights and Dispersion Techniques.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
212–0140	Methods	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
212–0150	Department Testing	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Division 214—Stationary Source Reporting Requirements			
214–0005	Applicability and Jurisdiction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
214–0010	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Reporting			
214–0100	Applicability	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
214–0110	Request for Information	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
214–0114	Records; Maintaining and Reporting.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
214–0120	Enforcement	10/14/1999	1/22/2003, 68 FR 2891	
214–0130	Information Exempt from Disclosure	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Emissions Statements for VOC and NOx Sources			
214–0200	Purpose and Applicability	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
214–0210	Requirements	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
214–0200	Submission of Emission Statement	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Excess Emissions and Emergency Provision			
214–0300	Purpose and Applicability	11/8/2007	12/27/2011, 76 FR 80747.	
214–0310	Planned Startup and Shutdown	11/8/2007	12/27/2011, 76 FR 80747.	
214–0320	Scheduled Maintenance	11/8/2007	12/27/2011, 76 FR 80747.	
214–0330	All Other Excess Emissions	11/8/2007	12/27/2011, 76 FR 80747.	
214–0340	Reporting Requirements	11/8/2007	12/27/2011, 76 FR 80747.	
214–0350	Enforcement Action Criteria	11/8/2007	12/27/2011, 76 FR 80747.	
214–0360	Emergency as an Affirmative Defense.	11/8/2007	12/27/2011, 76 FR 80747.	
	Division 216—Air Contaminant Discharge Permits			
216–0010	Purpose	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0020	Applicability and Jurisdiction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
216–0025	Types of Permits	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0030	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0040	Application Requirements	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0052	Construction ACDPs	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0054	Short-Term Activity ACDPs	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0056	Basic ACDPs	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0060	General Air Contaminant Discharge Permits.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0062	General ACDP Attachments	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0064	Simple ACDPs	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0066	Standard ACDPs	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0068	Simple and Standard ACDP Attachments.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0070	Permitting a Source with Multiple Activities or Processes at a Single Adjacent or Contiguous Site.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0082	Termination or Revocation of an ACDP.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0084	Department-Initiated Modification	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0090	Sources Subject to ACDPs and Fees.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–0094	Temporary Closure	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–8010	Table 1—Activities and Sources	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
216–8020	Table 2—Air Contaminant Discharge Permits.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Division 222—Stationary Source Plant Site Emission Limits			
222–0010	Policy	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
222–0020	Applicability and Jurisdiction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
222–0030	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Criteria for Establishing Plant Site Emission Limits			
222–0035	General Requirements for Establishing All PSELs.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
222–0040	Generic Annual PSEL	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
222–0041	Source Specific Annual PSEL	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
222–0042	Short Term PSEL	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
222–0046	Netting Basis	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
222–0048	Baseline Period and Baseline Emission Rate.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
222–0051	Actual Emissions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
222–0055	Unassigned Emissions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
222–0080	Plant Site Emission Limit Compliance.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
222–0090	Combining and Splitting Sources and Changing Primary SIC Code.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
	Division 223—Regional Haze Rules			
223–0010	Purpose	12/10/2010	7/5/2011, 76 FR 38997.	
223–0020	Definitions	12/10/2010	7/5/2011, 76 FR 38997.	
223–0030	BART and Additional Regional Haze Requirements for the Foster-Wheeler Boiler at the Boardman Coal-Fired Power Plant (Federal Acid Rain Program Facility ORISPL Code 6106).	12/10/2010	7/5/2011, 76 FR 38997.	
223–0040	Federally Enforceable Permit Limits	12/10/2010	7/5/2011, 76 FR 38997.	
223–0050	Alternative Regional Haze Requirements for the Foster-Wheeler Boiler at the Boardman Coal-Fired Power Plant (Federal Acid Rain Program Facility ORISPL Code 6106).	12/10/2010	7/5/2011, 76 FR 38997.	
223–0080	Alternative Requirements for the Foster-Wheeler Boiler at the Boardman Coal-Fired Power Plant (Federal Acid Rain Program Facility ORISPL Code 6106) Based Upon Permanently Ceasing the Burning of Coal Within Five Years of EPA Approval of the Revision to the Oregon Clean Air Act State Implementation Plan Incorporating OAR Chapter 340, Division 223.	12/10/2010	7/5/2011, 76 FR 38997.	
	Division 224—New Source Review			
224–0010	Applicability, General Prohibitions, General Requirements and Jurisdiction.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0020	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0025	Major Modification	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0030	New Source Review Procedural Requirements.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0034	Exemptions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0038	Fugitive and Secondary Emissions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0040	Review of Sources Subject to Major NSR or Type A State NSR for Compliance with Regulations.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Major New Source Review			
224–0045	Requirements for Sources in Sustainment Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0050	Requirements for Sources in Nonattainment Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0055	Requirements for Sources in Reattainment Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0060	Requirements for Sources in Maintenance Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0070	Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	State New Source Review			
224–0245	Requirements for Sources in Sustainment Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0250	Requirements for Sources in Nonattainment Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
224–0255	Requirements for Sources in Reattainment Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0260	Requirements for Sources in Maintenance Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0270	Requirements for Sources in Attainment and Unclassified Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Net Air Quality Benefit Emission Offsets			
224–0500	Net Air Quality Benefit for Sources Locating within or Impacting Designated Area.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0510	Common Offset Requirements	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Except paragraph (3).
224–0520	Requirements for Demonstrating Net Air Quality Benefit for Ozone Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0530	Requirements for Demonstrating Net Air Quality Benefit for Non-Ozone Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
224–0540	Sources in a Designated Area Impacting Other Designated Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Division 225—Air Quality Analysis Requirements			
225–0010	Purpose and Jurisdiction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
225–0020	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
225–0030	Procedural Requirements	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
225–0040	Air Quality Models	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
225–0045	Requirements for Analysis in Maintenance Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
225–0050	Requirements for Analysis in PSD Class I and Class III Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
225–0060	Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
225–0070	Requirements for Demonstrating Compliance with Air Quality Related Values Protection.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Division 226—General Emission Standards			
226–0005	Applicability and Jurisdiction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
226–0010	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Highest and Best Practicable Treatment and Control			
226–0100	Policy and Application	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
226–0110	Pollution Prevention	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
226–0120	Operating and Maintenance Requirements.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
226–0130	Typically Achievable Control Technology (TACT).	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
226–0140	Additional Control Requirements for Stationary Sources of Air Contaminants.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
	Grain Loading Standards			
226–0210	Particulate Emission Limitations for Sources Other Than Fuel Burning Equipment, Refuse Burning Equipment and Fugitive Emissions.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Particulate Emissions from Process Equipment			
226–0310	Emission Standard	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
226–0320	Determination of Process Weight	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Alternative Emission Controls			
226–0400	Alternative Emission Controls (Bubble).	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
226–0810	Particulate Matter Emissions Standards for Process Equipment.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Division 228—Requirements for Fuel Burning Equipment and Fuel Sulfur Content			
228–0010	Applicability and Jurisdiction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
228–0020	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Sulfur Content of Fuels			
228–0100	Residual Fuel Oils	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
228–0110	Distillate Fuel Oils	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
228–0120	Coal	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
228–0130	Exemptions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	General Emission Standards for Fuel Burning Equipment			
228–0200	Sulfur Dioxide Standards	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
228–0210	Grain Loading Standards	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Division 232—Emission Standards for VOC Point Sources			
232–0010	Introduction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0020	Applicability	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0030	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0040	General Non-Categorical Requirements.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0050	Exemptions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0060	Compliance Determination	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0080	Bulk Gasoline Plants Including Transfer of Gasoline.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0085	Gasoline Delivery Vessel(s)	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0090	Bulk Gasoline Terminals Including Truck and Trailer Loading.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0100	Testing Vapor Transfer and Collection Systems.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
232–0110	Loading Gasoline and Volatile Organic Liquids onto Marine Tank Vessels.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0120	Cutback and Emulsified Asphalt	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0130	Petroleum Refineries	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0140	Petroleum Refinery Leaks	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0150	VOC Liquid Storage	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0160	Surface Coating in Manufacturing ..	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0170	Aerospace Component Coating Operations.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0180	Degreasers	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0190	Open Top Vapor Degreasers	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0200	Conveyorized Degreasers	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0210	Asphaltic and Coal Tar Pitch Used for Roofing Coating.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0220	Flat Wood Coating	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
232–0230	Rotogravure and Flexographic Printing.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Division 234—Emission Standards for Wood Product Industries			
234–0005	Applicability and Jurisdiction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
234–0010	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Except (8) and (10).
	Wigwam Waste Burners			
234–0100	Wigwam Waste Burners	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
234–0140	Existing Administrative Agency Orders.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Kraft Pulp Mills			
234–0200	Statement of Policy and Applicability.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
234–0210	Emission Limitations	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Except (1).
234–0220	More Restrictive Emission Limits	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Except (2).
234–0240	Monitoring	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Except (1).
234–0250	Reporting	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Except (1) and (2).
234–0270	Chronic Upset Conditions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Board Products Industries (Veneer, Plywood, Particleboard, Hardboard)			
234–0500	Applicability and General Provisions.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
234–0510	Veneer and Plywood Manufacturing Operations.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
234–0520	Particleboard Manufacturing Operations.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
234–0530	Hardboard Manufacturing Operations.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
234–0540	Testing and Monitoring	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Division 236—Emission Standards for Specific Industries				
236–0005	Applicability and Jurisdiction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
236–0010	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Hot Mix Asphalt Plants				
236–0400	Applicability	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
236–0410	Control Facilities Required	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
236–0420	Other Established Air Quality Limitations.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
236–0440	Ancillary Sources of Emission—Housekeeping of Plant Facilities.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
236–8010	Process Weight Table	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Division 240—Rules for Areas with Unique Air Quality Needs				
240–0010	Purpose	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0020	Emission Limitations	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0030	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0050	Compliance Testing Requirements	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
The Medford-Ashland Air Quality Maintenance Area and the Grants Pass Urban Growth Area				
240–0100	Applicability	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0110	Wood Waste Boilers	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0120	Veneer Dryer Emission Limitations	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0130	Air Conveying Systems (Medford-Ashland AQMA Only).	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0140	Wood Particle Dryers at Particleboard Plants.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0150	Hardboard Manufacturing Plants	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0160	Wigwam Waste Burners	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0180	Control of Fugitive Emissions (Medford-Ashland AQMA Only).	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0190	Requirement for Operation and Maintenance Plans (Medford-Ashland AQMA Only).	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0210	Continuous Monitoring	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0220	Source Testing	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0250	Open Burning	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
La Grande Urban Growth Area				
240–0300	Applicability	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0320	Wood-Waste Boilers	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0330	Wood Particle Dryers at Particleboard Plants.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0340	Hardboard Manufacturing Plants	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0350	Air Conveying Systems	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
240–0360	Fugitive Emissions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	The Lakeview Urban Growth Area			
240–0400	Applicability	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0410	Control of Fugitive Emissions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0420	Requirement for Operation and Maintenance Plans.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0430	Source Testing	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0440	Open Burning	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Klamath Falls Nonattainment Area			
240–0500	Applicability	12/11/2012	8/25/2015, 80 FR 51472.	
240–0510	Opacity Standard	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0520	Control of Fugitive Emissions	12/11/2012	8/25/2015, 80 FR 51472.	
240–0530	Requirement for Operation and Maintenance Plans.	12/11/2012	8/25/2015, 80 FR 51472.	
240–0540	Compliance Schedule for Existing Industrial Sources.	12/11/2012	8/25/2015, 80 FR 51472.	
240–0550	Requirements for New Sources When Using Residential Wood Fuel-Fired Device Offsets.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Real and Permanent $PM_{2.5}$ and PM_{10} Offsets			
240–0560	Real and Permanent $PM_{2.5}$ and PM_{10} Offsets.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Klamath Falls Nonattainment Area Contingency Measures			
240–0570	Applicability	12/11/2012	6/6/2016, 81 FR 36178.	
240–0580	Existing Industrial Sources Control Efficiency.	12/11/2012	6/6/2016, 81 FR 36178.	
240–0610	Continuous Monitoring for Industrial Sources.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
240–0620	Contingency Measures: New Industrial Sources.	12/11/2012	6/6/2016, 81 FR 36178.	
240–0630	Contingency Enhanced Curtailment of Use of Solid Fuel Burning Devices and Fireplaces.	12/11/2012	6/6/2016, 81 FR 36178.	
	Division 242—Rules Applicable to the Portland Area			
242–0010	What is the Employee Commute Options Program?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0020	Who is Subject to ECO?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0030	What Does ECO Require?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0040	How Does the Department Enforce ECO?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0050	Definitions of Terms Used in These Rules	4/12/2007	12/19/2011, 76 FR 78571.	
242–0060	Should All Employees at a Work Site be Counted?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0070	What are the Major Requirements of ECO?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0080	What are the Registration Requirements?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0090	What are the Requirements for an Employee Survey?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0100	Special Requirements for Employers Intending to Comply Without an Approved Plan	10/14/1999	1/22/2003, 68 FR 2891.	
242–0110	What if an Employer Does Not Meet the Target Auto Trip Rate?	4/12/2007	12/19/2011, 76 FR 78571.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
242–0120	How Will Employers Demonstrate Progress Toward the Target Auto Trip Rate?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0130	What is the Schedule Employers Must Follow to Implement ECO?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0140	How Should Employers Account for Changes in Work Force Size?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0150	How Can an Employer Reduce Auto Commute Trips to a Work Site?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0160	What Should be Included in an Auto Trip Reduction Plan?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0170	When Will the Department Act on a Submitted Auto Trip Reduction Plan?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0180	What is a Good Faith Effort?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0190	How Does the ECO Program Affect New Employers, Expanding Employers and Employers Relocating Within the Portland AQMA?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0200	Can a New or Relocating Employer Comply with ECO Through Restricted Parking Ratios?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0210	Can an Existing Employer Comply with ECO Through Restricted Parking Ratios?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0220	What if an Employer Has More Than One Work Site Within the Portland AQMA?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0230	Can Employers Submit a Joint Plan?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0240	Are There Alternatives to Trip Reduction?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0250	What Alternatives Qualify as Equivalent Emission Reductions?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0260	Can Employers Get Credit for Existing Trip Reduction Programs?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0270	Are Exemptions Allowed if an Employer is Unable to Reduce Trips or Take Advantage of Alternate Compliance Options?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0280	Participation in the Industrial Emission Management Program	4/12/2007	12/19/2011, 76 FR 78571.	
242–0290	What Kind of Records Must be Kept and for How Long?	4/12/2007	12/19/2011, 76 FR 78571.	
	Voluntary Maximum Parking Ratio Program			
242–0300	What is the Voluntary Parking Ratio Program?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0310	Who can Participate in the Voluntary Parking Ratio Program?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0320	Definitions of Terms and Land Uses	10/14/1999	1/22/2003, 68 FR 2891.	
242–0330	How Does a Property Owner Comply with the Voluntary Parking Ratio Program?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0340	What are the Incentives for Complying with the Voluntary Parking Ratio Program?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0350	Why Do I Need a Parking Ratio Permit?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0360	What is Required to Obtain a Parking Ratio Permit?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0370	How is the Parking Ratio Program Enforced?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0380	When Will the Department Act on a Submitted Permit Application?	10/14/1999	1/22/2003, 68 FR 2891.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
242–0390	What are the Applicable Parking Ratios?	10/14/1999	1/22/2003, 68 FR 2891.	
	Industrial Emission Management Program			
242–0400	Applicability	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
242–0410	Definition of Terms	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
242–0420	Unused PSEL Donation Program	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
242–0430	Industrial Growth Allowances	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
242–0440	Industrial Growth Allowance Allocation.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Gasoline Vapors from Gasoline Transfer and Dispensing Operations			
242–0500	Purpose and Applicability	4/16/2015	11/28/2015, 80 FR 65659.	
242–0510	Definitions	4/16/2015	11/28/2015, 80 FR 65659.	
242–0520	General Provisions	4/16/2015	11/28/2015, 80 FR 65659.	
	Motor Vehicle Refinishing			
242–0600	Applicability	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
242–0610	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
242–0620	Requirements for Motor Vehicle Refinishing in Portland AQMA.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
242–0630	Inspecting and Testing Requirements.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
	Division 244—Oregon Federal Hazardous Air Pollutant Program [1] [2] **General Provisions for Stationary Sources**			
244–0030	Definitions	4/16/2015	10/27/2015, 80 FR 65659	Only to the extent needed to implement the requirements for gasoline dispensing facilities in division 244 that are approved into the SIP
	Emission Standards for Gasoline Dispensing Facilities			
244–0232	Purpose	4/16/2015	10/27/2015, 80 FR 65659.	
244–0234	Affected Sources	4/16/2015	10/27/2015, 80 FR 65659.	
244–0236	Affected Equipment or Processes	4/16/2015	10/27/2015, 80 FR 65659.	
244–0238	Compliance Dates	4/16/2015	10/27/2015, 80 FR 65659	Except (1)(a) and (2)(c)
	Emission Limitations and Management Practices			
244–0239	General Duties to Minimize Emissions.	4/16/2015	10/27/2015, 80 FR 65655.	
244–0240	Work Practice and Submerged Fill Requirements.	4/16/2015	10/27/2015, 80 FR 65655.	
244–0242	Vapor Balance Requirements	4/16/2015	10/27/2015, 80 FR 65655	Including tables 2 and 3
	Testing and Monitoring Requirements			
244–0244	Testing and Monitoring Requirements.	4/16/2015	10/27/2015, 80 FR 65655	Except (1)(b) and (c)
	Notifications, Records, and Reports			
244–0246	Notifications	4/16/2015	10/27/2015, 80 FR 65655.	
244–0248	Recordkeeping Requirements	4/16/2015	10/27/2015, 80 FR 65655	Except (4)(c) and (d)
244–0250	Reporting Requirements	4/16/2015	10/27/2015, 80 FR 65655.	
244–0252	General Provision Applicability	12/31/2008	10/27/2015, 80 FR 65655.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Division 250—General Conformity				
250–0010	Purpose	10/14/1999	1/22/2003, 68 FR 2891.	
250–0020	Applicability	10/14/1999	1/22/2003, 68 FR 2891.	
250–0030	Definitions	10/14/1999	1/22/2003, 68 FR 2891.	
250–0040	Conformity Analysis	10/14/1999	1/22/2003, 68 FR 2891.	
250–0050	Reporting Requirements	10/14/1999	1/22/2003, 68 FR 2891.	
250–0060	Public Participation	10/14/1999	1/22/2003, 68 FR 2891.	
250–0070	Frequency of Conformity Determinations.	10/14/1999	1/22/2003, 68 FR 2891.	
250–0080	Criteria for Determining Conformity of General Federal Actions.	10/14/1999	1/22/2003, 68 FR 2891.	
250–0090	Procedures for Conformity Determinations of General Federal Actions.	10/14/1999	1/22/2003, 68 FR 2891.	
250–0100	Mitigation of Air Quality Impacts	10/14/1999	1/22/2003, 68 FR 2891.	
Division 252—Transportation Conformity				
252–0010	Propose	10/14/1999	1/22/2003, 68 FR 2891.	
252–0030	Definitions	3/5/2010	10/4/2012, 77 FR 60627.	
252–0060	Consultation	3/5/2010	10/4/2012, 77 FR 60627.	
252–0070	Timeframe of Conformity Determinations.	3/5/2010	10/4/2012, 77 FR 60627	Except last two sentences
252–0230	Written Comments	3/5/2010	10/4/2012, 77 FR 60627.	
Division 256—Motor Vehicles				
256–0010	Definitions	7/12/2005	12/19/2011, 76 FR 78571.	
Visible Emissions				
256–0100	Visible Emissions—General Requirements, Exclusions.	7/12/2005	12/19/2011, 76 FR 78571.	
256–0130	Motor Vehicle Fleet Operation	7/12/2005	12/19/2011, 76 FR 78571.	
Certification of Pollution Control Systems				
256–0200	County Designations	10/14/1999	11/22/2004, 69 FR 67819.	
Emission Control System Inspection				
256–0300	Scope	7/12/2005	12/19/2011, 76 FR 78571.	
256–0310	Government-Owned Vehicle, Permanent Fleet Vehicle and United States Government Vehicle Testing.	7/12/2005	12/19/2011, 76 FR 78571.	
256–0330	Department of Defense Personnel Participating in the Privately Owned Vehicle Import Control Program.	10/14/1999	11/24/2004, 69 FR 67819.	
256–0340	Light Duty Motor Vehicle Emission Control Test Method for Enhanced Program.	7/12/2005	12/19/2011, 76 FR 78571.	
256–0350	Light Duty Motor Vehicle Emission Control Test Method for Enhanced Program.	7/12/2005	12/19/2011, 76 FR 78571.	
256–0355	Emissions Control Test Method for OBD Test Program.	10/25/2000	11/22/2004, 69 FR 67819.	
256–0356	Emissions Control Test Method for On-Site Vehicle Testing for Automobile Dealerships.	10/4/2001	11/22/2004, 69 FR 67819.	
256–0370	Renewal of Registration for Light Duty Motor Vehicles and Heavy Duty Gasoline Motor Vehicles Temporarily Operating Outside of Oregon.	10/14/1999	11/22/2004, 69 FR 67819.	
256–0380	Light Duty Motor Vehicle Emission Control Test Criteria for Basic Program.	7/12/2005	12/19/2011, 76 FR 78571.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
256–0390	Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria.	7/12/2005	12/19/2011, 76 FR 78571.	
256–0400	Light Duty Motor Vehicle Emission Control Standards for Basic Program.	10/14/1999	11/22/2004, 69 FR 67819.	
256–0410	Light Duty Motor Vehicle Emission Control Standards for Basic Program.	10/14/1999	11/22/2004, 69 FR 67819.	
256–0420	Heavy-Duty Gasoline Motor Vehicle Emission Control Standards.	10/14/1999	11/22/2004, 69 FR 67819.	
256–0440	Criteria for Qualifications of Persons Eligible to Inspect Motor Vehicles and Motor Vehicle Pollution Control Systems and Execute Certificates.	10/25/2000	11/22/2004, 69 FR 67819.	
256–0450	Gas Analytical System Licensing Criteria for Basic Program.	10/14/1999	11/22/2004, 69 FR 67819.	
256–0460	Gas Analytical System Licensing Criteria for Enhanced Program.	10/14/1999	11/22/2004, 69 FR 67819.	
256–0465	Test Equipment Licensing Criteria for OBD Test Program.	10/25/2000	11/22/2004, 69 FR 67819.	
256–0470	Agreement with Independent Contractor; Qualifications of Contractor; Agreement Provisions.	10/14/1999	11/22/2004; 69 FR 67819.	
	Division 258—Motor Vehicle Fuel Specifications			
258–0010	Definitions	10/14/1999	1/22/2003, 68 FR 2891.	
	Oxygenated Gasoline			
258–0100	Policy	10/14/1999	1/22/2003, 68 FR 2891.	
258–0110	Purpose and General Requirements.	10/14/1999	1/22/2003, 68 FR 2891.	
258–0120	Sampling and Testing for Oxygen Content.	10/14/1999	1/22/2003, 68 FR 2891.	
258–0130	Compliance Options	10/14/1999	1/22/2003, 68 FR 2891.	
258–0140	Per Gallon Oxygen Content Standard.	10/14/1999	1/22/2003, 69 FR 2891.	
258–0150	Average Oxygen Content Standard	10/14/1999	1/22/2003, 68 FR 2891.	
258–0160	Minimum Oxygen Content	10/14/1999	1/22/2003, 68 FR 2891.	
258–0170	Oxygenated Gasoline Blending	10/14/1999	1/22/2003, 68 FR 2891.	
258–0180	Registration	10/14/1999	1/22/2003, 68 FR 2891.	
258–0190	CAR, Distributor and Retail Outlet Operating Permits.	10/14/1999	1/22/2003, 68 FR 2891.	
258–0200	Owners of Gasoline and Terminals, Distributors and Retail Outlets Required to Have Indirect Source Operating Permits.	10/14/1999	1/22/2003, 68 FR 2891.	
258–0210	Recordkeeping	10/14/1999	1/22/2003, 68 FR 2891.	
258–0220	Reporting	10/14/1999	1/22/2003, 68 FR 2891.	
258–0230	Prohibited Activities	10/14/1999	1/22/2003, 68 FR 2891.	
258–0240	Inspection and Sampling	10/14/1999	1/22/2003, 68 FR 2891.	
258–0250	Liability for Violation of a Prohibited Activity.	10/14/1999	1/22/2003, 68 FR 2891.	
258–0260	Defenses for Prohibited Activities	10/14/1999	1/22/2003, 68 FR 2891.	
258–0270	Inability to Produce Conforming Gasoline Due to Extraordinary Circumstances.	10/14/1999	1/22/2003, 68 FR 2891.	
258–0280	Quality Assurance Program	10/14/1999	1/22/2003, 68 FR 2891.	
258–0290	Attest Engagements Guidelines When Prohibited Activities Alleged.	10/14/1999	1/22/2003, 68 FR 2891.	
258–0300	Dispenser Labeling	10/14/1999	1/22/2003, 68 FR 2891.	
258–0310	Contingency Provision for Carbon Monoxide Nonattainment Areas.	10/14/1999	1/22/2003, 68 FR 2891.	
	Standard for Automotive Gasoline			
258–0400	Reid Vapor Pressure for Gasoline	10/14/1999	1/22/2003, 68 FR 2891.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Division 262—Heat Smart Program for Residential Woodstoves and Other Solid Fuel Heating Devices				
262–0400	Purpose and Applicability of Rules	3/15/2011	6/20/2013, 78 FR 37124.	
262–0450	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
262–0500	Certification of Solid Fuel Burning Devices for Sale and New.	3/15/2011	6/20/2013, 78 FR 37124.	
262–0600	New and Used Solid Fuel Burning Devices.	5/17/2012	6/20/2013, 78 FR 37124.	
262–0700	Removal and Destruction of Used Solid Fuel Burning Devices.	3/15/2011	6/20/2013, 78 FR 37124.	
262–0800	Wood Burning and Other Heating Devices Curtailment Program.	3/15/2011	6/20/2013, 78 FR 37124.	
262–0900	Materials Prohibited from Burning	3/15/2011	6/20/2013, 78 FR 37124.	
262–1000	Wood Burning Contingency Measures for $PM_{2.5}$ Nonattainment Areas.	12/11/2012	6/6/2016, 81 FR 36176.	
Division 264—Rules for Open Burning				
264–0010	How to Use These Open Burning Rules.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0020	Policy	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0030	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0040	Exemptions, Statewide	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0050	General Requirements Statewide	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0060	General Prohibitions Statewide	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0070	Open Burning Conditions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0075	Delegation of Authority	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0078	Open Burning Control Areas	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0080	County Listing of Specific Open Burning Rules.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Open Burning Requirements				
264–0100	Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0110	Benton, Linn, Marion, Polk, and Yamhill Counties.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0120	Clackamas County	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0130	Multnomah County	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0140	Washington County	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0150	Columbia County	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0160	Lane County	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0170	Coos, Douglas, Jackson and Josephine Counties.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0175	Klamath County	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
264–0180	Letter Permits	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Division 266—Field Burning Rules (Willamette Valley)				
266–0010	Introduction	10/14/1999	1/22/2003, 68 FR 2891.	
266–0020	Policy	10/14/1999	1/22/2003, 68 FR 2891.	
266–0030	Definitions	10/14/1999	1/22/2003, 68 FR 2891.	
266–0040	General Requirements	10/14/1999	1/22/2003, 68 FR 2891.	
266–0050	Registration, Permits, Fees, Records.	10/14/1999	1/22/2003, 68 FR 2891.	
266–0060	Acreage Limitations, Allocations	10/14/1999	1/22/2003, 68 FR 2891.	
266–0070	Daily Burning Authorization Criteria	10/14/1999	1/22/2003, 68 FR 2891.	
266–0080	Burning by Public Agencies (Training Fires).	10/14/1999	1/22/2003, 68 FR 2891.	
266–0090	Preparatory Burning	10/14/1999	1/22/2003, 68 FR 2891.	
266–0100	Experimental Burning	10/14/1999	1/22/2003, 68 FR 2891.	
266–0110	Emergency Burning Cessation	10/14/1999	1/22/2003, 68 FR 2891.	
266–0120	Propane Flaming	10/14/1999	1/22/2003, 68 FR 2891.	
266–0130	Stack Burning	10/14/1999	1/22/2003, 68 FR 2891.	
Division 268—Emission Reduction Credits				
268–0010	Applicability	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
268–0020	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
268–0030	Emission Reduction Credits	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Oregon Department of Forestry—Chapter 629				
629–24–301	Maintenance of Productivity and Related Values.	8/1/1987	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
629–43–043	Smoke Management Plan	4/13/1987	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
Department of Oregon State Police Office of State Fire Marshall—Chapter 837				
Division 110—Field Burning and Propaning Rules				
837–110–0010	Field Preparation	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0020	Firefighting Water Supplies	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0030	Firefighting Equipment	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0040	Ignition Criteria	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0050	Prohibited Use	2/7/1989	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0060	Communication	2/7/1989	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0070	Fire Safety Watch	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0080	Fire Safety Buffer Zones	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0090	Ban on Burning	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
Propaning				
837–110–0110	Field Preparation	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0120	Firefighting Water Supplies	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0130	Firefighting Equipment	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0140	Communication	2/7/1989	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0150	Fire Safety Watch	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
837–110–0160	Ban on Burning	8/11/1993	11/1/2001, 66 FR 55105	Statewide Visibility Plan.

[1] Only for the Portland-Vancouver, Medford-Ashland, and Salem-Keizer Area Transportation Study air quality management areas, as well as all of Clackamas, Multnomah, and Washington counties.
[2] This approval is for the purpose of regulating volatile organic compound (VOC) emissions.

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TABLE 5—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) ALSO APPROVED FOR LANE COUNTY

State citation	Title/subject	State effective date	EPA approval date	Explanations
Division 200—General Air Pollution Procedures and Definitions				
202–0020	General Air Quality Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA Title 12.
Division 202—Ambient Air Quality Standards and PSD Increments				
Ambient Air Quality Standards				
202–0050	Purpose and Scope of Ambient Air Quality Standards.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Division 204—Designation of Air Quality Areas				
Designation of Areas				
204–0300	Designation of Sustainment Areas	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
204–0310	Designation of Reattainment Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
204–0320	Priority Sources	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Division 208—Visible Emissions and Nuisance Requirements				
208–0110	Visible Air Contaminant Limitations.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 32.010.
208–0210	Requirements for Fugitive Emissions.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 48–015.
Division 214—Stationary Source Reporting Requirements				
Reporting				
214–0114	Records; Maintaining and Reporting.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Paragraph (5) only. Replaces/supersedes LRAPA 35–0160.
Division 216—Air Contaminant Discharge Permits				
216–0040	Application Requirements	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 37–0040.
216–8010	Table 1 Activities and Sources	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 37–8010 Table 1.
Division 222—Stationary Source Plant Site Emission Limits				
Criteria for Establishing Plant Site Emission Limits				
222–0090	Combining and Splitting sources and Changing Primary SIC Code.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 42–0090.

TABLE 5—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) ALSO APPROVED FOR LANE COUNTY—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Division 224—New Source Review				
224–0030	New Source Review Procedural Requirements.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Net Air Quality Benefit Emission Offsets				
224–0530	Requirements for Demonstrating Net Air Quality Benefit for Non-Ozone Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
Division 225—Air Quality Analysis Requirements				
225–0010	Purpose and Jurisdiction	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 40–0010.
225–0020	Definitions	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 40–0020.
225–0030	Procedural Requirements	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 40–0030.
225–0040	Air Quality Models	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 40–0040.
225–0045	Requirements for Analysis in Maintenance Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 40–0045.
225–0050	Requirements for Analysis in PSD Class II and Class III Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 40–0050.
225–0060	Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 40–0060.
225–0070	Requirements for Demonstrating Compliance with Air Quality Related Values Protection.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 40–0070.
Division 226—General Emission Standards				
Grain Loading Standards				
226–0210	Particulate Emission Limitations for Sources Other Than Fuel Burning, and Refuse Burning Equipment and Fugitive Emissions.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 32–015.
Division 228—Requirements for Fuel Burning Equipment and Fuel Sulfur Content				
General Emission Standards for Fuel Burning Equipment				
228–0210	Grain Loading Standards	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Replaces/supersedes LRAPA 32–020, 32–030.

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OREGON ADMINISTRATIVE RULES, APPROVED BUT NOT INCORPORATED BY REFERENCE

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	* * * * *	*	*	*
Division 200—General Air Pollution Procedures and Definitions				
Conflicts of Interest				
200–0100	Purpose	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	

OREGON ADMINISTRATIVE RULES, APPROVED BUT NOT INCORPORATED BY REFERENCE—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
200–0110	Public Interest Representation	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
200–0120	Disclosure of Potential Conflicts of Interest	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	
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EPA-APPROVED OREGON STATE DIRECTIVES

State citation	Title/subject	State effective date	EPA approval date	Explanation
Directive 1–4–1–601	Operational Guidance for the Oregon Smoke Management Program.	10/23/1992	11/1/2001, 66 FR 55112.	
ODEQ–LRAPA Stringency Directive, Attachment B.	DEQ analysis and recommendations regarding which of the proposed rules that the EQC should require LRAPA to implement directly.	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	

EPA-APPROVED MANUALS

Name	Adoption date	State effective date	EPA approval date	Explanation
ODEQ Source Sampling Manual ...	4/16/2015	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	Volumes I and II for purposes of the limits approved into the SIP.
ODEQ Continuous Emissions Monitoring Manual.	4/16/2015	4/16/2015	10/11/2017, [Insert **Federal Register** citation].	For purposes of the limits approved into the SIP.

* * * * *

■ 3. Section 52.1987 is amended by revising paragraph (a) to read as follows:

§ 52.1987 Significant deterioration of air quality.

(a) The Oregon Department of Environmental Quality rules for the prevention of significant deterioration of air quality (provisions of OAR Chapter 340, Divisions 200, 202, 209, 212, 216, 222, 224 (except 0510(3) inter-pollutant offset ratios), 225, and 268, as in effect on April 16, 2015, are approved as meeting the requirements of title I, part C, subpart I of the Clean Air Act for preventing significant deterioration of air quality.

* * * * *

[FR Doc. 2017–21803 Filed 10–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0265; FRL–9969–18—Region 9]

Approval and Promulgation of Air Quality State Implementation Plans; California; Ambient Ozone Monitoring Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of a portion of a state implementation plan (SIP) submission from the State of California regarding Clean Air Act (CAA or ''Act'') requirements for ambient ozone monitoring in the Bakersfield Metropolitan Statistical Area (MSA) for the 1997 ozone and 2008 ozone national ambient air quality standards (NAAQS or ''standards''). The SIP submission is intended to revise a portion of the State's ''infrastructure'' SIP that, more broadly, provides for implementation, maintenance, and enforcement of the standards.

DATES: This rule is effective on November 13, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2017–0265. 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.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *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: Rory Mays, Air Planning Office (AIR–2), EPA Region IX, (415) 972–3227, *mays.rory@epa.gov.*

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

Table of Contents

I. Background

On August 24, 2016, the California Air Resources Board (CARB) submitted the ''Staff Report, [C]ARB Review of the San Joaquin Valley 2016 Plan for the 2008 8-Hour Ozone Standard'' (''2016 CARB Staff Report'').[1] On July 3, 2017, we proposed to approve the portions of the submission that address ambient ozone monitoring in the Bakersfield MSA pursuant to CAA section 110(a)(2)(B),[2] and refer to those portions herein as the ''2016 Bakersfield Ozone Monitoring SIP.'' [3] We proposed to approve this SIP submission because we determined that it complied with the relevant CAA requirements, as outlined below. Our proposed rule contains more information on the SIP submission and our evaluation. We provided a 30-day public comment period on the proposed rule, during which we received no comments.

Section 110(a)(1) of the CAA requires states to submit SIPs meeting the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within a shorter period that the EPA may prescribe. The EPA refers to such SIP submissions as ''infrastructure SIPs.'' This final rule pertains to infrastructure SIP requirements for ambient air quality monitoring.

On July 18, 1997, the EPA revised the form and levels of the primary and secondary ozone standards to an 8-hour average of 0.08 parts per million (ppm).[4] On March 12, 2008, the EPA revised the levels of the primary and secondary 8-hour ozone standards to 0.075 ppm.[5] Each of these NAAQS revisions triggered the requirement for states to submit infrastructure SIPs, including provisions for ambient ozone monitoring.

Section 110(a)(2)(B) of the CAA requires states to provide for the establishment and operation of ambient air quality monitoring to (i) monitor, compile, and analyze data, and (ii) make data available to the EPA Administrator upon request. For the 1997 ozone and 2008 ozone NAAQS, the San Joaquin Valley nonattainment area includes several MSAs and one Combined Statistical Area.

California made SIP submissions in 2007 and 2014 to, among other things, address the requirements of section 110(a)(2)(B) and the EPA's implementing regulations for the 1997 ozone and 2008 ozone NAAQS. The EPA approved the submissions with respect to the ambient monitoring requirements with one exception: [6] We partially disapproved the submissions for CAA section 110(a)(2)(B) with respect to the 1997 ozone and 2008 ozone NAAQS for the Bakersfield MSA, which includes all of Kern County. Our partial disapproval was based on the closure of the MSA's maximum ozone concentration site located at Arvin-Bear Mountain Boulevard (*i.e.,* Air Quality System (AQS) ID: 06–029–5001), without EPA approval of an alternative maximum ozone concentration site.[7]

CARB had operated an ozone monitor at the Arvin-Bear Mountain Boulevard site for 20 years, and the highest ozone concentrations in the Bakersfield MSA generally occurred at this site or the Edison site (*i.e.,* AQS ID: 06–029–0007), which continues to operate. Upon notification in 2009 that the site lease would not be renewed, CARB established a replacement site at the Arvin-Di Giorgio elementary school (*i.e.,* AQS ID: 06–029–5002). This ozone monitor site relocation had not been approved by the EPA at the time of the EPA's 2014 partial disapproval of California's 2007 and 2014 infrastructure SIPs.

Based on the 2016 Bakersfield Ozone Monitoring SIP, CARB's 2016 site relocation request,[8] and the EPA's 2016 approval of that relocation request (included in the SIP submission as Appendix C to the 2016 CARB Staff Report), the EPA concluded that the Arvin-Di Giorgio site provided the most similar concentrations from similar sources to the Arvin-Bear Mountain Boulevard site and fulfilled the federal regulatory requirement that such replacement site be nearby and have the same scale of representation. In addition, we found that CARB's site relocation, as approved by the EPA consistent with 40 CFR 58.14, met the substantive requirements for site relocation under 40 CFR part 58 Appendix D, including the requirement under section 4.1(b) to designate a site to record the maximum ozone concentration in the Bakersfield MSA.

II. Final Action

The underlying basis of the EPA's 2014 disapproval has been adequately resolved via the approved site relocation for the maximum ozone concentration site in the Bakersfield MSA. Accordingly, the EPA is fully approving the 2016 Bakersfield Ozone Monitoring SIP for CAA section 110(a)(2)(B) for the 1997 ozone and 2008 ozone NAAQS, as authorized in section 110(k)(3) of the Act.

In addition, the EPA previously approved an ozone emergency episode plan from El Dorado County APCD as meeting the requirements of CAA section 110(a)(2)(G) for the 1997 ozone and 2008 ozone NAAQS.[9] That action resolved a separate, partial disapproval from the EPA's 2016 rulemaking on California's 2007 and 2014 infrastructure SIPs. However, we inadvertently did not remove certain paragraphs from the California SIP that reflected the earlier disapproval. Thus, as an administrative matter, we are removing the obsolete paragraphs, specifically 40 CFR 52.223(i)(7) and 40 CFR 52.223(l)(7), from the California SIP.

III. 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,

[1] Letter from Richard W. Corey, Executive Officer, CARB to Alexis Strauss, Acting Regional Administrator, Region IX, EPA, August 24, 2016.

[2] 82 FR 30812 (July 3, 2017).

[3] 2016 CARB Staff Report, Section V.H (''Bakersfield Area Monitor''), p. 23 and Section VII (''Staff Recommendation''), p. 24.

[4] 62 FR 38856 (July 18, 1997).

[5] 73 FR 16436 (March 27, 2008).

[6] 81 FR 18766 at 18772 (April 1, 2016).

[7] 40 CFR part 58, Appendix D, 4.1(b) requires at least one site in each MSA to be designed to capture the maximum ozone concentration in that MSA.

[8] Letter from K. Magliano, Chief, Air Quality Planning and Science Division, CARB to Meredith Kurpius, Manager, Air Quality Analysis Office, Region IX, EPA, April 29, 2016.

[9] 81 FR 47300 (July 21, 2016).

October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the 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. 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 December 11, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Dated: September 26, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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 F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(496) to read as follows:

§ 52.220 Identification of plan-in part.

* * * * *

(c) * * *

(496) The following plan was submitted on August 24, 2016, by the Governor's Designee.

(i) [Reserved]

(ii) *Additional materials.* (A) California Air Resources Board (CARB).

(*1*) CARB Resolution 16–8, dated July 21, 2016, adopting the ''2016 Ozone State Implementation Plan for the San Joaquin Valley.''

(*2*) ''Staff Report, ARB Review of the San Joaquin Valley 2016 Plan for the 2008 8-Hour Ozone Standard,'' section V.H (''Bakersfield Area Monitor'') and Appendix C (''U.S. EPA Letter Regarding Arvin Site Relocation''), only.

§ 52.223 [Amended]

■ 3. Section 52.223 is amended by removing and reserving paragraphs (i)(1), (i)(7), (l)(1), and (l)(7).

[FR Doc. 2017–21777 Filed 10–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2017–0513; FRL–9969–12–Region 7]

Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2012 Annual Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving elements of a State Implementation Plan (SIP) revision from the State of Missouri for the 2012 Annual Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) and two state statutes into the SIP to address the requirements relating to conflicts of interest found in section 128 of the Clean Air Act (CAA). Section 110 of the CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as ''infrastructure'' SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: This direct final rule will be effective December 11, 2017, without further notice, unless EPA receives adverse comment by November 13, 2017. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2017–0513, to *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information

whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Tracey Casburn, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7016, or by email at *casburn.tracey@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?

EPA is approving the revision as meeting the submittal requirement of section 110(a)(1). EPA is approving elements of the infrastructure SIP submission from the State of Missouri received on October 14, 2015. Specifically, EPA is approving the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(II)—prevention of significant deterioration of air quality (prong 3), (D)(ii), (E) through (H), and (J) through (M). EPA intends to act on elements of section 110(a)(2)(D)(i)(I)—significant contribution to nonattainment (prong 1), interfering with maintenance of the NAAQs (prong 2) and 110(a)(2)(D)(i)(II)—protection of visibility (prong 4) in subsequent rulemakings. EPA is taking no action section 110(a)(2)(I). EPA is also approving the state's request to include Missouri State Statute section 105.483(5) RSMo 2014, and Missouri State Statute section 105.485 RSMo 2014 into the SIP. These two statutes address aspects of the infrastructure requirements relating to conflicts of interest as found in section 128 of the CAA.

A Technical Support Document (TSD) is included as part of this docket to discuss the details of this action, including analysis of how the SIP meets the applicable 110 requirements for infrastructure SIPs.

II. Have the requirements for approval of a SIP revision been met?

The state's submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The state held a public comment period from July 27, 2015, to September 03, 2015. The state received no comments during the public comment period. A public hearing was held on August 27, 2015. The submission satisfied the completeness criteria of 40 CFR part 51, appendix V. As explained in more detail in the TSD, which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. What action is EPA taking?

We are publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. However, in the ''Proposed Rules'' section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve the SIP revision if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in any subsequent final rule based on the proposed rule.

EPA is approving elements of the October 14, 2015, infrastructure SIP submission from the State of Missouri, which addresses the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2012 Annual $PM_{2.5}$ NAAQS. As stated above, EPA is approving the revision as meeting the submittal requirement of section 110(a)(1) and approving the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(II)—prevention of significant deterioration of air quality (prong 3), (D)(ii), (E) through (H), and (J) through (M). EPA intends to act on elements of section 110(a)(2)(D)(i)(I)—significant contribution to nonattainment (prong 1), interfering with maintenance of the NAAQs (prong 2) and 110(a)(2)(D)(i)(II)—protection of visibility (prong 4) in subsequent rulemakings. EPA is taking no action section 110(a)(2)(I).

Section 110(a)(2)(I) requires that in the case of a plan or plan revision for areas designated as nonattainment areas, states must meet applicable requirements of part D of the CAA, relating to SIP requirements for designated nonattainment areas. EPA does not expect infrastructure SIP submissions to address element (I). The specific SIP submissions for designated nonattainment areas, as required under CAA title I, part D, are subject to different submission schedules than those for section 110 infrastructure elements. EPA will take action on part D attainment plan SIP submissions through a separate rulemaking governed by the requirements for nonattainment areas, as described in part D.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate Matter, Reporting and recordkeeping requirements, Sulfur Dioxides.

Dated: September 27, 2017.

Cathy Stepp,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA is amending 40 CFR part 52 as set forth below:

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 AA—Missouri

■ 2. Amend § 52.1320 by adding paragraphs (e)(72) and (73) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
* *	*	*	*	* *
(72) Sections 110 (a)(1) and 110(a)(2) Infrastructure Requirements for the 2012 Annual Fine Particulate Matter ($PM_{2.5}$) NAAQS.	Statewide	10/14/2015	10/11/2017, [*Insert* ***Federal Register*** *citation*].	This action approves the following CAA elements: 110(a)(1) and 110(a)(2)(A), (B), (C), (D)(i)(II)—prong 3, D(ii), (E), (F), (G), (H), (J), (K), (L), and (M). 110(a)(2)(I) is not applicable. [EPA–R07–OAR–2017–0513; FRL–*9969–12*—Region 7.]
(73) Missouri State Statute section 105.483(5) RSMo 2014, and Missouri State Statute section 105.485 RSMo 2014.	Statewide	10/14/2015	10/11/2017, [*Insert* ***Federal Register*** *citation*].	EPA–R07–OAR–2017–0513; FRL–*9969–12*—Region 7.

[FR Doc. 2017–21806 Filed 10–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2017–0298; FRL–9969–01–Region 8]

Approval and Promulgation; State of Utah; Salt Lake County and Utah County Nonattainment Area Coarse Particulate Matter State Implementation Plan Revisions To Control Measures for Point Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of certain State Implementation Plan (SIP) revisions submitted by Utah on January 4, 2016, and of certain revisions submitted on January 19, 2017, for the coarse particulate matter (PM_{10}) national ambient air quality standard (NAAQS) in the Salt Lake County and Utah County PM_{10} nonattainment areas. The revisions that the EPA is approving are located in Utah Division of Administrative Rule (DAR) R307–110–17 and SIP Subsection IX.H.1–4, and establish emissions limits for PM_{10}, NO_X and SO_2 for certain stationary sources in the nonattainment areas. These actions are being taken under section 110 of the Clean Air Act (CAA).

DATES: This final rule is effective on November 13, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2017–0298. 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.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: James Hou, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6210, *hou.james@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Under the 1990 amendments to the CAA, Salt Lake and Utah Counties were designated nonattainment for PM_{10} and classified as moderate areas by operation of law as of November 15, 1990 (56 FR 56694, 56840; November 6, 1991). On July 8, 1994, the EPA approved the PM_{10} SIP for the Salt Lake and Utah County Nonattainment Areas

(59 FR 35036). The SIP included a demonstration of attainment and various control measures, including emission limits at stationary sources.

On January 4, 2016, Utah submitted SIP revisions to R307–110–17 titled ''Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits'' and revisions to Subsection IX.H.1–4. The titles for Subsection IX.H.1–4 include: (1) General Requirements: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, PM_{10} Requirements; (2) Source Specific Emission Limitations in Salt Lake County PM_{10} Nonattainment/ Maintenance Area; (3) Source Specific Emission Limitations in Utah County PM_{10} Nonattainment/Maintenance Area; and (4) Interim Emission Limits and Operating Practices. Additionally, on January 19, 2017, Utah submitted revisions to Subsection IX.H.1–4. Further discussion of the revisions to R307–110–17 and Subsection IX.H.1–4 can be found below.

On July 13, 2017 (82 FR 32287), the EPA proposed to approve certain SIP revisions to the Salt Lake County and Utah County NAA Moderate area SIPs submitted by the State. Our proposed notice provides details on the EPA's evaluation of the State's submittals. The submittals dated January 4, 2016, and January 19, 2017, contained revisions to the Utah DAR, Title R307—Environmental Quality, set of rules, and SIP subsection IX.H.1–4.

II. Response to Comments

The EPA did not receive any comments on the July 13, 2017 proposed action.

III. Final Action

For the reasons stated in our proposed notice, the EPA is finalizing approval of revisions to Administrative Rule R307–110–17 and revisions to Subsection IX.H.1–4 for incorporation into the Utah SIP as submitted by the State of Utah on January 4, 2016, and January 19, 2017. These revisions establish emissions limitations and related requirements for certain stationary sources of PM_{10}, NO_X and SO_2, and will therefore serve to continue progress towards attainment and maintenance of the PM_{10} NAAQS in the nonattainment areas. The revisions reflect more stringent emission levels for total emissions of PM_{10}, SO_2, and NO_X for each of the affected facilities, as well as updates of the inventory of major stationary sources to accurately reflect the current sources in both the Salt Lake County and Utah County nonattainment areas (*e.g.,* removing sources which no longer exist, or are now covered under an area source rule). The updated list of sources and revised emission limits for the major stationary sources in the two nonattainment areas will serve to enhance both area's ability to attain or maintain the NAAQS.

The specific emission limits and operating practices the EPA is finalizing for approval are listed in the following tables:

TABLE 1—SOURCE SPECIFIC EMISSION LIMITATIONS IN THE SALT LAKE COUNTY PM_{10} NONATTAINMENT AREA

Source	Pollutant	Process unit	Mass based limits	Concentration based limits	Alternative emission limits
Big West Oil	PM_{10}	Facility Wide	1.037 tons per day (tpd)		
	NO_X	Facility Wide	0.8 tpd.		
	SO_2	Facility Wide	0.6 tpd.		
Bountiful City Light and Power.	NO_X	GT#1	0.6 g NO_X/kW-hr.		
	NO_X	GT#2 and GT#3	7.5 lb NO_X/hr.		
Central Valley Water Reclamation Facility.	NO_X	Facility Wide	0.648 tpd.		
Chevron Products Company.	PM_{10}	Facility Wide	0.715 tpd.		
	NO_X	Facility Wide	2.1 tpd.		
	SO_2	Facility Wide	1.05 tpd.		
Hexcel Corporations					5.50 MMscf natural gas per day.
					0.061 MM pounds of carbon fiber produced per day.
Holly Refining and Marketing Company.	PM_{10}	Facility Wide	0.416 tpd.		
	NO_X	Facility Wide	2.09 tpd.		
	SO_2	Facility Wide	0.31 tpd.		
Kennecott Utah Copper: Bingham Canyon Mine.					Maximum of 30,000 miles for waste haul trucks per day.
					Fugitive road dust emission control requirements.
Kennecott Copperton Concentrator.					Requirement to operate a gas scrubber operated in accordance with parametric monitoring.
Kennecott Utah Copper: Power Plant and Tailings Impoundment.	PM_{10}	Power Plant Unit #5	18.8 lb/hr.		
	NO_X	Power Plant Unit #5		2.0 ppmdv (15% O2 dry).	
	NO_X	Power Plant Unit #5 Startup/Shutdown.	395 lb/hr.		
	PM_{10} (Filterable)	Units #1, #2, #3, and #4 Nov 1–Feb 28/29	0.004 grains/dscf.		
	PM_{10} (Filterable + Condensable).	Units #1, #2, #3, and #4 Nov 1–Feb 28/29.	0.03 grains/dscf.		
	NO_X	Units #1, #2, and #3 Nov 1–Feb 28/29.		336 ppmdv (3% O2).	
	NO_X	Unit #4 Nov 1–Feb 28/29		336 ppmdv (3% O2).	
	PM_{10} (Filterable)	Units #1, #2, and #3; Mar 1–Oct 1.	0.029 grains/dscf.		

TABLE 1—SOURCE SPECIFIC EMISSION LIMITATIONS IN THE SALT LAKE COUNTY PM_{10} NONATTAINMENT AREA—Continued

Source	Pollutant	Process unit	Mass based limits	Concentration based limits	Alternative emission limits
	PM_{10} (Filterable + Condensable).	Units #1, #2, and #3; Mar 1–Oct 1.	0.29 grains/dscf.		
	PM_{10} (Filterable)	Unit #4; Mar 1–Oct 1	0.029 grains/dscf.		
	NO_X	Units #1, #2, and #3; Mar 1–Oct 1.		426.5 ppmdv (3% O2).	
	NO_X	Unit #4; Mar 1–Oct 1		384 ppmdv (3% O2).	
Kennecott Utah Copper: Smelter and Refinery.	PM_{10} (Filterable)	Main Stack	89.5 lb/hr.		
	PM_{10} (Filterable + Condensable).	Main Stack	439 lb/hr.		
	SO_2 (3-hr rolling avg)	Main Stack	552 lb/hr.		
	SO_2 (daily avg)	Main Stack	422 lb/hr.		
	NO_X (daily avg)	Main Stack	154 lb/hr.		
	NO_X	Refinery: Sum of 2 tank house boilers.	9.5 lb/hr.		
	NO_X	Refinery: Combined Heat Plant.	5.96 lb/hr.		
	NO_X	Molybdenum Autoclave Project: Combined Heat Plant.	5.01 lb/hr.		
PacifiCorp Energy: Gadsby Power Plant.	NO_X	Steam Unit #1	179 lb/hr.		
	NO_X	Steam Unit #2	204 lb/hr.		
	NO_X	Steam Unit #3	142 lb./hr. (Nov 1–Feb 28/29).		
	NO_X	Steam Unit #3	203 lb/hr (Mar 1–Oct 31).		
Tesoro Refining and Marketing Company.	PM_{10}	Facility Wide	2.25 tpd.		
	NO_X	Facility Wide	1.988 tpd.		
	SO_2	Facility Wide	3.1 tpd.		
University of Utah	NO_X	Boiler #3		187 ppmdv (3% O2 Dry).	
		Boiler #4a & #4b		9 ppmdv (3% O2 Dry).	
		Boiler #5a & #5b		9 ppmdv (3% O2 Dry).	
		Turbine		9 ppmdv (3% O2 Dry).	
		Turbine and WHRU Duct burner.		15 ppmdv (3% O2 Dry).	
West Valley Power[1]	NO_X	Sum of all five turbines	1,050 lb/day.		

[1] West Valley Power was not a listed source in the 1994 SIP for the Salt Lake County PM_{10} NAA.

TABLE 2—SOURCE SPECIFIC EMISSION LIMITATIONS IN THE UTAH COUNTY PM_{10} NONATTAINMENT AREA

Source	Pollutant	Process unit	Mass based limits	Concentration based limits	Alternative emission limits
Brigham Young University	NO_X	Unit #1[2]	9.55 lb/hr	95 ppmdv (7% O2 Dry).	
	NO_X	Unit #2	37.4 lb/hr.	331 ppmdv (7% O2 Dry).	
	SO_2	Unit #2	56.0 lb/hr	597 ppmdv (7% O2 Dry).	
	NO_X	Unit #3	37.4 lb/hr	331 ppmdv (7% O2 Dry).	
	SO_2	Unit #3	56.0 lb/hr	597 ppmdv (7% O2 Dry).	
	NO_X	Unit #4[3]	19.2 lb/hr	127 ppmdv (7% O2 Dry).	
	NO_X	Unit #5	74.8 lb/hr	331 ppmdv (7% O2 Dry).	
	SO_2	Unit #5	112.07 lb/hr	597 ppmdv (7% O2 Dry).	
	NO_X	Unit #6[3]	19.2 lb/hr	127 ppmdv (7% O2 Dry).	
Geneva Nitrogen Inc.: Geneva Plant.	PM_{10}	Prill Tower	0.236 tpd.		
	$PM_{2.5}$	Prill Tower	0.196 tpd.		
	NO_X	Montecatini Plant	30.8 lb/hr.		
	NO_X	Weatherly Plant	18.4 lb/hr.		
PacifiCorp Energy: Lakeside Power Plant.	NO_X	Block #1 Turbine/HRSG Stacks.	14.9 lb/hr.		
	NO_X	Block #2 Turbine/HRSG Stacks.	18.1 lb/hr.		
Payson City Corporation: Payson City Power.	NO_X	All engines combined	1.54 tpd.		
Provo City Power: Power Plant.	NO_X	All engines combined	2.45 tpd.		
Springville City Corporation: Whitehead Power Plant.	NO_X	All engines combined	1.68 tpd.		

[2] The NO_X limit for Unit #1 is 95 ppm (9.55 lb/hr) until it operates for more than 300 hours during a rolling 12-month period, then the limit will be 36 ppm (5.44 lb/hr). This will be accomplished through the installation of low NO_X burners with Flue Gas Recirculation.

[3] The NO_X limit for Units #4 and #6 is 127 ppm (38.5 lb/hr) until December 31, 2018, at which time the limit will then be 36 ppm (19.2 lb/hr).

TABLE 3—INTERIM EMISSION LIMITS AND OPERATING PRACTICES [4]

Source	Pollutant	Process unit	Mass based limits	Concentration based limits	Alternative emission limits
Big West Oil	PM_{10}	Facility Wide	0.377 tpd Oct 1–Mar 31. 0.407 tpd April 1–Sept 30.		
	SO_2	Facility Wide	2.764 tpd Oct 1–March 31 3.639 tpd April 1–Sept 30.		
	NO_X	Facility Wide	1.027 tpd Oct 1–Mar 31 1.145 tpd Apr 1 – Sep 30.		
Chevron Products Company.	PM_{10}	Facility Wide	0.234 tpd.		
	SO_2	Facility Wide	0.5 tpd.		
	NO_X	Facility Wide	2.52 tpd.		
Holly Refining and Marketing Company.	PM_{10}	Facility Wide	0.44 tpd.		
	SO_2	Facility Wide	4.714 tpd.		
	NO_X	Facility Wide	2.20 tpd.		
Tesoro Refining and Marketing Company.	PM_{10}	Facility Wide	0.261 tpd.		
	SO_2	Facility Wide	3.699 tpd Nov 1–Feb 28/29–4.374 tpd Mar 1–Oct 31.		
	NO_X	Facility Wide	1.988 tpd.		

[4] This section establishes interim emission limits for sources whose new emission limits under Subsections IX.H.2 and 3 are based on controls that are not currently installed, with the provision that all necessary controls needed to meet the emission limits under Subsection IX.H.2 and IX.H.3 shall be installed by January 1, 2019.

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 Utah Division of Administrative Rules described in the amendments set forth to 40 CFR part 52 below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 8 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 SIP, 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.[1]

V. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. *See* 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, these actions merely approve state law as meeting federal requirements and do not impose additional requirements beyond those imposed by state law. For this reason, these actions:

- Are not significant regulatory actions 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); Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are 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.*);
- Do 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);
- Do not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are 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
- Do not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP does not 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 final 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).

B. Congressional Review Act

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).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this

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

action must be filed in the United States Court of Appeals for the appropriate circuit by December 11, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* CAA section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

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

Dated: September 25, 2017.

Suzanne J. Bohan,

Acting Regional Administrator, Region 8.

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 TT—Utah

■ 2. Section 52.2320 is amended as follows:

■ a. In the table in paragraph (c), by revising under the centered heading ''R307–110. General Requirements: State Implementation Plan,'' the table entry for ''R307–110–17'';

■ b. In the table in paragraph (e), by revising under the centered heading ''IX. Control Measures for Area and Point Sources,'' the table entry for ''Section IX.H.1. Fine Particulate Matter (PM_{10}), Emission Limits and Operating Practices (Utah County)'';

■ c. In the table in paragraph (e), by adding under the centered heading ''IX. Control Measures for Area and Point Sources.'' table entries for ''Section IX.H.2. Source Specific Emission Limitations in Salt Lake County PM_{10} Nonattainment/Maintenance Area;'' ''Section IX.H.3. Source Specific Emission Limitations in Utah County PM_{10} Nonattainment/Maintenance Area;'' and ''Section IX.H.4. Interim Emission Limits and Operating Practices'' in numerical order.

The revision reads as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

Rule No.	Rule title	State effective date	Final rule citation, date	Comments
*	*	*	*	* * *
R307–110. General Requirements: State Implementation Plan				
*	*	*	*	* * *
R307–110–17 ...	Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits.	12/8/2016	[Insert **Federal Register** citation]. 10/11/2017	Except for Section IX.H.21.e. which is conditionally approved through one year from 7/5/16, IX.H.21.g., Sections of IX.H.21 that reference and apply to the source specific emission limitations disapproved in Section IX.H.22, and Sections IX.H.22.a.ii–iii, IX.H.22.b.ii, and IX.H.22.c.
*	*	*	*	* * *

* * * * *

(e) * * *

Rule title	State effective date	Final rule citation, date	Comments
* * *	*	* *	*
IX. Control Measures for Area and Point Sources			
* * *	*	* *	*
Section IX.H.1. General Requirements: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, PM_{10} Requirements.	12/3/2015	[Insert **Federal Register** citation] 10/11/2017.	
Section IX.H.2. Source Specific Emission Limitations in Salt Lake County PM_{10} Nonattainment/Maintenance Area.	12/3/2015 12/8/2016	[Insert **Federal Register** citation] 10/11/2017.	
Section IX.H.3. Source Specific Emission Limitations in Utah County PM_{10} Nonattainment/Maintenance Area.	12/3/2015	[Insert **Federal Register** citation] 10/11/2017.	
Section IX.H.4. Interim Emission Limits and Operating Practices	12/3/2015	[Insert **Federal Register** citation] 10/11/2017.	
* * *	*	* *	*

[FR Doc. 2017–21778 Filed 10–10–17; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2017–0268; FRL–9969–10—Region 7]

Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving elements of a State Implementation Plan (SIP) revision from the State of Missouri for the 2010 Nitrogen Dioxide (NO_2) National Ambient Air Quality Standard (NAAQS). Section 110 of the CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as ''infrastructure'' SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: This direct final rule will be effective December 11, 2017, without further notice, unless EPA receives adverse comment by November 13, 2017. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2017–0268, to *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Tracey Casburn, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7016, or by email at *casburn.tracey@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?

EPA is approving the revision as meeting the submittal requirement of section 110(a)(1). EPA is approving elements of the infrastructure SIP submission from the State of Missouri received on April 30, 2013. Specifically, EPA is approving the following elements of section 110(a)(2): (A) Through (H) (except (D)(i)(II)-protection of visibility (prong 4)), and (J) through (M). EPA is not acting on section 110(a)(2)(I) as it does not expect infrastructure SIP submissions to address the element. EPA will act on prong 4 in a separate action. A Technical Support Document (TSD) is included in this docket to discuss the details of this action, including analysis of how the SIP meets the applicable 110 requirements for infrastructure SIPs.

II. Have the requirements for approval of a SIP revision been met?

The state's submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The state held a public hearing on March 28, 2013 and a public comment period from February 25, 2013 to April 4, 2013. EPA provided comments to the state on April 3, 2013, and were the only commenters. The state revised its proposed SIP in response to EPA's comments and the revisions were contained in the SIP submitted to EPA on April 30, 2013. The submission satisfied the completeness criteria of 40 CFR part 51, appendix V. As explained in more detail in the TSD, which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. What action is EPA taking?

EPA is taking direct final action to approve elements of the April 30, 2013, infrastructure SIP submission from the State of Missouri, which addresses the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2010 NO_2 NAAQS. As stated in above preamble, EPA is approving the revision as meeting the submittal requirement of section 110(a)(1) and approving the following elements of section 110(a)(2): (A) Through (H) (except (D)(i)(II)-protection of visibility (prong 4)), and (J) through (M). EPA is not acting on section 110(a)(2)(I) as it does not expect infrastructure SIP submissions to address the element. EPA will act on prong 4 in a separate action.

Section 110(a)(2)(I) requires that in the case of a plan or plan revision for areas designated as nonattainment areas, states must meet applicable requirements of part D of the CAA, relating to SIP requirements for designated nonattainment areas. EPA does not expect infrastructure SIP submissions to address element (I). The specific SIP submissions for designated nonattainment areas, as required under CAA title I, part D, are subject to different submission schedules than those for section 110 infrastructure elements. EPA will take action on part D attainment plan SIP submissions through a separate rulemaking governed by the requirements for nonattainment areas, as described in part D.

We are publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. However, in the ''Proposed Rules'' section of this issue of the **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve the SIP revision if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in any subsequent final rule based on the proposed rule.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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).

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

List of Subjects in 40 CFR Part 52

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

Dated: September 27, 2017.

Cathy Stepp,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA is amending 40 CFR part 52 as set forth below:

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—AA Missouri

■ 2. Amend § 52.1320 in the table in paragraph (e) by adding an entry for ''(64) Sections 110 (a)(1) and 110(a)(2) Infrastructure Requirements for the 2010 Nitrogen Dioxide NAAQS'' in numerical order to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS

Name of non-regulatory SIP revision	Applicable geographic or nonattainment area	State submittal date	EPA Approval date	Explanation
*	*	*	*	*
(64) Sections 110(a)(1) and 110(a)(2) Infrastructure Requirements for the 2010 Nitrogen Dioxide NAAQS.	Statewide	4/30/13	10/11/2017 [*Insert* **Federal Register** *citation*].	This action approves the following CAA elements: 110(a)(1) and 110(a)(2)(A), (B), (C), (D)(i)(I), (D)(i)(II)-prong 3, (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). 110(a)(2)(I) is not applicable. [EPA–R07–OAR–2017–0268; *FRL–XXXX*—Region 7.]
*	*	*	*	*

[FR Doc. 2017–21805 Filed 10–10–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2 and 27

[GN Docket No. 12–268: DA 17–887]

Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission modifies the Table of Frequency Allocations (Allocations Table) in of its rules, as well as modifying four of its rules, to conform them to the results of the broadcast television incentive auction. This action ensures that the Commission's rules accurately reflect revisions that occurred because of that auction.

DATES: Effective November 13, 2017.

FOR FURTHER INFORMATION CONTACT: Tom Mooring, Office of Engineering and

Technology, 202–418–2450, *Tom.Mooring@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, GN Docket No. 12–268, DA 17–887, adopted September 11, 2017, and released September 13, 2017. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW., Washington, DC 20554. The full text may also be downloaded at: *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0714/FCC-17-95A1.pdf.*

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Summary of Order

1. In the *Incentive Auction Report and Order* (*R&O*) in this proceeding, 79 FR 48442 (August 15, 2014), the Commission adopted rules to implement the incentive auction to allow spectrum that is used for broadcast television under a broadcasting service allocation to be repurposed for new services and applications under fixed and mobile services allocations. Under the auction design, the Commission provided that varying amounts of spectrum within the 512–698 MHz range could potentially be repurposed for such use as a result of the incentive auction. As part of the *Incentive Auction R&O,* the Commission amended the Allocations Table to add entries for primary non-Federal fixed and mobile services in the 512–608 MHz (UHF TV channels 2136) and 614698 MHz (UHF TV channels 38–51) bands, as well as corresponding cross-references to the Miscellaneous Wireless Communications Services, part 27, in the ''FCC Rule Part(s)'' column of the Allocations Table. Recognizing that the particular amount of television broadcast spectrum that would ultimately be repurposed would not be known until the incentive auction concluded, the Commission adopted specific 600 MHz band plan scenarios that would correspond to a range of different auction results. It further delegated authority to the Chief of the Office of Engineering and Technology to take such actions as are necessary to modify the Allocations Table to reflect the outcome of the incentive auction. As part of this pre-auction process, the Commission also modified certain of the part 27 rules to include generic references to the frequencies that could be assigned to new wireless services depending on the outcome of the incentive auction.

2. The April 13, 2017 *Closing and Channel Reassignment Public Notice* in this proceeding announced the completion of the reverse and forward auctions and the channel reassignments and reallocations made in the repacking process, including the specific 600 MHz band plan effectuated by the auction and repacking process. Under this band plan (the 600 MHz Band Plan), TV broadcasting spectrum associated with Channels 38–51 (614–698 MHz) was repurposed to include 70 megahertz of licensed spectrum (seven paired five megahertz channel blocks) for 600 MHz service wireless licensees that will operate under part 27 of the rules. The 600 MHz Band Plan is comprised of: (1) The 600 MHz band licensed for the 600 MHz service wireless licensees (which includes a downlink (617–652 MHz) band and an uplink (UL, 663–698 MHz) band); (2) the 600 MHz duplex gap (652–663 MHz) between these bands; and (3) the 600 MHz guard band (614–617 MHz) between Channel 37 (608–614 MHz), which is presently being used by the Wireless Medical Telemetry Service (WMTS) and the Radio Astronomy Service (RAS), and the 600 MHz band downlink band (617–652 MHz). The April 13, 2017 release date of the *Closing and Channel Reassignment Public Notice* also triggered the start of the 39-month post-auction transition period, which will end on July 13, 2020.

3. Based on the results of the incentive auction, we hereby modify the Allocations Table. Specifically, we delete the primary fixed and mobile service allocations and part 27 cross reference from the 512–608 MHz band and return the band to its pre-auction allocation status. We also revise the entries for the 614–698 MHz band by deleting the primary broadcasting service allocation and removing the part 73 cross reference to account for post-auction fixed and mobile use by 600 MHz service wireless licensees that will operate under part 27 of the rules and new footnote NG33. This change reflects use of these frequencies for broadcasting during and after the 39-month post-auction transition period as discussed below. In addition, we revise the text of three non-Federal Government footnotes (NG5, NG14, and NG149) that provide for limited flexible use of the television broadcast bands, including the 614–698 MHz band, by providing a cross reference to new footnote NG33.

4. To fully account for the various licensed services and unlicensed devices that will operate in the 614–698 MHz band during and after the transition, we add new footnote NG33 to the Allocations Table. Pursuant to the Commission's direction, the footnote authorizes operations of: (1) Full power and Class A television stations on a primary basis in the 614–698 MHz band (*i.e.,* TV channels 38–51) until such stations terminate operations on their preauction channels, (2) licensed low power television (LPTV) and TV translator station operations on a secondary basis in the 614–698 MHz band under part 74 Subpart G, (3) licensed fixed broadcast auxiliary service (BAS) operations (which include TV studio-transmitter link (STL), TV relay, and TV translator relay station operations) on a secondary basis in the 614–698 MHz band under part 74 Subpart F, (4) licensed wireless microphone and other low power auxiliary station (LPAS) operations and wireless assist video device (WAVD) operations on a secondary basis under part 74 Subpart H, (5) unlicensed wireless microphone operations under part 15 on a non-interference basis, on frequencies in the 614–698 MHz band, and (6) unlicensed white space device operations under part 15 on a non-interference basis on frequencies in the 614–698 MHz band.

5. Based on the results of the incentive auction, we also modify four rules in part 27. We revise section 27.1(b)(14) to replace a generic reference to the 470–698 MHz UHF band with a specific reference to ''617–652 MHz and 663–698 MHz,'' to follow the 600 MHz Band Plan and be consistent with the way the rule is structured. We also modify section 27.5, which lists available frequencies, channel blocks, and geographic areas of licensing, by revising paragraph (l) to state that the 600 MHz Band (for the 600 MHz service) consists of seven pairs of 5 megahertz channel blocks available for assignment on a Partial Economic Area basis, and to identify the frequencies associated with blocks A through G. Section 27.6 specifies the Partial Economic Areas for each of the frequency bands and channel blocks listed in section 27.5. We revise the text of 27.6(l) to reference additional details recently provided by the Wireless Telecommunications Bureau about licensing in the 600 MHz band by Partial Economic Areas. Lastly, we revise section 27.11(k) to specify the 600 MHz Band (*i.e.,* the 617–652 MHz downlink band and 663–698 MHz uplink band) and to add a cross-reference to the frequency blocks specified in Section 27.5(l).

6. We conclude that there is good cause for not employing the prior notice and comment procedure specified in the Administrative Procedure Act (APA) in this case. The rule modifications here implement the Commission's prior rulemaking decisions issued following notice-and-comment procedures in the incentive auction proceeding with respect to the 600 MHz Band and the end date of the post-auction transition period. These specific frequency bands and dates were not known until the close of the incentive auction on April 13, 2017 with the release of the *Closing and Channel Reassignment Public Notice.* In implementing these rule revisions, we have no discretion to deviate from the auction results and the Commission's prior rulemaking decisions. Under these circumstances, we find that notice and comment under section 553 of the APA, 5 U.S.C. 553, would be unnecessary.

7. We take this action to modify the Allocations Table and to make conforming amendments to the rules under authority expressly delegated by the Commission in the *Incentive Auction R&O* and the authority delegated in part 0 of the Commission's rules. The specific edits to the Allocations Table and service rules described herein are contained in the Final Rules.

8. Because this Order is being adopted without notice and comment, the Regulatory Flexibility Act does not apply.

9. The rules contained herein have been analyzed with respect to the Paperwork Reduction Act of 1995 and found to contain no new or modified form, information collection, and/or recordkeeping, labeling, disclosure, or record retention requirements, and will not increase or decrease burden hours imposed on the public. In addition, therefore, this Order does not contain any new or modified ''information collection burden for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002.

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

11. Accordingly, *it is ordered* that parts 2 and 27 of the Commission's Rules, 47 CFR parts 2 and 27, *are amended* as set forth in the Final Rules, effective 30 days after the date of publication in the **Federal Register**. This action is taken pursuant to authority found in sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303; in section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B); in Sections 0.31, 0.131, 0.241 and 0.331 of the Commission's Rules, 47 CFR 0.31, 0.131, 0.241 and 0.331; and in *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions,* GN Docket No. 12–268, Report and Order, 29 FCC Rcd 6567 (2014).

List of Subjects

47 CFR Part 2

Telecommunications.

47 CFR Part 27

Communications equipment.

Federal Communications Commission.

Ronald T. Repasi,

Deputy Chief, Office of Engineering and Technology.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends parts 2 and 27 of Title 47 of the Code of Federal Regulations to read as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

■ 2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

■ a. Pages 29 and 30 are revised.

■ b. In the list of Non-Federal Government (NG) Footnotes, footnotes NG5, NG14, and NG149 are revised and footnote NG33 is added.

The revisions and additions read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

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International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
456-459 FIXED MOBILE 5.286AA 5.271 5.287 5.288			456-459 5.287 US64 US288	456-460 FIXED LAND MOBILE 5.287 US64 US288 NG32 NG112 NG124 NG148	Public Mobile (22) Maritime (80) Private Land Mobile (90) MedRadio (95I)
459-460 FIXED MOBILE 5.286AA 5.209 5.271 5.286A 5.286B 5.286C 5.286E	459-460 FIXED MOBILE 5.286AA MOBILE-SATELLITE (Earth-to-space) 5.286A 5.286B 5.286C 5.209	459-460 FIXED MOBILE 5.286AA 5.209 5.271 5.286A 5.286B 5.286C 5.286E	459-460		
460-470 FIXED MOBILE 5.286AA Meteorological-satellite (space-to-Earth) 5.287 5.288 5.289 5.290			460-470 Meteorological-satellite (space-to-Earth) 5.287 US73 US209 US288 US289	460-462.5375 FIXED LAND MOBILE US209 US289 NG124	Private Land Mobile (90)
				462.5375-462.7375 LAND MOBILE US289	Personal Radio (95)
				462.7375-467.5375 FIXED LAND MOBILE 5.287 US73 US209 US288 US289 NG124	Maritime (80) Private Land Mobile (90)
				467.5375-467.7375 LAND MOBILE 5.287 US288 US289	Maritime (80) Personal Radio (95)
				467.7375-470 FIXED LAND MOBILE US73 US288 US289 NG124	Maritime (80) Private Land Mobile (90)
470-790 BROADCASTING	470-512 BROADCASTING Fixed Mobile 5.292 5.293	470-585 FIXED MOBILE BROADCASTING 5.291 5.298	470-608	470-512 FIXED LAND MOBILE BROADCASTING NG5 NG14 NG66 NG115 NG149	Public Mobile (22) Broadcast Radio (TV) (73) LPTV, TV Translator/Booster (74G) Low Power Auxiliary (74H) Private Land Mobile (90)
	512-608 BROADCASTING 5.297	585-610 FIXED MOBILE BROADCASTING RADIONAVIGATION 5.149 5.305 5.306 5.307		512-608 BROADCASTING NG5 NG14 NG115 NG149	Broadcast Radio (TV) (73) LPTV, TV Translator/Booster (74G) Low Power Auxiliary (74H)
	608-614 RADIO ASTRONOMY Mobile-satellite except aeronautical mobile-satellite (Earth-to-space)	610-890 FIXED MOBILE 5.313A 5.317A BROADCASTING	608-614 LAND MOBILE (medical telemetry and medical telecommand) RADIO ASTRONOMY US74 US246		Personal Radio (95)

	614-698 BROADCASTING Fixed Mobile 5.293 5.309 5.311A		614-698	614-698 FIXED MOBILE NG5 NG14 NG33 NG115 NG149	RF Devices (15) Wireless Communications (27) LPTV, TV Translator/Booster (74G) Low Power Auxiliary (74H)
	698-806 MOBILE 5.313B 5.317A BROADCASTING Fixed		698-758	698-758 FIXED MOBILE BROADCASTING NG159	Wireless Communications (27) LPTV and TV Translator (74G)
			758-775	758-775 FIXED MOBILE NG34 NG159	Public Safety Land Mobile (90R)
5.149 5.291A 5.294 5.296 5.300 5.304 5.306 5.311A 5.312 5.312A			775-788	775-788 FIXED MOBILE BROADCASTING NG159	Wireless Communications (27) LPTV and TV Translator (74G)
790-862 FIXED MOBILE except aeronautical mobile 5.316B 5.317A BROADCASTING			788-805	788-805 FIXED MOBILE NG34 NG159	Public Safety Land Mobile (90R)
			805-806	805-806 FIXED MOBILE BROADCASTING NG159	Wireless Communications (27) LPTV and TV Translator (74G)
	5.293 5.309 5.311A				
	806-890 FIXED MOBILE 5.317A BROADCASTING		806-809	806-809 LAND MOBILE	Public Safety Land Mobile (90S)
			809-851	809-849 FIXED LAND MOBILE	Public Mobile (22) Private Land Mobile (90)
				849-851 AERONAUTICAL MOBILE	Public Mobile (22)
5.312 5.314 5.315 5.316 5.316A 5.319			851-854	851-854 LAND MOBILE	Public Safety Land Mobile (90S)
862-890 FIXED MOBILE except aeronautical mobile 5.317A BROADCASTING 5.322			854-890	854-894 FIXED LAND MOBILE	Public Mobile (22) Private Land Mobile (90)
5.319 5.323	5.317 5.318	5.149 5.305 5.306 5.307 5.311A 5.320		US116 US268	

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* * * * *

Non-Federal Government (NG) Footnotes

* * * * *

NG5 In the band 535–1705 kHz, AM broadcast licensees and permittees may use their AM carrier on a secondary basis to transmit signals intended for both broadcast and non-broadcast purposes. In the band 88–108 MHz, FM broadcast licensees and permittees are permitted to use subcarriers on a secondary basis to transmit signals intended for both broadcast and non-broadcast purposes. In the bands 54–72, 76–88, 174–216, 470–608, and 614–698 MHz, TV broadcast licensees and permittees are permitted to use subcarriers on a secondary basis for both broadcast and non-broadcast purposes. Use of the band 614–698 MHz is subject to the provisions specified in NG33.

* * * * *

NG14 TV broadcast stations authorized to operate in the bands 54–72, 76–88, 174–216, 470–608, and 614–698 MHz may use a portion of the television vertical blanking interval for the transmission of telecommunications signals, on the condition that harmful interference will not be caused to the reception of primary services, and that such telecommunications services must accept any interference caused by primary services operating in these bands. Use of the band 614–698 MHz is subject to the provisions specified in NG33.

* * * * *

NG33 In the band 614–698 MHz, the following provisions shall apply:

(a) Until July 13, 2020, stations in the broadcasting service and other authorized uses may operate as follows:

(1) Full power and Class A television (TV) stations, *i.e.,* broadcast TV stations, may operate on a co-equal, primary basis with stations in the fixed and mobile services until such stations terminate operations on their pre-auction television channels in accordance with § 73.3700(b)(4).

(2) Low power TV (LPTV) and TV translator stations may operate on a secondary basis to stations in the fixed and mobile services and to broadcast TV stations, and fixed TV broadcast auxiliary stations may operate on a secondary basis to LPTV and TV translator stations, unless such stations are required to terminate their operations earlier in accordance with § 73.3700(g)(4) or § 74.602(h)(5)–(6).

(3) Low power auxiliary stations (LPAS), including wireless assist video devices (WAVDs), may operate on a secondary basis to all other authorized stations in accordance with § 74.802(f) and § 74.870(i).

(4) Unlicensed wireless microphones and white space devices (WSDs) may operate on a non-interference basis, unless such devices are required to terminate operations earlier in accordance with § 15.236(c)(2) or § 15.707(a)(1)–(2), (5), respectively.

(b) After July 13, 2020, only the following types of radiofrequency devices that are authorized in paragraph (a) may continue to operate:

(1) LPTV and TV translator stations may operate on a secondary basis to stations in the fixed and mobile services in the sub-bands 617–652 MHz and 663–698 MHz until required to terminate their operations in accordance with § 73.3700(g)(4).

(2) LPAS may operate in the sub-band 653–657 MHz and unlicensed wireless microphones may operate in the sub-bands 614–616 MHz and 657–663 MHz.

(3) WSDs may operate in: (i) The sub-bands 617–652 MHz and 663–698 MHz, except in those areas where their use is prohibited in accordance with §§ 15.707(a)(5) and 15.713(b)(2)(iv), and (ii) the sub-band 657–663 MHz, in accordance with § 15.707(a)(4).

* * * * *

NG149 The bands 54–72, 76–88, 174–216, 470–608, and 614–698 MHz are also allocated to the fixed service to permit subscription television operations in accordance with 47 CFR part 73. Use of the band 614–698 MHz is subject to the provisions specified in NG33.

* * * * *

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

■ 3. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302a, 303, 307, 309, 332, 336, 337, 1403, 1404, 1451, and 1452, unless otherwise noted.

■ 4. Section 27.1 is amended by revising paragraph (b)(14) to read as follows:

§ 27.1 Basis and purpose.

* * * * *

(b) * * *

(14) 617–652 MHz and 663–698 MHz.

* * * * *

■ 5. Section 27.5 is amended by revising paragraph (l) to read as follows:

§ 27.5 Frequencies.

* * * * *

(l) *600 MHz band.* The 600 MHz band (617–652 MHz and 663–698 MHz) has seven pairs of 5 megahertz channel blocks available for assignment on a Partial Economic Area basis as follows:

Block A: 617–622 MHz and 663–668 MHz;

Block B: 622–627 MHz and 668–673 MHz;

Block C: 627–632 MHz and 673–678 MHz;

Block D: 632–637 MHz and 678–683 MHz;

Block E: 637–642 MHz and 683–688 MHz;

Block F: 642–647 MHz and 688–693 MHz; and

Block G: 647–652 MHz and 693–698 MHz.

■ 6. Section 27.6 is amended by revising paragraph (l) to read as follows:

§ 27.6 Service areas.

* * * * *

(l) *600 MHz band.* Service areas for the 600 MHz band are based on Partial Economic Areas (PEAs) as defined by *Wireless Telecommunications Bureau Provides Details About Partial Economic Areas,* Public Notice, 29 FCC Rcd 6491, App. B (2014). The service areas of PEAs that border the U.S. coastline of the Gulf of Mexico extend 12 nautical miles from the U.S. Gulf coastline. The service area of the Gulf of Mexico PEA (PEA 416) that comprises the water area of the Gulf of Mexico extends from 12 nautical miles off the U.S. Gulf coast outward into the Gulf.

■ 7. Section 27.11 is amended by revising paragraph (k) to read as follows:

§ 27.11 Initial authorization.

* * * * *

(k) *600 MHz band.* Initial authorizations for the 600 MHz band will be based on Partial Economic Areas (PEAs), as specified in § 27.6(1), and, shall be paired channels that each consist of a 5 megahertz channel block in the 600 MHz downlink band (617–652 MHz), paired with a 5 megahertz channel block in the 600 MHz uplink band (663–698 MHz), based on the frequency blocks specified in § 27.5(l).

[FR Doc. 2017–21790 Filed 10–10–17; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[GN Docket No. 13–5, RM–11358; WC Docket No. 13–3; FCC 16–90]

Technology Transitions, USTelecom Petition for Declaratory Ruling That Incumbent Local Exchange Carriers Are Non-Dominant in the Provision of Switched Access Services, Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers and Special Access for Price Cap Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's network change disclosure rules pertaining to copper retirement notices. This document is consistent with the *Technology Transitions Declaratory Ruling, Second Report and Order, and Order on Reconsideration,* FCC 16–90, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules.

DATES: The amendment to 47 CFR 51.329(c)(1) published at 81 FR 62632, September 12, 2016, is effective on October 11, 2017.

FOR FURTHER INFORMATION CONTACT: Michele Levy Berlove, Attorney Advisor, Wireline Competition Bureau, at (202) 418–1477, or by email at *Michele.Berlove@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on January 17, 2017, OMB approved, for a period of three years, the information collection requirements relating to the network change disclosure rules contained in the Commission's *Technology Transitions Declaratory Ruling, Second Report and Order, and Order on Reconsideration,* FCC 16–90, published at 81 FR 62632, September 12, 2016.

The OMB Control Number is 3060–0741. The Commission publishes this document as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room A–C620, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060–0741, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on January 17, 2017, for the information collection requirements contained in the modifications to the Commission's rules in 47 CFR part 51. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–0741.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0741.

OMB Approval Date: January 17, 2017.

OMB Expiration Date: January 31, 2020.

Title: Technology Transitions, GN Docket No. 13–5, et al., Declaratory Ruling, Report and Order, and Order on Reconsideration.

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 5,357 respondents; 573,767 responses.

Estimated Time per Response: 0.5–8 hours.

Frequency of Response: On occasion reporting requirements; recordkeeping; third party disclosure.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority is contained in 47 U.S.C. 222 and 251. Total Annual Burden: 575,840 hours.

Total Annual Cost: No cost(s).

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Privacy Act: No impact(s).

Needs and Uses: Section 251 of the Communications Act of 1934, as amended, 47 U.S.C. 251, is designed to accelerate private sector development and deployment of telecommunications technologies and services by spurring competition. Section 222(e) is also designed to spur competition by prescribing requirements for the sharing of subscriber list information. These OMB collections are designed to help implement certain provisions of sections 222(e) and 251, and to eliminate operational barriers to competition in the telecommunications services market. Specifically, these OMB collections will be used to implement (1) local exchange carriers' (''LECs'') obligations to provide their competitors with dialing parity and non-discriminatory access to certain services and functionalities; (2) incumbent local exchange carriers' (''ILECs'') duty to make network information disclosures; and (3) numbering administration. The Commission estimates that the total annual burden of the entire collection, as revised, is 575,840 hours. This revision relates to a change in one of many components of the currently approved collection—specifically, certain reporting, recordkeeping and/or third-party disclosure requirements under section 251(c)(5). In August 2015, the Commission adopted new rules concerning certain information collection requirements implemented under section 251(c)(5) of the Act, pertaining to network change disclosures. The changes to those rules apply specifically to a certain subset of network change disclosures, namely notices of planned copper retirements. The changes are designed to provide interconnecting entities adequate time to prepare their networks for the planned copper retirements and to ensure that consumers are able to make informed choices. In July 2016, the Commission revised § 51.329(c) of its network change disclosure rules to make available to filers new titles applicable to copper retirement notices. The Commission estimates that the revision does not result in any additional outlays of funds for hiring outside contractors or procuring equipment.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–21766 Filed 10–10–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 160426363–7275–02]

RIN 0648–XF735

Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; 2017–2018 Commercial Accountability Measure and Closure for King Mackerel in the Gulf of Mexico Western Zone

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for commercial king mackerel in the western zone of the Gulf of Mexico (Gulf) exclusive economic zone (EEZ) through this temporary rule. NMFS has determined that the commercial quota for king mackerel in the western zone of the Gulf EEZ will be reached by October 7, 2017. Therefore, NMFS closes the western zone of the Gulf EEZ to commercial king mackerel fishing on October 7, 2017. This closure is necessary to protect the Gulf king mackerel resource.

DATES: The closure is effective at noon, local time, October 7, 2017, until 12:01 a.m., local time, on July 1, 2018.

FOR FURTHER INFORMATION CONTACT: Kelli O'Donnell, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *kelli.odonnell@noaa.gov.*

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish includes king mackerel, Spanish mackerel, and cobia, and is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All weights for Gulf king mackerel below apply as either round or gutted weight.

On April 11, 2017, NMFS published a final rule to implement Amendment 26 to the FMP in the **Federal Register** (82 FR 17387). That final rule adjusted the management boundaries, zones, and annual catch limits for Gulf migratory group king mackerel (Gulf king mackerel) (82 FR 21314, May 8, 2017). The commercial quota for the Gulf king mackerel in the Gulf western zone is 1,136,000 lb (515,281 kg) for the current fishing year, July 1, 2017, through June 30, 2018 (50 CFR 622.384(b)(1)(i)).

The western zone of Gulf king mackerel is located in the EEZ between a line extending east from the border of the United States and Mexico, and 87°31.1′ W. long., which is a line extending south from the state boundary of Alabama and Florida. The western zone includes the EEZ off Texas, Louisiana, Mississippi, and Alabama.

Regulations at 50 CFR 622.388(a)(1)(i) require NMFS to close the commercial sector for Gulf king mackerel in the western zone when the commercial quota is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined the commercial quota of 1,136,000 lb (515,281 kg) for Gulf king mackerel in the western zone will be reached by October 7, 2017. Accordingly, the western zone is closed to commercial fishing for Gulf king mackerel effective at noon, local time, October 7, 2017, through June 30, 2018, the end of the current fishing year.

During the closure, a person on board a vessel that has been issued a valid Federal commercial or charter vessel/headboat permit for coastal migratory pelagic fish may continue to retain the king mackerel in the western zone under the recreational bag and possession limits specified in 50 CFR 622.382(a)(1)(ii) and (a)(2), as long as the recreational sector for Gulf king mackerel in the western zone is open (50 CFR 622.384(e)(1)).

Also during the closure, king mackerel from the closed zone, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to king mackerel from the closed zone that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor (50 CFR 622.384(e)(2)).

Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of Gulf king mackerel and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.384(e) and 622.388(a)(1)(i), and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the commercial quota and the associated AM has already been subject to notice and public comment, and all that remains is to notify the public of the closure. Additionally, allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect the king mackerel stock, because the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment would require time and could potentially result in a harvest well in excess of the established commercial quota.

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

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

Dated: October 5, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–21908 Filed 10–5–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF732

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

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from catcher vessels equal to or greater than 60 feet (18.3 meters) length overall (LOA) using pot gear to catcher/processors using pot gear and catcher vessels less than 60 feet (18.3 meters) LOA using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area. This action is necessary to allow the 2017 total allowable catch of Pacific cod to be harvested.

DATES: Effective October 6, 2017, through 2400 hours, Alaska local time (A.l.t.), December 31, 2017.

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

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

The 2017 Pacific cod total allowable catch (TAC) specified for catcher vessels greater than or equal to 60 feet LOA using pot gear in the BSAI is 17,889 metric tons (mt) as established by the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017).

The Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that catcher vessels greater than or equal to 60 feet LOA using pot gear will not be able to harvest 2,500 mt of the remaining 2017 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*5*). Therefore, in accordance with § 679.20(a)(7)(iii), taking into account the capabilities of the sectors to harvest reallocated amounts of Pacific cod, and following the hierarchies set forth in § 679.20(a)(7)(iii)(A) and § 679.20(a)(7)(iii)(B), NMFS reallocates 1,000 mt of Pacific cod to C/Ps using pot gear and 1,500 mt to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear.

The harvest specifications for Pacific cod included in the final 2017 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017) and two inseason adjustments (82 FR 8905, February 1, 2017 and 82 FR 41899, September 5, 2017) are revised as follows: 15,389 mt for catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear, 4,194 mt for C/Ps using pot gear, and 9,071 mt for catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of Pacific cod specified from catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear to C/Ps using pot gear and catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI management area. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 28, 2017.

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

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

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

Dated: October 6, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–22073 Filed 10–6–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 195
Wednesday, October 11, 2017

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

FEDERAL RESERVE SYSTEM

12 CFR Parts 211 and 238

[Docket No. R–1569]

RIN 7100–AE82

Large Financial Institution Rating System; Regulations K and LL

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On August 17, 2017, the Board published in the **Federal Register** a proposed new rating system for its supervision of large financial institutions. To facilitate effective public comment, the Board has determined that an extension of the public comment period until November 30, 2017, is appropriate. This action will allow interested persons additional time to analyze the proposal and prepare their comments.

DATES: The comment period for the notice of proposed rulemaking published on August 17, 2017 (82 FR 39049), is extended. Comments on the proposal must be received on or before November 30, 2017.

ADDRESSES: Interested parties are invited to submit written comments by following the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Address to Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments will be made available on the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 3515, 1801 K Street NW. (between 18th and 19th Street NW.), Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Richard Naylor, Associate Director, (202) 728–5854, Vaishali Sack, Manager, (202) 452–5221, April Snyder, Manager, (202) 452–3099, Bill Charwat, Senior Project Manager, (202) 452–3006, Division of Supervision and Regulation, Scott Tkacz, Senior Counsel, (202) 452–2744, or Christopher Callanan, Senior Attorney, (202) 452–3594, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. For the hearing impaired only, Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869.

SUPPLEMENTARY INFORMATION: On August 17, 2017, the Board published in the **Federal Register** a proposed new rating system for its supervision of large financial institutions. The proposed ''Large Financial Institution Rating System'' is closely aligned with the Federal Reserve's new supervisory program for large financial institutions. The proposed rating system would apply to all bank holding companies with total consolidated assets of $50 billion or more; all non-insurance, non-commercial savings and loan holding companies with total consolidated assets of $50 billion or more; and U.S. intermediate holding companies of foreign banking organizations established pursuant to the Federal Reserve's Regulation YY. The proposed rating system includes a new rating scale under which component ratings would be assigned for capital planning and positions, liquidity risk management and positions, and governance and controls; however, a standalone composite rating would not be assigned. The Federal Reserve proposes to assign initial ratings under the new rating system during 2018. The Federal Reserve is also seeking comment on proposed revisions to existing provisions in Regulations K and LL so they would remain consistent with certain features of the proposed rating system.

In recognition of the range of issues addressed and the variety of considerations involved with implementing the proposal, the Board requested that commenters respond to a number of questions. The proposal stated that the public comment period would close on October 16, 2017.[1]

The Board believes that the additional period for comment will facilitate public comment on the provisions of the proposal and the questions posed by the Board. Therefore, the Board is extending the end of the comment period for the proposal from October 16, 2017, to November 30, 2017.

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, October 5, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–21860 Filed 10–10–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 4

[Docket No. TTB–2016–0011; Notice No. 165A; Re: Notice No. 165]

RIN 1513–AC24

Proposed Addition of New Grape Variety Names for American Wines; Comment Period Reopening

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau is reopening for an additional 60 days the comment period for Notice No. 165, Proposed Addition of New Grape Variety Names for American Wines, a notice of proposed rulemaking published in the **Federal Register** on November 17, 2016. TTB is taking this action in response to requests from several wine industry members and trade associations.

[1] *Id.*

DATES: The comment period for the proposed rule published on November 17, 2016 (81 FR 81023) is reopened for 60 days. Written comments on Notice No. 165 are now due on or before December 11, 2017.

ADDRESSES: Please send your comments on Notice No. 165 to one of the following addresses:

- *Internet: https://www.regulations.gov* (via the online comment form for Notice No. 165 as posted within Docket No. TTB–2016–0011 at *Regulations.gov*, the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 400, Washington, DC 20005.

See the Public Participation section of Notice No. 165 for specific instructions and requirements for submitting comments, and for information on how to request a public hearing.

You may view copies of this document, Notice No. 165, and any comments made to TTB about the described proposals at *https://www.regulations.gov* within Docket No. TTB–2016–0011. A link to that docket is posted on the TTB Web site at *https://www.ttb.gov/wine/wine-rulemaking.shtml* under Notice No. 165. You also may view copies of this document, Notice No. 165, and any comments made to TTB about the described proposals by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. Please call (202) 453–2270 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jennifer Berry, Alcohol and Tobacco Tax and Trade Bureau, Regulations and Rulings Division; telephone 202–453–1039, ext. 275.

SUPPLEMENTARY INFORMATION: In Notice No. 165, a notice of proposed rulemaking published in the **Federal Register** on November 17, 2016 (81 FR 81023), the Alcohol and Tobacco Tax and Trade Bureau (TTB) requested public comment on proposals to amend its wine labeling regulations by adding a number of new names to the list of grape variety names approved for use in designating American wines, removing one existing entry and replacing it with a slightly different name, and correcting the spelling of another existing entry. The proposed amendments would allow wine bottlers to use additional approved grape variety names on wine labels and in wine advertisements. The 60-day comment period for Notice No. 165 originally closed on January 17, 2017.

During the original comment period, TTB received three requests to extend the comment period. The first request came from the National Association of Beverage Importers (NABI), an alcohol beverage industry trade association, and requested a 60-day extension of the comment period for Notice No. 165. In its request, NABI noted that Notice No. 165 was issued during the busy holiday season when many compliance personnel took vacation time, and it noted that the proposed list of 51 new grape variety names includes terms that appear as brand names on various beverage alcohol products. The NABI request stated that its members require additional time ''to assure that potential conflicts, confusion, misunderstanding or other issues are brought to the attention of TTB.'' The NABI comment is posted as Comment 5 within Docket No. TTB–2016–0011 on the *Regulations.gov* Web site at *https://www.regulations.gov*.

The second request was submitted on behalf of the French Federation of Wine and Spirits Exporters (FEVS), and it also requested a 60-day extension of the comment period for Notice No. 165 (see Comment 9). The FEVS comment noted that it was unable to gather enough information to comment on the proposals in Notice No. 165, including the proposed addition of Esprit to the approved list of grape names ''due to an extended holiday season.'' The comment stated that FEVS required additional time to finalize its research of the COLA database and to bring to TTB's attention any potential conflicts between Esprit as an approved grape name and common terms used in wine brand or fanciful names.

The third request was submitted by the law firm of Dickerson, Peatman and Fogarty on behalf of ''certain French wine producers that sell wine into the U.S. under a brand or fanciful name that includes the word ''Esprit'' (see Comment 18). The comment added that these producers only recently became aware of the proposed addition of Esprit to the list of approved grape names for American wines and are concerned that such action may adversely impact their intellectual property rights and ability to sell their wine in the U.S. The commenter, therefore, requested an extension of the comment period but did not specify a time period.

In response to these requests, TTB is reopening the comment period for Notice No. 165 for an additional 60 days. TTB believes that an additional 60-day comment period will allow all interested parties to fully consider the impact of the new grape varietal names for American wines proposed in Notice No. 165.

Therefore, comments on Notice No. 165 are now due on or before December 11, 2017. Comments on Notice No. 165 may be submitted as described above in the **ADDRESSES** section of this document.

Drafting Information

Michael Hoover of the Regulations and Rulings Division drafted this document.

Signed: September 28, 2017.

John J. Manfreda,

Administrator.

[FR Doc. 2017–21810 Filed 10–10–17; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Parts 4 and 24

[Docket No. TTB–2016–0005; Notice No. 160B; Re: Notice Nos. 160 and 160A]

RIN 1513–AC27

Proposed Revisions to Wine Labeling and Recordkeeping Requirements; Comment Period Reopening

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) is reopening for an additional 90 days the comment period for Notice No. 160, Proposed Revisions to Wine Labeling and Recordkeeping Requirements, a notice of proposed rulemaking published in the **Federal Register** on June 22, 2016. In Notice No. 160, TTB proposed to amend its labeling and recordkeeping regulations in 27 CFR part 24 to provide that any standard grape wine containing 7 percent or more alcohol by volume that is covered by a certificate of exemption from label approval may be labeled with a varietal (grape type) designation, a type designation of varietal significance, a vintage date, or an appellation of origin only if the wine is labeled in compliance with the standards set forth in the appropriate sections of 27 CFR part 4 for that label information. TTB also proposed to amend its part 4 wine labeling regulations to include a reference to the new part 24 requirement. TTB is reopening the comment period a second time in response to requests from a number of commenters. In addition,

TTB is also soliciting comments on alternative proposals put forth by commenters during the previous public comment periods for Notice No. 160.

DATES: The comment period for the proposed rule published on June 22, 2016 (81 FR 40584) is reopened for 90 days. Written comments on Notice No. 160 are now due on or before January 9, 2018.

ADDRESSES: Please send your comments on Notice No. 160 to one of the following addresses:

- *Internet: https://www.regulations.gov* (via the online comment form for this document, Notice No. 160B, as posted within Docket No. TTB–2016–0005 at ''*Regulations.gov,*'' the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 400, Washington, DC 20005.

See the Public Participation section of Notice No. 160 for specific instructions and requirements for submitting comments, and for information on how to request a public hearing.

You may view copies of this document, Notice Nos. 160 and 160A, and any comments made to TTB about the described proposals at *https://www.regulations.gov* within Docket No. TTB–2016–0005. A link to that docket is posted on the TTB Web site at *https://www.ttb.gov/wine/wine-rulemaking.shtml* under Notice No. 160. You also may view copies of this document, Notice Nos. 160 and 160A, and any comments made to TTB about the described proposals by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. Please call (202) 453–2270 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jennifer Berry, Alcohol and Tobacco Tax and Trade Bureau, Regulations and Rulings Division; telephone (202) 453–1039, ext. 275.

SUPPLEMENTARY INFORMATION: In Notice No. 160, the Alcohol and Tobacco Tax and Trade Bureau (TTB) proposed to amend its labeling and recordkeeping regulations in 27 CFR part 24 to provide that any standard grape wine containing 7 percent or more alcohol by volume that is covered by a certificate of exemption from label approval may be labeled with a varietal (grape type) designation, a type designation of varietal significance, a vintage date, or an appellation of origin only if the wine is labeled in compliance with the standards set forth in the appropriate sections of 27 CFR part 4 for that label information. TTB also proposed to amend its part 4 wine labeling regulations to include a reference to the new part 24 requirement. The 60-day comment period for Notice No. 160 originally closed on August 22, 2016.

On September 8, 2016, TTB published Notice No. 160A to reopen the comment period for an additional 90 days. This action was taken in response to requests received from two wine industry trade associations, Wine Institute and the California Association of Winegrape Growers, who stated that their membership was preoccupied with the grape harvest and thus needed additional time to assess the proposal contained in Notice No. 160 (see comments 7 and 41). Based on comments received up to that point, TTB also requested comments regarding whether any geographic reference to the source of the grapes used in the wine could be included on a wine label in a way that would not be misleading with regard to the source of the wine. The reopened comment period closed December 7, 2016.

A number of commenters responded to TTB's request in Notice No. 160A for comments on whether any geographic references to the source of the grapes used in a wine could be included on the label in a way that would not be misleading. Some of the proposals received suggest that geographic references could be included in such a way. Suggestions included proposals that TTB allow the following type of statements on wine labels:

- ____% of grapes grown in _____ [location], Produced and Bottled in _____ [location].
- ''Grapes sourced in California.''
- The use of American viticultural area (AVA) names modified by ''grapes'' (*i.e.,* ''Napa Valley Grapes).''

The most detailed proposal was submitted in a joint comment by Napa Valley Vintners and Wine Institute, posted as Comment 108 within Docket No. TTB–2016–0005 at *www.regulations.gov.* The two trade associations supported the adoption of the proposals made in Notice No. 160, but stated that ''to the extent TTB is inclined to adopt regulations that would allow a COLA-exempt wine to also include grape source information,'' they believe their proposal ''protects the integrity of the appellation labeling system while also providing consumers with meaningful, truthful, and non-misleading information to identify grape source.'' The comment also noted that California law would prohibit certain wines labeled with grape source information from being sold in that State, but that Napa Valley Vintners and Sonoma County Vintners would sponsor and advocate for an amendment to California law in the event that TTB amended its regulations as proposed in the comment.

Their proposal has four main components:

- TTB should adopt Notice No. 160 in its entirety so that all wines identified with an AVA name or appellation of origin are subject to the same Federal standards.
- Grape source information (which they state is distinct from appellations) could be allowed on the label as optional information if it includes all of the following: (1) The name of the county or counties and State or States, or just the State(s), where all of the grapes are grown. County names must be identified with the word ''county'' in the same type size and in letters as conspicuous as the name of the county; (2) The percentage of wine derived from grapes grown in each county or State shown on the label, with a tolerance of +\− 2 percent; and (3) The city and State, or just the State, where the wine was fully finished.
- Grape source information should not contain any reference to an AVA name or a name of viticultural significance or a confusingly similar name, other than a county or a State. In their example, a label could disclose the grape source as ''Napa County, California,'' but it could not include a claim that the grapes are from ''Napa Valley,'' which is an AVA name.
- Wines labeled with grape source information must be labeled with the ''United States'' country appellation of origin pursuant to 27 CFR 4.25(a)(1)(i). Use of this country appellation gives wineries the ability to include a vintage date and variety designation on their labels while at the same time signaling to consumers that the wine does not meet the Federal requirements for State, county, or AVA appellation of origin designations.

While the comment specifically addressed wines covered by certificates of exemption from label approval, it is unclear to TTB if this alternative proposal would also apply to wines subject to the labeling requirements of the Federal Alcohol Administration Act and labeled under a certificate of label approval.

In addition to the proposals discussed above, TTB received seven comments requesting an additional extension of the comment period for Notice No. 160. Six of these request an additional 90 days to comment, while the seventh

requests an extension of an unspecified amount of time. Some of these comments state that additional time is needed given the complexity of the issues, while others state that an extension of the comment period will allow time for wine industry members to reach a consensus on the proposal.

Determination To Reopen the Public Comment Period

In response to the requests to extend the comment period, TTB is reopening the comment period for Notice No. 160 for an additional 90 days. We believe that 90 days will provide industry members and the public with the additional time necessary to fully consider both the original proposal put forth in Notice No. 160 and the alternative proposals discussed above. Therefore, comments on Notice No. 160 are now due to TTB on or before January 9, 2018.

In addition to comments on the alternative proposals discussed above, TTB is interested in comments that address whether the alternative proposals should apply only to wines labeled under certificates of exemption for label approval, or if they should also apply to wines labeled under certificates of label approval, in which case corresponding amendments to the labeling regulations in part 4 would be necessary. TTB is also interested in comments regarding whether these proposals should apply to non-grape wines. Please provide specific information in support of your comments.

Submission of New Comments

Comments on the original proposal put forth in Notice No. 160 and the alternative proposals discussed above may be submitted electronically via the online comment form for this document, Notice No. 160B, as posted within Docket No. TTB–2016–0005 at ''*Regulations.gov*,'' the Federal e-rulemaking portal. Comments may also be submitted via U.S. mail or hand delivery as described above in the **ADDRESSES** section of this document.

Drafting Information

Jennifer Berry of the Regulations and Rulings Division drafted this document.

Signed: September 28, 2017.

John J. Manfreda,

Administrator.

[FR Doc. 2017–21817 Filed 10–10–17; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 24

[Docket No. TTB–2016–0010; Notice No. 164A; Re: Notice No. 164]

RIN 1513–AB61

Wine Treating Materials and Related Regulations; Comment Period Reopening

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) is reopening for an additional 90 days the comment period for Notice No. 164, Wine Treating Materials and Related Regulations, a notice of proposed rulemaking published in the **Federal Register** on November 22, 2016. TTB is taking this action in response to requests from wine industry members and trade associations.

DATES: The comment period for the proposed rule published on November 22, 2016 (81 FR 83752) is reopened for 90 days. Written comments on Notice No. 164 are now due on or before January 9, 2018.

ADDRESSES: Please send your comments on Notice No. 164 to one of the following addresses:

- *Internet: https://www.regulations.gov* (via the online comment form for Notice No. 164 as posted within Docket No. TTB–2016–0010 at *Regulations.gov*, the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 400, Washington, DC 20005.

See the Public Participation section of Notice No. 164 for specific instructions and requirements for submitting comments, and for information on how to request a public hearing.

You may view copies of this document, Notice No. 164, and any comments made to TTB about the described proposals at *https://www.regulations.gov* within Docket No. TTB–2016–0010. A link to that docket is posted on the TTB Web site at *https://www.ttb.gov/wine/wine-rulemaking.shtml* under Notice No. 164. You also may view copies of this document, Notice No. 164, and any comments made to TTB about the described proposals by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. Please call (202) 453–2270 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Kara Fontaine, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone (202) 453–1039, ext. 103.

SUPPLEMENTARY INFORMATION: In Notice No. 164, a notice of proposed rulemaking published in the **Federal Register** on November 22, 2016 (81 FR 83752), the Alcohol and Tobacco Tax and Trade Bureau (TTB) requested public comment on amendments to its regulations pertaining to the production of wine and in particular in regard to the permissible treatments that may be applied to wine and to juice from which wine is made. TTB issued the proposed amendments in response to requests from wine industry members to authorize certain wine treating materials and processes not currently authorized by TTB regulations. In Notice No. 164, TTB invited comments on the proposed regulatory changes and the wine treatments and materials issues addressed in that document. The 60-day comment period for Notice No. 164 originally closed on January 23, 2017.

On December 27, 2016, TTB received a letter from the Wine Institute, a large wine industry trade association based in San Francisco, California, requesting a six-month extension of the comment period on the wine treating materials and other regulatory amendments proposed in Notice No. 164. In its letter, the Wine Institute stated that its members required additional time to consider the ''complex, highly technical proposal'' contained in Notice No. 164, as well as the document's request for input on other regulatory issues. The Wine Institute also noted that TTB's proposal was published during the busy holiday season, and that it required additional time to reach out to its members and other wine industry trade associations to discuss how best to respond to Notice No. 164. The Wine Institute letter is posted as Comment 3 to Notice No. 164 within Docket No. TTB–2016–0010 on the *Regulations.gov* Web site at *https://www.regulations.gov.* In addition, TTB received one comment supporting the Wine Institute's request for an extension of the comment period (see Comment 4).

On January 9, 2017, TTB received a letter from Laffort USA, a producer of wine treating materials, which also

requested a six-month extension of the comment period for Notice No. 164. In its letter, Laffort USA noted the proposed rulemaking requested comments ''on many other topics of great relevance to the U.S. wine industry,'' and that it the comment period ''covered the entire holiday season.'' The Laffort USA letter is posted as Comment 5 to Notice No. 164 within Docket No. TTB–2016–0010 on the *Regulations.gov* Web site at *https://www.regulations.gov.*

In response to these requests, TTB is reopening the comment period for Notice No. 164 for an additional 90 days. TTB notes that the wine treating materials discussed in the regulatory amendments in Notice No. 164 have been previously approved administratively for use by wine industry members in the treatment of their wine. TTB believes that a 90-day reopening of the comment period for Notice No. 164 will allow all interested parties to fully consider the regulatory amendments proposed in that document.

Therefore, comments on Notice No. 164 are now due to TTB on or before January 9, 2018. Comments on Notice No. 164 may be submitted as described above in the **ADDRESSES** section of this document.

Drafting Information

Michael Hoover of the Regulations and Rulings Division drafted this document.

Signed: September 28, 2017.

John J. Manfreda,

Administrator.

[FR Doc. 2017–21809 Filed 10–10–17; 8:45 am]

BILLING CODE 4810–31–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2018–1; Order No. 4142]

Data Enhancements and Reporting Requirements for Flats

AGENCY: Postal Regulatory Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Commission is initiating a proceeding to explore enhancements to the Postal Service's data systems and to facilitate the development of consistent reporting requirements. This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 4, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission initiates this proceeding to explore potential enhancements to the Postal Service's data systems and to facilitate the development of consistent reporting requirements. These data enhancements and reporting requirements will be used to measure, track, and report the cost and service performance issues concerning flat-shaped mailpieces (flats).

II. Background

In the FY 2015 ACD, the Commission identified and analyzed six ''pinch points'' that contribute to cost and service issues for flats: [1]

- Bundle processing
- Low productivity on automated equipment
- Manual sorting
- Productivity and service issues in allied operations
- Increased transportation time and cost
- Last mile/delivery

Using data available at the time, the Commission identified and discussed flats cost and/or service issues for each individual pinch point. *See* FY 2015 ACD at 165–180. However, the Commission acknowledged that there was a ''lack of comprehensive data'' which prevents the Postal Service and the Commission from measuring the impact of specific initiatives designed to improve cost and service issues for flats. *Id.* at 180.

The Commission directed the Postal Service to identify a method to measure, track, and report the cost and service performance issues relating to each individual pinch point identified by the Commission at the most granular level practicable. *Id.* at 181. To increase transparency, the Commission requested certain information in support of the identified method: Available data to support methods to measure, track and report on cost and service issues related to flats, information on the cost to produce and aggregate current data, additional data that would be needed to support a method to measure, track and report on cost and service issues related to flats and the cost to produce that data, and the identification of information necessary to develop, implement, monitor, and quantify results for a comprehensive plan to improve flats service performance and cost coverage if an ideal data system were available. *Id.*

The Postal Service responded to the Commission's Chapter 6 directive on July 26, 2016.[2] The Postal Service provided an extensive discussion of data systems that could be used to measure certain aspects of individual pinch points; however, it did not provide a specific method for each pinch point to measure, track, and report on cost and service issues related to flats. To redirect the Postal Service's response, the Commission issued Commission Information Request No. 1.[3] In Order No. 3539, the Commission scheduled an off-the-record technical conference on October 21, 2016, to determine the status of the Postal Service's proposed methods as requested in the original Commission Directive.[4] The Postal Service filed its response to CIR No. 1 on November 28, 2016.[5] In both its 120-Day Response and in its Response to CIR No. 1, the Postal Service provided general information related to all pinch points, and information specific to each individual pinch point. The Postal Service's responses were informative; however, the Commission found that neither response addressed the Commission's original and main request to develop a method to measure, track, and report the cost and service performance issues relating to the individual pinch points.[6] The Postal Service stated that the information it provided is ''the first step

[1] Docket No. ACR2015, Annual Compliance Determination Report, Fiscal Year 2015, March 28, 2016, at 165 (FY 2015 ACD).

[2] Docket No. ACR2015, Third Response of the United States Postal Service to Commission Requests for Additional Information in the FY 2015 Annual Compliance Determination, Report Regarding Information about Flats Data Systems, July 26, 2016 (120-Day Response).

[3] Docket No. ACR2015, Commission Information Request No. 1, September 27, 2016 (CIR No. 1).

[4] *See* Docket No. ACR2015, Order Scheduling Technical Conference, September 27, 2016 (Order No. 3539).

[5] Docket No. ACR2015, Response of the United States Postal Service to Commission Information Request No. 1, November 28, 2016 (Response to CIR No. 1).

[6] Docket No. ACR2016, Annual Compliance Determination Report, March 28, 2017, at 170.

in an evolutionary process to develop a set of data reports that the Commission and the Postal Service can agree add value to the question of how best to track and report on metrics that will ultimately lead to improvements in the service and efficiency of flats processing.'' Response to CIR No. 1 at 3.

III. Next Steps

Although the Postal Service discussed its data systems and proposed metrics for certain pinch points, the Postal Service did not explain how it will use this information to report on issues relating to flats. The Commission finds that measuring various cost and service impacts associated with flats will provide greater insight into the issues. Tracking these issues over time will assist the Commission and the Postal Service with developing solutions to reduce cost and improve service performance of flats. Reporting on these measures and tracking will enhance the transparency and ability of stakeholders with vested interests to participate in the development of a plan to improve flats cost and service issues.

At this stage in the docket, and given the information already provided by the Postal Service, the Commission seeks to better understand the data collected by the Postal Service and the capabilities of the systems that collect that data. In the information request filed along with this Order, the Commission requests that the Postal Service provide additional information about certain data systems and reports. The information request seeks, among other things, information about the capabilities of the data systems, information about planned improvements to the data systems, and ideas as to how certain data systems could be used to measure the impact on flats costs and service performance issues. The Commission also requests certain summary data reports that are available from the various data systems. Responses to the information request should be submitted no later than 60 days from the date of this Order. If the Postal Service identifies any other data or information that would be helpful to the goal of measuring cost and service impacts on flats, the Postal Service should also submit it with the requested information.

Once the information is received and analyzed, the Commission intends to schedule a technical conference to review the data submitted by the Postal Service and to better understand the capabilities of the Postal Service's systems. As explained above, the Commission intends to use information provided by the Postal Service in this proceeding to develop a detailed proposal of data enhancements and reporting requirements for consideration in this docket. The Commission will invite public comment on the detailed proposal before adopting any final rule. The Commission anticipates that this information will lead to the development of measureable goals to decrease the costs and improve the service performance of flats.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2018–1 to explore data enhancements and to facilitate the development of consistent reporting requirements that will be used to evaluate the cost and service performance issues associated with flats.

2. Responses to the Commission Information Request No. 1, in this docket, should be provided 60 days from the date of this Order.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Katalin K. Clendenin to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–21855 Filed 10–10–17; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2017–0513; FRL–9968–11–Region 7]

Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2012 Annual Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve elements of a State Implementation Plan (SIP) revision from the State of Missouri for the 2012 Annual Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) and two state statutes into the SIP to address the requirements relating to conflicts of interest found in section 128 of the Clean Air Act (CAA). Section 110 of the CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as ''infrastructure'' SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. In the ''Rules and Regulations'' section of this **Federal Register**, we are approving the state's SIP revisions as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule.

DATES: Comments must be received by November 13, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2017–0513, to *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Tracey Casburn, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7016, or by email at *casburn.tracey@epa.gov.*

SUPPLEMENTARY INFORMATION: This document proposes to take action on State of Missouri Infrastructure SIP Requirements for the 2012 Annual $PM_{2.5}$ NAAQS. We have published a direct final rule approving the state's SIP revisions in the ''Rules and Regulations'' section of this **Federal Register**, because we view this as a

noncontroversial action and anticipate no relevant adverse comment. We have explained our reasons for this action in the preamble to the direct final rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We would address all public comments in any subsequent final rule based on this proposed rule. We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

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 dioxides.

Dated: September 27, 2017.

Cathy Stepp,

Acting Regional Administrator, Region 7.

[FR Doc. 2017–21807 Filed 10–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2017–0268; FRL 9969–09–Region 7]

Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Nitrogen Oxide National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve elements of a State Implementation Plan (SIP) revision from the State of Missouri for the 2010 Nitrogen Dioxide (NO_2) National Ambient Air Quality Standard (NAAQS). Section 110 of the CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as ''infrastructure'' SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. In the ''Rules and Regulations'' section of this issue of the **Federal Register**, we are approving the state's SIP revisions as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule.

DATES: Comments must be received by November 13, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2017–0268, to *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Tracey Casburn, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7016, or by email at *casburn.tracey@epa.gov.*

SUPPLEMENTARY INFORMATION: This document proposes to take action on the State of Missouri Infrastructure SIP revision for the 2010 NO_2 NAAQS. We have published a direct final rule approving the State's SIP revision(s) in the ''Rules and Regulations'' section of this issue of the **Federal Register**, because we view this as a noncontroversial action and anticipate no relevant adverse comment. We have explained our reasons for this action in the preamble to the direct final rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We would address all public comments in any subsequent final rule based on this proposed rule. We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

List of Subjects in 40 CFR Part 52

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

Dated: September 27, 2017.

Cathy Stepp,

Acting Regional Administrator, Region 7.

[FR Doc. 2017–21804 Filed 10–10–17; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 82, No. 195
Wednesday, October 11, 2017

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

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Golden Valley Organics, Inc. (dba) BioWest Ag Solutions of Nampa, Idaho, an exclusive license to U.S. Patent No. 9,414,602, ''PSEUDOMONAS FLUORESCENS INHIBIT ANNUAL BLUEGRASS AND ROUGH BLUEGRASS ROOT GROWTH AND GERMINATION'', issued on August 16, 2016.

DATES: Comments must be received on or before November 13, 2017.

ADDRESSES: *Send comments to:* USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: Brian T. Nakanishi of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Golden Valley Organics, Inc. (dba) BioWest Ag Solutions of Nampa, Idaho has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Mojdeh Bahar,

Assistant Administrator.

[FR Doc. 2017–21953 Filed 10–10–17; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 5, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by November 13, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Business-Cooperative Service

Title: Annual Survey of Farmer Cooperatives.

OMB Control Number: 0570–0007.

Summary of Collection: The Rural Business Cooperative Service (RBS) was mandated the responsibility to acquire and disseminate information pertaining to agricultural cooperatives under the Cooperative Marketing Act of 1926: 7 U.S.C. 451–457 and Public Law 450. The primary objective of RBS is to promote understanding, use and development of the cooperative form of business as a viable option for enhancing the income of agricultural producers and other rural residents. The annual survey collects basic statistics on cooperative business volume, net income, members, financial status, employees, and other selected information to support RBS' objective and role. RBS will use a variety of forms to collect information.

Need and Use of the Information: RBS uses the information collected to summarize for program planning, evaluation service work and cooperative analysis and education. The information collected and published in the annual report on farmer cooperatives supports and enhances most of the major functions of RBS. By not collecting this information, the RBS would have difficulties in carrying out its policy on farmer cooperatives.

Description of Respondents: Business or other for-profit.

Number of Respondents: 1,175.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 1,160.

Rural Business-Cooperative Service

Title: Repowering Assistance Program, 7 CFR 4288–A.

OMB Control Number: 0570–0066.

Summary of Collection: The Repowering Assistance Program is authorized under section 9004 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246). The objective of this program is to provide financial incentives to bio-refineries in existence

on the date of the enactment of the 2008 Farm Bill; to replace the use of fossil fuels used to produce heat or power at their facilities by installing new systems that use renewable biomass, or to produce new energy from renewable biomass.

Need and Use of the Information: Information gathered under this collection will be used to determine the eligibility of bio-refineries to participate in the program. The Agency will determine the amount of payments to be made to a bio-refinery under this program with consideration given to: (1) The quantity of fossil fuel a renewable biomass system is replacing; (2) the percentage reduction in fossil fuel used by the bio-refinery that will result from the installation of the renewable biomass system; and (3) the cost-effectiveness of the renewable biomass system. Failure to collect proper information could result in improper determinations of eligibility and improper payments.

Description of Respondents: Business or other for-profit; Individuals.

Number of Respondents: 6.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Monthly; Annually.

Total Burden Hours: 462.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–21843 Filed 10–10–17; 8:45 am]

BILLING CODE 3410–XY–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Alaska Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Alaska Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Alaska Time) Thursday, October 19, 2017. The purpose of the meeting is for the Committee to discuss advisory memorandum and report writing schedule and debrief testimonies shared at the Alaska Native voting rights briefing.

DATES: The meeting will be held on Thursday, October 19, 2017, at 12:00 p.m. AKDT.

Public Call Information: Dial: 800–500–0920, Conference ID: 3399712.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800–500–0920, conference ID number: 3399712. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed to Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=234.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Develop Advisory Memorandum and Report Writing Schedule
III. Discuss Briefing Transcript
IV. Public Comment
V. Next Steps
VI. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance of this Committee doing work on the FY 2018 statutory enforcement report.

Dated: October 5, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–21863 Filed 10–10–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments in Part; 2016

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

SUMMARY: In response to requests from interested parties, the Department of Commerce (the Department) is conducting the twelfth administrative review (AR) of the antidumping duty order on wooden bedroom furniture (WBF) from the People's Republic of China (PRC). The period of review (POR) is January 1, 2016, through December 31, 2016. This AR covers 13 companies, including one mandatory respondent, Decca Furniture Ltd. (Decca). The Department has preliminarily determined that four of the 13 companies, including Decca, have not established their entitlement to a separate rate and are part of the PRC-wide entity. The Department has also preliminarily determined that eight companies had no reviewable transactions during the POR. The Department has also rescinded the review for Nanhai Jiantai Woodwork Co., Ltd., Fortune Glory Industrial, Ltd. (HK Ltd.) (collectively, Fortune Glory), for whom all review requests have been withdrawn. We invite interested parties to comment on these preliminary results.

DATES: Applicable October 11, 2017.

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

SUPPLEMENTARY INFORMATION:

Background

After initiating this review with respect to 80 companies or company groupings,[1] interested parties withdrew all review requests for 67 of the 80 companies. Thus, the Department rescinded this review with respect to those companies.[2] On June 22, 2017, the Department issued an antidumping duty questionnaire to Decca, the only company under review that filed a separate rate application. Decca did not respond to the questionnaire. For a complete description of the events that followed the initiation of this administrative review, see the Preliminary Decision Memorandum which is hereby adopted by this notice.[3]

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The product covered by the Order is wooden bedroom furniture, subject to certain exceptions.[4] On August 29, 2017, the petitioners filed comments addressing a U.S. Customs and Border Protection (CBP) ruling indicating that CBP would no longer use certain harmonized tariff schedules subheadings to classify items within the scope of the Order.[5] In light of the petitioners' comments, we have preliminarily revised the scope to include the harmonized tariff schedule numbers under which subject merchandise is entered. Under the revised scope, imports of subject merchandise are classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 9403.90.7005, 9403.90.7080, 9403.50.9041, 9403.60.8081, 9403.20.0018, 9403.90.8041, 7009.92.1000 or 7009.92.5000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description in the Order remains dispositive. Barring any changes to this revised language between the issuance of the preliminary and final results, this revision will be effective as of the final results of this review. For a complete description of the scope of the Order and discussion of the revisions to the harmonized tariff schedule numbers in the scope, please see the Preliminary Decision Memorandum.

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.213. For a full description of the methodology underlying our preliminary results of review, see the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is provided in the Appendix to this notice.

Preliminary Determination of No Shipments

Because CBP did not provide any information contradicting the claims of the eight companies under review which claimed to have made no shipments, the Department preliminarily determines that these eight companies did not have any reviewable transactions during the POR.[6] For additional information regarding this determination, see the Preliminary Decision Memorandum. Consistent with the Department's practice in non-market economy (NME) cases, the Department is not rescinding this AR, in part, with respect to these eight companies, but intends to complete the review with respect to the companies for which it has preliminarily found no shipments and issue appropriate instructions to CBP based on the final results of the review.[7]

Separate Rates

Because Decca was the only company under review that submitted a separate rate application, the Department selected Decca as the sole mandatory respondent in this review. As noted above, Decca did not respond to the Department's antidumping duty questionnaire. Therefore, the Department preliminarily determines that Decca Furniture did not establish its eligibility for separate rate status. In addition, three other companies for which a review was requested failed to provide separate rate applications or certifications.[8] Therefore, the Department preliminarily determines that these four companies are part of the PRC-wide entity. Because no party requested a review of the PRC-wide entity, the entity is not under review, and the entity's rate of 216.01 percent is not subject to change.[9] For additional information regarding this determination, see the Preliminary Decision Memorandum.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. As noted above, the petitioners withdrew their request for an administrative review with respect to Fortune Glory within 90 days of the publication date of the notice of initiation. No other parties requested an administrative review of the order with respect to Fortune Glory. Therefore, in accordance

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

[2] *See Wooden Bedroom Furniture, From the People's Republic of China; Partial Rescission of Antidumping Duty Administrative Review,* 82 FR 35929 (August 2, 2017).

[3] *See* ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review: Wooden Bedroom Furniture from the People's Republic of China,'' from James Maeder, Senior Director, performing the duties of Deputy Assistant Secretary for Antidumping Duty and Countervailing Duty Operations, to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance (Preliminary Decision Memorandum), dated concurrently with this notice.

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

[5] *See* letter from the petitioners, re: ''Wooden Bedroom Furniture From China: Petitioners' Comments Regarding The Upcoming Preliminary Results,'' dated August 29, 2017.

[6] The eight companies/company groupings are: (1) Dongguan Sunrise Furniture Co., Taicang Sunrise Wood Industry, Co., Ltd., Shanghai Sunrise Furniture Co., Ltd., Fairmont Designs; (2) Dongguan Sunrise Furniture Co., Taicang Sunrise Wood Industry, Co., Ltd., Taicang Fairmont Designs Furniture Co., Ltd., Meizhou Sunrise Furniture Co., Ltd.; (3) Eurosa (Kunshan) Co., Ltd.; Eurosa Furniture Co., (PTE) Ltd.; (4) Golden Well International (HK) Limited; Zhangzhou Xym Furniture Product Co., Ltd.; (5) RiZhao Sanmu Woodworking Co., Ltd.; (6) Shenyang Shining Dongxing Furniture Co., Ltd.; (7) Woodworth Wooden Industries (Dong Guan) Co., Ltd.; and (8) Yeh Brothers World Trade Inc.

[7] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011) and the ''Assessment Rates'' section, below.

[8] The three companies are: (1) Changshu HTC Import & Export Co., Ltd.; (2) Starwood Industries Ltd.; and (3) U-Rich Furniture (Zhangzhou) Co., Ltd.; U-Rich Furniture Ltd.

[9] *See Second Amended Final Results of Antidumping Duty Administrative Review: Wooden Bedroom Furniture from the People's Republic of China,* 72 FR 62834 (November 7, 2007).

with 19 CFR 351.213(d)(1), the Department is rescinding this review of the AD order on wooden bedroom furniture from the PRC with respect to Fortune Glory.

Public Comment

Interested parties are invited to comment on the preliminary results and may submit case briefs and/or written comments, filed electronically using ACCESS, within 30 days of the date of publication of this notice, pursuant to 19 CFR 351.309(c)(1)(ii). Rebuttal briefs, limited to issues raised in the case briefs, will be due five days after the due date for case briefs, pursuant to 19 CFR 351.309(d). Parties who submit case or rebuttal briefs in this review are requested to submit with each argument a statement of the issue, a summary of the argument not to exceed five pages, and a table of statutes, regulations, and cases cited, in accordance with 19 CFR 351.309(c)(2).

Any interested party may request a hearing within 30 days of publication of this notice.[10] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the case briefs. If a request for a hearing is made, parties will be notified of the time and date of the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.[11]

Unless extended, the Department intends to issue the final results of this AR, which will include the results of its analysis of issues raised in any briefs received, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

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

Upon issuing the final results of this review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[12] The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. We intend to instruct CBP to liquidate entries of subject merchandise exported by the PRC-wide entity, including Decca and the other three companies noted above which did not qualify for separate rate status, at the PRC-wide rate. Additionally, pursuant to the Department's practice in NME cases, if we continue to determine that the eight companies noted above had no shipments of subject merchandise, any suspended entries of subject merchandise during the POR under their case numbers will be liquidated at the PRC-wide rate.[13]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed PRC and non-PRC exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-wide entity, which is 216.01 percent; and (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter.

These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties. We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: October 2, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

(1) Summary
(2) Background
(3) Revisions to Harmonized Tariff Schedule Numbers in the Scope
(4) Scope of the Order
(5) Discussion of the Methodology
  a. NME Country Status
  b. Separate Rates
  c. Preliminary Determination of No Shipments
  d. Partial Rescission
(6) Conclusion

[FR Doc. 2017–21877 Filed 10–10–17; 8:45 am]

BILLING CODE 3510–DS–P

[10] *See* 19 CFR 351.310(c).

[11] *See* 19 CFR 351.310(d).

[12] *See* 19 CFR 351.212(b).

[13] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF742

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Joint Scallop Plan Development Team and Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, October 25, 2017 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Hilton Garden Inn Logan Airport, 100 Boardman Street, Boston, MA 02128; phone: (617) 567–6789.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Plan Development Team (PDT) and Advisory Panel (AP) will review Framework (FW) 29 alternatives and analyses. The primary focus of this meeting will be to provide input on the range of specification alternatives. FW 29 will set specifications including ABC/ACLs, days at sea, access area allocations, total allowable catch for the Northern Gulf of Maine (NGOM) management area, targets for General Category incidental catch and set-asides for the observer and research programs for fishing year 2018 and default specifications for fishing year 2019. Management measures in FW 29 include: (1) Flatfish accountability measures; (2) NGOM Management measures; (3) Measures to access area boundaries consistent with potential changes to habitat and groundfish mortality closed areas. They will also make recommendations on 2018 scallop work priorities. The PDT and AP will discuss scallop related issues under consideration in groundfish FW 57. Other business may be discussed as necessary.

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 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.

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, Executive Director, at 978–465–0492, at least 5 days prior to the meeting date. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: October 5, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–21888 Filed 10–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF740

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 51 assessment webinar IV for Gulf of Mexico gray snapper.

SUMMARY: The SEDAR 51 assessment process of Gulf of Mexico gray snapper will consist of a Data Workshop, a series of assessment webinars, and a Review Workshop.

DATES: The SEDAR 51 assessment webinar IV will be held October 30, 2017 from 1 p.m.–3 p.m. Eastern Time.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the assessment webinar IV are as follows:

1. Using datasets and initial assessment analysis recommended from the Data Workshop, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.

2. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

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

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: October 5, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–21887 Filed 10–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF744

Pacific Fishery Management Council; Public Meeting (Webinar)

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Ad hoc Community Advisory Board (CAB) will hold a two-day meeting in Portland, OR. The meeting is open to the public.

DATES: The meeting will be held on Tuesday, October 24, 2017 and Wednesday, October 25, 2017, from 8 a.m. each morning until business for each day has been completed.

ADDRESSES: The meeting will be held at the Sheraton Portland Airport Hotel, Garden A/B/C Room, 8235 NE Airport Way, Portland, OR 97220; telephone: (503) 281–2500.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Dr. Jim Seger, Pacific Council; telephone: (503) 820–2416.

SUPPLEMENTARY INFORMATION: The primary purpose of the CAB meeting is to review the public review draft of the catch share program five-year review document and continue to develop ranges of alternatives for Pacific Council consideration at the November 2017 Pacific Council meeting. The issues to be covered were identified by the Pacific Council at its June 2017 meeting, and include: Meeting the at-sea whiting fishery bycatch needs; trawl sablefish area management (including limits on gear switching); shoreside individual fishing quota (IFQ) accumulation limit; shoreside IFQ choke species management; and catcher-processor sector accumulation limits on permit ownership and harvesting/processing. Ranges of alternatives are to be developed and finalized for analysis over the course of the November 2017 and March/April 2018 Pacific Council meetings. Due to workload limitations, it is unlikely that all of these issues will move forward in 2018.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document 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 physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (503) 820–2411 at least 10 business days prior to the meeting date.

Dated: October 5, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–21889 Filed 10–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF444

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Pile Driving Activities for the Restoration of Pier 62, Seattle Waterfront, Elliot Bay

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Seattle Department of Transportation (Seattle DOT) to incidentally harass, by Level B harassment only, marine mammals during pile driving and removal activities associated with the restoration of Pier 62 project in Seattle Waterfront, Elliot Bay in Seattle, Washington.

DATES: This Authorization is applicable from October 4, 2017 through February 28, 2018.

FOR FURTHER INFORMATION CONTACT: Stephanie Egger, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the applications and supporting documents, as well as a list of the references cited in this document, may be obtained online at *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term ''take'' means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

National Environmental Policy Act

In compliance with NOAA policy, the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), and the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), NMFS determined the issuance of the IHA qualifies to be categorically

excluded from further NEPA review. This action is consistent with categories of activities identified in CE B4 of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion.

Summary of Request

On January 27, 2017, NMFS received a request from the Seattle DOT for an IHA to take marine mammals incidental to pile driving activities for the restoration of Pier 62, Seattle Waterfront, Elliot Bay in Seattle, Washington. Seattle DOT's request is for take of 11 species of marine mammals, by Level A and Level B harassment. Neither Seattle DOT nor NMFS expect mortality to result from this activity and, therefore, an IHA is appropriate.

This IHA would cover one season of a larger project for which Seattle DOT intends to request take authorization for subsequent facets of the project. The second season of the project is expected to involve pile driving the remainder of piles for Pier 62 and Pier 63.

Description of Specified Activities

Overview

The planned project will replace Pier 62 and make limited modifications to Pier 63 on the Seattle waterfront of Elliot Bay, Seattle, Washington. The existing piers are constructed of creosote-treated timber piles and treated timber decking, which are failing. The planned project would demolish and remove the existing timber piles and decking of Pier 62, and replace them with concrete deck planks, concrete pile caps, and steel piling.

The footprint of Pier 62 will remain as it currently is, with a small amount of additional over-water coverage (approximately 3,200 square feet) created by a new float system added to the south side of Pier 62. This float system is intended for moorage of transient, small-boat traffic, and will not be designed to accommodate mooring or berthing for larger vessels. This includes removing 815 timber piles, and will require installation of 180 steel piles for Pier 62. To offset the additional over-water coverage associated with the new float system, approximately 3,700 square feet of Pier 63 will be removed. This includes removing 65 timber piles, and will require installation of nine steel piles to provide structural support for the remaining portion of Pier 63. Seattle DOT estimates 49 days will be needed to remove the old timber piles and 64 days for installation of steel piles for a total of 113 in-water construction days for both Pier 62 and Pier 63. Pile driving (removal and installation activities) will occur approximately eight hours a day during daylight hours only.

The 14-inch (in) timber piles will be removed with a vibratory hammer or pulled with a clamshell bucket. The 30-in steel piles will be installed with a vibratory hammer to the extent possible. An impact hammer will be used for proofing steel piles or when encountering obstructions or difficult ground conditions. The contractor may elect to operate multiple pile crews for the Pier 62 Project. As a result, more than one vibratory or impact hammer may be active at the same time. The Seattle DOT will not operate more than two vibratory hammers concurrently. The Seattle DOT will proof 10 piles, spread over the different geological zones and construction zones of the pier foundation. For this proofing effort, one impact crane would be mobilized. In addition to proofing, if a pile reaches refusal (*i.e.,* can be driven no farther) with a vibratory hammer, an impact hammer would be used to drive the pile to the required depth or embedment. It is not possible to anticipate which piles will need to be driven with an impact hammer. Even if the project were to mobilize two impact hammer crews on one day, given the nature of the work, simultaneous hammer strikes would not be possible.

In-water noise from pile driving activities will result in the take, by Level A and Level B harassment only, of 11 species of marine mammals. It is assumed that a second season of in-water pile driving will be required to finish the pile installation. The specific scope of the second season of work will depend on work accomplished during the first season. A separate IHA application will be prepared for the second season of work. In-water work will occur within a modified or shortened work window (October through February) to reduce or minimize effects on juvenile salmonids.

A detailed description of the planned Pier 62 project is provided in the **Federal Register** notice for the proposed IHA (82 FR 34486; July 25, 2017). Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS's proposal to issue an IHA to the Seattle DOT for the Pier 62 project was published in the **Federal Register** on July 25, 2017 (82 FR 34486). That notice described, in detail, Seattle DOT's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received only one pertinent comment letter, from the Marine Mammal Commission (Commission).

Comment 1: NMFS received a comment from the Commission and while the Commission agrees with NMFS's determinations, it recommends that NMFS follow NMFS's policy of a 24-hour reset for enumerating the number of marine mammals that could be taken during the planned activities by applying standard rounding rules before summing the numbers of estimated takes across survey sites and survey days.

Response: Calculating predicted take is not an exact science and there are arguments for using different mathematical approaches in different situations, and for making qualitative adjustments in other situations. NMFS is currently engaged in developing a protocol to help guide its take calculations given particular situations and circumstances. We believe, however, that the methodology for this action is appropriate and is not at odds with the 24-hour reset policy the Commission references.

Comment 2: NMFS received comments from the Seattle Aquarium (Aquarium) requesting Seattle DOT coordinate with the Aquarium during pile driving and removal activities for the Aquarium's captive marine mammals, some of which are housed outside of the main aquarium, and may potentially be exposed to sound and visual stimuli during the project. The Aquarium also requested additional mitigation measures during pile driving and removal activities to minimize impacts from noise on the Aquarium's captive marine mammals as well as for air and water quality concerns.

Response: After coordinating with Seattle DOT, NMFS confirmed that additional, voluntary measures will be carried out by the Seattle DOT to satisfy concerns from the Aquarium. Seattle DOT will implement the following:

1. If aquarium animals are determined by the Aquarium veterinarian to be distressed, Seattle DOT will coordinate with Aquarium staff to determine appropriate next steps, which may include suspending pile driving work

for 30 minutes, provided that suspension does not pose a safety issue for the Pier 62 project construction crews.

2. Seattle DOT will make reasonable efforts to take at least one regularly scheduled 20-minute break in pile driving each day.

3. Seattle DOT will regularly communicate with the Aquarium staff when pile driving is occurring.

4. Seattle DOT will further coordinate with the Aquarium to determine appropriate methods to avoid and minimize impacts to water quality.

5. Seattle DOT does not anticipate the project resulting in impacts associated with airborne dust. If, during construction, odors associated with the project are an issue, Seattle DOT will coordinate with its contractor to determine appropriate mitigation measures.

Description of Marine Mammals in the Area of Specified Activities

The marine mammal species under NMFS's jurisdiction that have the potential to occur in the construction area include Pacific harbor seal (*Phoca vitulina*), northern elephant seal (*Mirounga angustirostris*), California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), long-beaked common dolphin (*Delphinus capensis),* both southern resident and transient killer whales (*Orcinus orca*), humpback whale (*Megaptera novaengliae*), gray whale (*Eschrichtius robustus*), and minke whale (*Balaenoptera acutorostrata*) (Table 1). Of these, the southern resident killer whale (SRKW) and humpback whale are protected under the Endangered Species Act (ESA). Pertinent information for each of these species is presented in this document to provide the necessary background to understand their demographics and distribution in the area.

TABLE 1—MARINE MAMMAL SPECIES POTENTIALLY PRESENT IN REGION OF ACTIVITY

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—SuperfamilyMysticeti (baleen whales)						
Family Eschrichtiidae						
Gray whale	*Eschrichtius robustus*	Eastern North Pacific	-; N	20,990 (0.05; 20,125; 2011)	624	132
Family Balaenidae						
Humpback whale	*Megaptera novaeangliae novaeangliae.*	California/Oregon/Washington.	E; D	1,918 (0.03; 1,855; 2011)	11.0	≥5.5
Minke whale	*Balaenoptera acutorostrata scammoni.*	California/Oregon/Washington.	-; N	636 (0.72, 369, 2014)	3.5	≥1.3
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae						
Killer whale	*Orcinus orca*	Eastern North Pacific Offshore.	-; N	240 (0.49, 162, 2008)	1.6	0
Killer whale	*Orcinus orca*	Eastern North Pacific Southern Resident.	E; D	78 (na, 78, 2014)	0.14	0
Long-beaked common dolphin.	*Dephinus capensis*	California	-; N	101,305 (0.49; 68,432, 2014).	657	≥35.4
Family Phocoenidae (porpoises)						
Harbor Porpoise	*Phocoena phocoena*	Washington Inland Waters	-; N	11,233 (0.37; 8,308; 2015)	66	≥7.2
Dall's Porpoise	*Phocoenoides dalli*	California/Oregon/Washington.	-; N	25,750 (0.45, 17,954, 2014)	172	≥0.4
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions)						
California sea lion	*Zalophus californianus*	U.S.	-; N	296,750 (na, 153,337, 2011).	9,200	389
Steller sea lion	*Eumetopias jubatus*	Eastern DPS	-; N	60,131- 74,448 (-; 36,551; 2013).	1,645	Insig.
Family Phocidae (earless seals)						
Harbor seal	*Phoca vitulina*	Washington Northern Inland Waters stock.	-; N	11,036 (0.15, -, 1999)	Undet.	9.8
Northern elephant seal	*Mirounga angustirostris*	California breeding	-; N	179,000 (na; 81,368, 2010)	4,882	8.8

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *www.nmfs.noaa.gov/pr/sars/.* CV is coefficient of variation; Nmin is the minimum estimate of stock abundance. In some cases, CV is not applicable.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual mortality/serious injury (M/SI) often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

A detailed description of the of the species likely to be affected by the Pier 62 project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (82 FR 34486; July 25, 2017). Since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' Web site (*www.nmfs.noaa.gov/pr/species/mammals/*) for generalized species accounts.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from the planned activities for the Pier 62 project have the potential to result in Level B behavioral harassment of marine mammals in the vicinity of the action area. There is also some potential for auditory injury (Level A harassment) to result, primarily for high frequency species, due to larger predicted auditory injury zones. Auditory injury is unlikely to occur for mid-frequency species and most pinnipeds. The mitigation and monitoring measures (*i.e.,* exclusion zones, use of a bubble curtain, etc. as discussed in detail below in ''Mitigation'' section), are expected to minimize the severity of such taking to the extent practicable.

The project would not result in permanent impacts to habitats used directly by marine mammals, such as haulout sites, but may have potential short-term impacts to food sources such as marine invertebrates and fish species. Construction will also have temporary effects on salmonids and other fish species in the project area due to disturbance, turbidity, noise, and the potential resuspension of contaminants during the Pier 62 project. The **Federal Register** notice for the proposed IHA (82 FR 34486; July 25, 2017) included a detailed discussion of the effects of anthropogenic noise on marine mammals and their habitat, and therefore, that information is not repeated here; please refer to that **Federal Register** notice for that information.

Estimated Take

This section provides an estimate of the number of incidental takes to be authorized through this IHA, which informed both NMFS's consideration of whether the number of takes is ''small'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as exposure to pile driving activities has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for high frequency species due to larger predicted auditory injury zones. Auditory injury is unlikely to occur for mid-frequency species and most pinnipeds. The mitigation and monitoring measures (*i.e.,* exclusion zones, use of a bubble curtain, etc. as discussed in detail below in ''Mitigation'' section), are expected to minimize the severity of such taking to the extent practicable. Below we describe how the take is estimated.

Described in the most basic way, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. Below, we describe these components in more detail and present the authorized take estimates.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.* 2007, Ellison *et al.* 2011). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 µPa root mean square (rms) for continuous (*e.g.,* vibratory pile-driving, drilling) sources and above 160 dB re 1 µPa (rms) for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. Seattle DOT's planned activity includes the use of continuous (vibratory pile driving and removal) and impulsive (impact pile driving) sources, and therefore the 120 and 160 dB re 1 µPa (rms) are applicable.

Level A harassment for non-explosive sources—NMFS's Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (NMFS, 2016a) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). Seattle DOT's planned activity includes the use of continuous (vibratory pile driving and removal) and impulsive (impact pile driving) sources.

These thresholds were developed by compiling and synthesizing the best available science and soliciting input multiple times from both the public and peer reviewers to inform the final product, and are provided in Table 2 below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2016 Technical Guidance, which may be accessed at: *http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm.*

TABLE 2—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset thresholds	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	$L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	$L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	$L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	$L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	$L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	$L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW); (Underwater)	$L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	$L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW); (Underwater)	$L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB2	$L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (Lpk) has a reference value of 1 µPa, and cumulative sound exposure level (LE) has a reference value of 1µPa2s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript ''flat'' is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that fed into identifying the area ensonified above the acoustic thresholds.

Background noise is the sound level that would exist without the planned activity (pile driving and removal, in this case), while ambient sound levels are those without human activity (NOAA 2009). The marine waterway of Elliott Bay is very active, and human factors that may contribute to background noise levels include ship traffic and fishing-boat depth sounders. Natural actions that contribute to ambient noise include waves, wind, rainfall, current fluctuations, chemical composition, and biological sound sources (*e.g.,* marine mammals, fish, and shrimp; Carr *et al.* 2006). Background noise levels were compared to the NOAA/NMFS threshold levels designed to protect marine mammals to determine the Level B Harassment Zones for noise sources. Based on work completed by Washington State Department of Transportation (WSDOT) for Washington State Ferries (WSF) to determine background noise in the vicinity of Elliott Bay, specifically at the Seattle Ferry terminal, the background level of 124 dB rms was used to calculate the attenuation for vibratory pile driving and removal (WSDOT 2015b). Although NMFS's harassment threshold is typically 120 dB for continuous noise, based on multiple measurements, the data collected by WSDOT (2015b) indicate that ambient sound levels are typically higher than this sound level and ranged from 124 dB to 141 dB; therefore, we used 124 dB rms as the relevant threshold for the Seattle DOT Pier 62 project, assuming that any noise generated by the project below 124 dB would be subsumed by the existing background noise and have little likelihood of causing additional behavioral disturbance.

The sound source levels for installation of the 30-in steel piles are based on surrogate data compiled by WSDOT. The source level of vibratory removal of 14-in timber piles were based on measurements conducted at the Port Townsend Ferry Terminal during vibratory removal of 12-in timber piles by WSDOT (Laughlin 2011). The recorded source level is 152 decibels (dB) re 1 micropascal (µPa) at 16 meters (m) from the pile. This value was also used for other pile driving projects (*e.g.,* WSDOT Seattle Multimodal Construction Project—Colman Dock (82 FR 31579; July 7, 2017)) in the same area as the Seattle Pier 62 project. In February of 2016, WSDOT conducted a test pile project at Colman Dock and the measured results from that project were used for that project and here to provide source levels for the prediction of isopleths ensonified over thresholds for the Seattle Pier 62 project. The results showed that the sound pressure level (SPL) root-mean-square (rms) for impact pile driving of 36-in steel pile is 189 dB re 1 µPa at 14 m from the pile (WSDOT 2016b). This value is also used for impact driving of the 30-in steel piles, which is a precautionary approach. Source level of vibratory pile driving of 36-in steel piles is based on test pile driving at Port Townsend in 2010 (Laughlin 2011). Recordings of vibratory pile driving were made at a distance of 10 m from the pile. The results show that the SPLrms for vibratory pile driving of 36-in steel pile was 177 dB re 1 µPa (WSDOT 2016a).

The method of incidental take requested is Level B acoustical harassment of any marine mammal occurring within the 160 dB rms disturbance threshold during impact pile driving of 30-in pipe piles; the 120 dB rms disturbance threshold for vibratory pile driving of 30-in pipe piles; and the 120 dB rms disturbance threshold for vibratory removal of 14-in timber piles have been established as the three different Level B ZOIs that will be in place during active pile removal or installation of the different types of piles (Table 3). However, measured ambient noise levels in the area are 124 dB; therefore, NMFS only considers take likely to occur in the area ensonified above 124 dB, as pile driving noise below 124 dB would likely be masked or their impacts diminished such that any reactions would not be considered take as a result of the high ambient noise levels.

For the Level B ZOI's, sound waves propagate in all directions when they travel through water until they dissipate to background levels or encounter barriers that absorb or reflect their energy, such as a landmass. Therefore, the area of the Level B ZOIs was determined using land as the boundary on the north, east and south sides of the project. On the west, land was also used to establish the zone for vibratory driving. From Alki on the south and Magnolia on the north, a straight line of transmission was established out to Bainbridge Island. For impact driving (and vibratory removal), sound dissipates much quicker and the impact zone stays within Elliott Bay. Pile-related construction noise would extend throughout the nearshore and open water environments to just west of Alki Point and a limited distance into the East Waterway of the Lower Duwamish River, a highly industrialized waterway. Because landmasses block in-water construction noise, a ''noise shadow''

created by Alki Point is expected to be present immediately west of this feature (refer to Seattle DOT's application for maps depicting the Level B ZOIs).

TABLE 3—LEVEL B ZONE DESCRIPTIONS AND DURATION OF ACTIVITY

Sound source	Activity	Construction method	Level B threshold (m)	Level B ZOI (km^2)	Days of activity
1	Removal of 14-in Timber Piles	Vibratory	1,865	4.9	49
2	Installation of 30-in Steel Piles	Vibratory	54,117	91	53
3	Installation of 30-in Steel Piles	Impact	1,201	2.3	11

When NMFS Technical Guidance (NMFS 2016) was published, in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which will result in some degree of overestimate of Level A take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For stationary sources such as vibratory and impact pile driving, NMFS's User Spreadsheet predicts the closest distance at which, if a marine mammal remained at that distance the whole duration of the activity, it would not incur PTS. Inputs used in the User Spreadsheet, and the resulting isopleths are reported below.

The PTS isopleths were identified for each hearing group for impact and vibratory installation and removal methods that will be used in the Pier 62 Project. The PTS isopleth distances were calculated using the NMFS acoustic threshold calculator (NMFS 2016), with inputs based on measured and surrogate noise measurements taken during the EBSP and from WSDOT, and estimating conservative working durations (Table 4 and Table 5).

TABLE 4—NMFS TECHNICAL ACOUSTIC GUIDANCE USER SPREADSHEET INPUT TO PREDICT PTS ISOPLETHS

Spreadsheet tab used	Sound source 1	Sound source 2	Sound source 3
	(A) Vibratory pile driving (removal)	(A) Vibratory pile driving (installation)	(E.1) Impact pile driving (installation)
User spreadsheet input			
Source Level (rms SPL)	[a] 155 dB	[b] 180 dB	.....
Source Level (Single Strike/shot SEL)	.....	.....	[c] 176 dB
Weighting Factor Adjustment (kHz)	2.5	2.5	2
(a) Number of strikes in 1 h	.....	.....	20
(a) Activity Duration (h) within 24-h period	8	8	4
Propagation (xLogR)	15	15	15
Distance of source level measurement (meters)+	16	10	14

[a] Laughlin, Jim. 2011. Port Townsend Dolphin Timber Pile Removal—Vibratory Pile Monitoring Technical Memorandum. Prepared by Washington State Department of Transportation, Office of Air Quality and Noise, Seattle, Washington. January 2011. 3 dB added for use of two vibratory hammers.

[b] Source level for 30-in steel piles was from test pile driving at Port Townsend Ferry Terminal in 2010. SPLrms for vibratory pile driving was 177 dB re 1 μPa. and 3 dB was added for use of two hammers.

[c] Source information is from the Underwater Sound Level Report: Colman Dock Test Pile Project 2016.

TABLE 5—NMFS TECHNICAL ACOUSTIC GUIDANCE USER SPREADSHEET OUTPUT FOR PREDICTED PTS ISOPLETHS AND LEVEL A DAILY ENSONIFIED AREAS

Sound source type	PTS isopleth (meters)				
	Low-frequency cetaceans	Mid-frequency cetaceans	High-frequency cetaceans	Phocid pinnipeds	Otariid pinnipeds
User spreadsheet output					
1—Vibratory (pile removal)	17.4	1.5	25.7	10.6	0.7
2—Vibratory (installation)	504.8	44.7	746.4	306.8	21.5
3—Impact (installation)	88.6	3.2	105.6	47.4	3.5
Daily ensonified area (km^2) [a]					
Vibratory (pile removal)	0.000476	0.000004	0.001037	0.000176	7.70E–13
Vibratory (installation)	0.400275	0.003139	0.875111	0.147853	0.000726

TABLE 5—NMFS TECHNICAL ACOUSTIC GUIDANCE USER SPREADSHEET OUTPUT FOR PREDICTED PTS ISOPLETHS AND LEVEL A DAILY ENSONIFIED AREAS—Continued

Sound source type	PTS isopleth (meters)				
	Low-frequency cetaceans	Mid-frequency cetaceans	High-frequency cetaceans	Phocid pinnipeds	Otariid pinnipeds
Impact (installation)	0.012331	0.000016	0.017517	0.003529	1.92423E–05

Note:
[a] Daily ensonified areas were divided by two to only account for the ensonified area within the water and not over land.

Marine Mammal Occurrence and Take Calculation and Estimation

In this section we provide the information about the presence, density, or group dynamics of marine mammals that informed the take calculation and we describe how the marine mammal occurrence information is brought together to produce a quantitative take estimate. In all cases we demonstrated take estimates using the species density data from the 2015 Pacific Navy Marine Species Density Database (U.S. Navy 2015), to estimate take for marine mammals.

Take estimates are based on average marine mammal density in the project area multiplied by the area size of ensonified zones within which received noise levels exceed certain thresholds (*i.e.,* Level A and B harassment) from specific activities, then multiplied by the total number of days such activities would occur.

Unless otherwise described, incidental take is estimated by the following equation:

Incidental take estimate = species density * zone of influence * days of pile-related activity

However, adjustments were made for nearly every marine mammal species, whenever their local abundance was known through other monitoring efforts. In those cases, the local abundance data was used for take calculations for the authorized take instead of general animal density (see below).

Harbor Seal

Based on U.S. Navy species density estimates (U.S. Navy 2015) for the inland waters of Puget Sound, potential take of harbor seal is shown in Table 6. Based on these calculations, Level A take is estimated at 10 harbor seals from vibratory pile driving and Level B take is estimated at 6,193 harbor seals from all sound sources. However, observational data from previous projects on the Seattle waterfront have documented only a fraction of what is calculated using the Navy density estimates for Puget Sound. For example, between zero and seven seals were observed daily for the EBSP and 56 harbor seals were observed over 10 days in the area with the maximum number of 13 harbor seals sighted during the 2016 Seattle Test Pile project (WSF 2016).

Therefore, the harbor seal take estimate is based on local seal abundance information using the maximum number of seals (13) sighted in one day during the 2016 Seattle Test Pile project multiplied by a total of 113 pile driving days for the Seattle DOT Pier 62 Project. As a result, NMFS will authorize Level B harassment of 1,469 harbor seals that could be exposed to noise levels associated with ''take.'' Fifty-three of the 113 days of activity would involve installation by vibratory pile driving, which has a much larger Level A zone (306.8 m) than the Level A zones for vibratory removal (10.6 m) and impact pile driving (47.4 m). Harbor seals may be difficult to observe at greater distances, therefore, during vibratory pile driving, it may not be known how long a seal is present in the Level A zone. We estimate that four harbor seals may experience Level A harassment during these 53 days. Four seals were considered to have the potential to be taken by Level A harassment based the local observational data for harbor seals, the larger ensonified area during vibratory pile driving for installation, and our best professional judgment that an animal would remain within the injury zone for prolonged exposure of intense noise. The number of Level B takes was adjusted to exclude those already counted for Level A takes, so the authorized Level B take is 1,465 harbor seals.

TABLE 6—HARBOR SEAL ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated take Level A	Estimated take Level B
1	1.219	0.000176	4.9	49	0	293
2	1.219	0.147853	91	53	10	**5,879
3	1.219	0.003529	2.3	11	0	31

Note:
km^2—square kilometers.
* Number of Level B takes was adjusted to exclude those already counted for Level A takes.
** (* Adjusted 5,869)

Northern Elephant Seal

Based on U.S. Navy species density estimates (U.S. Navy 2015), potential take of northern elephant seal is expected to be zero. However, The Whale Museum (as cited in WSDOT 2016a) reported one sighting in the relevant area between 2008 and 2014. Therefore, the Seattle DOT requested and NMFS will authorize Level B harassment of one northern elephant seal.

California Sea Lion

Based on U.S. Navy species density estimates (U.S. Navy 2015) for the inland waters of Washington, including Eastern Bays and Puget Sound, potential take of California sea lion is shown in Table 7. Since the calculated Level A

zones of otariids are all very small (Table 5), we do not consider it likely that any sea lions would be taken by Level A harassment. All California sea lion takes estimated here are expected to be takes by Level B harassment. The estimated Level B take is 644 California sea lions. However, the Seattle DOT believes that this estimate is unrealistically low, based on local marine mammal monitoring. Therefore, NMFS will authorize Level B harassment of 1,695 California sea lions. The California sea lion take estimate is based on four seasons of local sea lion abundance information from the EBSP. Marine mammal visual monitoring during the EBSP indicates that a maximum of 15 sea lions were observed in a day during four years of project monitoring (Anchor QEA 2014, 2015, 2016). Based on a total of 113 pile driving days for the Seattle Pier 62 project, it is estimated that up to 1,695 California sea lions could be exposed to noise levels associated with ''take.''

TABLE 7—CALIFORNIA SEA LION ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.1266	7.70E–13	4.9	49	0	30
2	0.1266	0.000726	91	53	0	611
3	0.1266	1.92423E–05	2.3	11	0	3

Note:
km^2—square kilometers.

Steller Sea Lion

Based on U.S. Navy species density estimates (U.S. Navy 2015), potential take of Steller sea lion is shown in Table 8. Since the calculated Level A zones of otariids are all very small (Table 5), we do not consider it likely that any Steller sea lions would be taken by Level A harassment. The Seattle DOT requested and NMFS will authorize Level B harassment of 188 Steller sea lions.

TABLE 8—STELLER SEA LION ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.0368	7.70E–13	4.9	49	0	9
2	0.0368	0.000726	91	53	0	178
3	0.0368	1.92423E–05	2.3	11	0	1

Note: km^2—square kilometers.

Southern Resident Killer Whale

Based on the U.S. Navy species density estimates (U.S. Navy 2015) the density for the SRKW is variable across seasons and across the range. The inland water density estimates vary from 0.001461 to 0.004760/km^2 in fall and 0.004761–0.020240/km^2 in winter. Therefore, the take request as shown in Table 9 is based on the highest density estimated during the winter season (0.020240/km^2) for the SRKW population.

With the variable winter density, the Level B take estimate can range from 24 to 104 SRKW, with the upper take estimate greater than the estimated population size and the lower estimated take still greater than 20 percent of the population. NMFS will authorize Level B harassment of 24 SRKW based on a single occurrence of one pod (*i.e.,* J Pod—24 individuals) that would be most likely to be seen near Seattle. The Seattle DOT will coordinate with the Orca Network and the Center for Whale Research (CWR) in an attempt to avoid all take of SRKW, but it may be possible that a group may enter the Level B ZOI before Seattle DOT could shut down due to the larger size of the Level B ZOI, particularly during vibratory pile driving (installation). Since the Level A zones of mid-frequency cetaceans are small (Table 5), we do not consider it likely that any SRKW would be taken by Level A harassment.

TABLE 9—SOUTHERN RESIDENT KILLER WHALE ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.020240	0.000004	4.9	49	0	5
2	0.020240	0.003139	91	53	0	98
3	0.020240	0.000016	2.3	11	0	1

Note: km^2—square kilometers.

Transient Killer Whale

Based on U.S. Navy species density estimates (U.S. Navy 2015), potential take of transient killer whale is shown in Table 10. As with the SRKW, the density estimate of transient killer whales is variable between seasons and regions. In fall, density estimates range from 0.001583 to 0.002373/km^2 and in winter they range from 0.000575 to 0.001582/km^2. The winter density estimate, when most of the work is being conducted, will be used for estimating density and take. For Level B harassment, this results in a take

estimate of eight individuals. However, the Seattle DOT believes that this estimate is low based on local data of seven transients that were reported in the area (Orca Network Archive Report 2016a). Therefore, NMFS will authorize Level B harassment of 42 transient killer whales, which would cover up to 2 groups of up to seven transient whales entering into the project area and remaining there for three days. Since the Level A zones of mid-frequency cetaceans are small (Table 5), we do not consider it likely that any transient killer whales would be taken by Level A harassment.

TABLE 10—TRANSIENT KILLER WHALE ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.001582	0.000004	4.9	49	0	0
2	0.001582	0.003139	91	53	0	8
3	0.001582	0.000016	2.3	11	0	0

Note:
km^2—square kilometers.

Long-Beaked Common Dolphin

Based on U.S. Navy species density estimates (U.S. Navy 2015), potential take of long-beaked common dolphin is expected to be zero. However, in 2016, the Orca Network (2016c) reported a pod of up to 20 long-beaked common dolphins. Therefore, the Seattle DOT requested and NMFS authorized Level B harassment of 20 long-beaked common dolphins. Since the Level A zones of mid-frequency cetaceans are all very small (Table 5), we do not consider it likely that the long-beaked common dolphin would be taken by Level A harassment.

Harbor Porpoise

Based on species density estimates from Jefferson *et al.* (2016), potential take of harbor porpoise is shown in Table 11. Take by Level A harassment is estimated at 32 harbor porpoises and take by Level B harassment is estimated at 3,512 exposures to harbor porpoises. NMFS will authorize take by Level A harassment of 32 harbor porpoises and take by Level B harassment of 3,480 harbor porpoises.

TABLE 11—HARBOR PORPOISE ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.69	0.001037	4.9	49	0	166
2	0.69	0.875111	91	53	32	**3,328
3	0.69	0.017517	2.3	11	0	18

Note:
km^2—square kilometers.
* Number of Level B takes was adjusted to exclude those already counted for Level A takes. Take is instances not individuals.
** (*Adjusted 3,296).

Dall's Porpoise

Based on U.S. Navy species density estimates (U.S. Navy 2015), potential take of Dall's porpoise is shown in Table 12. Based on these calculations, the Seattle DOT requested and NMFS will authorize take by Level A harassment of two Dall's porpoise and take by Level B harassment of 199 Dall's porpoise.

TABLE 12—DALL'S PORPOISE ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.039	0.001037	4.9	49	0	10
2	0.039	0.875111	91	53	2	**190
3	0.039	0.017517	2.3	11	0	1

Note:
km^2—square kilometers.
* Number of Level B takes was adjusted to exclude those already counted for Level A takes.
** (*Adjusted 188).

Humpback Whale

Based on U.S. Navy species density estimates (U.S. Navy 2015), potential take of humpback whale is shown in Table 13. Although the standard take calculations would result in an estimated take of less than one humpback whale, to be conservative, the Seattle DOT requested and NMFS will authorize Level B harassment of five humpback whales based on take during previous work in Elliott Bay where two humpback whales were observed, including one take, during the 175 days of work during the previous four years (Anchor QEA 2014, 2015, 2016, and 2017). Since the Level A zones of low-frequency cetaceans are

smaller during vibratory removal (17.4 m) or impact installation (88.6 m) compared to the Level A zone for vibratory installation (504.8 m) (Table 5), we do not consider it likely that any humpbacks would be taken by Level A harassment during removal or impact installation. We also do not believe any humpbacks would be taken during vibratory installation due to the ability to see humpbacks easily during monitoring and additional coordination with the Orca Network and the CWR which would enable the work to be shut down before a humpback would be taken by Level A harassment.

TABLE 13—HUMPBACK WHALE ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.00001	0.000476	4.9	49	0	0
2	0.00001	0.400275	91	53	0	0
3	0.00001	0.012331	2.3	11	0	0

Note:
km^2—square kilometers.

Gray Whale

Based on U.S. Navy species density estimates (U.S. Navy 2015), potential take of gray whale is shown in Table 14. The Seattle DOT requested and NMFS will authorize Level B harassment of three gray whales. Since the Level A zones of low-frequency cetaceans are smaller during vibratory removal (17.4 m) or impact installation (88.6 m) compared to the Level A zone for vibratory installation (504.8 m) (Table 5), we do not consider it likely that any gray whales would be taken by Level A harassment during removal or impact installation. We also do not believe any gray whales would be taken during vibratory installation due to the ability to see gray whales easily during monitoring and additional coordination with the Orca Network and the CWR, which would enable the work to be shut down before a gray whale would be taken by Level A harassment.

TABLE 14—GRAY WHALE ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.00051	0.000476	4.9	49	0	0
2	0.00051	0.400275	91	53	0	3
3	0.00051	0.012331	2.3	11	0	0

Note:
km^2—square kilometers.

Minke Whale

Based on U.S. Navy species density estimates (U.S. Navy 2015), potential take of minke whales is expected to be zero (Table 15). However, between 2008 and 2014, the Whale Museum (as cited in WSDOT 2016a) reported one sighting in the relevant area. Although the take calculations would result in an estimated take of less than one minke whale, the Seattle DOT is requesting authorization for Level B harassment of two minke whales, based on previous sightings in the construction area by the Whale Museum. Based on the low probability that a minke whale would be observed during the project and then also enter into a Level A zone, we do not consider it likely that any minke whales would be taken by Level A harassment.

TABLE 15—MINKE WHALE ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Level B Zone	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.00003	0.000476	4.9	49	0	0
2	0.00003	0.400275	91	53	0	<1
3	0.00003	0.012331	2.3	11	0	0

Note:
km^2—square kilometers.

The summary of the authorized take by Level A and Level B Harassment is described below in Table 16.

TABLE 16—SUMMARY OF REQUESTED INCIDENTAL TAKE BY LEVEL A AND LEVEL B HARASSMENT

Species	Stock size	Authorized Level A take	Authorized Level B take	Authorized total take	% of population
Pacific harbor seal (*Phoca vitulina*)	11,036	4	1,465 [a]	1,469	13.31.
Northern elephant seal (*Mirounga angustirostris*)	179,000	0	1 [b]	1	Less than 1.
California sea lion (*Zalophus californianus*)	296,750	0	1,695 [c]	1,695	Less than 1.
Steller sea lion (*Eumetopias jubatus*)	60,131–74,448	0	188	188	Less than 1.
Southern resident killer whale DPS (*Orcinus orca*)	78	0	24 (single occurrence of one pod) [d].	24 (single occurrence of one pod).	30.77.
Transient killer whale (*Orcinus orca*)	240	0	42 [e]	42	20.
Long-beaked common dolphin (*Dephinus capensis)*	101,305	0	20 [f]	20	Less than 1.
Harbor porpoise (*Phocoena phocoena*)	11,233	32	3,480	3,512	31.26.
Dall's porpoise (*Phocoenoides dalli*)	25,750	2	199	201	Less than 1.
Humpback whale (*Megaptera novaengliae*)	1,918	0	5 [g]	5	Less than 1.
Gray whale (*Eschrichtius robustus*)	20,990	0	3	3	Less than 1.
Minke whale (*Balaenoptera acutorostrata*)	636	0	2 [h]	2	Less than 1.

Note:

[a] The take estimate is based on a maximum of 13 seals observed on a given day during the 2016 Seattle Test Pile project. The number of Level B takes was adjusted to exclude those already counted for Level A takes.

[b] The take estimate is based on The Whale Museum (as cited in WSDOT 2016a) reporting one sighting of a Northern elephant seal in the area between 2008 and 2014.

[c] The take estimate is based on a maximum of 15 California sea lions observed on a given day during 4 monitoring seasons of the EBSP project.

[d] The take estimate is based on a single occurrence of one pod of SRKW (*i.e.,* J-pod of 24 SRKW) that would be most likely to be seen near Seattle.

[e] The take estimate is based on local data which is greater than the estimates produced using the Navy density estimates. Therefore, the take is 20 percent of the transient killer whale stock.

[f] The take estimate is based on the Orca Network (2016c) reporting a pod of up to 20 long-beaked common dolphins.

[g] The take estimate is based on take during previous work in Elliott Bay, where two humpback whales were observed and is greater than what was calculated using 2015 Navy density estimates.

[h] The take estimate is based on The Whale Museum (as cited in WSDOT 2016a) reporting one sighting in the relevant area. Although the take calculations would result in an estimated take of less than one minke whale, to be conservative the Seattle DOT is requesting take of two minke whales.

Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, ''and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking'' for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned) the likelihood of effective implementation (probability implemented as planned), and;

(2) the practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

Several measures for mitigating effects on marine mammals from the pile installation and removal activities at Pier 62 and are described below.

Timing Restrictions

All work will be conducted during daylight hours.

Bubble Curtain

A bubble curtain will be used during pile driving activities with an impact hammer to reduce sound levels.

Exclusion Zones

Exclusion Zones will be implemented to protect marine mammals from Level A harassment (Table 17 below). The PTS isopleths described in Table 5 were used as a starting point for calculating the exclusion zones; however, Seattle DOT will implement a minimum shutdown zone of a 10 m radius around each pile for all construction methods for all marine mammals. Therefore, in some cases the exclusion zone will be slightly larger than was calculated for the PTS isopleths as described in Table 5 (*i.e.,* for mid-frequency cetaceans and otariid pinnipeds). Outside of any Level A take authorized, if a marine mammal is observed at or within the Exclusion Zone, work will shut down (stop work) until the individual has been observed outside of the zone, or has not been observed for at least 15 minutes for pinnipeds and small cetaceans and 30 minutes for large whales.

TABLE 17—EXCLUSION ZONES FOR VARIOUS PILE DRIVING ACTIVITIES FOR MARINE MAMMAL HEARING GROUPS

Sound source type	Exclusion zone (meters)				
	Low-frequency cetaceans	Mid-frequency cetaceans	High-frequency cetaceans	Phocid pinnipeds	Otariid pinnipeds
1—Vibratory (pile removal)	17.4	10	25.7	10.6	10
2—Vibratory (installation)	504.8	44.7	746.4	306.8	21.5

TABLE 17—EXCLUSION ZONES FOR VARIOUS PILE DRIVING ACTIVITIES FOR MARINE MAMMAL HEARING GROUPS—Continued

Sound source type	Exclusion zone (meters)				
	Low-frequency cetaceans	Mid-frequency cetaceans	High-frequency cetaceans	Phocid pinnipeds	Otariid pinnipeds
3—Impact (installation)	88.6	10	105.6	47.4	10

Additional Shutdown Measures

Seattle DOT will implement shutdown measures if the cumulative total number of individuals observed within the Level B harassment zone for any particular species reaches the number authorized under the IHA and if such marine mammals are sighted within the vicinity of the project area and are approaching the Level B harassment zone during in-water construction activities.

Level B Harassment Zones

Seattle DOT will monitoring the Level B harassment zones as described in Table 18.

TABLE 18—LEVEL B HARASSMENT ZONES FOR VARIOUS PILE DRIVING ACTIVITIES

Activity	Construction method	Level B threshold (m)	Level B ZOI (km^2)
Removal of 14-in Timber Piles	Vibratory	**1,865	4.9
Installation of 30-in Steel Piles	Vibratory	54,117	91
Installation of 30-in Steel Piles	Impact	1,201	2.3

Soft-Start for Impact Pile Driving

Each day at the beginning of impact pile driving or any time there has been cessation or downtime of 30 minutes or more without pile driving, Seattle DOT will use the soft-start technique by providing an initial set of three strikes from the impact hammer at 40 percent energy, followed by a one-minute waiting period, then two subsequent three-strike sets.

Additional Coordination

The project team will monitor and coordinate with local marine mammal networks on a daily basis (*i.e.,* Orca Network and/or the CWR) for sightings data and acoustic detection data to gather information on the location of whales prior to pile removal or pile driving activities. The project team will also coordinate with WSF to discuss marine mammal sightings on days when pile driving and removal activities are occurring on their nearby projects. Marine mammal monitoring will be conducted to collect information on the presence of marine mammals within the Level B Harassment Zones for this project. In addition, reports will be made available to interested parties upon request. With this level of coordination in the region of activity, Seattle DOT will get real-time information on the presence or absence of whales before starting any pile driving or removal activities.

Based on our evaluation of the applicant's mitigation measures, as well as other measures considered by NMFS, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth, ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density).
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas).
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors.
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks.
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat).
- Mitigation and monitoring effectiveness.

Marine mammal monitoring will be conducted at all times during in-water pile driving and pile removal activities in strategic locations around the area of potential effects as described below:

▪ During pile removal or installation with a vibratory hammer, three to four monitors would be used, positioned such that each monitor has a distinct view-shed and the monitors collectively have overlapping view-sheds.

▪ During pile driving activities with an impact hammer, one monitor, based

at or near the construction site, will conduct the monitoring.

- In the case(s) where visibility becomes limited, additional land-based monitors and/or boat-based monitors may be deployed.
- Monitors will record take when marine mammals enter the relevant Level B Harassment Zones based on type of construction activity.
- If a marine mammal approaches an Exclusion Zone, the observation will be reported to the Construction Manager and the individual will be watched closely. If the marine mammal crosses into an Exclusion Zone, a stop-work order will be issued. In the event that a stop-work order is triggered, the observed marine mammal(s) will be closely monitored while it remains in or near the Exclusion Zone, and only when it moves well outside of the Exclusion Zone or has not been observed for at least 15 minutes for pinnipeds and small cetaceans and 30 minutes for large whales will the lead monitor allow work to recommence.

Protected Species Observers

Seattle DOT shall employ NMFS-approved protected species observers (PSOs) to conduct marine mammal monitoring for its Pier 62 Project. The PSOs will observe and collect data on marine mammals in and around the project area for 30 minutes before, during, and for 30 minutes after all pile removal and pile installation work. NMFS-approved PSOs shall meet the following requirements:

1. Independent observers (*i.e.,* not construction personnel) are required.
2. At least one observer must have prior experience working as an observer.
3. Other observers may substitute education (undergraduate degree in biological science or related field) or training for experience.
4. Where a team of three or more observers are required, one observer should be designated as lead observer or monitoring coordinator. The lead observer must have prior experience working as an observer.
5. NMFS will require submission and approval of observer CVs.
6. PSOs will monitor marine mammals around the construction site using high-quality binoculars (*e.g.,* Zeiss, 10 x 42 power) and/or spotting scopes. Due to the different sizes of the Level B Zones from different pile sizes, several different Level B Zones and different monitoring protocols corresponding to a specific pile size will be established.
7. If marine mammals are observed, the following information will be documented:

(A) Date and time that monitored activity begins or ends;

(B) Construction activities occurring during each observation period;

(C) Weather parameters (*e.g.,* percent cover, visibility);

(D) Water conditions (*e.g.,* sea state, tide state);

(E) Species, numbers, and, if possible, sex and age class of marine mammals;

(F) Description of any observable marine mammal behavior patterns, including bearing and direction of travel and distance from pile driving activity;

(G) Distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point;

(H) Locations of all marine mammal observations; and

(I) Other human activity in the area.

Acoustic Monitoring

In addition, acoustic monitoring will occur on up to six days per in-water work season to evaluate, in real time, sound production from construction activities and will capture all hammering scenarios that may occur under the planned project. Background noise recordings (in the absence of pile-related work) will also be made during the study to provide a baseline background noise profile. Acoustic monitoring will follow NMFS's 2012 Guidance Documents: Sound Propagation Modeling to Characterize Pile Driving Sounds Relevant to Marine Mammals and Data Collection Methods to Characterize Underwater Background Sound Relevant to Marine Mammals in Coastal Nearshore Waters and Rivers of Washington and Oregon.

The results and conclusions of the acoustic monitoring will be summarized and presented to NOAA/NMFS with recommendations on any modifications to this plan or Exclusion Zones.

Reporting Measures

Marine Mammal Monitoring Report

Seattle DOT will submit a draft marine mammal monitoring report within 90 days after completion of the in-water construction work or the expiration of the IHA (if issued), whichever comes earlier. The report would include data from marine mammal sightings as described: Date, time, location, species, group size, and behavior, any observed reactions to construction, distance to operating pile hammer, and construction activities occurring at time of sighting and environmental data for the period (*i.e.,* wind speed and direction, sea state, tidal state, cloud cover, and visibility). The marine mammal monitoring report will also include total takes, takes by day, and stop-work orders for each species. NMFS will have an opportunity to provide comments on the report, and if NMFS has comments, Seattle DOT will address the comments and submit a final report to NMFS within 30 days.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA, such as an injury (Level A harassment), serious injury, or mortality, Seattle DOT would immediately cease the specified activities and immediately report the incident to the Permits and Conservation Division, Office of Protected Resources, NMFS and the NMFS' West Coast Stranding Coordinator. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hrs preceding the incident;
- Water depth;
- Environmental conditions (*e.g.,* wind speed and direction, sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hrs preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Activities would not resume until NMFS is able to review the circumstances of the prohibited take. NMFS would work with Seattle DOT to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Seattle DOT may not resume their activities until notified by NMFS via letter, email, or telephone.

Reporting of Injured or Dead Marine Mammals

In the event that Seattle DOT discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as described in the next paragraph), Seattle DOT will immediately report the incident to the Permits and Conservation Division, Office of Protected Resources, NMFS and the NMFS' West Coast Stranding Coordinator. The report must include the same information identified in the paragraph above. Activities may

continue while NMFS reviews the circumstances of the incident. NMFS would work with Seattle DOT to determine whether modifications in the activities are appropriate.

In the event that Seattle DOT discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Seattle DOT will report the incident to the Permits and Conservation Division, Office of Protected Resources, NMFS and the NMFS Stranding Hotline and/or by email to the NMFS' West Coast Stranding Coordinator within 24 hrs of the discovery. Seattle DOT would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS. Activities may continue while NMFS reviews the circumstances of the incident.

Acoustic Monitoring Report

Seattle DOT will submit an Acoustic Monitoring Report within 90 days after completion of the in-water construction work or the expiration of the IHA (if issued), whichever comes earlier. The report will provide details on the monitored piles, method of installation, monitoring equipment, and sound levels documented during both the sound source measurements and the background monitoring. NMFS will have an opportunity to provide comments on the report or changes in monitoring for the second season, and if NMFS has comments, Seattle DOT will address the comments and submit a final report to NMFS within 30 days. If no comments are received from NMFS within 30 days, the draft report will be considered final. Any comments received during that time will be addressed in full prior to finalization of the report.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

No serious injury or mortality is anticipated or authorized for the Pier 62 Project. Takes that are anticipated and authorized are expected to be limited to short-term Level A and Level B harassment (behavioral). Marine mammals present in the vicinity of the action area and taken by Level A and Level B harassment would most likely show overt brief disturbance (startle reaction) and avoidance of the area from elevated noise levels during pile driving and pile removal and the implosion noise. However, many marine mammals showed no observable changes during similar project activities for the EBSP.

There are two endangered species that may occur in the project area, humpback whales and SRKW. However, few humpbacks are expected to occur in the project area and few have been observed during previous projects in Elliot Bay. SRKW have occurred in small numbers in the project area. Seattle DOT will shut down in the Level B ZOI should they meet or exceed the take of one occurrence of one pod (J-pod, 24 whales).

There is ESA-designated critical habitat in the vicinity of Seattle DOT's Pier 62 Project for SRKW. However, this IHA is authorizing the harassment of marine mammals, not the production of sound, which is what would result in adverse effects to critical habitat for SRKW. There is one documented harbor seal haulout area near Bainbridge Island, approximately 6 miles (9.66 km) from Pier 62. The haulout, which is estimated at less than 100 animals, consists of intertidal rocks and reef areas around Blakely Rocks and is at the outer edge of potential effects at the outer extent near Bainbridge Island (Jefferies *et al.* 2000). The level of use of this haulout during the fall and winter is unknown, but is expected to be much less than in the spring and summer, as air temperatures become colder than water temperatures resulting in seals in general hauling out less. Similarly, the nearest Steller sea lion haulout to the project area is located approximately 6 miles away (9.66 km) and is also on the outer edge of potential effects. This haulout is composed of net pens offshore of the south end of Bainbridge Island.

The project also is not expected to have significant adverse effects on affected marine mammal habitat, as analyzed in the ''Potential Effects of Specified Activities on Marine Mammals and their Habitat'' section. Project activities would not permanently modify existing marine mammal habitat. The activities may kill some fish and cause other fish to leave the area temporarily, thus impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences. Therefore, given the consideration of potential impacts to marine mammal prey species and their physical environment, Seattle DOT's Pier 62 Project would not adversely affect marine mammal habitat.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized.
- Takes that are anticipated and authorized are expected to be limited to short-term Level B harassment (behavioral) and a small number of takes of Level A harassment (behavioral) for three species.
- The project also is not expected to have significant adverse effects on affected marine mammals' habitat.
- There are no known important feeding or pupping areas. There are two haulouts (harbor seals and Steller sea lions). However, they are at the most outer edge of the potential effects and approximately 6.6 miles from Pier 62. There are no other known important areas for marine mammals.
- For eight of the eleven species, take is less than one percent of the stock abundance. Instances of take for the

other three species (harbor seals, killer whales, and harbor porpoise) range from about 13–31 percent of the stock abundance. However, when the fact that a fair number of these instances are expected to be repeat takes of the same animals is considered, the number of individual marine mammals taken is significantly lower.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the planned activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. Additionally, other factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Take of eight of the eleven species is less than one percent of the stock abundance. Instances of take for the SRKW and transient killer whales, harbor seals, and harbor porpoise ranges from about 13–31 percent of the stock abundance. However, when the fact that a fair number of these instances are expected to be repeat takes of the same animals is considered, the number of individual marine mammals taken is significantly lower. Specifically, for example, Jefferson *et al.* 2016 conducted harbor porpoise surveys in eight regions of Puget Sound, and estimated an abundance of 147 harbor porpoise in the Seattle area (1,798 porpoise in North Puget Sound and 599 porpoise in South Puget Sound). While individuals do move between regions, we would not realistically expect that 3,000+ individuals would be exposed around the pile driving for the Seattle DOT's Pier 62 Project. Considering these factors, as well as the general small size of the project area as compared to the range of the species affected, the numbers of marine mammals estimated to be taken are small proportions of the total populations of the affected species or stocks. Further, for SRWK we acknowledge that 30.77% of the stock is authorized to be taken by Level B harassment, but we believe that a single, brief incident of take of one group of any species represents take of small numbers for that species. Based on the analysis contained herein of the planned activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population sizes of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the West Coast Regional Office (WCRO), whenever we propose to authorize take for endangered or threatened species.

The Permit and Conservation Division consulted under of section 7 of the ESA with the WCRO for the issuance of this IHA. The WCRO concluded that the actions are not likely to jeopardize the continued existence of SRKW and humpback whales will not result in the destruction or adverse modification of designated critical habitat. NMFS will authorize take of SRKW and humpback whales, which are listed under the ESA.

Authorization

NMFS has issued an IHA to the Seattle DOT for the harassment of small numbers of marine mammals incidental to pile driving and removal activities for the Pier 62 Project within Elliot Bay, Seattle, Washington from October 2017 to February 2018, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: October 4, 2017.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF711

Caribbean Fishery Management Council; Public Meetings

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

ACTION: Notice of Caribbean Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) meeting change of dates due to the passing of hurricanes Irma and Maria through Puerto Rico.

SUMMARY: The Caribbean Fishery Management Council's SSC will hold a 5-day meeting, from October 30, 2017, to November 3, 2017, to discuss the items contained in the agenda below.

DATES: The meetings will be held from October 30 through November 3, 2017, from 9 a.m. to 5 p.m.

ADDRESSES: The meetings will be held at the Council Office, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION:

Agenda

—Call to Order
—Adoption of Agenda
—Overview
  Review outcomes from previous meeting
—Review Acceptable Biological Catch (ABC) Control Rule Language
  Review suggestions from General Counsel and Southeast Fisheries Science Center (SEFSC) on text of Tier 4 of the control rule
  Develop language to define ''consensus'' as used in determining Tier assignments (or otherwise alter language to remove the term)
—Action 2: Finalize establishment of stock/stock complexes for each of the Puerto Rico, St. Croix, St. Thomas/St. John Fishery Management Plans (FMPs)

—Determine use of Indicator Species to recommend to the Council
—Finalize recommendations on:
—Criteria used to select indicator species
—How indicator species will be used to determine management reference points for stock complexes
—Action 3: Management Reference Points for Stocks/Stock complexes in each of the Puerto Rico, St. Thomas/St. John and St. Croix FMPs

Tiered ABC Control Rule:

—Review and finalize Tier assignments (4a or 4b): Puerto Rico, St. Croix, St. Thomas/St. John
—Define process for determining the scalars used in Tiered ABC Control Rule
—Define process for determining the buffer from the overfishing limit (OFL) to ABC (scientific uncertainty buffer) used in the Tiered ABC Control Rule.
—Choice of scalar and scientific uncertainty buffer for Tiers 4a and 4b for the applicable stocks.

Stocks/stock complexes to which the Tiered ABC CR cannot be applied:

—Recommendations on time series of landings data (year sequences) to establish reference points for the applicable stocks/stock complexes.
—Recommendations on the establishment of the maximum sustainable yield proxy (*e.g.,* mean, median, following the Caribbean Annual Catch Limit Amendments' approach) for the applicable stocks/stock complexes.
—Recommendations on the scientific uncertainty buffer to determine the ABC for the applicable stocks/stock complexes.
—Recommendations to the Caribbean Fishery Management Council
—Other Business

The order of business may be adjusted as necessary to accommodate the completion of agenda items. The meeting will begin on October 30, 2017 at 9 a.m. Other than the start time, interested parties should be aware that discussions may start earlier or later than indicated. In addition, the meeting may be extended from, or completed prior to the date established in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918–1903, telephone (787) 766–5926, at least 5 days prior to the meeting date.

Dated: October 5, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–21886 Filed 10–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2013–OS–0128]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Finance and Accounting Service (DFAS) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency'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 information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 11, 2017.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

• *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, Regulatory and Advisory Committee Division, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Services—Indianapolis, DFAS–ZPR. ATTN: La Zaleus D. Leach, 8899 E. 56th St., Indianapolis, IN 46249, *Lazaleus.Leach@DFAS.MIL,* 317–212–6032.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Request for Information Regarding Deceased Debtor; DD Form 2840; OMB Number 0730–0015.

Needs and Uses: The information collection requirement is necessary to obtain information on deceased debtors from probate courts. Probate courts review their records to see if an estate was established. They provide the name and address of the executor or lawyer handling the estate. From the information obtained, DFAS submits a claim against the estate for the amount due the United States.

Affected Public: State, local, or tribal government.

Annual Burden Hours: 100.

Number of Respondents: 300.

Responses per Respondent: 1.

Annual Responses: 300.

Average Burden per Response: 20 minutes.

Frequency: On occasion.

DFAS maintains updated debt accounts and initiates debt collection action for separated military members, out-of-service civilian employees, and other individuals not on an active federal government payroll system. When notice is received that an individual debtor is deceased, an effort is made to ascertain whether the decedent left an estate by contacting clerks of probate courts. If it is determined that an estate was established, attempts are made to collect the debt from the estate. If no estate appears to have been established, the debt is written off as uncollectible.

Dated: October 5, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–21932 Filed 10–10–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Fusion Energy Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of renewal.

Pursuant to the Federal Advisory Committee Act, 5 U.S.C., App. 2., and in accordance with Title 41 of the Code of Federal Regulations, Section 102–3.65, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Fusion Energy Sciences Advisory Committee has been renewed for a two-year period.

The Committee will provide advice to the Office of Science (DOE), on long-range plans, priorities, and strategies for advancing plasma science, fusion science and fusion technology—the knowledge base needed for an economically and environmentally attractive fusion energy source. The Secretary of Energy has determined that the renewal of the Fusion Energy Sciences Advisory Committee is essential to the conduct of the Department's business and in the public interest in connection with the performance of duties imposed upon the Department of Energy by law. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, the Department of Energy Organization Act (Pub. L. 95–91), the General Services Administration Final Rule on Federal Advisory Committee Management, and other directives and instruction issued in the implementation of those Acts.

FOR FURTHER INFORMATION CONTACT: Edmund J. Synakowski at (301) 903–4941.

Issued in Washington, DC, on August 4, 2017.

Shena Kennerly,

Acting Committee Management Officer.

[FR Doc. 2017–21919 Filed 10–10–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Extension of Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on the ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' for approval under the Paperwork Reduction Act (PRA). This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. This notice announces DOE's intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection.

DATES: Comments regarding this proposed information collection must be received on or before December 11, 2017. If you anticipate difficulty in submitting comments within that period, please contact the PRA Officer listed below as soon as possible.

ADDRESSES: Written comments may be sent to Christina Rouleau, PRA Officer, Enterprise Policy Development and Implementation Office (IM–22), Office of the Chief Information Officer, U.S. Department of Energy 1000 Independence Ave. SW., Washington, DC 20585, or by email at *DOEPRA@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection supporting statement should be directed to the person listed in **ADDRESSES** of this document.

SUPPLEMENTARY INFORMATION: This information collection request contains (1) OMB No. 1910–5160; (2) Information Collection Request Title; ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery''; (3) Type of Review: Extension; (4) Purpose: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management; (5) Annual Estimated Number of Respondents: 10,000; (6) Annual Estimated Number of Total Responses: 10,000; (7) Annual Estimated Number of Burden Hours: 200,000; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: There are no costs for Reporting and Recordkeeping.

Statutory Authority: Executive Order (EO) 13571, Streamlining Service Delivery and Improving Customer Service.

Issued in Washington, DC, on June 28, 2017.

Denise Hill,

Director, Enterprise Policy Development & Implementation Office, Office of the Chief Information Officer, U.S. Department of Energy.

[FR Doc. 2017–21920 Filed 10–10–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL18–3–000, QF87–560–012]

Applied Energy LLC; Notice of Waiver Request

Take notice that on October 2, 2017, pursuant to section 292.205(c) of the Federal Energy Regulatory Commission's (Commission) Rules of Practices and Procedures implementing the Public Utility Regulatory Policies Act of 1978, as amended, 18 CFR 292.205(c)(2017), Applied Energy LLC (Applied Energy) requested a limited waiver of the operating standard set forth in section 292.205(a)(1) of the Commission's regulations and the efficiency standard set forth in section 292.205(a)(2) for the topping-cycle cogeneration facility owned and operated by Applied Energy located at the United States Naval Station in San Diego, California. Specifically, Applied Energy request waiver of the operating and efficiency standards for calendar years 2017 and 2018, as more fully explained in its waiver request.

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, 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 Applicant.

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 October 23, 2017.

Dated: October 4, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–21835 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–2563–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) Rate Filing: Tariff Clean-Up Filing 3Q2017 to be effective 12/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5113.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2564–000.

Applicants: Wabash Valley Power Association, Inc.

Description: September 205(d) Rate Filing: Formulary Rate Change—Section 1 to be effective 1/1/2018.

Filed Date: 9/29/17.

Accession Number: 20170929–5128.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2565–000.

Applicants: Southern California Edison Company.

Description: Section 205(d) Rate Filing: Amendment No. 1 to WAPA Lease Agreement for Hoover to Mead Transmission Lines to be effective 9/30/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5129.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2567–000.

Applicants: PacifiCorp.

Description: Tariff Cancellation: Term of PacifiCorp Energy Construction Agmt—Granite Mtn Solar to be effective 12/11/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5169.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2568–000.

Applicants: California Independent System Operator Corporation.

Description: Section 205(d) Rate Filing: 2017–09–29 Aliso Canyon Phase 3 Electric-Gas Coordination Enhancement Amendment to be effective 11/30/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5179.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2569–000.

Applicants: ISO New England Inc., New England Power Pool Participants Commission.

Description: Section 205(d) Rate Filing: Change to NCPC Calculation for Ramp Constrained Down Resources to be effective 12/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5181.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2570–000.

Applicants: NEO Freehold-Gen LLC.

Description: Tariff Cancellation: Notice of Cancellation to be effective 9/30/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5193.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2571–000.

Applicants: Duke Energy Florida, LLC.

Description: Section 205(d) Rate Filing: Revisions to RS No. 194 and No. 213, and RS No. 226 (SECI) to be effective 1/1/2018.

Filed Date: 9/29/17.

Accession Number: 20170929–5194.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2572–000.

Applicants: Imperial Valley Solar 3, LLC.

Description: Section 205(d) Rate Filing: Imperial Valley Solar 3, LLC MBR Supplement to be effective 9/9/2017; also filed was a Supplement to September 29, 2017 Imperial Valley Solar 3, LLC tariff filing.

Filed Date: 9/29/17.

Accession Number: 20170929–5195, 20170929–5211.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2573–000.

Applicants: Appalachian Power Company.

Description: Section 205(d) Rate Filing: OATT—Revise Attachment K, AEP Texas Inc. Rate Update to be effective 12/31/9998.

Filed Date: 9/29/17.

Accession Number: 20170929–5197.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2574–000.

Applicants: PJM Interconnection, L.L.C.

Description: Section 205(d) Rate Filing: Original Service Agreement No. 4796; NQ148 (Cost Responsibility Agreement) to be effective 9/21/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5201.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2576–000.

Applicants: Southern California Edison Company.

Description: Section 205(d) Rate Filing: SCE MWD Replacement Agreements and Notices of Cancellation to be effective 10/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5209.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2577–000.

Applicants: York Haven Power Company, LLC.

Description: Baseline eTariff Filing: MBR Application to be effective 11/29/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5251.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2578–000.

Applicants: Pacific Gas and Electric Company.

Description: Tariff Cancellation: Termination of Shelter Cove Resort Improvement District No. 1 IA and WDT (SA 40) to be effective 11/30/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5269.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2580–000.

Applicants: SEMASS Partnership.

Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization to be effective 11/29/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5274.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2581–000.

Applicants: Pacific Gas and Electric Company.

Description: Section 205(d) Rate Filing: Shelter Cove Improvement District No. 1 IA and WDT SA (SA No. 382) to be effective 12/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5277.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2582–000.

Applicants: New England Power Pool Participants Committee.

Description: Section 205(d) Rate Filing: Oct 2017 Membership Filing to be effective 10/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5280.

Comments Due: 5 p.m. ET 10/20/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21870 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL18–2–000, QF82–169–011]

Applied Energy LLC; Notice of Waiver Request

Take notice that on October 2, 2017, pursuant to section 292.205(c) of the Federal Energy Regulatory Commission's (Commission) Rules of Practices and Procedures implementing the Public Utility Regulatory Policies Act of 1978, as amended, 18 CFR 292.205(c) (2017), Applied Energy LLC (Applied Energy) requested a limited waiver of the operating standard set forth in section 292.205(a)(1) of the Commission's regulations and the efficiency standard set forth in section 292.205(a)(2) for the topping-cycle cogeneration facility owned and operated by Applied Energy located at the United States Marine Corps Recruit Depot in San Diego, California. Specifically, Applied Energy request waiver of the operating and efficiency standards for calendar years 2017 and 2018, as more fully explained in its waiver request.

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, 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 Applicant.

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 October 23, 2017.

Dated: October 4, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–21834 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–94–000]

New York Power Authority v. PJM Interconnection, L.L.C. and PJM Transmission Owners in Their Collective Capacity; Notice of Complaint

Take notice that on September 28, 2017, pursuant to sections 206, 306 [1] and 309 of the Federal Power Act, and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2017). New York Power Authority (NYPA) (Complainant) filed a formal complaint against PJM Interconnection, L.L.C. (PJM) and the PJM Transmission Owners in their Collective Capacity, (jointly Respondents) alleging that, PJM's continued invoicing of NYPA for monthly Regional Transmission Expansion Plan charges associated with the Hudson Transmission Project's 320 MW of Firm Transmission Withdrawal Rights following Hudson Transmission Partners, LLC's surrender of those rights constitutes a violation of the PJM Open Access Transmission Tariff and is unjust, unreasonable, and unduly discriminatory and preferential, all as more fully explained in the complaint.

NYPA certifies that copies of the complaint were served on the contacts for PJM and the PJM Transmission Owners in their Collective Capacity.

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, 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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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,

[1] 16 U.S.C. 824e, 825e and 825h (2012).

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 electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on October 18, 2017.

Dated: September 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21872 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–196–000.

Applicants: Kanstar Transmission, LLC, Midwest Power Transmission Arkansas, LLC.

Description: Application for Approval of the Disposition of Jurisdictional Facilities Under Section 203 of the Federal Power Act of Kanstar Transmission, LLC, et al.

Filed Date: 9/28/17.

Accession Number: 20170928–5181.

Comments Due: 5 p.m. ET 10/19/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–2029–002.

Applicants: Entergy Arkansas, Inc.

Description: Tariff Amendment: EAI–ESI Reimbursement Agreement Resumption to be effective 8/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5088.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2030–002.

Applicants: Entergy Louisiana, LLC.

Description: Tariff Amendment: ELL–ESI Reimbursement Agreement Resumption to be effective 8/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5089.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2031–002.

Applicants: Entergy Mississippi, Inc.

Description: Tariff Amendment: EMI–ESI Reimbursement Agreement Resumption to be effective 8/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5090.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2033–002.

Applicants: Entergy New Orleans, Inc.

Description: Tariff Amendment: ENO–ESI Reimbursement Agreement Resumption to be effective 8/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5091.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2034–002.

Applicants: Entergy Texas, Inc.

Description: Tariff Amendment: ETI–ESI Reimbursement Agreement Resumption to be effective 8/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5092.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2558–000.

Applicants: NTE Ohio, LLC.

Description: Baseline eTariff Filing: Baseline new to be effective 12/1/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5147.

Comments Due: 5 p.m. ET 10/19/17.

Docket Numbers: ER17–2559–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2017–09–28 Salt River Project EIM Implementation Agreement to be effective 4/1/2018.

Filed Date: 9/28/17.

Accession Number: 20170928–5157.

Comments Due: 5 p.m. ET 10/19/17.

Docket Numbers: ER17–2560–000.

Applicants: Avista Corporation.

Description: § 205(d) Rate Filing: Avista Corp NITSA BPA Kalispel SA T–1140 to be effective 10/1/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5160.

Comments Due: 5 p.m. ET 10/19/17.

Docket Numbers: ER17–2561–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Pechanga IFA and DSA, SA Nos. 976 and 977 to be effective 10/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5000.

Comments Due: 5 p.m. ET 10/20/17.

Docket Numbers: ER17–2562–000.

Applicants: Cleco Power LLC.

Description: § 205(d) Rate Filing: Amendment 2 to Interconnection Agreement between Cleco and LAGEN to be effective 10/1/2017.

Filed Date: 9/29/17.

Accession Number: 20170929–5067.

Comments Due: 5 p.m. ET 10/20/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21869 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–1–000.

Applicants: Friendswood Energy Genco, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 10/4/17.

Accession Number: 20171004–5058.

Comments Due: 5 p.m. ET 10/25/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–2292–001.

Applicants: Southampton Solar, LLC.

Description: Tariff Amendment: Amendment to Tariff to be effective 10/6/2017.

Filed Date: 10/4/17.

Accession Number: 20171004–5133.

Comments Due: 5 p.m. ET 10/25/17.

Docket Numbers: ER18–22–000.

Applicants: PPL Electric Utilities Corporation, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: PPL submits revisions to OATT, Attachment H–8G re: Depreciation Rate to be effective 1/1/2018.

Filed Date: 10/4/17.

Accession Number: 20171004–5042.

Comments Due: 5 p.m. ET 10/25/17.

Docket Numbers: ER18–23–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–10–04_SA 3012 Wisconsin Power & Light-ATC 1st Revised GIA (J390) to be effective 9/20/2017.
Filed Date: 10/4/17.
Accession Number: 20171004–5067.
Comments Due: 5 p.m. ET 10/25/17.
Docket Numbers: ER18–24–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Westar Energy Formula Rate Revisions to be effective 3/14/2017.
Filed Date: 10/4/17.
Accession Number: 20171004–5105.
Comments Due: 5 p.m. ET 10/25/17.
Docket Numbers: ER18–25–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Oklahoma Gas and Electric Company Formula Rate Revisions to be effective 7/1/2016.
Filed Date: 10/4/17.
Accession Number: 20171004–5127.
Comments Due: 5 p.m. ET 10/25/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 4, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21839 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–179–000.
Applicants: Hydro One Limited, Avista Corporation.
Description: Supplement to September 14, 2017 Joint Application for Authorization of Disposition of Assets and Merger Pursuant to Section 203 of the FPA of Hydro One Limited, et al.
Filed Date: 10/3/17.
Accession Number: 20171003–5171.
Comments Due: 5 p.m. ET 10/24/17.
Docket Numbers: EC18–1–000.
Applicants: Cottonwood Wind Project, LLC, Golden Hills North Wind, LLC, NextEra Energy Bluff Point, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Action of Cottonwood Wind Project, LLC, et. al.
Filed Date: 10/3/17.
Accession Number: 20171003–5148.
Comments Due: 5 p.m. ET 10/24/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–19–000.
Applicants: Arizona Public Service Company.
Description: Tariff Cancellation: Cancellation of Service Agreement No. 348 to be effective 12/3/2017.
Filed Date: 10/3/17.
Accession Number: 20171003–5122.
Comments Due: 5 p.m. ET 10/24/17.
Docket Numbers: ER18–20–000.
Applicants: Public Service Company of New Mexico.
Description: Notice of Cancellation of Service Schedules B and C to the Interconnection Agreement of Public Service Company.
Filed Date: 10/3/17.
Accession Number: 20171003–5153.
Comments Due: 5 p.m. ET 10/24/17.
Docket Numbers: ER18–21–000.
Applicants: Niagara Mohawk Power Corporation.
Description: Notice of Cancellation of Prior Interconnection Service Agreement (No. 326) of Niagara Mohawk Power Corporation.
Filed Date: 10/3/17.
Accession Number: 20171003–5160.
Comments Due: 5 p.m. ET 10/24/17.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF17–1422–000.
Applicants: Mound Solar Owner VIII, LLC.
Description: Refund Report of Mound Solar Owner VIII, LLC [Division 1].
Filed Date: 10/3/17.
Accession Number: 20171003–5145.
Comments Due: 5 p.m. ET 10/24/17.
Docket Numbers: QF17–1423–000.
Applicants: Mound Solar Owner VIII, LLC.
Description: Refund Report of Mound Solar Owner VIII, LLC [Division 2].
Filed Date: 10/3/17.
Accession Number: 20171003–5154.
Comments Due: 5 p.m. ET 10/24/17.
Docket Numbers: QF17–1424–000.
Applicants: Mound Solar Owner VIII, LLC.
Description: Refund Report of Mound Solar Owner VIII, LLC [Division 3].
Filed Date: 10/3/17.
Accession Number: 20171003–5152.
Comments Due: 5 p.m. ET 10/24/17.
Docket Numbers: QF17–1425–000.
Applicants: Mound Solar Owner IX, LLC.
Description: Refund Report of Mound Solar Owner IX, LLC [Kettering 1].
Filed Date: 10/3/17.
Accession Number: 20171003–5151.
Comments Due: 5 p.m. ET 10/24/17.
Docket Numbers: QF17–1426–000.
Applicants: Mound Solar Owner IX, LLC.
Description: Refund Report of Mound Solar Owner IX, LLC [Kettering 2].
Filed Date: 10/3/17.
Accession Number: 20171003–5150.
Comments Due: 5 p.m. ET 10/24/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 4, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21838 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 9968–002]

Massachusetts Water Resource Authority; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Applications:* Exemption surrender.

b. *Project No.:* 9968–002.

c. *Date Filed:* September 18, 2017.

d. *Exemptee:* Massachusetts Water Resource Authority (MWRA).

e. *Name of Projects:* Aqueduct Transfer Project No. 9968.

f. *Location:* City of Southborough, Worcester County, Massachusetts.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a—825r.

h. *Applicant Contact:* Ms. Pamela Heidell, MWRA, 100 First Ave., Building 39, Boston, MA 02129, (617) 788–1102.

i. *FERC Contact:* David Rudisail, (202) 502–6376, *david.rudisail@ferc.gov.*

j. Deadline for filing comments, motions to intervene, protests, and recommendations is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–9968–002) on any comments, motions to intervene, protests, or recommendations filed.

k. *Description of Request:* The project has had only intermittent use and has not generated power since June 7, 1995. MWRA has determined that the cost of maintaining the project is not economically feasible, and therefore, petitioned to surrender the exemption. MWRA proposes maintain the valves to the turbine in an off position, lock out the electrical breaker from the generator, and disconnect the leads to the generator.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208- 3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE, as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene or protests should relate to project works which are the subject of the license proposed re-development. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: October 4, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–21836 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DI17–12–000]

Ram Valley LLC; Notice of Declaration of Intention and Soliciting Comments, Protests, and Motions To Intervene

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Declaration of Intention.

b. *Docket No:* DI17–12–000.

c. *Date Filed:* September 22, 2017.

d. *Applicant:* Ram Valley LLC.

e. *Name of Project:* Juniper Creek Hydroelectric Project.

f. *Location:* The proposed Juniper Creek Hydroelectric Project would be located near the Town of Shenandoah, in Schuylkill County, Pennsylvania.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b) (2012).

h. *Applicant Contact:* David Brailey, managing member, Ram Valley LLC, 3527 North Point Drive, Anchorage, AK 99502, telephone: (907) 248–0058; email: *dbrailey@alaska.net;* Agent Contact: David Brailey, owner, Brailey Hydrologic, 3527 North Point Drive, Anchorage, AK 99502, telephone: (907) 248–0058.

i. *FERC Contact:* Any questions on this notice should be addressed to Jennifer Polardino, (202) 502–6437, or email: *Jennifer.Polardino@ferc.gov.*

j. *Deadline for filing comments, protests, and motions to intervene is:* 30 days from the issuance date of this notice by the Commission.

The Commission strongly encourages electronic filing. Please file comments, protests, and motions to intervene using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number DI17–12–000.

k. *Description of Project:* The proposed run-of-river Juniper Creek Hydroelectric Project would consist of: (1) A low-head diversion structure on Juniper Creek; (2) a 16-inch-diameter, 1,125-foot-long buried penstock; (3) a 20-foot-wide, 20-foot-long powerhouse containing a 320-kilowatt generating unit; (4) a 40-foot-long tailrace returning water to Juniper Creek; (5) a 1,700-foot-long, 13.8-kilovolt underground transmission line; (6) access trails; and (7) appurtenant facilities.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the project would affect the interests of interstate or foreign commerce. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) would be located on a non-navigable stream over which Congress has Commerce Clause jurisdiction and would be constructed or enlarged after 1935.

l. *Locations of the Application:* This filing may be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above and in the Commission's Public Reference Room located at 888 First Street NE., Room 2A, Washington, DC 20426 or by calling (202) 502–8371.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must bear in all capital letters the title COMMENTS, PROTESTS, and MOTIONS TO INTERVENE, as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any Motion to Intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: October 4, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–21833 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–91–000]

Dynegy Lee II, LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On October 4, 2017, the Commission issued an order in Docket No. EL17–91–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into whether the proposed reactive power rates of Dynegy Lee II, LLC may be unjust and unreasonable. *Dynegy Lee II, LLC,* 161 FERC ¶ 61,016 (2017).

The refund effective date in Docket No. EL17–91–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL17–91–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2017), within 21 days of the date of issuance of the order.

Dated: October 4, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21841 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DI17–9–000]

Cole Rhoten; Notice of Declaration of Intention and Soliciting Comments, Protests, and Motions To Intervene

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Declaration of Intention.

b. *Docket No:* DI17–9–000.

c. *Date Filed:* July 31, 2017.

d. *Applicant:* Cole Rhoten.

e. *Name of Project:* William H. Harsha Lake Hydroelectric Project.

f. *Location:* The proposed William H. Harsha Lake Hydroelectric Project would be located on the East Fork of the Little Miami River, near the Town of Batavia, in Clermont County, Ohio.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b) (2012).

h. *Applicant Contact:* Cole Rhoten, 677 Milford Hills Drive, Milford, OH 45150, telephone: (317) 945–3936; email: *C.Rhoten@outlook.com.*

i. *FERC Contact:* Any questions on this notice should be addressed to Jennifer Polardino, (202) 502–6437, or email: *Jennifer.Polardino@ferc.gov.*

j. *Deadline for filing comments, protests, and motions to intervene is:* 30 Days from the issuance date of this notice by the Commission.

The Commission strongly encourages electronic filing. Please file comments, protests, and motions to intervene using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The first page of any filing should include docket number DI17–9–000.

k. *Description of Project:* The proposed run-of-river William H. Harsha Lake Hydroelectric Project would consist of: (1) An existing William H. Harsha Dam; (2) an existing conduit; (3) a 50–170 foot long conduit extension with an end gate; (4) a powerhouse built into the existing spillway structure with a Pelton-turbine generating unit with a generating capacity of one megawatt; (5) a transmission line connecting the generating units with Cincinnati Gas and Electric Company's electric distribution system; and (6) appurtenant facilities. The area of the proposed project is part of the East Fork State Park and the dam is under the jurisdiction of the U.S. Corps of Engineers.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the project would affect the interests of interstate or foreign commerce. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) would be located on a non-navigable stream over which Congress has Commerce Clause jurisdiction and would be constructed or enlarged after 1935.

l. *Locations of the Application:* This filing may be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above and in the Commission's Public Reference Room located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must bear in all capital letters the title COMMENTS, PROTESTS, and MOTIONS TO INTERVENE, as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any Motion to Intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: October 4, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21840 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–93–000]

System Energy Resources, Inc.; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On September 29, 2017, the Commission issued an order in Docket No. EL17–93–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into whether the proposed rate decreases of System Energy Resources, Inc. may be unjust and unreasonable. *System Energy Resources, Inc.,* 160 FERC ¶61,140 (2017).

The refund effective date in Docket No. EL17–93–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL17–93–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2017), within 21 days of the date of issuance of the order.

Dated: September 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21871 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14854–000]

Dominion Energy Services, Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On September 6, 2017, Dominion Energy Services, Inc., filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Tazewell Hybrid

Energy Center Project to be located approximately 1.0 mile southwest of the Town of Bluefield in Tazewell County, Virginia. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of one of the following two alternatives:

Alternative 1—(1) a new 3,263-foot-long, 380-foot-high concrete-face rockfill dam for the upper reservoir with a 150-foot-long concrete-lined emergency spillway; (2) a new 1,723-foot-long, 288-foot-high concrete-face rockfill dam for the lower reservoir with a 150-foot-long concrete-lined emergency spillway; (3) a new upper reservoir with a surface area of 112 acres and a storage capacity of 8,173 acre-feet at a surface elevation of 3,830 feet above mean sea level (msl); (4) a new lower reservoir with a surface area of 96 acres and a storage capacity of 8,173 acre-feet at a surface elevation of 3,238 feet msl; (5) a new 9.5-mile-long water source conveyance from the proposed water source to the project; (6) a new 5,235-foot-long penstock connecting the upper and lower reservoirs; (7) a new 250-foot-long, 100-foot-wide, 150-foot-high underground reinforced-concrete powerhouse containing two pump-turbine generator units with a total rated capacity of 446 megawatts (MW) and a rated gross hydraulic head of 621 feet; (8) a new switchyard/substation that ties directly into an existing 765-kilovolt (kV) transmission line; and (9) appurtenant facilities.

Alternative 2—(1) a new 3,263-foot-long, 380-foot-high concrete-face rockfill dam for the upper reservoir with a 150-foot-long concrete-lined emergency spillway; (2) a new 1,680-foot-long, 257-foot-high concrete-face rockfill dam for the lower reservoir with a 150-foot-long concrete-lined emergency spillway; (3) a new upper reservoir with a surface area of 112 acres and a storage capacity of 11,135 acre-feet at a surface elevation of 3,830 feet msl; (4) a new lower reservoir with a surface area of 144 acres and a storage capacity of 11,135 acre-feet at a surface elevation of 2,937 feet msl; (5) a new 10.5-mile-long water source conveyance from the proposed water source to the project; (6) a new 4,965-foot-long penstock connecting the upper and lower reservoirs; (7) a new 350-foot-long, 100-foot-wide, 150-foot-high underground reinforced-concrete powerhouse containing three pump-turbine generator units with a total rated capacity of 870 MW and a rated gross hydraulic head of 887 feet; (8) a new switchyard/substation that ties directly into an existing 765-kV transmission line; and (9) appurtenant facilities.

Under both alternatives, mine water would serve as the water source for the initial fill and makeup water.

The proposed project would have an annual generation of 1,302 gigawatt-hours (GWh) and 2,540 GWh for alternatives 1 and 2, respectively.

Applicant Contacts: Michael Regulinski, Dominion Energy Virginia, 120 Tredegar Street, RS–2, Richmond, Virginia 23219; phone: 804–819–2794, and Michael Swiger, Van Ness Feldman, LLP, 1050 Thomas Jefferson Street NW., Washington, DC 20007; phone: 202–298–1891.

FERC Contact: Woohee Choi; phone: (202) 502–6336.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14854–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14854) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: September 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21874 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IS17–522–000]

Colonial Pipeline Company; Notice of Technical Conference

The Commission's September 7, 2017 order in the above-captioned proceeding [1] directed that a technical conference be held to address the effect of the tariff changes proposed by Colonial Pipeline Company in its June 23, 2017 filing in this docket.

Take notice that a technical conference will be held on Wednesday, October 25, 2017 at 9:00 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

All interested persons and staff are permitted to attend. For further information please contact David Faerberg at (202) 502–8275 or email David Faerberg at *David.Faerberg@ferc.gov.*

Dated: September 29, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21873 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–1101–001.

Applicants: Texas Gas Transmission, LLC.

Description: Tariff Amendment: Amendment to Filing in Docket No. RP17–1101–000 to be effective 10/1/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5128.

[1] *Colonial Pipeline Company,* 160 FERC ¶ 61,051 (2017).

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: RP16–855–001.

Applicants: National Grid LNG, LLC.

Description: Compliance filing NAESB Section 34—MetaData Clean-Up to be effective 4/1/2016.

Filed Date: 10/2/17.

Accession Number: 20171002–5169.

Comments Due: 5 p.m. ET 10/16/17.

Docket Numbers: RP18–1–000.

Applicants: American Midstream (AlaTenn), LLC.

Description: § 4(d) Rate Filing: AlaTenn Reservation Fee Credit Filing to be effective 11/2/2017.

Filed Date: 10/2/17.

Accession Number: 20171002–5138.

Comments Due: 5 p.m. ET 10/16/17.

Docket Numbers: RP18–2–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 100217 Negotiated Rates—Wells Fargo Commodities, LLC R–7810–04 to be effective 11/1/2017.

Filed Date: 10/2/17.

Accession Number: 20171002–5170.

Comments Due: 5 p.m. ET 10/16/17.

Docket Numbers: RP18–3–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 100217 Negotiated Rates—Wells Fargo Commodities, LLC R–7810–05 to be effective 11/1/2017.

Filed Date: 10/2/17.

Accession Number: 20171002–5171.

Comments Due: 5 p.m. ET 10/16/17.

Docket Numbers: RP18–4–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 100217 Negotiated Rates—Wells Fargo Commodities, LLC R–7810–07 to be effective 11/1/2017.

Filed Date: 10/2/17.

Accession Number: 20171002–5172.

Comments Due: 5 p.m. ET 10/16/17.

Docket Numbers: RP18–5–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: § 4(d) Rate Filing: Negotiated Rates—MarketLink—PPL Termination to be effective 10/1/2017.

Filed Date: 10/2/17.

Accession Number: 20171002–5280.

Comments Due: 5 p.m. ET 10/16/17.

Docket Numbers: RP18–6–000.

Applicants: Equitrans, L.P.

Description: § 4(d) Rate Filing: Negotiated Capacity Release Agreements—10/1/17 to be effective 10/1/2017.

Filed Date: 10/2/17.

Accession Number: 20171002–5290.

Comments Due: 5 p.m. ET 10/16/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 3, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21819 Filed 10–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Final 2018 Olmsted Power Marketing Plan and Call for Applications

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Final 2018 Olmsted Power Marketing Plan and Call for Applications.

SUMMARY: Western Area Power Administration (WAPA), a Federal power marketing agency of the Department of Energy, announces its Final 2018 Olmsted Power Marketing Plan and Call for Applications for an allocation of energy from the Olmsted Powerplant Replacement Project.

DATES: Applications and Applicant Profile Data are due December 11, 2017 to be assured of consideration by WAPA.

ADDRESSES: Send applications to: Ms. Lynn Jeka, CRSP Manager, CRSP Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111–1580. Applications may also be faxed to (801) 524–5017 or emailed to *jeka@wapa.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Brent Osiek, Power Marketing Manager, (801) 524–5495; or Mr. Lyle Johnson, Public Utilities Specialist, (801) 524–5585. Written requests for information should be sent to CRSP Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111–1580; faxed to (801) 524–5017; or emailed to *ljohnson@wapa.gov.*

SUPPLEMENTARY INFORMATION: The United States acquired the Olmsted Powerplant in 1990 through condemnation proceedings in order to secure the water rights associated with the Olmsted Powerplant deemed essential to the Central Utah Project (CUP). The CUP is a participating project of the Colorado River Storage Project. As part of the condemnation proceedings, PacifiCorp continued Olmsted operations until 2015; after which time, the operation of the facility became the responsibility of the Bureau of Reclamation.

The existing Olmsted Powerplant greatly exceeded its operational life, and a replacement facility was needed for the generation of power and preservation of associated non-consumptive water rights. On February 4, 2015, an Implementation Agreement (Agreement) for the Olmsted Powerplant Replacement Project (Project) was signed by Central Utah Water Conservancy District (District), the Department of the Interior, Bureau of Reclamation, and WAPA (Participants). The Agreement sets forth the responsibilities of the Participants and identifies funding of the Project. The District will construct, operate, maintain, and replace the Olmsted Powerplant and incidental facilities in connection with its CUP operations, including power generation.

WAPA is responsible for marketing the Olmsted energy, which is anticipated to be first available in the summer of 2018. Power production will be incidental to the delivery of water and will only be available when water is present. Therefore, only energy, without capacity, will be available for marketing. It is expected that the annual energy production from the replacement Olmsted Powerplant will average around 27,000,000 kWh per year.

Response to Comments on the Olmsted Proposed Marketing Criteria

WAPA received numerous comments on its Proposed 2018 Olmsted Power Marketing Plan during the comment period. WAPA reviewed and considered all comments received, and this section summarizes and responds to the comments received. For brevity, when it was possible to do so without affecting the meaning of the statements, the public comments below were paraphrased.

Comment: Can WAPA explain how it determined the marketing area? How were certain Utah counties picked? Is it based on the Provo River drainage? Why

were Davis, Weber, Morgan, and Summit counties included?

Response: Because of the small amount of energy available from the Project, the marketing area was limited to the Utah counties in the vicinity of the powerplant in order to avoid costly transmission and to ensure that entities receiving an allocation would benefit from the energy while at the same time creating a marketing area sufficiently large enough to ensure wide-spread use of the Federal resource.

Comment: Would there be a benefit to WAPA if a group of eligible applicants were to work together and submit a combined application with a recommended allocation?

Response: WAPA will not discourage a combined application. However, WAPA will consider the loads and resources of the entities participating in a combined application in the same way it would consider individual applications.

Comment: The marketing plan states that ''priority'' will be given to the plant operator, which is the Central Utah Water Conservancy District (District). The commenter supported this ''priority or preference'' to the District and asked if there are other criteria to be considered by WAPA in giving another utility a similar priority or preference.

Response: There are no other circumstances that will create priority.

Comment: Priority should be given to the District as the operator of the Olmsted Powerplant.

Response: Thank you for your comment.

Comment: Were applicants expected to apply for an allocation on or before the March 2, 2017, date or will there be another process or timetable to apply for an allocation? Will there be other details about the application process, or will a simple statement of interest as a ready, willing, and able utility be sufficient?

Response: Details about how to apply for an allocation are provided in this Notice. Applicants will be asked to complete WAPA's Applicant Profile Data form.

Comment: It would be beneficial if WAPA could expedite the Olmsted Power Marketing Plan process so the awarded entities would have sufficient time to complete the details on transmission and distribution services, scheduling, and reserves for delivery of the Olmsted Powerplant energy.

Response: WAPA will work to complete this process as quickly as possible while meeting public process requirements.

Comment: One commenter, as the representative for its members who are also participants in the CRSP, noted it does not have any major issues with the plan.

Response: Thank you for your comment.

Comment: One commenter expressed concern that WAPA would ''take into consideration all existing Federal hydropower allocations an applicant is currently receiving when determining the Olmsted allocation.'' The commenter proposed that allocations be proportionate to other existing Federal allocations.

Response: In order to assure widespread use for Federal power resources, WAPA will consider the percentage of a customer's total load currently being met with Federal power through other allocations the customer may have. Applicants with larger proportions of load served with Federal power may, therefore, receive a relatively smaller percentage allocation of Olmsted energy and vice versa.

Comment: One commenter asked for clarification of the specific marketing criteria and administrative discretion referred to under Reclamation Law and further stated: ''We assume these marketing criteria and administrative discretion includes the responsibilities and contributions of the parties referred to in the Olmsted Implementation and Funding Agreements and the responsibilities and contributions in these agreements pertain more specifically for this Project and should be considered with more priority.''

Response: WAPA's Administrator has discretion to provide allocations of electricity pursuant to the body of legislation known as Reclamation Law. No other marketing commitments are made; however, WAPA did provide that the District would receive priority in receiving an allocation.

Comment: A commenter expressed support for the marketing area identified in the **Federal Register** Notice (FRN) and asked if the District, whose headquarters are in the marketing area, can serve not only its facilities within the boundaries of the marketing plan but also those that extend beyond the marketing area. The commenter suggested that the marketing plan allow it to serve its loads located within Uintah and Duchesne counties with Olmsted energy.

Response: Any allocations will be based on loads that are within the marketing area.

Comment: A separate ratesetting process is required. It is critical that the rate action be completed in a timely manner so that it could be ready to receive energy before it is generated in 2018. It is imperative for the marketing of the energy from Olmsted Powerplant that the rate methodology be competitive in the current power supply market but also sufficient to reimburse the District for the OM&R of the Project.

Response: WAPA intends to have the ratesetting process proceed concurrently with the completion of the Marketing Plan process.

Comment: Several comments were received supporting WAPA's proposal to allocate customers a percentage of the energy produced annually and pay the proportional percentage of the Project's annual operation and maintenance expenses.

Response: WAPA appreciates the support of its proposed rate methodology.

Comment: One commenter stated, ''it makes excellent sense to offer this non-dispatchable resource as a percentage of the total energy available.''

Response: Thank you for your comment.

Comment: A commenter claimed it should receive priority for an allocation from Olmsted because it established a vested interest in the facilities as it expended funds many years ago in an unsuccessful attempt to obtain a license from the Federal Energy Regulatory Commission (FERC) to operate the Olmsted Powerplant. Its effort was abandoned when the Olmsted facilities were to be acquired by the Federal government.

Response: Under Reclamation Law, the expenditure of funds trying to obtain a FERC license to operate the Olmsted Powerplant does not establish a priority for an allocation from any future power generation.

Comment: What is the ''marketing criteria'' under Reclamation Law and can this be described?

Response: WAPA markets Federal hydropower through the authority given it by the body of law known as Reclamation Law including, but not limited to, the Acts of Congress approved June 17, 1902 (32 Stat. 388); the Reclamation Act of 1939, dated August 4, 1939 (53 Stat. 1187); the Department of Energy Organization Act, dated August 4, 1977 (91 Stat. 565); the Energy Policy Act of 1992 (Pub. L. 102–486); and Acts amendatory or supplementary to the foregoing Acts. Marketing Criteria are developed through a public process and are set forth in this Notice.

Final Olmsted Power Marketing Plan

WAPA will apply the following criteria to applicants seeking an allocation of energy under the Final 2018 Olmsted Power Marketing Plan:

1. *Contract Term:* To gain actual generation data and operating

experience, the term of the contract will be limited. Service is expected to begin on July 1, 2018, or as soon as the Project is declared commercially operable; and the contract term will be effective through September 30, 2024.

2. *Marketing Area:* Due to the relatively small size of the resource and its operating characteristics, eligible applicants must be preference entities in accordance with section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) and located within the following counties in Utah: Davis, Morgan, Salt Lake, Summit, Utah, Weber, and Wasatch.

3. *Delivery Point:* 12.47-kV bus at PacifiCorp's Hale Substation or another substation as agreed by WAPA.

4. *Transmission:* Any associated transformation/transmission beyond the Delivery Point is the sole responsibility of the applicant. Applicants must have the necessary arrangements for transmission and/or distribution service in place by April 1, 2018.

5. *Eligible Applicants:* WAPA will provide allocations only to preference entities in the marketing area. WAPA, through the public process, will determine the amount of energy, if any, to allocate in accordance with the marketing criteria and administrative discretion under Reclamation Law. Priority will be given to the District as the operator of the Olmsted Powerplant.

6. *Resource Pool:* WAPA will take into consideration all existing Federal hydropower allocations an applicant is currently receiving when determining each allocation. Allocations of Olmsted energy will be determined solely by WAPA. Applicants who receive an allocation will be allocated a percentage of the annual energy output of the Powerplant.

7. *Preference Entities:* Preference will be given to entities in accordance with section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c), as amended and supplemented, including municipalities, rural cooperatives, and political subdivisions including irrigation or other districts, municipalities, and other governmental organizations that have electric utility status by April 1, 2018; and, Federally recognized Native American tribes as defined in the Indian Self Determination Act of 1975, 25 U.S.C. 5304, as amended. ''Electric utility status'' means that the entity has responsibility to meet load growth, has a distribution system, and is ready, willing, and able to purchase Federal power from WAPA on a wholesale basis.

8. *Ready, Willing, and Able:* Eligible applicants must be ready, willing, and able to receive and distribute or use energy from WAPA. Ready, willing, and able means the applicant has the facilities needed to receive power or has made the necessary arrangements for transmission and/or distribution service, and its power supply contracts with third parties permit the delivery of WAPA's power.

9. *Rates and Payment:* A proposed ratesetting methodology will be published in a separate FRN.

Call for Applications for Power

This Notice formally requests applications from eligible entities seeking to purchase Federal power from Olmsted. WAPA is requesting that its Applicant Profile Data (APD) form be used to provide a uniform basis for evaluating applications. APD forms are available upon request or may be accessed online at *www.wapa.gov/PowerMarketing/Documents/Applicant-Profile-Data-form.pdf.* See the **ADDRESSES** section for where to send applications. To be considered, entities must submit an application to the Western Area Power Administration, CRSP Management Center, as requested below. To ensure full consideration for all applicants, WAPA reserves the right not to consider applications submitted before publication of this Notice or after the deadline specified in the **DATES** section.

Applicant Profile Data Application

The content and format of the APD form are outlined below. Applicants must provide all requested information, or the most reasonable available estimate, or should indicate ''not applicable'' if they have no information to be considered for a requested item. WAPA is not responsible for errors in data or missing pages. All items of information in the APD form should be answered as if prepared by the entity seeking the allocation. The APD form includes the following:

1. *Applicant:* (a) Applicant's (entity requesting a new allocation) name and address. (b) Person(s) representing applicant: Please provide the name, title, address, telephone and fax numbers, and email address of such person(s). (c) Type of organization: For example, Federal or state agency, irrigation district, municipality, Native American tribe, public utility district, or rural electric cooperative. (d) Parent organization of applicant, if any. (e) Name of members or suballottees, if any. (f) Applicable law under which the organization was established. (g) Applicant's geographic service area. If available, submit a map of the service area, and indicate the date prepared. (h) Describe the entity/organization that will interact with WAPA about contract and billing matters. (i) The amount of power the applicant is requesting to be provided by WAPA.

2. *Loads:* (a) If applicable, number and type of customers served in one of the last 3 calendar years including calendar years 2014, 2015, or 2016; *e.g.,* residential, commercial, industrial, military base, agricultural. (b) The actual monthly maximum demand (in kilowatts) and energy use (in kilowatthours) experienced in one of the last 3 calendar years including calendar years 2014, 2015, or 2016. (c) For Native American tribe applicants, if actual demand and energy data are not available, provide estimated monthly demand (in kilowatts) with a description of the method and basis.

3. *Resources:* (a) A list of current Federal power supplies. For each supply, provide the amount of capacity received from that power supply and its location. (b) Status of power supply contract(s), including a contract termination date. Indicate whether power supply is on a firm basis or some other type of arrangement.

4. *Transmission:* (a) Point of delivery: Olmsted energy will be delivered at PacifiCorp's Hale Substation at 12.7–kV or another substation as agreed by WAPA. (b) Transmission arrangement: Describe the applicant's transmission arrangements necessary to deliver power to the requested points of delivery beyond WAPA's transmission system. (c) Provide a brief explanation of the applicant's ability to receive and use, or receive and distribute, Federal power as of April 1, 2018.

5. *Other Information:* The applicant may provide any other information pertinent to receiving an allocation.

6. *Signature:* The signature and title of an appropriate official who is able to attest to the validity of the APD and who is authorized to submit the request for an allocation is required.

WAPA's Consideration of Applications

Upon receiving the APD, WAPA will verify that the applicant meets the eligibility criteria and that the application contains all information requested in the APD form. WAPA may request, in writing, additional information from any applicant whose APD is determined to be deficient. The applicant will have 15 calendar days from the date on WAPA's letter of request to provide the information. If WAPA determines the applicant does not meet the eligibility criteria, WAPA will send a letter explaining why the applicant did not qualify. If the applicant has met the eligibility criteria, WAPA will determine the amount of

power, if any, to allocate in accordance with the marketing criteria. WAPA will send a draft contract to the applicant that identifies the terms and conditions of the offer and the amount of power allocated to the applicant.

Availability of Information

The APD form and documents developed or retained by WAPA during this public process will be available, by appointment, for inspection and copying at the CRSP Management Center, located at 150 East Social Hall Avenue, Suite 300, Salt Lake City, Utah.

Procedural Requirements

Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321–4347), the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), and DOE NEPA Regulations (10 CFR 1021), WAPA issued a Finding of No Significant Impact (FONSI) on January 13, 2017. The FONSI and other NEPA compliance documentation may be found at *https://www.wapa.gov/regions/CRSP/environment/Pages/environment.aspx.*

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601, *et seq.,* requires a Federal agency to perform a regulatory flexibility analysis whenever the agency is required by law to publish a general notice of proposed rulemaking for any proposed rule unless the agency can certify that the rule will not have a significant economic impact on a substantial number of small entities. In defining the term ''rule,'' the RFA specifies that a ''rule'' does not include ''a rule of particular applicability relating to rates [and] services . . . or to valuations, costs or accounting, or practices relating to such rates [and] services . . . .'' 5 U.S.C. 601. WAPA has determined that this action relates to rates or services offered by WAPA and, therefore, is not a rule within the purview of the RFA.

Review Under the Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, 94 Stat. 2812, WAPA received approval from the Office of Management and Budget (OMB), under control number 1910–5136, to collect customer information through WAPA's Applicant Profile Data in order to allocate Federal hydropower.

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Dated: August 18, 2017.

Mark A. Gabriel,

Administrator.

[FR Doc. 2017–21934 Filed 10–10–17; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9969–15–OARM]

National Advisory Council for Environmental Policy and Technology

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Federal Advisory Committee Teleconference.

SUMMARY: Under the Federal Advisory Committee Act, EPA gives notice of a public meeting of the National Advisory Council for Environmental Policy and Technology (NACEPT). NACEPT provides advice to the EPA Administrator on a broad range of environmental policy, technology, and management issues. NACEPT members represent academia, business/industry, non-governmental organizations, and state, local and tribal governments. The purpose of this meeting is for NACEPT to review and discuss draft recommendations addressing how to best integrate citizen science work at EPA through effective collaboration and partnerships. In addition, NACEPT will review and provide comments on a draft citizen science question and answer handbook. A copy of the meeting agenda will be posted at *http://www2.epa.gov/faca/nacept.*

DATES: NACEPT will hold a public teleconference on November 28, 2017, from 12 p.m. to 4 p.m. (EST).

ADDRESSES: The meeting will be held at the EPA Headquarters, William Jefferson Clinton Federal Building East, Room 1132, 1201 Constitution Avenue NW., Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Eugene Green, Designated Federal Officer, *green.eugene@epa.gov*, (202) 564–2432, U.S. EPA, Office of Resources, Operations and Management; Federal Advisory Committee Management Division (MC1601M), 1200 Pennsylvania Avenue NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Requests to make oral comments or to provide written comments to NACEPT should be sent to Eugene Green at *green.eugene@epa.gov* by November 21st. The teleconference is open to the public, with limited seating available on a first-come, first-served basis. Members of the public wishing to participate in the teleconference should contact Eugene Green via email or by calling (202) 564–2432 no later than Nov 21st.

Meeting Access: Information regarding accessibility and/or accommodations for individuals with disabilities should be directed to Eugene Green at the email address or phone number listed above. To ensure adequate time for processing, please make requests for accommodations at least 10 days prior to the meeting.

Dated: September 29, 2017.

Eugene Green,

Designated Federal Officer.

[FR Doc. 2017–21956 Filed 10–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9968–88–ORD]

Human Studies Review Board; Notification of Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA), Office of the Science Advisor announces two separate public meetings of the Human Studies Review Board (HSRB) to advise the Agency on the ethical and scientific review of research involving human subjects. Due to unforeseen administrative circumstances, EPA is announcing this meeting with less than fifteen calendar days' notice.

DATES: A virtual public meeting will be held on Wednesday, October 25, 2017 and Thursday, October 26, 2017, from 1:00 p.m. to approximately 5:00 p.m. Eastern Time on both dates. A separate, subsequent teleconference meeting is planned for Tuesday, December 12, 2017, from 2:00 p.m. to approximately 3:30 p.m. Eastern Time for the HSRB to finalize its Final Report of the October 25 and 26, 2017 meeting and review other possible topics.

ADDRESSES: Both of these meetings will be conducted entirely by telephone and on the Internet using Adobe Connect. For detailed access information visit the HSRB Web site: *http://www2.epa.gov/osa/human-studies-review-board.*

FOR FURTHER INFORMATION CONTACT: Any member of the public who wishes to receive further information should contact the HSRB Designated Federal Official (DFO), Thomas O'Farrell on telephone number (202) 564–8451; fax number: (202) 564–2070; email address: *ofarrell.thomas@epa.gov;* or mailing address: Environmental Protection Agency, Office of the Science Advisor, Mail code 8105R, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

Meeting access: These meetings will be open to the public. The full Agenda and meeting materials will be available at the HSRB Web site: *http://www2.epa.gov/osa/human-studies-review-board*. For questions on document availability, or if you do not have access to the Internet, consult with the DFO, Thomas O'Farrell, listed under **FOR FURTHER INFORMATION CONTACT**.

Special accommodations. For information on access or services for individuals with disabilities, or to request accommodation of a disability, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

How may I participate in this meeting?

The HSRB encourages the public's input. You may participate in these meetings by following the instructions in this section.

1. Oral comments. Requests to present oral comments during either meeting will be accepted up to Noon Eastern Time on Wednesday, October 18, 2017, for the October 25 and 26, 2017 meeting and up to Noon Eastern Time on Tuesday, December 5, 2017 for the December 12, 2017 meeting. To the extent that time permits, interested persons who have not pre-registered may be permitted by the HSRB Chair to present oral comments during either meeting at the designated time on the agenda. Oral comments before the HSRB are generally limited to five minutes per individual or organization. If additional time is available, further public comments may be possible.

2. Written comments. Submit your written comments prior to the meetings. For the Board to have the best opportunity to review and consider your comments as it deliberates, you should submit your comments by Noon Eastern Time on Wednesday, October 18, 2017, for the October 25 and 26, 2017 meeting and up to Noon Eastern Time on Tuesday, December 5, 2017 for the December 12, 2017 meeting. If you submit comments after these dates, those comments will be provided to the HSRB members, but you should recognize that the HSRB members may not have adequate time to consider your comments prior to their discussion. You should submit your comments to the DFO, Thomas O'Farrell listed under **FOR FURTHER INFORMATION CONTACT**. There is no limit on the length of written comments for consideration by the HSRB.

Background

The HSRB is a Federal advisory committee operating in accordance with the Federal Advisory Committee Act 5 U.S.C. App.2 § 9. The HSRB provides advice, information, and recommendations on issues related to scientific and ethical aspects of third-party human subjects research that are submitted to the Office of Pesticide Programs (OPP) to be used for regulatory purposes.

Topic for discussion. On October 25 and 26, 2017, EPA's Human Studies Review Board will finalize the draft Final Report from the July 26, 2017 meeting and consider one topic: The Antimicrobial Exposure Assessment Task Force II Airless Sprayer Study Protocol.

The Agenda and meeting materials for this topic will be available in advance of the meeting at *http://www2.epa.gov/osa/human-studies-review-board.*

On December 12, 2017, the HSRB will review and finalize their draft Final Report from the October 25 and 26, 2017 meeting, in addition to other topics that may come before the Board. The HSRB may also discuss planning for future HSRB meetings. The agenda and the draft report will be available prior to the meeting at *http://www2.epa.gov/osa/human-studies-review-board.*

Meeting minutes and final reports. Minutes of these meetings, summarizing the matters discussed and recommendations made by the HSRB, will be released within 90 calendar days of the meeting. These minutes will be available at *http://www2.epa.gov/osa/human-studies-review-board.* In addition, information regarding the HSRB's Final Report, will be found at *http://www2.epa.gov/osa/human-studies-review-board* or from Thomas O'Farrell listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: September 25, 2017.

Robert J. Kavlock,

EPA Science Advisor.

[FR Doc. 2017–21939 Filed 10–10–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 25, 2017.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Lindsey Limited Family Partnership Number 2, Jasper, Texas;* to retain voting shares of East Texas Bancshares, Inc., Livingston, Texas, and thereby indirectly retain shares of First National Bank of Jasper, Jasper, Texas, and First State Bank of Livingston, Livingston, Texas.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Brandon Vering, Marysville, Kansas;* as co-trustee of the Florence J. Summerville Trust No. 1 and the Beryl Padgett Trust No. 1 and individually; to retain voting shares of Padgett Agency, Inc., Greenleaf, Kansas (the company), and thereby retain shares of The Citizens National Bank, Greenleaf, Kansas. Additionally, Mr. Vering seeks approval as a member of the Padgett Family Group.

C. Federal Reserve Bank of Minneapolis (Brendan S. Murrin, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Clinton J. Nelson, Lakeshore, Minnesota and Clinton J. Nelson, and Carol A. Nelson, Lakeshore, Minnesota;* as a group acting in concert to retain voting shares of Great River Holding Company, Baxter, Minnesota, and thereby retain shares of Riverwood Bank, Baxter, Minnesota.

D. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street,

Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *Stephen M. Holden, Merchantville, New Jersey;* as co-Voting Trustee of the J. Mark Baiada Voting Trust, Toms River, New Jersey, to join J. Mark Baiada, Moorestown, New Jersey; Ann Baiada, Moorestown, New Jersey; the 1994 Baiada Family Trust, Evergreen, Colorado; Michael Baiada, Evergreen, Colorado, as trustee of the 1994 Baiada Family Trust; L. Mathew and Janet Baiada, Moorestown, New Jersey; Paul Melan Baiada, Moorestown, New Jersey; the Paul Melan Baiada 1999 Family Trust, Moorestown, New Jersey; Diane Baiada, Moorestown, New Jersey, as trustee of the Paul Melan Baiada 1999 Family Trust; the Baiada Trust for the Benefit of Caitlin Baiada, Moorestown, New Jersey; Diane Baiada and Michael Baiada, as trustees of the Baiada Trust for the Benefit of Caitlin Baiada; the Baiada Trust for the Benefit of Emma Baiada, Moorestown, New Jersey; Diane Baiada and Michael Baiada, as trustees of the Baiada Trust for the Benefit of Emma Baiada; and OceanFirst Bank, Toms River, New Jersey as the co-Voting Trustee of the J. Mark Baiada Voting Trust, Toms River, New Jersey, as part of a group acting in concert to retain voting shares and thereby retain shares of Cornerstone Financial Corporation, Mount Laurel, New Jersey, and thereby retain shares of Cornerstone Bank, Mount Laurel, New Jersey.

Board of Governors of the Federal Reserve System, October 5, 2017.

Ann Misback,

Secretary of the Board.

[FR Doc. 2017–21949 Filed 10–10–17; 8:45 am]

BILLING CODE 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 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 November 6, 2017.

A. Federal Reserve Bank of Cleveland (Nadine Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566. Comments can also be sent electronically to *Comments.applications@clev.frb.org:*

1. *First Financial Bancorp,* Cincinnati, Ohio; to merge with MainSource Financial Group, Inc., and thereby indirectly acquire MainSource Bank, both of Greensburg, Indiana.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *BancFirst Corporation,* Oklahoma City, Oklahoma; to merge with First Wagoner Corporation, and thereby indirectly acquire shares of First Bank and Trust Company, both of Wagoner, Oklahoma.

2. *BancFirst Corporation,* Oklahoma City, Oklahoma; to merge with First Chandler Corp., and thereby indirectly acquire shares of First Bank of Chandler, both of Chandler, Oklahoma.

Board of Governors of the Federal Reserve System, October 4, 2017.

Ann Misback,

Secretary of the Board.

[FR Doc. 2017–21791 Filed 10–10–17; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

[Docket No. OP–1570]

Proposed Guidance on Supervisory Expectations for Boards of Directors

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Notice; extension of comment period.

SUMMARY: On August 9, 2017, the Board published in the **Federal Register** proposed guidance on supervisory expectations for boards of directors. To facilitate effective public comment on the proposed guidance, the Board has determined that an extension of the comment period until November 30, 2017, is appropriate. This action will allow interested persons additional time to analyze the proposal and prepare their comments.

DATES: Comments on the proposal must be received on or before November 30, 2017.

ADDRESSES: You may submit comments by any of the methods identified in the proposal.[1] Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT: Michael Hsu, Associate Director, (202) 912–4330, Michael Solomon, Associate Director, (202) 452–3502, Richard Naylor, Associate Director, (202) 728–5854, Division of Supervision and Regulation; Ben McDonough, Assistant General Counsel, (202) 452–2036, Scott Tkacz, Senior Counsel, (202) 452–2744, Keisha Patrick, Senior Counsel, (202) 452–3559, or Chris Callanan, Senior Attorney, (202) 452–3594, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. For the hearing impaired only, Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869.

SUPPLEMENTARY INFORMATION: On August 9, 2017, the Board published in the **Federal Register** proposed guidance on supervisory expectations for boards of directors of firms supervised by the Federal Reserve. The proposal addresses supervisory expectations for the boards of directors of bank holding companies, savings and loan holding companies, state member banks, U.S. branches and agencies of foreign banking organizations, and systemically important nonbank financial companies designated by the Financial Stability Oversight Council for supervision by the Federal Reserve. For the largest domestic bank and savings and loan holding companies and systemically important nonbank financial companies, the proposal would establish attributes of effective boards centered on the board's core responsibilities, which support safety and soundness, and would provide the framework with which the Federal Reserve would evaluate the effectiveness of a firm's boards of directors. For all domestic bank and savings and loan holding

[1] *See* ''Proposed Guidance on Supervisory Expectation for Boards of Directors,'' 82 FR 37219 (August 9, 2017).

companies, supervisory expectations for boards of directors contained in certain existing Federal Reserve Supervision and Regulation letters would be revised or eliminated to better distinguish a board's roles and responsibilities from those of senior management and allow boards to focus more of their time and resources on fulfilling their core responsibilities.

In recognition of the range of issues addressed and the variety of considerations involved with implementing the proposal, the Board requested that commenters respond to a number of questions. The proposal stated that the comment period would close on October 10, 2017.[2]

An extension of the comment period will facilitate public comment on the provisions of the proposal and the questions posed by the Board. Therefore, the Board is extending the end of the comment period for the proposal from October 10, 2017, to November 30, 2017.

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, October 5, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–21859 Filed 10–10–17; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 24, 2017.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Susan Schardt, Kearney, Nebraska, individually, and as co-trustee of the following trusts: Brian Schardt Trust No. 2; the Christina Nokelby Trust No. 2; the Kimberly Schardt Porter Trust No. 2; and the Rebecca Rathjen Trust No. 2,* and as a member of the Schardt Family Group; to acquire shares of Bank Management, Inc., Wahoo, Nebraska and thereby indirectly acquire voting shares of First Bank of Nebraska, Wahoo, Nebraska.

2. *Susan Schardt, Kearney, Nebraska, individually, and as co-trustee of the following trusts: Brian Schardt Trust No. 2; the Christina Nokelby Trust No. 2; the Kimberly Schardt Porter Trust No. 2; and the Rebecca Rathjen Trust No. 2;* to acquire voting shares of Exchange Company, Kearney, Nebraska, and thereby indirectly acquire voting shares of Exchange Bank, Gibbon, Nebraska.

B. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Robert G. Good,* Corrales, New Mexico; and Robert G. Good, M. Carolyn Good, Los Ranchos, New Mexico, the Good Living Trust/Family Trust, Los Ranchos, New Mexico, Cynthia Alysce Good, Andover, Massachusetts, the 2005 Natalie Grace Good Trust, Andover, Massachusetts, and Thomas Cody Graves, the Lisa L. Graves Heritage Trust, the Cody Clark Graves Heritage Trust, and the Debra L. Graves Bridges Heritage Trust, all of Goldthwaite, Texas, as a group acting in concert (the Good-Graves Family Group); to retain voting shares of Goldthwaite Bancshares, Inc., Goldthwaite, Texas, and thereby retain shares of Mills County State Bank, Goldthwaite, Texas.

Board of Governors of the Federal Reserve System, October 4, 2017.

Ann Misback,

Secretary of the Board.

[FR Doc. 2017–21792 Filed 10–10–17; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan 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 application also will 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 HOLA (12 U.S.C. 1467a(e)). 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 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). 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 November 7, 2017.

A. Federal Reserve Bank of Cleveland (Nadine Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566. Comments can also be sent electronically to *Comments.applications@clev.frb.org:*

1. *First Mutual Holding Co.,* Lakewood, Ohio; to acquire First Mutual Bank, Belpre, Ohio.

Board of Governors of the Federal Reserve System, October 4, 2017.

Ann Misback,

Secretary of the Board.

[FR Doc. 2017–21876 Filed 10–10–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act (PRA). The FTC seeks public comments on its proposal to extend, for three years, the current PRA clearance for information collection requirements contained in its Trade Regulation Rule entitled Labeling and Advertising of Home Insulation (R-value Rule or Rule).

[2] *Id.*

That clearance expires on January 31, 2018.

DATES: Comments must be submitted by December 11, 2017.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''R-value Rule: FTC File No. R811001'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/rvaluerulepra1* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Hampton Newsome, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Mail Code CC–9528, 600 Pennsylvania Ave. NW., Washington, DC 20580, (202) 326–2889.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing clearance for the information collection requirements contained in the Commission's R-value Rule, 16 CFR part 460 (OMB Control Number 3084–0109).

The FTC invites comments on: (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) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The R-value Rule establishes uniform standards for the substantiation and disclosure of accurate, material product information about the thermal performance characteristics of home insulation products. The R-value of an insulation signifies the insulation's degree of resistance to the flow of heat. This information tells consumers how well a product is likely to perform as an insulator and allows consumers to determine whether the cost of the insulation is justified.

R-Value Rule Burden Statement

Estimated annual hours burden: 131,740 hours.

The Rule's requirements include product testing, recordkeeping, and third-party disclosures on labels, fact sheets, advertisements, and other promotional materials. Based on information provided by members of the insulation industry, staff estimates that the Rule affects: (1) 150 insulation manufacturers and their testing laboratories; (2) 1,615 installers who sell home insulation; (3) 125,000 new home builders/sellers of site-built homes and approximately 5,500 dealers who sell manufactured housing; and (4) 25,000 retail sellers who sell home insulation for installation by consumers.

Under the Rule's testing requirements, manufacturers must test each insulation product for its R-value. Based on past industry input, staff estimates that the test takes approximately two hours. Approximately 15 of the 150 insulation manufacturers in existence introduce one new product each year. Their total annual testing burden is therefore approximately 30 hours.

Staff further estimates that most manufacturers require an average of approximately 20 hours per year regarding third-party disclosure requirements in advertising and other promotional materials. Only the five or six largest manufacturers require additional time, approximately 80 hours each. Thus, the annual third-party disclosure burden for manufacturers is approximately 3,360 hours [(144 manufacturers × 20 hours) + (6 manufacturers × 80 hours)].

While the Rule imposes recordkeeping requirements, most manufacturers and their testing laboratories keep their testing-related records in the ordinary course of business. Staff estimates that no more than one additional hour per year per manufacturer is necessary to comply with this requirement, for an annual recordkeeping burden of approximately 150 hours (150 manufacturers × 1 hour).

Installers are required to show the manufacturers' insulation fact sheet to retail consumers before purchase. They must also disclose information in contracts or receipts concerning the R-value and the amount of insulation to install. Staff estimates that two minutes per sales transaction is sufficient to comply with these requirements. Approximately 2,000,000 retrofit insulations (an industry source's estimate) are installed by approximately 1,615 installers per year, and, thus, the related annual burden total is approximately 66,667 hours (2,000,000 sales transactions × 2 minutes). Staff anticipates that one hour per year per installer is sufficient to cover required disclosures in advertisements and other promotional materials. Thus, the burden for this requirement is approximately 1,615 hours per year. In addition, installers must keep records that indicate the substantiation relied upon for savings claims. The additional time to comply with this requirement is minimal—approximately 5 minutes per year per installer—for a total of approximately 135 hours.

New home sellers must make contract disclosures concerning the type, thickness, and R-value of the insulation they install in each part of a new home. Staff estimates that no more than 30 seconds per sales transaction is required to comply with this requirement, for a total annual burden of approximately 9,783 hours (an estimated 1,174,000 new home sales per year[1] × 30 seconds). New home sellers who make energy savings claims must also keep records regarding the substantiation relied upon for those claims. Staff believes that the 30 seconds covering disclosures would also encompass this recordkeeping element.

The Rule requires that the approximately 25,000 retailers who sell home insulation make fact sheets available to consumers before purchase. This can be accomplished by, for example, placing copies in a display rack or keeping copies in a binder on a service desk with an appropriate notice. Replenishing or replacing fact sheets should require no more than approximately one hour per year per retailer, for a total of 25,000 annual hours, industry-wide.

The Rule also requires specific disclosures in advertisements or other

[1] See Table 3b on housing starts for privately owned units for 2016 at *https://www.census.gov/construction/nrc/pdf/newresconst_201706.pdf.*

promotional materials to ensure that the claims are fair and not deceptive. This burden is very minimal because retailers typically use advertising copy provided by the insulation manufacturer, and even when retailers prepare their own advertising copy, the Rule provides some of the language to be used. Accordingly, approximately one hour per year per retailer should suffice to meet this requirement, for a total annual burden of approximately 25,000 hours.

Retailers who make energy savings claims in advertisements or other promotional materials must keep records that indicate the substantiation they are relying upon. Because few retailers make these types of promotional claims and because the Rule permits retailers to rely on the insulation manufacturer's substantiation data for any claims that are made, the additional recordkeeping burden is de minimis. The time calculated for disclosures, above, would be more than adequate to cover any burden imposed by this recordkeeping requirement.

To summarize, staff estimates that the Rule imposes a total of 131,740 burden hours, as follows: 150 recordkeeping and 3,390 testing and disclosure hours for manufacturers; 135 recordkeeping and 68,282 disclosure hours for installers; 9,783 disclosure hours for new home sellers; and 50,000 disclosure hours for retailers. The estimated total burden is approximately 131,740 burden hours.

Estimated annual cost burden: $2,616,943 (solely related to labor costs).

The total annual labor cost for the Rule's information collection requirements is approximately $2,616,943, derived as follows: Approximately $858 for testing, based on 30 hours for manufacturers (30 hours × $28.61 per hour for skilled technical personnel); $4,284 for manufacturers' and installers' compliance with the Rule's recordkeeping requirements, based on 285 hours (285 hours × $15.03 per hour for clerical personnel); $50,501 for manufacturers' compliance with third-party disclosure requirements, based on 3,360 hours (3,360 hours × $15.03 per hour for clerical personnel); and $2,561,300 for disclosure compliance by installers, new home sellers, and retailers (128,065 hours × $20 per hour for sales persons).[2]

There are no significant current capital or other non-labor costs associated with this Rule. Because the Rule has been in effect since 1980, members of the industry are familiar with its requirements and already have in place the equipment for conducting tests and storing records. New products are introduced infrequently. Because the required disclosures are placed on packaging or on the product itself, the Rule's additional disclosure requirements do not cause industry members to incur any significant additional non-labor associated costs.

[2] The wage rates for engineering technicians, except drafters (skilled technical personnel), file clerks (clerical personnel), and sales and related occupations (sales persons) are based on recent data from the Bureau of Labor Statistics Occupational Employment Statistics Survey.

Request for Comment

You can file a comment online or on paper. December 11, 2017. Write ''R-value Rule: FTC File No. R811001'' 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/rvaluerulepra1* by following the instructions on the web based form. If this Notice appears at *https://www.regulations.gov,* you also may file a comment through that Web site.

If you file your comment on paper, write ''R-value Rule: FTC File No. R811001'' 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 C), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610, Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Web site at *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 Commission Web site at *https://www.ftc.gov* to read this Notice. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before December 11, 2017. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *https://www.ftc.gov/site-information/privacy-policy*.

David C. Shonka,

Acting General Counsel.

[FR Doc. 2017–21882 Filed 10–10–17; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research and Quality

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

DATES: The meeting will be held on Friday, November 3, 2017, from 8:30 a.m. to 2:45 p.m.

ADDRESSES: The meeting will be held at AHRQ, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Jaime Zimmerman, Designated Management Official, at the Agency for Healthcare Research and Quality, 5600 Fishers Lane, Mail Stop 06E37A, Rockville, Maryland 20857, (301) 427–1456. For press-related information, please contact Alison Hunt at (301) 427–1244 or *Alison.Hunt@ahrq.hhs.gov.*

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact the Food and Drug Administration (FDA) Office of Equal Employment Opportunity and Diversity Management on (301) 827–4840, no later than Friday, October 20, 2017. The agenda, roster, and minutes will be available from Ms. Bonnie Campbell, Committee Management Officer, Agency for Healthcare Research and Quality, 5600 Fishers Lane, Rockville, Maryland 20857. Ms. Campbell's phone number is (301) 427–1554.

SUPPLEMENTARY INFORMATION:

I. Purpose

The National Advisory Council for Healthcare Research and Quality (AHRQ) is authorized by Section 941 of the Public Health Service Act, 42 U.S.C. 299c. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director of AHRQ on matters related to AHRQ's conduct of its mission including providing guidance on (A) priorities for health care research, (B) the field of health care research including training needs and information dissemination on health care quality and (C) the role of the Agency in light of private sector activity and opportunities for public private partnerships. The Council is composed of members of the public, appointed by the Secretary, and Federal ex-officio members specified in the authorizing legislation.

II. Agenda

On Friday, November 3, 2017, there will be a subcommittee meeting for the National Healthcare Quality and Disparities Report scheduled to begin at 7:30 a.m. This meeting is open to the public. The full Council meeting will convene at 8:30 a.m., with the call to order by the Council Chair and approval of previous Council summary notes. The meeting is open to the public and will be available via webcast at *www.webconferences.com/ahrq.* The meeting will begin with an update on AHRQ's current research, programs, and initiatives. The agenda will also include an update on AHRQ's work in learning health care systems and an update on AHRQ's data platform. The final agenda will be available on the AHRQ Web site at *www.AHRQ.gov* no later than Friday, October 27, 2017.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2017–22041 Filed 10–10–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Name of Committee: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—PAR15–352, Occupational Safety and Health Training Projects.

Date: December 6–7, 2017.

Time: 1:00 p.m.–6:00 p.m., EST.

Place: Teleconference.

Agenda: The meeting will include the initial review, discussion, and evaluation of applications received in response to PAR15–352, Occupational Safety and Health Training Projects.

For Further Information Contact: Michael Goldcamp, Ph.D., Scientific Review Officer/CDC, 1095 Willowdale Road, Mailstop H1808, Morgantown, West Virginia 26505,(304) 285–5951; *mgoldcamp@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–21818 Filed 10–10–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers CMS–381]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by November 13, 2017.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR*, Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html*.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Identification of Extension Units of Medicare Approved Outpatient Physical Therapy/Outpatient Speech Pathology (OPT/OSP) Providers and Supporting Regulations; *Use:* The provider uses the form to report to the state survey agency extension locations that it has added since the date of last report. The form is used by the state survey agencies and by our regional offices to identify and monitor extension locations to ensure their compliance with the federal requirements for the providers of outpatient physical therapy and speech-language pathology services. *Form Number:* CMS–381 (OMB control number: 0938–0273); *Frequency:* Annually; *Affected Public:* Private Sector; Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 2,161; *Total Annual Responses:* 2,161; *Total Annual Hours:* 540. (For policy questions regarding this collection contact Peter Ajuonuma at 410–786–3580.)

Dated: October 5, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–21875 Filed 10–10–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request; Proposed Projects: Renewal of the Low Income Home Energy Assistance Program (LIHEAP) Performance Data Form (LPDF)

Title: LIHEAP Performance Data Form for Federal Fiscal Year (FFY) XXXX.

OMB No.: 0970–0449.

Description: In response to the 2010 Government Accountability Office (GAO) report, *Low Income Home Energy Assistance Program—Greater Fraud Prevention Controls are Needed* (GAO–10–621), and in consideration of the recommendations issued by the Low Income Home Energy Assistance Program (LIHEAP) Performance Measures Implementation Work Group, the Office of Community Services (OCS) required the collection and reporting of the new performance measures by state LIHEAP grantees and the District of Columbia. Office of Management and Budget (OMB) approved *the LIHEAP Performance Data Form (LPDF)* in November 2014 (OMB Clearance No. 0970–0449) that expires on October 31, 2017. The LPDF provides for the collection of the following LIHEAP performance measures which are considered to be developmental as part of the LPDF:

1. The benefit targeting index for high burden households receiving LIHEAP fuel assistance;

2. The burden reduction targeting index for high burden households receiving LIHEAP fuel assistance;

3. The number of households where LIHEAP prevented a potential home energy crisis; and

4. The number of households where LIHEAP benefits restored home energy.

All State LIHEAP grantees and the District of Columbia are required to complete the LPDF data through the Administration for Children and Families' (ACF) web-based data collection and reporting system, the Online Data Collection (OLDC), which is available at: *https://home.grantsolutions.gov/home.* The reporting requirements will be described through OLDC.

The previous OMB-approved *LIHEAP Grantee Survey* on sources and uses of LIHEAP funds was added in 2014 to the LPDF as an addition to the LIHEAP performance data. No substantive changes are being proposed for this data collection activity. A sample of the draft form is available for viewing here: *https://www.acf.hhs.gov/ocs/resource/funding-applications.*

The form is divided into the following three modules to add clarity:

Module 1. LIHEAP Grantee Survey (Required Reporting)

Module 1 of the LPDF will continue to require the following data from each state for the federal fiscal year:

- Grantee information,
- sources and uses of LIHEAP funds,
- average LIHEAP household benefits, and
- maximum income cutoffs for 4-person households for each type of LIHEAP assistance provided by each grantee for the fiscal year.

Module 2. LIHEAP Performance Measures (Required Reporting)

Module 2 of the *LPDF* will continue to require the following data from each state for the federal fiscal year:

- Grantee information,
- energy burden targeting,
- restoration of home energy service, and
- prevention of loss of home energy.

Module 3. LIHEAP Performance Measures (Optional Reporting)

Module 3 of the LIHEAP *LPDF* will continue to voluntarily collect the following additional information from each interested grantee for the federal fiscal year:

- Average annual energy usage,
- Unduplicated number of households using supplemental heating fuel and air conditioning,

• Unduplicated number of households that had restoration of home energy service, and

• Unduplicated number of households that had prevention of loss of home energy.

Based on the data collected in the *LPDF:*

• ACF will provide reliable and complete LIHEAP fiscal and household data to Congress in the Department's annual *LIHEAP Report to Congress.*

• ACF will calculate LHEAP performance measures and report the results through the annual budget development process and in LIHEAP's annual Congressional Justification (CJ) under the Government Performance and Results Act of 1993.

• ACF and grantees will be informed about the impact LIHEAP has with respect to LIHEAP households' home energy burden (the proportion of their income spent towards their home heating and cooling bills), including information on the difference between the average recipient and high burden recipients, restoring home energy service, and preventing loss of home energy service.

• ACF will be able to respond to questions on sources and uses of LIHEAP funds from the Congress, Department, OMB, White House, and other interested parties in a timely manner.

• LIHEAP grantees will be able to compare their own results to the results for other states, as well as to regional and national results, through the Data Warehouse of the LIHEAP Performance Management Web site as they manage their programs.

Respondents: State Governments and the District of Columbia.

Annual Burden Estimates

The table below shows the estimated data collection and reporting burden for the LPDF as reported in 2014. These estimates are based on a small number of interviews conducted in 2014 with grantees, sub-grantees, and energy vendors. In support of this submission requesting comments, ACF is currently re-assessing the level of effort to collect and report the required data in order to develop updated burden estimates. The original 2014 estimates were based on grantee reporting capabilities at that time and included time and costs for initial system development. However, since most grantees have improved their reporting capabilities, many grantees have completed their system development, and ACF has furnished reporting resources and technical assistance to assist grantees, it is expected that the time and costs associated with reporting are lower than the original 2014 estimates show below.

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Module 1: Grantee Survey				
Grantees	51	1	3.5	178.50
Module 2: Performance Measures				
Grantees	51	1	100	5,100
Sub-Grantees (in states with sub-grantee managed systems)	200 (estimate)	1	80 hours	16,000
Large Energy Vendors (largest 5 electric, 5 gas, 10 fuel oil, and 10 propane vendors per state—average).	1,530 (estimate)	1	40 hours	61,200
Small Energy Vendors (excluded except in special circumstances).	200	1	10	2,000
Total Annual Burden Hours	2,032	1	Varies	84,478

Estimated Total Annual Burden Hours: 168,956.50.

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chap 35), the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Mary Jones,

Reports Clearance Officer.

[FR Doc. 2017–21774 Filed 10–10–17; 8:45 am]

BILLING CODE 4184–80–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB No. 0970–0356]

Proposed Information Collection Activity; Comment Request

Title: Formative Data Collections for ACF Research and Program Support

Description: The Office of Planning, Research, and Evaluation (OPRE), in the Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) intends to request approval from the Office of Management and Budget (OMB) to renew a generic clearance to conduct a variety of formative data collections with more than nine respondents. The data collections will inform future research and program

support but will not be highly systematic nor intended to be statistically representative.

ACF programs promote the economic and social well-being of families, children, individuals and communities. OPRE studies ACF programs, and the populations they serve, through rigorous research and evaluation projects. These include evaluations of existing programs, evaluations of innovative approaches to helping low income children and families, research syntheses and descriptive and exploratory studies. OPRE's research serves to provide further understanding of current programs and service populations, explore options for program improvement, and assess alternative policy and program designs. OPRE anticipates undertaking a variety of new research projects related to welfare, employment and self-sufficiency, Head Start, child care, healthy marriage and responsible fatherhood, family and youth services, home visiting, and child welfare. Many ACF program offices find a need to learn more about funded program services to inform internal decision making and to provide adequate support. Some program offices conduct their own research and evaluation projects.

Under this generic clearance, ACF would engage in a variety of formative data collections with researchers, practitioners, TA providers, service providers and program participants throughout the field to fulfill the following goals: (1) Inform the development of ACF research, (2) maintain a research agenda that is rigorous and relevant, (3) ensure that research products are as current and responsive to audience needs as possible and (4) inform the provision of technical assistance. ACF envisions using a variety of techniques including semi-structured discussions, focus groups, and telephone or in-person interviews, in order to reach these goals.

Following standard OMB requirements, OPRE will submit a change request for each individual data collection activity under this generic clearance. Each request will include the individual instrument(s), a justification specific to the individual information collection, and any supplementary documents. OMB should review requests within 10 days of submission.

Under this generic IC information will not be collected with the primary purpose of publication, but findings are meant to inform ACF activities and may be incorporated into documents or presentations that are made public. The following are some examples of ways in which we may disseminate information resulting from these data collections: Research design documents or reports; research or technical assistance plans; background materials for technical workgroups; concept maps, process maps, or conceptual frameworks; contextualization of research findings from a follow-up data collection that has full PRA approval; informational reports to stakeholders such as funders, grantees, local implementing agencies, and/or TA providers. In presenting findings, we will describe the study methods and limitations with regard to generalizability and as a basis for policy recommendations.

Respondents: Key stakeholder groups involved in ACF projects and programs, state or local government officials, service providers, participants in ACF programs or similar comparison groups; experts in fields pertaining to ACF research and programs, or others involved in conducting ACF research or evaluation projects.

ANNUAL BURDEN ESTIMATES

Instrument type	Estimated total number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total burden hours
Semi-Structured Discussions, Focus Groups	1,750	1	2	3,500
Interviews	750	1	1	750
Questionnaires/Surveys	500	1	.5	250

Total Estimated Burden Hours: 4,500.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW., Washington, DC 20201, Attn: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Mary Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2017–21885 Filed 10–10–17; 8:45 am]

BILLING CODE 4184–79–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Public Comment Request; Information Collection Request Title: Bureau of Primary Health Care Uniform Data System, OMB No. 0915–0193—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review

of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than November 13, 2017.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: Bureau of Primary Health Care Uniform Data System, OMB No. 0915–0193—Revision.

Abstract: The Uniform Data System (UDS) is the Bureau of Primary Health Care's (BPHC) annual reporting system for the HRSA-supported health centers. UDS includes reporting requirements for Health Center Program look-alikes and grantees of the following: Community Health Center program, Migrant Health Center program, Health Care for the Homeless program, and Public Housing Primary Care program. A subset of recipients of the Bureau of Health Workforce's (BHW) Nurse Education, Practice, Quality and Retention (NEPQR) program, specifically those recipients that are funded under the practice priority areas listed under Public Health Services Act (PHSA) Sec. 831(b), are also required to complete UDS annual reporting.

Need and Proposed Use of the Information: HRSA collects UDS data annually to ensure compliance with legislative and regulatory requirements, improve health center performance and operations, and report overall program accomplishments. The data help to identify trends, enabling HRSA to establish or expand targeted programs and identify effective services and interventions to improve the health of medically underserved communities and vulnerable populations. UDS data are compared with national health-related data, including the National Health Interview Survey and National Health and Nutrition Examination Survey to explore potential differences between health center patient populations and the U.S. population at large, and those individuals and families who rely on the health care safety net for primary care. UDS data also inform Health Center Program partners and communities regarding the patients served by health centers.

HRSA received public comment to the **Federal Register** notice ''Bureau of Primary Health Care Uniform Data System'' published on May 5, 2017, at 82 FR 21253. We have taken the commenter's suggestions into consideration and have made appropriate adjustments to the data collection instruments.

The UDS data collection will be revised in six ways.

- To support continued efforts to standardize data collection and reduce the burden per respondent of reporting for health centers, HRSA is updating the clinical quality measures in table 6B and 7 to align with the Centers for Medicare & Medicaid Services (CMS) electronic clinical quality measures (e-CQMs) designated for the 2018 reporting period.
- Poor glycemic control is defined as HbA1c >9% per the CMS quality programs and e-specifications. Although clinical recommendations (*e.g.,* American Diabetes Association) suggest that people with diabetes should aim to have an HbA1c ≤7% (or HbA1c<8%), the CMS e-specification only accounts for ''poor diabetes control.'' Therefore, HRSA is removing this column to be consistent with the Healthy People 2020 national benchmark, CMS eCQMs, and to reduce reporting burden.
- Patient Centered Medical Home (PCMH) recognition assesses a health center's approach to patient-centered care. HRSA routinely receives PCMH recognition data from national quality recognition bodies. Therefore, HRSA is removing this question to reduce reporting burden.
- Telehealth is increasingly used as a method of health care delivery for the health center patient population, especially hard-to-reach patients living in geographically isolated communities. Collecting information on telehealth capacity and use of telehealth is essential for delivering technical assistance to health centers and assuring access to comprehensive, culturally competent, quality primary health care services. Based on the uniqueness of telehealth data and its introduction into the UDS system, HRSA is proposing questions that more precisely describe health center efforts in this area.
- Medication-Assisted Treatment (MAT) has been proven to be an effective treatment option for substance abuse disorder. With the enactment of the Comprehensive Addiction and Recovery Act of 2016, Public Law 114–198, opioid treatment prescribing privileges have been extended beyond physicians to include certain qualifying nurse practitioners (NPs) and physicians' assistants (PAs). As a result, HRSA is updating the MAT for Opioid Use Disorder question in Appendix E of the UDS to include NPs and PAs who have received an appropriate waiver to dispense narcotic drugs.
- In 2016, 98.7% of HRSA supported grantees reported adoption and use of Electronic Health Records (EHRs). The question in Appendix D regarding Meaningful Use attestation stages captures precise data regarding health center participation in the program. HRSA is updating this question to align with the CMS EHR Incentive Program Updates pertaining to attestation titles.

Likely Respondents: The respondents will be HRSA BPHC Health Center Program grantees, look-alikes, and BHW NEPQR Program recipients funded under the practice priority areas listed under PHSA Sec. 831(b).

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Universal Report	1,471	1	1,471	168	247,128
Grant Report	504	1	504	21	10,584
Total	1,975		1,975		257,712

Amy McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2017–21844 Filed 10–10–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier HHS–OS–0955–0003]

60-Day Notice Template for Request for Generic Clearance for the Collection of Routine Customer Feedback on HHS Communications

AGENCY: U.S. Department of Health and Human Services (HHS).

ACTION: Notice and request for comments. Office of the National Coordinator for Health Information Technology is requesting OMB approval for an extension on the Generic Clearance for the Collection of Routine Customer Feedback by OMB.

SUMMARY: Department of Health and Human Services, The Office of the Secretary (OS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on the ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' for approval under the Paperwork Reduction Act (PRA). This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. This notice announces our intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection.

DATES: Consideration will be given to all comments received by December 11, 2017.

ADDRESSES: Submit comments by one of the following methods:

- *Web site: www.regulations.gov.* Direct comments to Docket ID OMB–2010–0021.
- *Email: Information.CollectionClearance@hhs.gov.*
- *Phone:* (202) 795–7714.

Comments submitted in response to this notice may be made available to the public through relevant Web sites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Sherrette Funn, *Sherrette.funn@HHS.GOV* or (202) 795–7714.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population.

This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Actions: Extension of approval for a collection of information.

Type of Review: Extension.

Affected Public: Individuals, households, professionals, public/private sector.

Estimated Number of Respondents: Below we provide projected average estimates for the next three years:

Average Expected Annual Number of Activities: 7.

Average Number of Respondents per Activity: 350.

Annual Responses: 4,158.

Frequency of Response: Once per request.

Average Minutes per Response: 5.

Burden Hours: 1,041.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments will be available for public inspection at *Regulations.gov*.

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 Office of Management and Budget control number.

Darius Taylor,

Information Collection Clearance Officer.

[FR Doc. 2017–21822 Filed 10–10–17; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Division of Behavioral Health; Youth Regional Treatment Center Aftercare Pilot Project

Announcement Type: New.

Funding Announcement Number: HHS–2018–IHS–YRTC–0001.

Catalog of Federal Domestic Assistance Number: 93.933.

Key Dates

Application Deadline Date: October 1, 2017.

Review Date: October 9, 2017.

Earliest Anticipated Start Date: November 1, 2017.

Signed Tribal Resolutions Due Date: October 1, 2017.

Proof of Non-Profit Status Due Date: October 1, 2017.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) Office of Clinical and Preventative Services, Division of Behavioral Health (DBH), is accepting applications for a cooperative agreement for Youth Regional Treatment Center Aftercare Pilot Projects (Short Title: Youth Aftercare). This program was established by the Consolidated Appropriations Act of 2017, Public Law 115–31, 131 Stat. 135 (2017). This program is authorized by 25 U.S.C. 13, the Snyder Act, and the Indian Health Care Improvement Act, 25 U.S.C. 1665a and 1665g. This program is described in the Catalog of Federal Domestic Assistance (CFDA) under 93.933.

Background

According to data from the CDC Youth Risk Behavior Surveillance Survey, American Indian and Alaska Native (AI/AN) youth self-report higher rates of illicit substance use when compared to the general population. Substance use among AI/AN youth contributes to an increased risk of negative social problems that can range from delinquency to violence, including higher rates of suicide, and alcohol and drug-related deaths when compared to U.S. all-races (2014 Trends In Indian Health).

The IHS currently funds 11 Youth Residential Treatment Centers (YRTC) that provide a range of clinical services rooted in culturally relevant, holistic models of care. However, once AI/AN youth are discharged from the YRTC, they are faced with leaving a structured environment only to return home to families who may be unprepared to offer the needed support and where aftercare/case management resources can be limited.

Purpose

The purpose of the YRTC Aftercare Pilot Project cooperative agreement is to address the gap in services that occurs when youth are discharged upon successful completion of a YRTC treatment program and return to their home community where necessary support systems may not exist. Insufficient options for continued care at home and in the community significantly decrease the likelihood of a continued journey of wellness for youth exiting the care of an YRTC. This pilot project will develop promising practices between YRTCs and Tribal communities to reduce alcohol and substance use relapse by identifying transitional services that can be culturally adapted to meet the needs of AI/AN youth to increase resiliency, self-coping, and provide support systems. By exploring solutions for how this continuum of care should take place after inpatient treatment, efforts will be made to establish community-based

approaches to reduce alcohol and substance use relapse and establish effective reintegration processes.

Each application for the YRTC Aftercare Pilot Program will be required to address the following six objectives as outlined (and detailed in Section A, Part B—Proposed Approach) in their project narrative.

1. Provide aftercare and case management services.
2. Create and train community support systems in evidence-based care.
3. Identify and implement best practices for increasing access to transitional services.
4. Incorporate social media into aftercare practices.
5. Increase data collection for post residential discharged youth.
6. Evaluate and disseminate information among all YRTC facilities.

All six of the objectives must be addressed in the application. If an application submission does not address all of the objectives in the Project Narrative scope of work, the application will not be considered for funding.

II. Award Information

Type of Award: Cooperative Agreement.

Estimated Funds Available

The funding identified for the current fiscal year (FY) 2017 is $810,000. The amount of funding identified for Year 2 and Year 3 of the cooperative agreement is $810,000. The amount of funding available for competing and continuation awards issued under this announcement is subject to the availability of appropriations and budgetary priorities of the Agency. The IHS is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards

One award for $810,000 will be issued under this program announcement.

Project Period

The project period is for three years and will run consecutively from November 1, 2017 to October 31, 2020.

Cooperative Agreement

Cooperative agreements awarded by the Department of Health and Human Services (HHS) are administered under the same policies as a grant. However, the funding agency (IHS) is required to have substantial programmatic involvement in the project during the entire award segment. Below is a detailed description of the level of involvement required for both IHS and the grantee. IHS will be responsible for activities listed under section A and the grantee will be responsible for activities listed under section B as stated:

Substantial Involvement Description for Cooperative Agreement

A. IHS Programmatic Involvement

The IHS assigned program official will monitor the overall progress of the awardee's execution of the requirements of the award: IHS award noted below as well as their adherence to the terms and conditions of the cooperative agreements. This includes providing guidance for required reports, developing of tools, and other products, interpreting program findings, and assisting with evaluations and overcoming any difficulties or performance issues encountered.

B. Grantee Cooperative Agreement Award Activities

- Provide aftercare and case management services.

(a) Support for an additional YRTC coordinator or case manager to:

(i) Establish, in partnership with youth, a post treatment plan.

(ii) Develop partnerships with service providers and community programs at the community level.

(iii) Improve engagement with families and support systems of AI/AN youth participating in an YRTC program. Suggested activities may include travel assistance for family members to increase participation during youth treatment and positive parenting curriculum to parents while their youth is in care and post-treatment.

(b) Provide Peer Recovery Support Specialist certification.

(i) Increase placement of peer-to-peer support in partner community sites of youth participants.

(ii) Provide ongoing training to Peer Recovery Support Specialist from partner communities.

- Create and train community support systems in evidence-based care.

(a) This may include how to identify signs of relapse, how to identify signs of mental health distress, how to navigate community referral processes, and how to manage prescription drugs.

- Identify and implement best practices for increasing access to transitional services.

(a) This may include assistance with: Planning for education, referring to natural helpers, referral for housing, accompanying youth to outpatient or other community services, accessing culturally appropriate interventions, consultation with employers, in-home evaluations of family or living situations, parenting support, and transitioning to adult services.

- Incorporate social media into aftercare practices.

(a) Explore and identify new avenues for incorporating social media into aftercare practices (*e.g.,* production of peer to peer support applications and encouragement to find aftercare support through interactive technology).

- Increase data collection for post residential discharged AI/AN youth.

(a) Increase data collection for post residential discharged youth through established data collection plans including post treatment outcomes for AI/AN youth at 30, 60, 90 days, 6 months and one year through a data collection process. (See Section A Part D—Performance Measurement Plan and Evaluation.)

- Evaluate and disseminate information among all YRTC facilities.

(a) Develop, maintain, and disseminate comprehensive information on AI/AN youth aftercare practices to be shared among all YRTC leadership. This information should be focused on promising and best practices, service delivery, quality improvement, and strategies to be used among all YRTCs.

- Maintain open and consistent communication with the IHS program official on any financial or programmatic barriers to meeting the requirements of the award.

III. Eligibility Information

I.

1. Eligibility

To be eligible for this ''New FY2018 Funding Opportunity'' under this announcement, applicants must be one of the following as defined by 25 U.S.C. 1603:

- A Federally-recognized Indian Tribe as defined by 25 U.S.C. 1603(14). The term ''Indian Tribe'' means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or group or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) [43 U.S.C. 1601 *et seq.*], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
- A Tribal organization as defined by 25 U.S.C. 1603(26). The term ''Tribal organization'' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (at 25 U.S.C. 5304(1)): ''Tribal organization'' means the recognized governing body of any Indian Tribe; any legally established organization of Indians which is

controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: Provided, That in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian Tribe, the approval of each such Indian Tribe shall be a prerequisite to the letting or making of such contract or grant.

Note: Please refer to Section IV.2 (Application and Submission Information/ Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required, such as Tribal resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

If application budgets exceed the highest dollar amount outlined under the ''Estimated Funds Available'' section within this funding announcement, the application will be considered ineligible and will not be reviewed for further consideration. If deemed ineligible, IHS will not return the application. The applicant will be notified by email by the Division of Grants Management (DGM) of this decision.

Tribal Resolution

An Indian Tribe or Tribal organization that is proposing a project affecting another Indian Tribe must include *resolutions from all affected Tribes to be served.* Applications by Tribal organizations will not require a specific Tribal resolution if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities.

An official signed Tribal resolution must be received by the DGM prior to a Notice of Award (NoA) being issued to any applicant selected for funding. However, if an official signed Tribal resolution cannot be submitted with the electronic application submission prior to the official application deadline date, a draft Tribal resolution must be submitted by the deadline in order for the application to be considered complete and eligible for review. The draft Tribal resolution is not in lieu of the required signed resolution, but is acceptable until a signed resolution is received. If an official signed Tribal resolution is not received by DGM when funding decisions are made, then a NoA will not be issued to that applicant and they will not receive any IHS funds until such time as they have submitted a signed resolution to the Grants Management Specialist listed in this Funding Announcement.

Proof of Non-Profit Status

Organizations claiming non-profit status must submit proof. A copy of the 501(c)(3) Certificate must be received with the application submission by the Application Deadline Date listed under the Key Dates section on page one of this announcement.

An applicant submitting any of the above additional documentation after the initial application submission due date is required to ensure the information was received by the IHS DGM by obtaining documentation confirming delivery (*i.e.* FedEx tracking, postal return receipt, etc.).

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement can be found at *http://www.Grants.gov* or *http://www.ihs.gov/dgm/funding/.*

Questions regarding the electronic application process may be directed to Mr. Paul Gettys at (301) 443–2114 or (301) 443–5204.

2. Content and Form Application Submission

The applicant must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

- Table of contents.
- Abstract (one page) summarizing the project.
- Application forms:
  - SF–424, Application for Federal Assistance.
  - SF–424A, Budget Information—Non-Construction Programs.
  - SF–424B, Assurances—Non-Construction Programs.
- Project Narrative (must be single-spaced and not exceed 10 pages).
  - Includes the statement of need, proposed scope of work, required objectives, and activities that provide a description of what will be accomplished, an Evaluation and Performance Measurement Plan, and a budget/budget narrative.
- Tribal Resolution(s).
- Letters of Support from organization's Board of Directors.
- 501(c)(3) Certificate (if applicable).
- Biographical sketches for all Key Personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required in order to receive IDC).
- Documentation of current Office of Management and Budget (OMB) Financial Audit (if applicable).

Acceptable forms of documentation include:

- Email confirmation from Federal Audit Clearinghouse (FAC) that audits were submitted; or
- Face sheets from audit reports.

These can be found on the FAC Web site: *https://harvester.census.gov/facdissem/Main.aspx*

Public Policy Requirements

All Federal-wide public policies apply to IHS grants and cooperative agreements with exception of the Discrimination policy.

Requirements for Project and Budget Narratives

The project narrative (Parts A through D listed below) and budget/budget narrative should be a separate Word document not to exceed 12 pages total and must: Be single-spaced, type written, have consecutively numbered pages, use black type not smaller than 12 points, and be printed on one side only of standard size 8½″ x 11″ paper.

Be sure to succinctly but completely answer all questions listed under the evaluation criteria (refer to Section V.1, Evaluation criteria in this announcement) and place all responses and required information in the correct section (noted below), or they will not be considered or scored. These narratives will assist the Objective Review Committee (ORC) in becoming familiar with the applicant's activities and accomplishments prior to this possible cooperative agreement award. If the narrative exceeds the page limit, only the first 12 pages will be reviewed. The 12 page limit for the project narrative and budget/budget narrative does not include the work plan, standard forms, Tribal resolutions, table of contents, and/or other appendix items.

A. Project Narrative: (10 Pages)

There are four (4) parts to the project narrative:

Part A—Statement of Need;

Part B—Project Narrative/Proposed Approach;

Part C—Organizational Capacity and Staffing/Administration; and,

Part D—Performance Measurement Plan and Evaluation;

Below are additional details about what must be included in the project narrative.

Part A: Statement of Need (2 Pages)

The statement of need describes the history and catchment area currently served by the applicant YRTC, including Tribal communities (''community'' means the applicant's Tribe, village, Tribal organization, or consortium of Tribes or Tribal organizations). The statement of need provides the facts and evidence that support the need for the project and establishes that the YRTC understands the problems and can reasonably address them. The statement of need must not exceed two single-spaced pages. This section must also succinctly but completely answer the questions listed under the evaluation criteria in Section V.1.A Statement of Need.

- Describe the current service gaps, including disconnection between available services and unmet needs of AI/AN youth, up to and including age 24, and their families. This should include services at the YRTC and in communities where youth reside.
- Describe the need for an enhanced infrastructure to increase the capacity to implement, sustain, and improve effective aftercare activities offered to youth exiting YRTC care and any other service gaps and problems related to the need for infrastructure development within the YRTC.

Part B: Project Narrative/Proposed Approach (4 Pages)

State the purpose, goals and objectives of your proposed project. Clearly state how proposed activities address the needs detailed in the statement of need. Describe fully and clearly plans to meet the six objectives of this funding announcement outlined in the Purpose Section of this announcement. Each objective should be addressed with a corresponding timeframe. This section must succinctly but completely answer the questions listed under the evaluation criteria in Section V.1.B Project Narrative/ Proposed Approach. Provide a work plan for year one project period that details expected key activities, accomplishments, and include responsible staff. [*Note:* The timeline will not count towards the 10 page limit and should be added as an attachment.]

Projects supported through the YRTC Aftercare shall address each objective with specific attention to activities detailed below:

1. Describe plans to increase capacity for aftercare/case management services:

(a) Detail how project will provide support for an additional YRTC coordinator or case management role to:

i. Establish, in partnership with youth, a post treatment plan.

ii. Develop partnerships with service providers and community programs at the community level.

iii. Improve engagement with families and support systems of AI/AN youth while in YRTC care. Suggested activities may include travel assistance for family members to increase participation during youth treatment and positive parenting curriculum to parents while their youth is in care and post-treatment.

(b) Provide Peer Recovery Support Specialist certification

i. Increase placement of peer-to-peer support in partnering community sites where youth reside after discharge.

ii. Provide ongoing training to Peer Recovery Support Specialists from local communities.

2. Describe a plan to create and train community support systems using evidence-based care.

(a) This may include how to identify signs of relapse, how to identify signs of mental health distress, how to navigate community referral processes, positive parenting, and how to manage prescription drugs.

3. Describe projected plans to identify and implement best practices for administering transitional services.

(a) This may include assistance with: Planning for education, referring to natural helpers, referral for housing, accompanying youth to outpatient or other community services, accessing culturally appropriate interventions, consultation with employers, home visiting programs, in-home evaluations of family or living situations, home visiting, parenting support, and transitioning to adult services.

4. Include expected sources and approach to explore and identify new avenues for incorporating social media into aftercare practices (*e.g.,* production of peer to peer support applications for encouragement to find aftercare support through interactive technology).

5. Describe a plan that will support data collection for post residential discharged youth through established data collection plans including post treatment outcomes for AI/AN youth at 30, 60, 90 days, 6 months and one year through a data collection process. (See Section V.1.D Performance Measurement Plan and Evaluation Plan.)

6. Describe a plan to develop evaluation and dissemination activities including lessons learned throughout the three years of funding. This should include presentations at conferences and webinars targeted at the IHS funded YRTCs.

Part C: Organizational Capacity and Staffing/Administration (2 Page)

This section should describe your organization's significant program activities and accomplishments over the past three years outlined by the goals listed under the Purpose Section of this announcement. Current staff and future positions should also be outlined. This section must succinctly but completely answer the questions listed under the evaluation criteria in Section V.1.C Organizational Capabilities and Staffing/Administration.

- Identify qualified professionals who will implement proposed grant activities, administer the grant, including progress and financial reports.
- Identify staff to maintain open and consistent communication with the IHS program official on any financial or programmatic barriers to meeting the requirements of the award.
- Describe the organization's plan to hire or provide salary costs for full-time equivalent (FTE) additional YRTC coordinator or case manager.
- Describe the organizations current system and ability to develop partnerships with service providers and community programs including families and support systems of AI/AN youth residents.
- Describe potential project partners and community resources in the catchment area that can participate in the planning process and infrastructure development.

Part D: Performance Measurement Plan and Evaluation (2 Pages)

This section of the application should describe efforts to collect and report project data that will support and demonstrate YRTC Aftercare Pilot Project activities. YRTC Aftercare grantees will be required to collect and report data pertaining to activities, processes and outcomes. Data collection activities should capture and document actions conducted throughout awarded years including those that will contribute to relevant project impact. This section should also describe applicant's plan to evaluate program activities including any evidence-based treatment programs implemented. The evaluation plan should describe expected results and any identified metrics to support program effectiveness. Evaluation plans should incorporate questions related to outcomes and process including

documentation of lessons learned. This section must succinctly but completely answer the questions listed under the evaluation criteria in Section V.1.D Performance Measurement Plan and Evaluation Plan.

- Describe in a brief narrative a plan to monitor activities under each objective, demonstrate progress towards program outcomes and inform future program decisions over the three-year project period.
- Reporting on this plan will occur on an annual basis and at the end of the project period. IHS will work with awardees during the first six months of the project period to finalize an evaluation and performance measurement plan to better monitor the progress of the activities implemented and outcomes achieved.
- Describe proposed evaluation methods including performance measures and other data relevant to evaluation outcomes including intended results (*i.e.,* impact and outcomes), include any partners who will assist in evaluation efforts if separate from the primary applicant.

B. Budget and Budget Narrative (2 Pages)

This narrative must include a line item budget with a narrative justification for all expenditures identifying reasonable allowable, allocable costs necessary to accomplish the goals and objectives as outlined in the project narrative. The budget should match the scope of work described in the project narrative. The budget and budget narrative should not exceed two pages. This section must succinctly but completely answer the questions listed under the evaluation criteria in Section V.1.E Budget and Budget Narrative.

3. Submission Dates and Times

Applications must be submitted electronically through *Grants.gov* by 11:59 p.m. Eastern Daylight Time (EDT) on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Any application received after the application deadline will not be accepted for processing, nor will it be given further consideration for funding. *Grants.gov* will notify the applicant via email if the application is rejected.

If technical challenges arise and assistance is required with the electronic application process, contact *Grants.gov* Customer Support via email to *support@grants.gov* or at (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Mr. Gettys (*Paul.Gettys@ihs.gov*), DGM Grant Systems Coordinator, by telephone at (301) 443–2114 or (301) 443–5204. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a *Grants.gov* tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one grant/cooperative agreement will be awarded per applicant.
- IHS will not acknowledge receipt of applications.

6. Electronic Submission Requirements

All applications must be submitted electronically. Please use the *http://www.Grants.gov* Web site to submit an application electronically and select the ''Find Grant Opportunities'' link on the homepage. Follow the instructions for submitting an application under the Package tab. Electronic copies of the application may not be submitted as attachments to email messages addressed to IHS employees or offices.

If the applicant needs to submit a paper application instead of submitting electronically through *Grants.gov*, a waiver must be requested. Prior approval must be requested and obtained from Mr. Robert Tarwater, Director, DGM, (see Section IV.6 below for additional information). A written waiver request must be sent to *GrantsPolicy@ihs.gov* with a copy to *Robert.Tarwater@ihs.gov.* The waiver must: (1) Be documented in writing (emails are acceptable), before submitting a paper application, and (2) include clear justification for the need to deviate from the required electronic grants submission process.

Once the waiver request has been approved, the applicant will receive a confirmation of approval email containing submission instructions and the mailing address to submit the application. A copy of the written approval must be submitted along with the hardcopy of the application that is mailed to DGM. Paper applications that are submitted without a copy of the signed waiver from the Director of the DGM will not be reviewed or considered for funding. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Paper applications must be received by the DGM no later than 5:00 p.m., EDT, on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Late applications will not be accepted for processing or considered for funding. Applicants that do not adhere to the timelines for System for Award Management (SAM) and/or *http://www.Grants.gov* registration or that fail to request timely assistance with technical issues will not be considered for a waiver to submit a paper application.

Please be aware of the following:

- Please search for the application package in *http://www.Grants.gov* by entering the CFDA number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application electronically, please contact *Grants.gov* Support directly at: *support@grants.gov* or (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).
- Upon contacting *Grants.gov*, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.
- Applicants are strongly encouraged not to wait until the deadline date to begin the application process through *Grants.gov* as the registration process for SAM and *Grants.gov* could take up to fifteen working days.
- Please use the optional attachment feature in *Grants.gov* to attach additional documentation that may be requested by the DGM.
- All applicants must comply with any page limitation requirements described in this funding announcement.
- After electronically submitting the application, the applicant will receive an automatic acknowledgment from *Grants.gov* that contains a *Grants.gov* tracking number. The DGM will download the application from *Grants.gov* and provide necessary copies to the appropriate agency officials. Neither the DGM nor the DBH will notify the applicant that the application has been received.
- Email applications will not be accepted under this announcement.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

All IHS applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The

DUNS number is a unique 9-digit identification number provided by D&B which uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, you may access it through *http://fedgov.dnb.com/webform,* or to expedite the process, call (866) 705–5711.

All HHS recipients are required by the Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), to report information on sub-awards. Accordingly, all IHS grantees must notify potential first-tier sub-recipients that no entity may receive a first-tier sub-award unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that were not registered with Central Contractor Registration and have not registered with SAM will need to obtain a DUNS number first and then access the SAM online registration through the SAM home page at *https://www.sam.gov* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Completing and submitting the registration takes approximately one hour to complete and SAM registration will take 3–5 business days to process. Registration with the SAM is free of charge. Applicants may register online at *https://www.sam.gov.*

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, can be found on the IHS Grants Management, Grants Policy Web site: *http://www.ihs.gov/dgm/policytopics/.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The 10 page project narrative and 2 page budget/budget narrative should include only the first year of activities; information for multi-year projects should be included as an appendix. See ''Multi-year Project Requirements'' at the end of this section for more information. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. The project narrative and budget/budget narrative should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 65 points is required for funding. Points are assigned as follows:

1. Evaluation Criteria

Applications will be reviewed and scored according to the quality of responses to the required application components in Sections A–E outlined below. In developing the required sections of this application, use the instructions provided for each section, which have been tailored to this program. The application must use the five sections (Sections A–E) listed below in developing the application. The applicant must place the required information in the correct section or it will not be considered for review. The application will be scored according to how well the applicant addresses the requirements for each section listed below. The number of points after each section heading is the maximum number of points the review committee may assign to that section. Although scoring weights are not assigned to individual bullets, each bullet is assessed deriving the overall section score.

A. Statement of Need (25 Points)

The statement of need should not exceed two single-spaced pages. Applications will be evaluated based on following criteria:

- Identify the proposed catchment area and provide demographic information on the population(s) to receive services through the targeted systems or agencies, *e.g.,* race, ethnicity, Federally recognized Tribe, language, age, socioeconomic status, sexual identity (sexual orientation, gender identity), or other relevant factors, such as substance use rates or related health outcomes related to substance use. Describe the stakeholders and resources in the catchment area that can help implement the needed infrastructure development.
- Based on the information and/or data currently available, document the need for an enhanced infrastructure to increase the capacity to implement, sustain, and improve effective aftercare activities offered to youth exiting YRTC care.
- Based on available data, describe the service gaps and other problems related to the need for infrastructure development within the YRTC. Identify the source of the data. Documentation of need may come from a variety of qualitative and quantitative sources. Examples of data sources for the quantitative data that could be used are local epidemiologic data (TECs, IHS area offices), state data (*e.g.,* from state needs assessments), and/or national data (*e.g.,* SAMHSA's National Survey on Drug Use and Health or from National Center for Health Statistics/Centers for Disease Control reports, and census data). This list is not exhaustive; applicants may submit other valid data, as appropriate for the applicant's program.

B. Project Narrative/Proposed Approach (30 Points)

The project narrative required components (listed as the four components in ''Requirements for Project Narrative'') together should not exceed 10 single-spaced pages. Applications will be evaluated based on following criteria:

- Describe the purpose of the proposed project, including a clear statement of goals and objectives. The proposed project narrative is required to address all six objectives listed for Youth Aftercare.

1. Provide aftercare and case management services.
2. Create and train community support systems in evidence-based care.
3. Identify and implement best practices for increasing access to transitional services.
4. Incorporate social media into aftercare practices.
5. Increase data collection for post residential discharged youth.
6. Evaluate and disseminate information among all YRTC facilities.

- Describe how project activities will increase the capacity of a YRTC to improve the coordination of a collaborative behavioral health and wellness service systems including families and partner communities. Describe anticipated barriers and how these barriers will be addressed.
- Describe how the proposed project will address issues of diversity for AI/AN youth up to and including age 24 including race/ethnicity, gender, culture/cultural identity, language, sexual orientation, disability, and literacy.
- Describe how AI/AN youth up to and including age 24 and families may receive services and how they will be involved in the planning and implementation of the project.

• Describe how the efforts of the proposed project will be coordinated with any other related Federal grants, including IHS, SAMHSA, or BIA services provided in the community (if applicable).

• Provide a work plan for year one project period that details expected key activities, accomplishments, and include responsible staff. [*Note:* The timeline will not count towards the 10 page limit and should be added as an attachment.]

C. Organizational Capacity and Staffing/Administration (15 Points) Applications will be evaluated based on following criteria:

• Describe the management capability of the YRTC, applicant Tribe, and other participating organizations in administering similar cooperative agreements and projects.

• Identify staff to maintain open and consistent communication with the IHS program official on any financial or programmatic barriers to meeting the requirements of the award.

• Identify the department/division that will administer this project. Include a description of this entity, its function and its placement within the organization (Tribe, Tribal organization, or UIO) and its direct link to YRTC management.

• Discuss the applicant Tribe, Tribal organization, or UIO experience and capacity to provide culturally appropriate/competent services to the community and specific populations of focus.

• Describe the resources available for the proposed project (*e.g.,* facilities, equipment, information technology systems, and financial management systems).

• Identify other organization(s) that will participate in the proposed project. Describe their roles and responsibilities and demonstrate their commitment to the project. Include a list of these organizations as an attachment to the project proposal/application. In the attached list, indicate the organizations that the Tribe, Tribal organization, or UIO has worked with or currently works with. [*Note:* The attachment will not count as part of the 10 page limit.]

• Describe how project continuity will be maintained if/when there is a change in the operational environment (*e.g.,* staff turnover, change in project leadership, change in elected officials) to ensure project stability over the life of the grant.

• Provide a list of staff positions for the project, project director, project coordinator/caseworker, and other key personnel, showing the role of each and their level of effort and qualifications. Demonstrate successful project implementation for the level of effort budgeted for the behavioral health staff, project director, project coordinator, and other key staff.

• Include position descriptions as attachments to the application for the project director, project coordinator/caseworker, and all key personnel. Position descriptions should not exceed one page each. [*Note:* Attachments will not count against the 10 page maximum.]

• For individuals that are currently on staff, include a biographical sketch (not to include personally identifiable information) for each individual that will be listed as the behavioral health staff, project director, project coordinator, and other key positions. Describe the experience of identified staff in mental health promotion, suicide and substance abuse prevention work in the community/communities. Include each biographical sketch as attachments to the project proposal/application. Biographical sketches should not exceed one page per staff member. Reviewers will not consider information past page one. [*Note:* The attachment will not count as part of the 10 page limit.] Do not include any of the following:

• Personally Identifiable Information;

• Resumes; or

• Curriculum Vitae.

D. Performance Measurement Plan and Evaluation (20 Points)

Describe plans to monitor activities under each objective, demonstrate progress towards program outcomes and inform future program decisions over the three-year project period. Reporting on this plan will occur on an annual basis and at the end of the project period. IHS will work with awardees during the first six months of the project period to finalize an evaluation and performance measurement plan to better monitor the progress of the activities implemented and outcomes achieved. Applications will be evaluated based on following criteria and should address the following points:

• Describe proposed data collection efforts (performance measures and associated data) and how you will use the data to answer evaluation questions. This should include (a data collection method, a data source, a data measurement tool, identified staff for data management, and a data collection timeline).

• Identify key program partners and describe how they will participate in the implementation of the evaluation plan (*e.g.,* Tribal Epidemiology Centers, local Tribal health boards, universities, etc.).

• Describe data collection and evaluation of any proposed evidence-based care programs implemented throughout awarded years.

• Describe how evaluating findings will be used at the applicant level. Discuss how data collected (*i.e.,* performance measurement data) will be used and shared by the key program partners.

• Discuss any barriers or challenges expected for implementing the plan, collecting data (*i.e.,* responding to performance measures), and reporting on evaluation results. Describe how these potential barriers would be overcome. In addition, applicants may also describe other measures to be developed or additional data sources and data collection methods that applicants will use.

E. Budget and Budget Narrative (10 Points)

Applications will be evaluated based on following criteria:

• Include a line item budget for all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative for Budget Year 1 only.

• Applicants should ensure that the budget and budget narrative are aligned with the project narrative. The Budget and Budget Narrative the applicant provides will be considered by reviewers in assessing the applicant's submission, along with the material in the Project Narrative. Questions to address include: What resources are needed to successfully carry out and manage the project? What other resources are available from the organization? Will new staff be recruited? Will outside consultants be required?

• For any outside consultants, include the total cost broken down by activity. This may be most pertinent for activities related to Objective 4.

• The budget and budget narrative must not exceed two single-spaced pages.

Multi-Year Project Requirements

Projects must also include a brief project narrative and budget for years two and three (one additional page per year) addressing the developmental plans for each additional year of the project. [*Note:* The attachment will not count as part of the 12 page limit that makes up the Project and Budget Narrative.]

Additional Documents Can Be Uploaded as Appendix Items in *Grants.gov*

- Work plan, logic model and/or time line for proposed objectives.
- Position descriptions for key staff.
- Resumes of key staff that reflect current duties.
- Consultant or contractor proposed scope of work and letter of commitment (if applicable).
- Current Indirect Cost Agreement.
- Organizational chart.
- Map of area identifying project location(s).
- Additional documents to support narrative (*i.e.* data tables, key news articles, etc.).

1. Review and Selection

Each application will be prescreened by the DGM staff for eligibility and completeness as outlined in the funding announcement. Applications that meet the eligibility criteria shall be reviewed for merit by the ORC based on evaluation criteria in this funding announcement. The ORC could be composed of both Tribal and Federal reviewers appointed by the IHS Program to review and make recommendations on these applications. The technical review process ensures selection of quality projects in a national competition for limited funding. Incomplete applications and applications that are non-responsive to the eligibility criteria will not be referred to the ORC. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Applicants will be notified by DGM, via email, to outline minor missing components (*i.e.,* budget narratives, audit documentation, key contact form) needed for an otherwise complete application. All missing documents must be sent to DGM on or before the due date listed in the email of notification of missing documents required.

To obtain a minimum score for funding by the ORC, applicants must address all program requirements and provide all required documentation.

VI. Award Administration Information

2. Award Notices

The Notice of Award (NoA) is a legally binding document signed by the Grants Management Officer and serves as the official notification of the grant award. The NoA will be initiated by the DGM in our grant system, GrantSolutions (*https://www.grantsolutions.gov*). Each entity that is approved for funding under this announcement will need to request or have a user account in GrantSolutions in order to retrieve their NoA. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period.

Disapproved Applicants

Applicants who received a score less than the recommended funding level for approval, 65, and were deemed to be disapproved by the ORC, will receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC outlining the strengths and weaknesses of their application. The summary statement will be sent to the Authorized Organizational Representative that is identified on the face page (SF–424) of the application. The IHS program office will also provide additional contact information as needed to address questions and concerns as well as provide technical assistance if desired.

Approved But Unfunded Applicants

Approved but unfunded applicants that met the minimum scoring range and were deemed by the ORC to be ''Approved,'' but were not funded due to lack of funding, will have their applications held by DGM for a period of one year. If additional funding becomes available during the course of FY 2017 the approved but unfunded application may be re-considered by the awarding program office for possible funding. The applicant will also receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC.

Note: Any correspondence other than the official NoA signed by an IHS grants management official announcing to the project director that an award has been made to their organization is not an authorization to implement their program on behalf of IHS.

2. Administrative Requirements

Cooperative agreements are administered in accordance with the following regulations and policies:

A. The criteria as outlined in this program announcement.

B. Administrative Regulations for Grants:

- Uniform Administrative Requirements for HHS Awards, located at 45 CFR part 75.

C. Grants Policy:

- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

- Uniform Administrative Requirements for HHS Awards, ''Cost Principles,'' located at 45 CFR part 75, subpart E.

E. Audit Requirements:

- Uniform Administrative Requirements for HHS Awards, ''Audit Requirements,'' located at 45 CFR part 75, subpart F.

3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs (IDC) in their grant application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate is provided to the DGM.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* and the Department of Interior (Interior Business Center) *https://www.doi.gov/ibc/services/finance/indirect-Cost-Services/indian-Tribes.* For questions regarding the indirect cost policy, please call the Grants Management Specialist listed under ''Agency Contacts'' or the main DGM office at (301) 443–5204.

4. Reporting Requirements

The grantee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) the imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports. Per DGM policy, all reports are required to be submitted electronically by attaching them as a ''Grant Note'' in GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please

see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required annually, within 30 days after the budget period ends. These reports must include a brief comparison of actual accomplishments to the goals established for the period, a summary of progress to date or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Reports

Federal Financial Report (FFR or SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Payment Management Services, HHS at *https://pms.psc.gov.* It is recommended that the applicant also send a copy of the FFR (SF–425) report to the Grants Management Specialist. Failure to submit timely reports may cause a disruption in timely payments to the organization.

Grantees are responsible and accountable for accurate information being reported on all required reports: The Progress Reports and Federal Financial Report.

C. Federal Sub-Award Reporting System (FSRS)

This award may be subject to the Transparency Act sub-award and executive compensation reporting requirements of 2 CFR part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier sub-awards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 sub-award obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the project period is made up of more than one budget period) and where: (1) The project period start date was October 1, 2010 or after and (2) the primary awardee will have a $25,000 sub-award obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting.

For the full IHS award term implementing this requirement and additional award applicability information, visit the DGM Grants Policy Web site at: *http://www.ihs.gov/dgm/policytopics/.*

D. Compliance With Executive Order 13166 Implementation of Services

Accessibility Provisions for All Grant Application Packages and Funding Opportunity Announcements

Recipients of federal financial assistance (FFA) from HHS must administer their programs in compliance with federal civil rights law. This means that recipients of HHS funds must ensure equal access to their programs without regard to a person's race, color, national origin, disability, age and, in some circumstances, sex and religion. This includes ensuring your programs are accessible to persons with limited English proficiency. HHS provides guidance to recipients of FFA on meeting their legal obligation to take reasonable steps to provide meaningful access to their programs by persons with limited English proficiency. Please see *http://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-VI/.*

The HHS Office for Civil Rights (OCR) also provides guidance on complying with civil rights laws enforced by HHS. Please see *http://www.hhs.gov/civil-rights/for-individuals/section-1557/index.html;* and *http://www.hhs.gov/civil-rights/index.html.* Recipients of FFA also have specific legal obligations for serving qualified individuals with disabilities. Please see *http://www.hhs.gov/civil-rights/for-individuals/disability/index.html.* Please contact the HHS OCR for more information about obligations and prohibitions under federal civil rights laws at *http://www.hhs.gov/ocr/about-us/contact-us/headquarters-and-regional-addresses/index.html* or call 1–800–368–1019 or TDD 1–800–537–7697. Also note it is an HHS Departmental goal to ensure access to quality, culturally competent care, including long-term services and supports, for vulnerable populations. For further guidance on providing culturally and linguistically appropriate services, recipients should review the National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care at *http://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53.*

Pursuant to 45 CFR 80.3(d), an individual shall not be deemed subjected to discrimination by reason of his/her exclusion from benefits limited by federal law to individuals eligible for benefits and services from the IHS.

Recipients will be required to sign the HHS–690 Assurance of Compliance form which can be obtained from the following Web site: *http://www.hhs.gov/sites/default/files/forms/hhs-690.pdf,* and send it directly to the: U.S. Department of Health and Human Services, Office of Civil Rights, 200 Independence Ave. SW., Washington, DC 20201.

F. Federal Awardee Performance and Integrity Information System (FAPIIS)

The IHS is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS) before making any award in excess of the simplified acquisition threshold (currently $150,000) over the period of performance. An applicant may review and comment on any information about itself that a federal awarding agency previously entered. IHS will consider any comments by the applicant, in addition to other information in FAPIIS in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 45 CFR 75.205.

As required by 45 CFR part 75 Appendix XII of the Uniform Guidance, non-federal entities (NFEs) are required to disclose in FAPIIS any information about criminal, civil, and administrative proceedings, and/or affirm that there is no new information to provide. This applies to NFEs that receive federal awards (currently active grants, cooperative agreements, and procurement contracts) greater than $10,000,000 for any period of time during the period of performance of an award/project.

Mandatory Disclosure Requirements

As required by 2 CFR part 200 of the Uniform Guidance, and the HHS implementing regulations at 45 CFR part 75, effective January 1, 2016, the IHS must require a non-federal entity or an applicant for a federal award to disclose, in a timely manner, in writing to the IHS or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award.

Submission is required for all applicants and recipients, in writing, to the IHS and to the HHS Office of Inspector General all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. 45 CFR 75.113.

Disclosures must be sent in writing to:

U.S. Department of Health and Human Services, Indian Health Service, Division of Grants Management, ATTN: Robert Tarwater, Director, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857. (Include ''Mandatory Grant Disclosures'' in subject line). Office: (301) 443–5204, Fax: (301) 594–0899, Email: *Robert.Tarwater@ihs.gov*.

AND

U.S. Department of Health and Human Services, Office of Inspector General, ATTN: Mandatory Grant Disclosures, Intake Coordinator, 330 Independence Avenue SW., Cohen Building, Room 5527, Washington, DC 20201, URL: *http://oig.hhs.gov/fraud/report-fraud/index.asp*. (Include ''Mandatory Grant Disclosures'' in subject line). Fax: (202) 205–0604 (Include ''Mandatory Grant Disclosures'' in subject line) or Email: *MandatoryGranteeDisclosures@oig.hhs.gov*.

Failure to make required disclosures can result in any of the remedies described in 45 CFR 75.371 Remedies for noncompliance, including suspension or debarment (See 2 CFR parts 180 & 376 and 31 U.S.C. 3321).

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to: Raven Ross, Division of Behavioral Health, 5600 Fishers Lane, Mail Stop: 08N34–A, Rockville, MD 20857, Fax: (301) 594–6213, Email: *Raven.Ross@ihs.gov*.

2. Questions on grants management and fiscal matters may be directed to: Andrew Diggs, Senior Grants Management Specialist, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, (301) 443–2241, Fax: (301) 594–0899, Email: *Andrew.Diggs@ihs.gov*.

3. Questions on systems matters may be directed to: Paul Gettys, Grant Systems Coordinator, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, Phone: (301) 443–2114; or the DGM main line (301) 443–5204, Fax: (301) 594–0899, Email: *Paul.Gettys@ihs.gov*.

VIII. Other Information

The Public Health Service strongly encourages all cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Dated: September 29, 2017.

Michael D. Weahkee,

RADM, Assistant Surgeon General, U.S. Public Health Service, Acting Director, Indian Health Service.

[FR Doc. 2017–21786 Filed 10–10–17; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Preventing Alcohol-Related Deaths (PARD) Through Social Detoxification; Extension of Due Dates

AGENCY: Indian Health Service, HHS.

ACTION: Notice; extension of due dates.

SUMMARY: The Indian Health Service published a notice in the **Federal Register** (FR) on August 14, 2017, for the Fiscal Year 2017 Preventing Alcohol-Related Deaths (PARD) through Social Detoxification program, Funding Announcement Number: HHS–2017–IHS–PARD–0001. Several Key Dates have been modified.

FOR FURTHER INFORMATION CONTACT: Paul Gettys, Grant Systems Coordinator, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, Phone: (301) 443–2114; or the Division of Grants Management main line (301) 443–5204, or Fax: (301) 594–0899.

Correction

In the FR notice of August 14, 2017 (FR 2017–17102), the corrections are:

On page 37877, in the first column, under the heading *Key Dates,* the correction for *Application Deadline Date, Review Date, Earliest Anticipated Start Date, Signed Tribal Resolutions Due Date, and Proof of Non-Profit Status Due Date* should read as:

- *Application Deadline Date:* September 18, 2017.
- *Review Date:* September 19, 2017.
- *Earliest Anticipated Start Date:* September 30, 2017
- *Signed Tribal Resolutions Due Date:* September 18, 2017.
- *Proof of Non-Profit Status Due Date:* September 18, 2017.

Dated: September 29, 2017.

Michael D. Weahkee,

RADM, Assistant Surgeon General, U.S. Public Health Service, Acting Director, Indian Health Service.

[FR Doc. 2017–21798 Filed 10–10–17; 8:45 am]

BILLING CODE 4160–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Behavioral Health Integration Initiative (BH2I); Extension of Due Dates

AGENCY: Indian Health Service, HHS.

ACTION: Notice; extension of due dates.

SUMMARY: The Indian Health Service published a notice in the **Federal Register** (FR) on August 14, 2017, for the Fiscal Year 2017 Behavioral Health Integration Initiative (BH2I), Funding Announcement Number: HHS–2017–IHS–BH2I–0001. Several Key Dates have been modified.

FOR FURTHER INFORMATION CONTACT: Paul Gettys, Grant Systems Coordinator, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, Phone: (301) 443–2114; or the Division of Grants Management (301) 443–5204, or Fax: (301) 594–0899.

Correction

In the FR notice of August 14, 2017, (FR 2017–17103), the corrections are made:

On page 37870, in the first column, under the heading *Key Dates,* the correction for *Application Deadline Date, Review Date, Earliest Anticipated Start Date, Signed Tribal Resolutions Due Date, and Proof of Non-Profit Status Due Date* should read as:

- *Application Deadline Date:* September 18, 2017.
- *Review Date:* September 19, 2017.
- *Earliest Anticipated Start Date:* September 30, 2017.
- *Signed Tribal Resolutions Due Date:* September 18, 2017.
- *Proof of Non-Profit Status Due Date:* September 18, 2017.

Dated: September 29, 2017.

Michael D. Weahkee,

RADM, Assistant Surgeon General, U.S. Public Health Service, Acting Director, Indian Health Service.

[FR Doc. 2017–21796 Filed 10–10–17; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, 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: Cell Biology Integrated Review Group; Membrane Biology and Protein Processing Study Section.

Date: October 30–31, 2017.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda Downtown, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Janet M Larkin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, 301–806–2765, *larkinja@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Physiology and Pathobiology of Cardiovascular and Respiratory Systems.

Date: November 2–3, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.

Contact Person: Eugene Carstea, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7818, Bethesda, MD 20892, (301) 408–9756, *carsteae@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Review of Neuroscience AREA Grant Applications.

Date: November 2–3, 2017.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Darcy, Curio Collection by Hilton, 1515 Rhode Island Ave. NW., Washington, DC 20005.

Contact Person: Richard D Crosland, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, 301–694–7084, *crosland@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Oncological Sciences Fellowship Panel.

Date: November 2–3, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.

Contact Person: Jian Cao, MD, Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–5902, *caojn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Chemistry Fellowships.

Date: November 2, 2017.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Mike Radtke, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, 301–435–1728, *radtkem@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetics of Health and Disease Study Section.

Date: November 2–3, 2017.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Cheryl M Corsaro, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, (301) 435–1045, *corsaroc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Manganese Transport and Toxicity.

Date: November 2, 2017.

Time: 10:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jana Drgonova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–827–2549, *jdrgonova@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 16–234: Accelerating the Pace of Drug Abuse Research Using Existing Data.

Date: November 2, 2017.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kate Fothergill, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3142, Bethesda, MD 20892, 301–435–2309, *fothergillke@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR16–170: Noise-Induced Cochlear Synaptopathy.

Date: November 2, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ying-Yee Kong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5185, Bethesda, MD 20892, *ying-yee.kong@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Hepatology.

Date: November 2, 2017.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jonathan K Ivins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2190, MSC 7850, Bethesda, MD 20892, (301) 594–1245, *ivinsj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–15–024: Molecular Profiles and Biomarkers of Food and Nutrient Intake.

Date: November 2, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Gregory S Shelness, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6156, Bethesda, MD 20892–7892, (301) 435–0492, *shelnessgs@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 4, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21827 Filed 10–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Biological Aging Review Committee.

Date: October 5–6, 2017.

Time: 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Pooks Hill, 5151 Pooks Hill Rd., Bethesda, MD 20814.

Contact Person: Bita Nakhai, Ph.D., Scientific Review Branch, National Institute on Aging, Gateway Bldg., 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20814, 301–402–7701, *nakhaib@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: October 4, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21829 Filed 10–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: November 30–December 1, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel, 4300 Military Road, Washington, DC 20015.

Contact Person: Cathy J. Wedeen, Ph.D., Scientific Review Officer, Division of Scientific Review, OD, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6100 Executive Blvd., Room 5B01–G, Bethesda, MD 20892, 301–435–6878, *wedeenc@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: October 4, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21831 Filed 10–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 Eye Institute Special Emphasis Panel; NEI Clinician Scientist Mentored Training Grant Applications, K08 and K23.

Date: October 30–31, 2017.

Time: 10:00 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Anne E. Schaffner, Ph.D., Chief, Scientific Review Branch, Division of Extramural Research, National Eye Institute, 5635 Fishers Lane, Suite 1300, MSC 9300, Bethesda, MD 20892–9300, (301) 451–2020, *aes@nei.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: October 4, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21828 Filed 10–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; HIV Vaccine Research and Design (HIVRAD) Program (P01).

Date: November 6–7, 2017.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Audrey O. Lau, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9823, Rockville, MD 20852, 240–669–2081.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 4, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21830 Filed 10–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0038]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Petition To Remove Conditions on Residence

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until November 13, 2017. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number [1615–0038] in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on June 30, 2017, at 82 FR 29912, allowing for a 60-day public comment period. USCIS did receive two comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2009–0008 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition to Remove the Conditions on Residence.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–751; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households.* This form is used by USCIS to verify the petitioner's status and determine whether they are eligible to have the conditions on their permanent resident status removed.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–751 is 159,119 and the estimated hour burden per response is 3.75 hours. The estimated total number of respondents for biometric processing is 318,238 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 969,035 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $19,492,200.

Dated: October 5, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–21884 Filed 10–10–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2610–17; DHS Docket No. USCIS–2014–0003]

RIN 1615–ZB66

Termination of the Designation of Sudan for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice.

SUMMARY: The designation of Sudan for Temporary Protected Status (TPS) is set to expire on November 2, 2017. After reviewing country conditions and consulting with the appropriate U.S. Government agencies, the Secretary of Homeland Security (Secretary) has determined that conditions in Sudan have sufficiently improved for TPS purposes and no longer support a designation for TPS. Therefore, the Secretary is terminating the TPS designation of Sudan. To provide for an orderly transition, this termination is effective November 2, 2018, twelve months following the end of the current designation.

Nationals of Sudan (and aliens having no nationality who last habitually resided in Sudan) who have been

granted TPS and wish to maintain their TPS and have their current TPS-based Employment Authorization Documents (EAD) extended through November 2, 2018, should re-register for TPS in accordance with the procedures set forth in this Notice. On November 3, 2018, nationals of Sudan (and aliens having no nationality who last habitually resided in Sudan) who have been granted TPS under the Sudan designation will no longer have TPS.

DATES: The designation of Sudan for TPS is terminated, effective at 11:59 p.m., local time, on November 2, 2018. The 60-day re-registration period runs from October 11, 2017 through December 11, 2017. (**Note:** It is important for re-registrants to timely re-register during this 60-day period and not to wait until their EADs expire.)

FOR FURTHER INFORMATION CONTACT:

- You can contact Alexander King, Branch Chief, Waivers and Temporary Services Branch, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW., Washington DC 20529–2060; or by phone at (202) 272–8377 (this is not a toll-free number). Note: The phone number provided here is solely for questions regarding this TPS Notice. It is not for individual case status inquiries.
- For further information on TPS, including guidance on the application process and additional information on eligibility, please visit the USCIS TPS Web page at *http://www.uscis.gov/tps.* You can find specific information about this termination of Sudan for TPS by selecting ''Sudan'' from the menu on the left side of the TPS Web page.
- Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833). Service is available in English and Spanish.
- Further information will also be available at local USCIS offices upon publication of this Notice.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BIA—Board of Immigration Appeals
DHS—Department of Homeland Security
DOS—Department of State
EAD—Employment Authorization Document
FNC—Final Nonconfirmation
Government—U.S. Government
IJ—Immigration Judge
INA—Immigration and Nationality Act
IER—U.S. Department of Justice Civil Rights Division, Immigrant and Employee Rights Section (IER)
SAVE—USCIS Systematic Alien Verification for Entitlements Program
Secretary—Secretary of Homeland Security
TNC—Tentative Nonconfirmation
TPS—Temporary Protected Status
TTY—Text Telephone
USCIS—U.S. Citizenship and Immigration Services

Through this Notice, DHS sets forth procedures necessary for eligible nationals of Sudan (or aliens having no nationality who last habitually resided in Sudan) to re-register for TPS and to apply for renewal of their EADs with USCIS. Re-registration is limited to persons who have previously registered for TPS under the designation of Sudan and whose applications have been granted.

- For individuals who have already been granted TPS under Sudan's designation, the 60-day re-registration period runs from October 11, 2017 through December 11, 2017. USCIS will issue new EADs with a November 2, 2018 expiration date to eligible Sudan TPS beneficiaries who timely re-register and apply for EADs. Given the timeframes involved with processing TPS re-registration applications, DHS recognizes that not all re-registrants will receive new EADs before their current EADs expire on November 2, 2017. However, provided a Sudan TPS beneficiary timely re-registers and properly files an application for an EAD during the 60-day re-registration period, his or her EAD will be automatically extended for an additional period not to exceed 180 days from the date the current EAD expires, *i.e.,* through May 1, 2018. This notice explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and their impact on Employment Eligibility Verification (Form I–9) and the E-Verify processes.

What is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the Immigration and Nationality Act (INA), or to eligible persons without nationality who last habitually resided in the designated country.
- During the TPS designation period and so long as a TPS beneficiary continues to meet the requirements of TPS, he or she is eligible to remain in the United States, may not be removed, and is authorized to work and obtain an EAD.
- TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion.
- The granting of TPS does not result in or lead to lawful permanent resident status.
- To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(2), 8 U.S.C. 1254a(c)(2).
- When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status they maintained before TPS, if any (unless that status has since expired or been terminated), or to any other lawfully obtained immigration status they received while registered for TPS that is still valid on the date TPS terminates.

When was Sudan designated for TPS?

On November 4, 1997, the Attorney General designated Sudan for TPS due to: (1) An ongoing armed conflict, and that because of such conflict, requiring the return of nationals to Sudan would pose a serious threat to their personal safety; and, (2) extraordinary and temporary conditions within Sudan that prevented nationals from returning to Sudan in safety. *See Designation of Sudan Under Temporary Protected Status,* 62 FR 59737 (Nov. 4, 1997). Since the initial designation, the Attorney General and, later, the Secretary, have extended TPS and/or redesignated Sudan for TPS. Sudan's most recent redesignation for TPS was in 2013, when the Secretary both extended Sudan's designation and redesignated Sudan for TPS for 18 months. *See Extension and Redesignation of Sudan for Temporary Protected Status,* 78 FR 1872 (Jan. 9, 2013). Sudan's TPS designation was most recently extended in 2016, when the Secretary extended Sudan's designation for TPS for 18 months through November 2, 2017. *See Extension and Redesignation of Sudan for Temporary Protected Status,* 81 FRN 4045 (Jan. 25, 2016).

What authority does the Secretary have to terminate the designation of Sudan for TPS?

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate U.S. Government agencies, to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist.[1] The Secretary

[1] As of March 1, 2003, in accordance with section 1517 of title XV of the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, any reference to the Attorney General in a provision of the INA describing functions transferred from the Department of Justice to the Department of Homeland Security (DHS) ''shall be deemed to refer

Continued

may then grant TPS to eligible nationals of that foreign state (or eligible aliens having no nationality who last habitually resided in the designated country). *See* INA section 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a country's TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in a foreign state designated for TPS to determine whether the conditions for the TPS designation continue to be met. *See* INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary does not determine that a foreign state no longer meets the conditions for TPS designation, the designation will be extended for an additional period of 6 months, or in the Secretary's discretion, 12, or 18 months. *See* INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation, but such termination may not take effect earlier than 60 days after the date the **Federal Register** notice of termination is published, or if later, the expiration of the most recent previous extension of the country designation. *See* INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B). The Secretary may determine the appropriate effective date of the termination and the expiration of any TPS-related documentation, such as EADs, for the purpose of providing an orderly transition. *See* id.; INA section 244(d)(3), 8 U.S.C. 1254a(d)(3).

Why is the Secretary terminating the TPS designation for Sudan as of November 2, 2018?

DHS and the Department of State (DOS) have reviewed the conditions in Sudan. Based on this review and consultation, the Secretary has determined that conditions in Sudan have sufficiently improved for TPS purposes. Termination of the TPS designation of Sudan is required because it no longer meets the statutory conditions for designation. The ongoing armed conflict no longer prevents the return of nationals of Sudan to all regions of Sudan without posing a serious threat to their personal safety. Further, extraordinary and temporary conditions within Sudan no longer prevent nationals from returning in safety to all regions of Sudan. To provide for an orderly transition, this termination is effective November 2, 2018, twelve months following the end of the current designation.

Conflict in Sudan is limited to Darfur and the Two Areas (South Kordofan and Blue Nile states). As a result of the continuing armed conflict in these regions, hundreds of thousands of Sudanese have fled to neighboring countries. However, in Darfur, toward the end of 2016 and through the first half of 2017, parties to the conflict renewed a series of time-limited unilateral cessation of hostilities declarations, resulting in a reduction in violence and violent rhetoric from the parties to the conflict. The remaining conflict is limited and does not prevent the return of nationals of Sudan to all regions of Sudan without posing a serious threat to their personal safety.

Above-average harvests have moderately improved food security across much of Sudan. While populations in conflict-affected areas continue to experience acute levels of food insecurity, there has also been some improvement in access for humanitarian actors to provide much-needed humanitarian aid.

Although Sudan's human rights record remains extremely poor in general, conditions on the ground no longer prevent all Sudanese nationals from returning in safety.

Taking into account the geographically limited scope of the conflict, the renewed series of unilateral cessation of hostilities declarations and concomitant reduction in violence and violent rhetoric from the parties to the conflict, and improvements in access for humanitarian actors to provide aid, the Secretary has determined that the ongoing armed conflict and extraordinary and temporary conditions that served as the basis for Sudan's most recent designation have sufficiently improved such that they no longer prevent nationals of Sudan from returning in safety to all regions of Sudan. Based on this determination, the Secretary has concluded that termination of the TPS designation of Sudan is required because Sudan no longer meets the statutory conditions for designation. To provide for an orderly transition, this termination is effective November 2, 2018, twelve months following the end of the current designation. DHS estimates that there are approximately 1,040 nationals of Sudan (and aliens having no nationality who last habitually resided in Sudan) who currently receive TPS benefits.

Notice of Termination of the TPS Designation of Sudan

By the authority vested in me as Secretary under INA section 244, 8 U.S.C. 1254a, I have determined, after consultation with the appropriate U.S. Government agencies, that Sudan no longer meets the conditions for designation of TPS under 244(b)(1) of the Act. 8 U.S.C. 1254a(b)(1). Accordingly, I order as follows:

(1) Pursuant to INA section 244(b)(3)(B), to provide for an orderly transition, the designation of Sudan for TPS is terminated effective at 11:59 p.m., local time, on November 2, 2018, 12 months following the end of the current designation.

(2) Information concerning the termination of TPS for nationals of Sudan (and aliens having no nationality who last habitually resided in Sudan) will be available at local USCIS offices upon publication of this Notice and through the USCIS National Customer Service Center at 1–800–375–5283. This information will be published on the USCIS Web site at *www.USCIS.gov.*

Elaine C. Duke,

Acting Secretary.

Required Application Forms and Application Fees To Re-Register for TPS

To re-register for TPS based on the designation of Sudan, you must submit each of the following applications:

1. Application for Temporary Protected Status (Form I–821):

- You do not need to pay the fee for the Form I–821. *See* 8 CFR 244.17.

2. Application for Employment Authorization (Form I–765):

- If you want an EAD, you must pay the fee (or request a fee waiver) for the Application for Employment Authorization (Form I–765), regardless of your age.
- If you do not want an EAD, you do not have to pay the Form I–765 fee.

If you do not want to request an EAD now, you may also file Form I–765 later to request an EAD and pay the fee (or request a fee waiver), provided that you still have TPS or a pending TPS application. Your EAD application will be considered timely filed even if the date on your current TPS-related EAD has expired. However, if you do not timely re-register and properly file an EAD application, the validity of your current EAD will end on November 2, 2017. Accordingly, you must also properly file your EAD application during the 60-day re-registration period for your current EAD to be automatically extended for 180 days (*i.e.,* through May 1, 2018). You are

to the Secretary'' of Homeland Security. *See* 6 U.S.C. 557 (codifying the Homeland Security Act of 2002, tit. XV, section 1517).

strongly encouraged to properly file your EAD application as early as possible during the 60-day re-registration period to avoid lapses in your employment authorization and to ensure that you receive your Form I–797C, Notice of Action, prior to November 2, 2017.

You must submit both completed forms together. If you are unable to pay the application form fee for the I–765 and/or biometrics fee, you may complete a Request for Fee Waiver (Form I–912) or submit a personal letter requesting a fee waiver with satisfactory supporting documentation. For more information on the application forms and fees for TPS, please visit the USCIS TPS Web page at *http://www.uscis.gov/tps.* Fees for the Form I–765, and biometric services are also described in 8 CFR 103.7(b)(1)(i).

Biometric Services Fee

Biometrics (such as fingerprints) are required for all applicants 14 years and older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay for the biometric services fee, you may complete a Form I–912 or submit a personal letter requesting a fee waiver with satisfactory supporting documentation. For more information on the biometric services fee, please visit the USCIS Web site at *http://www.uscis.gov.* If necessary, you may be required to visit an Application Support Center to have your biometrics captured.

Re-Filing a Re-Registration TPS Application After Receiving a Denial of a Fee Waiver Request

You should file as soon as possible within the 60-day re-registration period so USCIS can process your application and issue any EAD promptly. Properly filing early will also allow you to have time to re-file your application before the deadline and receive a Form I–797C demonstrating your EAD's automatic extension, should USCIS deny your fee waiver request. If, however, you receive a denial of your fee waiver request and are unable to re-file by the re-registration deadline, you may still re-file your I–765 application. This situation will be reviewed to determine whether you established good cause for late re-registration. However, you are urged to re-file within 45 days of the date on any USCIS fee waiver denial notice, if possible. *See* INA section 244(c)(3)(C); 8 U.S.C. 1254a(c)(3)(C); 8 CFR 244.17(b). For more information on good cause for late re-registration, visit the USCIS TPS Web page at *http://www.uscis.gov/tps.*

Note: Although a re-registering TPS beneficiary age 14 and older must pay the biometric services fee (but not the initial Form I–821 fee) when filing a TPS re-registration application, you may decide to wait to request an EAD, and therefore not pay the Form I–765 fee (or request a fee waiver) until after USCIS has approved your TPS re-registration, if you are eligible. If you choose to do this, you would file the Form I–821 with the biometrics services fee, if applicable, (or request a fee waiver) and the Form I–765 without the fee and without requesting an EAD.

Mailing Information

Mail your application for TPS to the proper address in Table 1.

TABLE 1—MAILING ADDRESSES

If . . .	Mail to . . .
You are applying through the U.S. Postal Service.	USCIS, Attn: TPS Sudan, P.O. Box 6943, Chicago, IL 60680–6943.
For FedEx, UPS, and DHL deliveries:	USCIS, Attn: TPS Sudan, 131 S. Dearborn Street, 3rd Floor, Chicago, IL 60603–5517.

If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA) and you wish to request an EAD or are re-registering for the first time following a grant of TPS by an IJ or the BIA, please mail your application to the appropriate mailing address in Table 1. When re-registering and/or requesting an EAD based on an IJ/BIA grant of TPS, please include a copy of the IJ or BIA order granting you TPS with your application. This will aid in the verification of your grant of TPS and processing of your application, as USCIS may not have received records of your grant of TPS by either the IJ or the BIA.

Supporting Documents

The filing instructions on the Application for Temporary Protected Status (Form I–821) list all the documents needed to establish eligibility for TPS. You may also find information on the acceptable documentation and other requirements for applying or registering for TPS on the USCIS Web site at *www.uscis.gov/tps* under ''Sudan.''

Do I need to submit additional supporting documentation?

If one or more of the questions listed in Part 4, Question 2 of the Form I–821 applies to you, then you must submit an explanation on a separate sheet(s) of paper and/or additional documentation.

Employment Authorization Document (EAD)

How can I obtain information on the status of my EAD request?

To get case status information about your TPS application, including the status of a request for an EAD, you can check Case Status Online at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833). If your Form I–765 has been pending for more than 90 days, and you still need assistance, you may request an EAD inquiry appointment with USCIS by using the InfoPass system at *https://infopass.uscis.gov.* However, we strongly encourage you first to check Case Status Online or call the USCIS National Customer Service Center for assistance before making an InfoPass appointment.

Am I eligible to receive an extension of my current EAD while I wait for my new one to arrive?

Provided that you currently have a Sudan TPS-based EAD, you may be eligible to have the validity of your current EAD extended for 180 days (through May 1, 2018) if you:

- Are a national of Sudan (or an alien having no nationality who last habitually resided in Sudan);
- Received an EAD under the designation of Sudan for TPS;
- Have an EAD with a marked expiration date of November 2, 2017, bearing the notation ''A–12'' or ''C–19'' on the face of the card under ''Category;''
- Timely re-registered for TPS during the 60-day re-registration period; and
- Properly filed an application for an EAD during the 60-day re-registration period.

You must timely re-register for TPS in accordance with the procedures described in this Notice if you would like to maintain your TPS and in order to have the validity of your current EAD extended by 180 days. You are strongly encouraged to file your EAD renewal application as early as possible during the 60-day re-registration period to avoid lapses in your employment authorization.

When hired, what documentation may I show to my employer as evidence of employment authorization and identity when completing Employment Eligibility Verification (Form I–9)?

You can find a list of acceptable document choices on the ''Lists of Acceptable Documents'' for Form I–9. You can find additional detailed information about Form I–9 on the

USCIS I–9 Central Web page at *http://www.uscis.gov/I-9Central.* Employers are required to verify the identity and employment authorization of all new employees by using Form I–9. Within three days of hire, an employee must present evidence of identity and employment authorization to his or her employer by presenting documentation sufficient to satisfy Form I–9 requirements.

You may present any document from List A (which provides evidence of both identity and employment authorization), or one document from List B (which provides evidence of your identity) together with one document from List C (which is evidence of employment authorization), or you may present an acceptable receipt for List A, List B, or List C documents as described in the Form I–9 Instructions. An EAD is an acceptable document under List A. Employers may not reject a document based on a future expiration date.

If your EAD has an expiration date of November 2, 2017, and states ''A–12'' or ''C–19'' under ''Category,'' and you timely and properly filed an EAD renewal application during the 60-day re-registration period, you may choose to present your EAD to your employer together with the Form I–797C Notice of Action (showing the qualifying eligibility category of either A–12 or C–19) as a List A document that provides evidence of your identity and employment authorization for Form I–9 through May 1, 2018, unless your TPS has been finally withdrawn or your request for TPS has been finally denied. See the subsection titled, ''*How do my employer and I complete the Employment Eligibility Verification (Form I–9) using an automatically extended EAD for a new job?*'' for further information.

To minimize confusion over this extension at the time of hire, you should explain to your employer that your EAD has been automatically extended through May 1, 2018. You may also provide your employer with a copy of this **Federal Register** Notice which explains how your EAD could be automatically extended; however, this **Federal Register** Notice is not acceptable evidence that your EAD has been automatically extended. As an alternative to presenting evidence of your automatically extended EAD, you may choose to present any other acceptable document from List A, a combination of one selection from List B and one selection from List C, or a valid receipt.

What documentation may I show my employer for my Employment Eligibility Verification (Form I–9) if I am already employed but my current TPS-related EAD is set to expire?

Even though you may be eligible to have your EAD automatically extended, your employer will need to ask you about your continued employment authorization no later than before you start work on November 3, 2017. You will need to present your employer with evidence that you are still authorized to work. Once presented, you may correct your employment authorization expiration date in Section 1 and your employer should correct the employment authorization document expiration date in Section 2 of Form I–9. See the subsection titled, ''*What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my employment authorization has been automatically extended?*'' for further information. In addition, you may also show this Notice to your employer to explain what to do for Form I–9.

When you properly file your Form I–765 to renew your current EAD, you will receive a USCIS receipt notice (Form I–797C). The receipt notice will state that your current ''A–12'' or ''C–19'' coded EAD is automatically extended for 180 days. You may show this receipt notice to your employer along with your EAD to confirm your EAD has been automatically extended through May 1, 2018, unless your TPS has been finally withdrawn or your request for TPS has been finally denied. You may also show this **Federal Register** Notice to your employer to minimize confusion; however, this **Federal Register** Notice is not acceptable evidence that your EAD has been automatically extended. To avoid delays in receiving the Form I–797C and a lapse in your employment authorization, you should file your EAD renewal application as early as possible during the re-registration period.

The last day of the automatic EAD extension is May 1, 2018. Before you start work on May 2, 2018, your employer must reverify your employment authorization. At that time, you must present any document from List A or any document from List C on Form I–9 Lists of Acceptable Documents, or an acceptable List A or List C receipt described in the Form I–9 Instructions to reverify employment authorization. Your employer should either complete Section 3 of the Form I–9 originally completed for you; or if this section has already been completed or if the version of Form I–9 has expired (check the date in the bottom left-hand corner of the form), complete Section 3 of a new Form I–9 ensuring it is the most current version. Note that your employer may not specify which List A or List C document you must present and cannot reject an acceptable receipt.

Can my employer require that I provide any other documentation to prove my status, such as proof of my Sudanese citizenship?

No. When completing Form I–9, including reverifying employment authorization, employers must accept any documentation that appears on the appropriate ''Lists of Acceptable Documents'' for Form I–9 that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B (for new hires only), or List C receipt. Employers may not request documentation that does not appear on the ''Lists of Acceptable Documents.'' Therefore, employers may not request proof of Sudanese citizenship or proof of re-registration for TPS when completing Form I–9 for new hires or reverifying the employment authorization of current employees. If the expired EAD with category A–12 or C–19 is presented with the Form I–797C Notice of Action as described herein, an employer should accept this document combination as a valid List A document so long as the EAD reasonably appears to be genuine and to relate to the employee. Refer to the Note to Employees section of this Notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

How do my employer and I complete Employment Eligibility Verification (Form I–9) on the basis of automatically extended employment authorization for a new job?

As proof of the automatic extension of your employment authorization, you may present your expired EAD with category A–12 or C–19 in combination with the Form I–797C Notice of Action showing that the EAD renewal application was timely filed and that the qualifying eligibility category is either A–12 or C–19. Unless your TPS has been finally withdrawn or your request for TPS has been finally denied, this document combination is considered an unexpired Employment Authorization Document (Form I–766) under List A. When completing Form I–9 for a new job you are starting before May 2, 2018,

you and your employer should do the following:

1. For Section 1, you should:

a. Check ''An alien authorized to work until'' and enter the date that is 180 days from the date your current EAD expires (May 1, 2018) as the ''expiration date, if applicable, mm/dd/yyyy''; and

b. Enter your Alien Number/USCIS number or A-Number where indicated (your EAD or other document from DHS will have your USCIS Number or A-Number printed on it; the USCIS number is the same as your A-Number without the A prefix).

2. When completing Section 2, employers should:

a. Determine if the EAD is auto-extended for 180 days by ensuring:

- It is in category A–12 or C–19;
- The ''received date'' on Form I–797 is on or before the end of the 60-day re-registration period stated in this Notice; and
- The category code on the EAD is the same category code on Form I–797C, noting that employers should consider category codes A–12 and C–19 to be the same category code.

b. Write in the document title;

c. Enter the issuing authority;

d. Provide the document number; and

e. Insert May 1, 2018, the date that is 180 days from the date the current EAD expires. By the start of work on May 2, 2018, employers must reverify the employee's employment authorization in Section 3 of the Form I–9.

What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my employment authorization has been automatically extended?

If you are an existing employee who presented a TPS-related EAD that was valid when you first started your job and your employment authorization has now been automatically extended because you timely and properly filed a new application for employment authorization during the 60-day re-registration period, you may present your expired EAD with category A–12 or C–19 in combination with the Form I–797C Notice of Action. The Form I–797C should show that the EAD renewal application was timely filed and that the qualifying eligibility category is either A–12 or C–19. To avoid confusion, you may also provide your employer a copy of this **Federal Register** Notice; however, this **Federal Register** Notice is not acceptable evidence that your EAD has been automatically extended. Your employer may need to re-inspect your current EAD if your employer does not have a copy of the EAD on file. You and your employer should correct your previously completed Form I–9 as follows:

1. For Section 1, you may:

a. Draw a line through the expiration date in Section 1;

b. Write the date that is 180 days from the date your current EAD expires (May 1, 2018) above the previous date (November 2, 2017); and

c. Initial and date the correction in the margin of Section 1.

2. For Section 2, employers should:

a. Determine if the EAD is auto-extended for 180 days by ensuring:

- It is in category A–12 or C–19;
- The ''received date'' on Form I–797 is on or before the end of the 60-day re-registration period stated in this Notice; and
- The category code on the EAD is the same category code on Form I–797C, noting that employers should consider category codes A–12 and C–19 to be the same category code;

b. Draw a line through the expiration date written in Section 2;

c. Write the date that is 180 days from the date the employee's current EAD expires (May 1, 2018) above the previous date (November 2, 2017); and

d. Initial and date the correction in the margin of Section 2.

Note: This is not considered a reverification. Employers do not need to complete Section 3 until either the 180-day extension has ended or the employee presents a new document to show continued employment authorization, whichever is sooner. By May 2, 2018, when the employee's automatically extended employment authorization has ended, employers must reverify the employee's employment authorization in Section 3.

If I am an employer enrolled in E-Verify, how do I verify a new employee whose EAD has been automatically extended?

Employers may create a case in E-Verify for a new employee using the Form I–797C receipt information provided on Form I–9. The receipt number entered as the document number on Form I–9 should be entered into the document number field in E-Verify.

If I am an employer enrolled in E-Verify, what do I do when I receive a ''Work Authorization Documents Expiration'' alert for an automatically extended EAD ?

E-Verify automated the verification process for employees whose TPS-related EAD was automatically extended. If you have an employee who is a TPS beneficiary who provided a TPS-related EAD when he or she first started working for you, you will receive a ''Work Authorization Documents Expiring'' case alert when the auto-extension period for this EAD is about to expire. This indicates that you should update Form I–9 in accordance with the instructions above. By the employee's start of work on May 2, 2018, employment authorization must be reverified in Section 3. Employers should not use E-Verify for reverification.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This Notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888–464–4218 (TTY 877–875–6028) or email USCIS at *I9Central@dhs.gov.* Calls and emails are accepted in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (Form I–9 and E-Verify), employers may call the U.S. Department of Justice's Civil Rights Division, Immigrant and Employee Rights Section (IER) (formerly the Office of Special Counsel for Immigration-Related Unfair Employment Practices) Employer Hotline at 800–255–8155 (TTY 800–237–2515). IER offers language interpretation in numerous languages. Employers may also email IER at *IER@usdoj.gov.*

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888–897–7781 (TTY 877–875–6028) or email USCIS at *I-9Central@dhs.gov.* Calls are accepted in English, Spanish, and many other languages. Employees or applicants may also call the IER Worker Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based upon citizenship, immigration status, or national origin, including discrimination related to Employment Eligibility Verification (Form I–9) and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee,

or an acceptable List A, List B, or List C receipt as described in the Employment Eligibility Verification (Form I–9) Instructions. Employers may not require extra or additional documentation beyond what is required for Employment Eligibility Verification (Form I–9) completion. Further, employers participating in E-Verify who receive an E-Verify case result of ''Tentative Nonconfirmation'' (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from Employment Eligibility Verification (Form I–9) differs from Federal or state government records.

Employers may not terminate, suspend, delay training, withhold pay, lower pay, or take any adverse action against an employee based on the employee's decision to contest a TNC or because the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY 877–875–6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER's Worker Hotline at 800–255–7688 (TTY 800–237–2515). Additional information about proper nondiscriminatory Employment Eligibility Verification (Form I–9) and E-Verify procedures is available on the IER Web site at *https://www.justice.gov/ier* and the USCIS Web site at *http://www.dhs.gov/E-verify.*

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

While Federal Government agencies must follow the guidelines laid out by the Federal Government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary and/or show you are authorized to work based on TPS. Examples of such documents are:

(1) Your current EAD;

(2) A copy of your receipt notice (Form I–797C) for your application to renew your current EAD providing an automatic extension of your currently expired or expiring EAD;

(3) A copy of your Application for Temporary Protected Status Notice of Action (Form I–797) for this re-registration; and

(4) A copy of your past or current Application for Temporary Protected Status Notice of Action (Form I–797), if you received one from USCIS.

Check with the government agency regarding which document(s) the agency will accept. Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements (SAVE) program to confirm the current immigration status of applicants for public benefits. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but, occasionally, verification can be delayed. You can check the status of your SAVE verification by using CaseCheck at the following link: *https://save.uscis.gov/casecheck/,* then by clicking the ''Check Your Case'' button. CaseCheck is a free service that lets you follow the progress of your SAVE verification using your date of birth and one immigration identifier number. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request to correct records under the Freedom of Information Act can be found on the SAVE Web site at *http://www.uscis.gov/save.*

[FR Doc. 2017–22074 Filed 10–10–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0116]

Agency Information Collection Activities: Extension, Without Change, of a Currently Approved Collection; Request for Fee Waiver; Request for Fee Exemption

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until December 11, 2017.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0116 in the body of the letter, the agency name and Docket ID USCIS–2010–0008. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under e-Docket ID number USCIS–2010–0008;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking

information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2010–0008 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Request for Fee Waiver; Request for Fee Exemption.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–912; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. USCIS uses the data collected on this form to verify that the applicant is unable to pay for the immigration benefit being requested. USCIS will consider waiving a fee for an application or petition when the applicant or petitioner clearly demonstrates that he or she is unable to pay the fee. The regulations do not require that requests for fee waivers be submitted on a particular form prescribed by DHS, thus the applicant may request that the fee be waived by attaching a written request to the front of their immigration benefit request. Fee waivers may also be requested by completing and submitting Form I–912. Form I–912 standardizes the collection and analysis of statements and supporting documentation provided by the applicant with the fee waiver request. Form I–912 also streamlines and expedites the USCIS review, approval, or denial of the fee waiver request by clearly laying out the most salient data and evidence necessary for the determination of inability to pay. Officers evaluate all factors, circumstances, and evidence supplied in support of a fee waiver request when making a final determination. Each case is unique and is considered on its own merits. If the fee waiver is granted, the application will be processed. If the fee waiver is not granted, USCIS will notify the applicant and instruct him or her to file a new application with the appropriate fee. Certain applications and petitions may allow for filing of fee exemptions; the specific forms have information regarding the option and the requirements to request an exemption.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–912 is 594,000 and the estimated hour burden per response is 1.17 hours; for the information collection Non-Form Request for Fee Waiver the estimated total number of respondents is 8,400 and the estimated hour burden per response is 1.17 hours; for the information collection 8 CFR 103.7(d) Director's exception request the estimated total number of respondents is 128 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 704,957 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $2,259,780.

Dated: October 5, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–21891 Filed 10–10–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0020]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Petition for Amerasian, Widow(er), or Special Immigrant

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until December 11, 2017.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0020 in the body of the letter, the agency name and Docket ID USCIS–2007–0024. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0024;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0024 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Amerasian, Widow(er), or Special Immigrant.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–360; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households.* The Form I–360 may be used by an Amerasian; a widow or widower; a battered or abused spouse or child of a U.S. citizen or lawful permanent resident; a battered or abused parent of a U.S. citizen son or daughter; or a special immigrant (religious worker, Panama Canal company employee, Canal Zone government employee, U.S. government employee in the Canal Zone; physician, international organization employee or family member, juvenile court dependent; armed forces member; Afghanistan or Iraq national who supported the U.S. Armed Forces as a translator; Iraq national who worked for the or on behalf of the U.S. Government in Iraq; or Afghan national who worked for or on behalf of the U.S. Government or the International Security Assistance Force [ISAF] in Afghanistan) who intend to establish their eligibility to immigrate to the United States. The data collected on this form is reviewed by U.S. Citizenship and Immigration Services (USCIS) to determine if the petitioner may be qualified to obtain the benefit. The data collected on this form will also be used to issue an employment authorization document upon approval of the petition for battered or abused spouses, children, and parents, if requested.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Petition for Amerasian, Widower, or Special Immigration (Form I–360); *Iraqi & Afghan Petitioners* is 2,874 and the estimated hour burden per response is 3.1 hours; the estimated total number of respondents for the information collection Petition for Amerasian, Widower, or Special Immigration (Form I–360); *Religious Workers* is 2,393 and the estimated hour burden per response is 2.35 hours; the estimated total number of respondents for the information collection Petition for Amerasian, Widower, or Special Immigration (Form I–360); *All Others* is 14,362 and the estimated hour burden per response is 2.1 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 44,693 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $2,404,430.

Dated: October 5, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–21903 Filed 10–10–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6004–N–06]

60-Day Notice of Proposed Information Collection: Public Housing Agencies Service Areas Solicitation of Comments

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. This is a one-time collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* December 11, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION, CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW. (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Public Housing Agencies Service Areas Solicitation of Comments.

OMB Approval Number: NEW—Pending OMB Approval.

Type of Request: New Collection.

Form Number: Interactive Geospatial tool currently under development and will be available upon completion.

Description of the need for the information and proposed use: HUD proposes to use the following information collection methodology to gather Public Housing Agencies (PHAs) service area boundaries. An interactive geospatial tool will be provided by HUD for PHAs to access online. Through this online tool, HUD will present PHAs with estimates of their service area boundaries based on the locations of the PHA's public housing units and Housing Choice Vouchers in relation to Units of General Local Government. PHAs will be provided an opportunity to revise HUD's initial estimates using the online tool. The online, interactive tool will provide PHAs with the ability to designate boundaries that more accurately reflect their actual service areas under state and local law. PHAs will be able to do so by identifying Units of General Local Government boundaries that more closely reflect their actual service areas.

The United States Housing Act of 1937 (1937 Act) in Section 3(b)(6) defines a Public Housing Agency, in part, as: ''Except as provided in subparagraph (b), . . . any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of public housing.'' 42 U.S.C. 1437a. The section includes additional provisions related to PHAs operating Section 8 Housing Choice Vouchers. The 1937 Act therefore includes a reference to applicable state and local laws that PHAs operate pursuant to. HUD's regulations, at 24 CFR 982.4, defines a PHA's Jurisdiction as, ''the area in which the PHA has authority under State and local law to administer the program.''

HUD is proposing an information collection regarding PHAs' applicable jurisdictions, also known as service areas, in which they are authorized to operate under state and local law. Through the online tool, HUD will present PHAs with estimates of their service area boundaries, based on the locations of the PHA's public housing unit and Housing Choice Vouchers in relation to Units of General Local Government. HUD is aware that these initial estimates may not reflect the PHA's defined service area in accordance with State and local law, therefore, PHAs will be provided an opportunity to revise HUD's initial estimates using the online tool. When revising HUD's estimates, PHAs will be instructed to include in their revisions the areas in which they are authorized to operate under state and local law, not only the areas in which they currently operate. This means including areas that the PHA may have no public housing developments or HCVs, but where the PHA could operate those programs. If the PHA believes that HUD's estimate of its service area is accurate, the PHA will be asked to validate or accept HUD's estimation within the online tool.

The information collection described in this Notice will use an online electronic methodology intended to reduce administrative costs for PHAs and the federal government. The information obtained through this information collection is intended to assist in HUD program operations and in providing data to HUD's program participants, stakeholders, and the.

Collecting PHA service area boundaries in a simple electronic format will aid in the provision of data that can be used in conducting the statement of housing needs assessments as required by the PHA Annual Plan pursuant to 24 CFR 903.7. The information will be used by HUD to provide data to PHAs for use in completing Assessments of Fair Housing. Such information is also highly relevant for informing Housing Choice Voucher policy decisions, including those related to mobility and portability. HUD itself will utilize the information to inform operations of the public housing, Housing Choice Voucher and other programs, and for estimating the impact of changes in Fair Market Rents, including Small Area Fair Market Rents. The information may also be useful for the general public, for instance, in locating local affordable housing providers and increasing awareness of local affordable housing options.

The use of a geospatial data tool to collect this information has the advantage of simplifying and minimizing the administrative costs as well as directly linking the information to existing data resources without the need for additional cost to the federal government.

	Number of respondents	Number of responses per respondent	Frequency of response	Estimated average time for requirement (in hours)	Estimated total burden (in hours)
PHA Service Area Information	3,942	1	Once per Assessment of Fair Housing cycle (*i.e.,* generally once every five years).	1	3,942
Total Burden	.....	.....	.....	.....	3,942

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

(5) Whether this information collection will result in more accurate data that will enable PHAs to conduct meaningful analyses of their programs.

HUD encourages interested parties to submit comments in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 3, 2017.

Merrie Nichols-Dixon,

Director, Office of Policy, Program and Legislative Initiatives.

[FR Doc. 2017–21946 Filed 10–10–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6004–N–09]

60-Day Notice of Proposed Information Collection: Section 184 and 184–A Loan Guarantee Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* December 11, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Section 184 and 184–A Loan Guarantee Program.

OMB Approval Number: 2577–0200.

Type of Request: Revision of Currently Approved Collection.

Form Number: HUD–XXXX, HUD–50110–A, HUD–50111–A, HUD–50112–A, HUD–50118–A, HUD–50119–A, HUD–50124–A, HUD–50125–A, HUD–50127–A, HUD–50128–A, HUD–50131–A, HUD–50132, HUD–50132–A, HUD 50143–A, HUD–50148, HUD–50149, HUD–50149–A, HUD–53039, HUD–53039–A.

Description of the need for the information and proposed use: The information collected is used to determine a borrower's credit worthiness and ability to pay for a home loan as well as to ensure that lenders comply with the program requirements.

The United States Department of Housing and Urban Development's (HUD) Office of Native American Programs (ONAP) is developing a system called the Loan Origination System (ONAP–LOS) to support the Section 184 Indian Home Loan Guarantee Program. The ONAP–LOS system will deliver automated processes for case registration, reservation of funds, issuance of loan guarantee certificates, and lender registration and re-certification. This system will capture and maintain data across the following major information categories: Lenders, borrowers, properties, and loan. The enhanced enterprise solution will provide participating lender partners with clarity and transparency around the ONAP enforcement efforts and it will expand access to credit for eligible borrowers. The initial release of the ONAP–LOS will deliver the following high-level capabilities:

- Authentication of External Lenders
- Case Registration—Intake of Case Registration Data & Case Number Issuance
- Generation of Case Registration Acknowledgement

ONAP designed the new system to reduce the number of forms needed and the time to prepare the forms while ensuring the highest level of security and privacy protections. ONAP–LOS is available to all lenders with direct guarantee approval, upon completion of scheduled training.

ONAP operates the Section 184–A program for eligible native Hawaiians. The program is designed to offer home ownership, property rehabilitation, and new construction opportunities for eligible native Hawaiian individuals and families wanting to own a home on Hawaiian home lands. The Hawaiian Homelands Homeownership Act of 2000 added a new Section 184A to the Housing and Community Development Act of 1992 which authorized the Native Hawaiian Housing Loan Guarantee Program. The regulations for Section 184–A are found at 24 CFR part 1007. This Paperwork Reduction Act package includes all forms required for the Section 184–A program.

Respondents (i.e., affected public): 21,985.

Estimated Number of Respondents: 21,985.

Estimated Number of Responses: 21,985.

Frequency of Response: 1.

Average Hours per Response: 3.4 hours.

TOTAL ESTIMATED ANNUAL BURDEN AND COST

Form number	Form name	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD–XXXX	ONAP-Loan Origination System	5,000	1	5,000	0.5	2,500	$ 18	$ 45,000
HUD–50110–A	184A Warranty of Completion of Construction	3	1	3	0.15	0.45	18	8
HUD–50111–A	184A Addendum to Uniform Residential Loan Application.	63	1	63	0.5	31.5	18	567
HUD–50112–A	184A Construction Loan Rider	3	1	3	0.15	0.45	18	8
HUD–50118–A	184A Mortgagee's Assurance of Completion	3	1	3	0.15	0.45	18	8
HUD–50119–A	184A Post Endorsement Submission Checklist	63	1	63	0.15	9.45	18	170
HUD–50124–A	184A Homebuyer Notice Form	63	1	63	0.15	9.45	18	170
HUD–50125–A	184A Applicant Acknowledgement	3	1	3	0.15	0.45	18	8
HUD–50127–A	184A Endorsement Submission Checklist—Acquisition and Single Close New Const/Rehab.	63	1	63	0.5	31.5	18	567
HUD–50128–A	184A Endorsement Submission Checklist—Refinance.	63	1	63	0.3	18.9	18	340
HUD–50131	Request for Section 184 Case Number	5,500	1	5,500	0.1	550	18	9,900
HUD–50132	Mortgage Credit Analysis Worksheet	5,000	1	5,000	0.5	2,500	18	45,000
HUD–50132–A	Hawaiian Mortgage Credit Analysis Worksheet	65	1	65	0.5	32.5	18	585
HUD–50143–A	Section 184–A Loan Guarantee Firm Commitment Form.	65	1	65	0.15	9.75	18	176
HUD–50148	Checklist for Proposed Transactions Less Than 1 Year Old.	500	1	500	0.15	75	18	1,350
HUD–50149	Rider For Section 184 Tribal Trust	500	1	500	0.5	250	18	4,500
HUD–50149–A	Hawaiian Rider For Section 184–A Tribal Trust	63	1	63	0.5	31.5	18	567
HUD–53039	184 Loan Guarantee Certificate	4,900	1	4,900	0	0	18	0
HUD–53039–A	184–A Loan Guarantee Certificate	65	1	65	0	0	18	0
Total		21,985		21,985		6,051		108,924

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 4, 2017.

Merrie Nichols-Dixon,

Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2017–21942 Filed 10–10–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6004–N–10]

60-Day Notice of Proposed Information Collection: Restrictions on Assistance to Noncitizens

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information for Applicant/Tenant's Consent to the Release of Information and the Authorization for the Release of Information/Privacy Act Notice. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* December 11, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–5564 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., Room 3178, Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Restrictions on Assistance to Noncitizens.

OMB Approval Number: 2501–0014.

Type of Request: Reinstatement without change of currently approved collection.

Form Number: HUD–9886, HUD–9886–ARA, HUD–9886–CAM, HUD–9886–CHI, HUD–9886–CRE, HUD–9886–FRE, HUD–9886–HMO, HUD–9886–KOR, HUD–9886–RUS, HUD–9886–SPA, HUD–9886–VIE.

Description of the need for the information and proposed use: HUD is prohibited from making financial assistance available to other than citizens or persons of eligible immigration status. This is a request for a reinstatement of the current approval for HUD to require a declaration of citizenship or eligible immigration status from individuals seeking certain housing assistance.

Respondents (*i.e. affected public*)*:* Individuals or households, State, Local, or Tribal Government.

REPORTING BURDEN

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
New tenant admissions in Public & Indian Housing and Section 8 Programs**	4,055	213	864,434	0.16	138,309	$4.80	$4,149,283
Annual recertification of tenants' eligible immigration status in Public & Indian Housing and Section 8 Programs**	4,055	7	29,648	0.08	2,372	2.40	71,155
Total					140,681		4,220,430

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35 as amended.

Dated: October 3, 2017.

Merrie Nichols-Dixon,

Director, Office of Policy, Program and Legislative Initiatives.

[FR Doc. 2017–21941 Filed 10–10–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6004–N–08]

60-Day Notice of Proposed Information Collection: Jobs Plus Pilot Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* December 11, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Jobs Plus Pilot Program.

OMB Approval Number: 2577–0281.

Type of Request: Revision.

Form Number: SF–424, SF–LLL, HUD–2880, HUD–2993, HUD–50144, HUD 96011.

Description of the Need for the Information and Proposed Use

The Jobs Plus Pilot Program Information Collection represents a revision to an existing information request. The OMB approval number for this collection is 2577- 0281. The information provided by the eligible applicants will be reviewed and evaluated by HUD. The information to be collected by HUD will be used to preliminarily rate applications, to determine eligibility for the Jobs Plus Grant Competition and to establish grant amounts. The Jobs Plus Pilot Grant Competition Application will be used to determine eligibility and funding for recipients. Respondents of this information collection will be public housing agencies. Although OMB approved Forms are used for information collection, applicants will provide quantitative and qualitative

data as well as narrative information for evaluation.

Information collection	Number of respondents	Responses per year	Total annual responses	Estimated burden hours per response	Total hours	Hourly cost	Annual cost
GRANT APPLICATIONS							
SF-424—Application for Federal Assistance (2501–0017)	75	1	75	0.75	56.25	$42	$2,365
SF-LLL—Lobbying (0348–0046)	75	1	75	0.17	12.75	42	536
HUD-2880—Applicant Disclosure (2510–0011)	75	1	75	0.17	12.75	42	536
HUD-2991—Certification of Consistency with Consolidated Plan (2506–0112)	75	1	75	0.25	18.75	42	788
HUD-2993—Acknowledgement of Application Receipt (2577–0259)	75	1	75	0.5	37.5	42	1,577
Map of Proposed Site	75	1	75	0.25	18.75	42	788
Signed MOU between PHA and WIB	75	1	75	2	150	42	6,308
Match/Leverage Commitment Letters	75	1	75	14	1050	42	44,153
Rating Factor 1—Capacity	75	1	75	10	750	42	31,538
Rating Factor 2—Need	75	1	75	8	600	42	25,230
Rating Factor 3—Soundness of Approach	75	1	75	12	900	42	37,845
Applicant's Detailed Program Budget	75	1	75	3.2	240	42	10,092
Form HUD-50144—Summary Jobs Plus Budget	75	1	75	2	150	42	6,308
Narrative to Program Budget	75	1	75	4	300	42	12,615
Rating Factor 4—Match/Leveraging Table	75	1	75	2	150	42	6,308
Rating Factor 5—Bonus Points Documentation (HUD–2995)	75	1	75	0.5	37.5	42	1,577
Sub-Total Application Submission w/Narratives	75	1	75	59.79	4484.25	42	188,562.71
POST AWARD SUBMISSIONS							
Code of Conduct (if not on HUD website, if recently updated, if not previously submitted)	36	1	36	1	36	42	1,514
Sub-Total—Post-Award	36	1	36	1	36	42	1,513.80
GRANT MANAGEMENT							
Quarterly Performance Reports	36	4	144	8	1152	42	48,442
Annual Performance Reports	36	4	144	6	864	42	36,331
Workplan Submission	36	1	36	10	360	42	15,138
Federal Financial Report (Form SF–425)	36	1	36	2	72	42	3,028
Final Financial Status Report (Form SF–269–A)	36	1	36	4	144	42	6,055
Sub-Total—Grant Management	36	1	36	24	2592	42	108,993.60
PROGRAM MONITORING							
Monitoring and Reporting	36	1	36	10	10	42	421
Sub-Total—Monitoring	36	1	36	10	360	42	15,138.00
Grand Totals					7472.25	42	314,208.11

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 3, 2017.

Merrie Nichols-Dixon,

Director, Office of Policy, Program and Legislative Initiatives.

[FR Doc. 2017–21944 Filed 10–10–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6004–N–07]

60-Day Notice of Proposed Information Collection; Public Housing Assessment System (PHAS) Appeals; PHAS Unaudited Financial Statement Submission Extensions; Assisted and Insured Housing Property Inspection Technical Reviews and Database Adjustments

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the

Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* December 11, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–5564 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Public Housing Assessment System (PHAS) Appeals; Public Housing and Multifamily Housing Technical Reviews and Database Adjustments; Assisted and Insured Housing property inspection Technical Reviews and Database Adjustments.

OMB Approval Number: 2577–0257.

Type of Request: Revision of a currently approved collection.

Form Number: HUD–52306.

Description of the need for the information and proposed use: The collection of this information supports HUD's ongoing mission to provide safe, decent and affordable housing to lower income households. Accurate assessment information is necessary. PHAs performing poorly may be subject to additional reporting requirements, may receive HUD assistance, and are subject to possible penalties. For the Office of Housing, accurate scores are vital to their monitoring and compliance efforts. Unacceptable property scores result in automatic penalties and referral for enforcement actions.

Pursuant to § 6(j)(2)(A)(iii) of the United States Housing Act of 1937, as amended, HUD established procedures in the Public Housing Assessment System (PHAS) rule for a public housing agencies (PHAs) to appeal a troubled assessment designation (§ 902.69). The PHAS rule in §§ 902.24 and 902.68 also provides that under certain circumstances PHAs may submit a request for a database adjustment and technical review, respectively, of physical condition inspection results.

Pursuant to the Office of Housing Physical Condition of Multifamily Properties regulation at § 200.857(d) and (e), multifamily property owners also have the right, under certain circumstances, to submit a request for a database adjustment and technical review, respectively, of physical condition inspection results.

Appeals, when granted, change assessment scores and designations; database adjustments and technical reviews, when granted, change property scores. These changes result in more accurate assessments.

Section 902.60 of the PHAS rule also provides that, in extenuating circumstances, PHAs may request an extension of time to submit required unaudited financial information. When granted, an extension of time postpones the imposition of sanctions for a late submission.

Respondents (*i.e.* affected public): Public Housing Agencies (PHAs) and Multifamily Housing property owners (MF POs).

BURDEN HOUR ESTIMATES FOR RESPONDENTS FOR APPEALS, TRS AND DBAS

Type	Number of respondents	×	Frequency of response	Total responses	×	Estimated hours	=	Total annual burden hours
PHA Appeal	151		1	151		5		−755
PHA DBA	189		1	189		8		1,512
PHA TR	293		1	293		8		2,344
MF PO DBA	189		1	189		8		1,512
MF PO TR	688		1	688		8		5,504
Totals	1,510			1,510				11,627

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35 as amended.

Dated: October 3, 2017.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy, Program and Legislative Initiatives.

[FR Doc. 2017–21945 Filed 10–10–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2017–N122; FXES11130800000–178–FF08EVEN00]

Receipt of Application for Incidental Take Permit; Draft Low-Effect Habitat Conservation Plan for the California Tiger Salamander and the California Red-Legged Frog; Curletti Farming Project, Santa Barbara County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from Betteravia Ranches, LLC for an incidental take permit under the Endangered Species Act of 1973, as amended. The permit would authorize take of the federally endangered California tiger salamander (Santa Barbara distinct population segment) and the federally threatened California red-legged frog, incidental to otherwise lawful activities associated with the Curletti Farming Project draft low-effect habitat conservation plan. We invite public comment.

DATES: Written comments should be received on or before November 13, 2017.

ADDRESSES:

To obtain documents: You may download a copy of the draft habitat conservation plan and draft low-effect screening form and environmental action statement at *http://www.fws.gov/ventura/,* or you may request copies of the documents by sending U.S. mail to our Ventura office, or by phone (see **FOR FURTHER INFORMATION CONTACT**).

To submit written comments: Please send us your written comments using one of the following methods:

- *U.S. mail:* Send your comments to: Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.
- *Facsimile:* Fax your comments to 805–644–3958.

FOR FURTHER INFORMATION CONTACT: Rachel Henry, Fish and Wildlife Biologist, 805–677–3312 (phone), or at the Ventura address in **ADDRESSES**.

SUPPLEMENTARY INFORMATION: We have received an application from Betteravia Ranches, LLC (applicant) for an incidental take permit under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; ESA). The applicant has agreed to follow all of the conditions in the draft habitat conservation plan for the project. The permit would authorize take of the Santa Barbara distinct population segment of the federally endangered California tiger salamander (*Ambystoma californiense*) and the federally threatened California red-legged frog (*Rana draytonii*) incidental to otherwise lawful activities associated with the draft Curletti Farming Project Habitat Conservation Plan (HCP). We invite public comment on the application, the draft HCP, draft low-effect screening form, and environmental action statement.

Background

The Santa Barbara distinct population segment (DPS) of the California tiger salamander was listed by the Service as endangered on September 21, 2000 (65 FR 57242). The California red-legged frog was listed by the Service as threatened on May 23, 1996 (61 FR 25813). Section 9 of the ESA and its implementing regulations prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. ''Take'' is defined under the ESA to include the following activities: ''[T]o harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the ESA, we may issue permits to authorize incidental take of listed species. ''Incidental take'' is defined by the ESA as take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are in the Code of Federal Regulations (CFR) at 50 CFR 17.32 and 17.22, respectively. Under the ESA, protections for federally listed plants differ from the protections afforded to federally listed animals. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plant species. All species included in the incidental take permit would receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

Applicant's Proposed Activities

The applicant has applied for a permit for incidental take of the California tiger salamander and California red-legged frog. The potential take will occur in association with activities necessary for the implementation of the installation, operation and maintenance of row crop agriculture. The HCP includes avoidance and minimization measures for the covered species and mitigation for unavoidable loss of occupied upland habitat through establishment of a conservation easement on applicant-owned land.

Our Preliminary Determination

The Service has made a preliminary determination that issuance of the incidental take permit is neither a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.;* NEPA), nor will it individually or cumulatively have more than a negligible effect on the species covered in the HCP. Therefore, the permit qualifies for a categorical exclusion under NEPA.

Public Comments

If you wish to comment on the permit application, draft HCP, and associated documents, you may submit comments by one of the methods in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: September 27, 2017.

Stephen P. Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2017–21915 Filed 10–10–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2017–N110; FXES11130800000–178–FF08EVEN00]

Receipt of Application for Incidental Take Permit; Draft Low-Effect Habitat Conservation Plan for the California Tiger Salamander; Campbell Home Ranch, Santa Barbara County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from Mr. Robert Campbell for an incidental take permit under the Endangered Species Act of 1973, as amended. The permit would authorize take of the federally endangered California tiger salamander (Santa Barbara distinct population segment), incidental to otherwise lawful activities associated with the Campbell Home Ranch draft low-effect habitat conservation plan. We invite public comment.

DATES: Written comments should be received on or before November 13, 2017.

ADDRESSES: *To obtain documents:* You may download a copy of the draft habitat conservation plan and draft low-effect screening form and environmental action statement at *http://www.fws.gov/ventura/,* or you may request copies of the documents by sending U.S. mail to our Ventura office, or by phone (see **FOR FURTHER INFORMATION CONTACT**).

To submit written comments: Please send us your written comments using one of the following methods:

- *U.S. mail:* Send your comments to: Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.
- *Facsimile:* Fax your comments to 805–644–3958.

FOR FURTHER INFORMATION CONTACT: Rachel Henry, Fish and Wildlife Biologist, 805–677–3312 (phone), or at the Ventura address in **ADDRESSES**.

SUPPLEMENTARY INFORMATION: We have received an application from Mr. Robert Campbell (applicant) for an incidental take permit under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; ESA). The applicant has agreed to follow all of the conditions in the draft habitat conservation plan for the project. The permit would authorize take of the Santa Barbara distinct population segment of the federally endangered California tiger salamander (*Ambystoma californiense*) incidental to otherwise lawful activities associated with the draft Campbell Home Ranch Habitat Conservation Plan (HCP). We invite public comment on the application, the draft HCP, draft low-effect screening form, and environmental action statement.

Background

The Santa Barbara distinct population segment (DPS) of the California tiger salamander was listed by the Service as endangered on September 21, 2000 (65 FR 57242). Section 9 of the ESA and its implementing regulations prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. ''Take'' is defined under the ESA to include the following activities: ''[T]o harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the ESA, we may issue permits to authorize incidental take of listed species. ''Incidental take'' is defined by the ESA as take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are in the Code of Federal Regulations (CFR) at 50 CFR 17.32 and 17.22, respectively. Under the ESA, protections for federally listed plants differ from the protections afforded to federally listed animals. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plant species. All species included in the incidental take permit would receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

Applicant's Proposed Activities

The applicant has applied for a permit for incidental take of the California tiger salamander. The potential take will occur in association with activities necessary for the installation and operation of vineyard, berries and other agricultural development activities and/or construction of a residential development including one single-family residence. The HCP includes avoidance and minimization measures for the covered species and mitigation for unavoidable loss of occupied upland habitat through establishment of a conservation easement on applicant-owned land.

Our Preliminary Determination

The Service has made a preliminary determination that issuance of the incidental take permit is neither a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.;* NEPA), nor will it individually or cumulatively have more than a negligible effect on the species covered in the HCP. Therefore, the permit qualifies for a categorical exclusion under NEPA.

Public Comments

If you wish to comment on the permit application, draft HCP, and associated documents, you may submit comments by one of the methods in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: September 27, 2017.

Stephen P. Henry,

Field Supervisor, Ventura Fish and Wildlife Office Ventura, California.

[FR Doc. 2017–21914 Filed 10–10–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNM004000 L54200000.FR0000 LVDIG17ZGKP0 17X]

Notice of Application for a Recordable Disclaimer of Interest: Harris County, Texas

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) received an application for a Recordable Disclaimer of Interest (RDI) from RKE–2 Real Estate, LLC, a Texas limited liability company, pursuant to Section 315 of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and the implementing regulations for certain surface land located in Harris County, Texas. This Notice is intended to inform the public of the pending application, give notice of BLM's intention to grant the requested DRI, and provide a public comment period for the proposed Disclaimer of Interest.

DATES: Comments on this action should be received by January 9, 2018. Absent any valid objection, this Notice will become the final determination of the Department of the Interior and an RDI may be issued January 9, 2018.

ADDRESSES: Additional information pertaining to this application can be reviewed in case file TXNM136311 located in the BLM Oklahoma Field Office, 201 Stephenson Parkway, Room 1200, Norman, OK 73072–2037. Written comments must be sent to the Deputy State Director, Lands and Resources, BLM, New Mexico State Office, P.O. Box 27115, Santa Fe, NM 87502–0115.

FOR FURTHER INFORMATION CONTACT: John Ledbetter, Realty Specialist, BLM Oklahoma Field Office, (405) 579–7172, *jledbetter@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: RKE–2 Real Estate, LLC, submitted an application for a Disclaimer of Interest pursuant to Section 315 of the FLPMA, as amended, and the implementing regulations in 43 CFR subpart 1864. The purpose of this Disclaimer is to remove a cloud on the title of the surface estate of a parcel of land situated in Harris County, Texas.

By deed dated October 6, 1936, the United States Department of Agriculture obtained multiple tracts of land in Harris County, Texas. In describing the acquired land, the acquisition deed first cited the legal description as ''Lots 1 to 16 inclusive of Block 18 of Highland Farms,'' as well as multiple other tracts. Following this initial description of the lots and blocks, the deed continued by restating the description of the same area as ''more particularly described by metes and bounds,'' and went on to cite a lengthy metes and bounds description.

On January 1, 1944, the United States disposed of these acquired properties, except and reserving to the United States three-quarters of the oil, gas, coal, and other mineral rights. The resulting quitclaim deed cited the same metes and bounds description that was used in the 1936 acquisition deed, omitting the lots and blocks description. Thereafter, certain subsequent deeds, purporting to convey this same property, cited the lots and blocks descriptions included in the 1936 deed. It was apparently unknown at the time and did not become known until sometime later that these two descriptions of the same land from the 1936 deed did not match exactly. Due to the 1936 deed legal description inconsistency, the 1944 deed and other subsequent deeds were plagued with the same inconsistency in the description. The historical evidence provided by the applicant in the form of deeds and correctional documents demonstrate and support that the two descriptions used in the 1936 acquisition deed were not identical. This inconsistency remains to date and causes a cloud on the title.

The BLM New Mexico State Office Cadastral Survey Program has reviewed and compared the legal land descriptions of the 1936 and 1944 deeds. According to the Land Surveyor Report dated September 26, 2016, the land description in the two deeds do not appear to be identical. However, since the subdivision plat is lacking in detail, and the two descriptions purport to describe the same property, the metes and bounds description must be either based on a survey the BLM does not have access to, or is the wrong interpretation of the plat. The discrepancy in descriptions manifests itself as a 0.2813-acre triangular parcel within Lot 16, Block 18, Highland Farms, and creates a cloud on the title. The BLM believes that the intent of the 1944 disposition deed was to dispose of the entire surface estate of the lot acquired in 1936, and not to reserve this triangular parcel. Therefore, in order to remove the cloud on the title to the lot, the BLM intends to disclaim the land described as:

Harris, Texas

All of Lot 16, Block 18, Highland Farms according to the plat or map recorded in Volume 7, Page 60 of the Map Records of Harris County, Texas (surface estate only).

This proposed RDI does not address any mineral interest that may still be vested with the United States of America.

The public is hereby notified that comments may be submitted to the Deputy State Director, Lands and Resources at the address shown above within the comment period identified in the notice. Any adverse comments will be evaluated by the State Director who may modify or vacate this action and issue a final determination.

In the absence of any valid objection, this Notice will become the final determination of the Department of the Interior and a RDI may be issued 90 days from publication of this Notice.

Comments, including names and street addresses of commenters, will be available for public review at the BLM New Mexico State Office (see address above), during regular business hours, Monday through Friday, except Federal holidays. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 1864.2(a).

Melanie Barnes,

Deputy State Director, Lands and Resources.

[FR Doc. 2017–21957 Filed 10–10–17; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWYR01000 L14400000.ER0000 17X; WYW–165353]

Notice of Intent To Prepare an Environmental Impact Statement for the Alkali Creek Reservoir Project, Big Horn County, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM), through the Worland Field Office, Worland, Wyoming, intends to prepare an Environmental Impact Statement (EIS) for the proposed Alkali Creek Reservoir Project (Project). The BLM, through this Notice, is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: Comments may be submitted in writing until November 13, 2017. In order to be included in the analysis, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. The BLM will provide additional opportunities for public participation, as appropriate. The dates and locations of any scoping meetings will be announced at least 15 days in advance through the local news media, newspapers, and the BLM ePlanning Web site at: *http://rebrand.ly/AlkaliCreekReservoirEIS.*

ADDRESSES: You may submit written comments by any of the following methods:

- *Email: BLM_WY_AlkaliCreekReservoirEIS@blm.gov.*
- *Fax:* 307–347–5128.

• *Mail:* NEPA Coordinator, BLM Worland Field Office, 101 S 23rd Street, Worland, Wyoming 82401.

Documents pertinent to this proposal are available for public review at the BLM Worland Field Office and on the BLM ePlanning Web site at: *http://rebrand.ly/AlkaliCreekReservoirEIS.*

FOR FURTHER INFORMATION CONTACT: Holly Elliott, Planning & Environmental Coordinator, telephone: 307–347–5100; address: 101 S 23rd Street, Worland, Wyoming 82401; email: *helliott@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Mrs. Elliott during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours. You may call either of these numbers to have your name added to the project mailing list.

SUPPLEMENTARY INFORMATION: This Notice initiates the public scoping process for the EIS. The BLM intends to prepare an EIS to support the decision making for the proposed Project and conduct a public scoping period to seek input on the preliminary issues identified regarding this proposal. The proposed Project is located in the Sixth Principal Meridian, Wyoming.

T. 49 N., R. 90 W.,
Sec. 3, lot 5;
Sec. 4, lot 15;
tracts 39, 40, 41, 42E, 42F, 76, 91.
T. 50 N., R. 89 W.,
tracts 37, 40, 42, 43.
T. 50 N., R. 90 W.,
sec. 26, NW¼SW¼;
Sec. 27, lots 1, 4 thru 8, and NE1/4SW¼;
Sec. 33, lot 1, and NE¼SE¼;
Sec. 34, NW¼NW¼;
Sec. 34, lots 1 thru 9;
Sec. 35, lots 5, 6, and SW¼NW¼;
tracts 37, 39, 40, 41, 42A thru 42D, 43A thru 43D.

The areas described, including both Federal and nonpublic lands, aggregate 640 acres.

The proposed action may require an amendment to the Worland Field Office Resource Management Plan (RMP), approved September 2015.

By this Notice, the BLM is complying with requirements in 43 CFR 1610.2(c)to notify the public of potential amendments to land use plans. If a land use plan amendment is necessary, the BLM will integrate the land use planning process with the NEPA process for this project.

The Wyoming Water Development Office (WWDO) proposes to fund and construct a reservoir near Hyattville, Wyoming. The proposed construction would create a 294-acre reservoir on Alkali Creek. The reservoir would impound approximately 7,994 acre-feet of water under normal conditions and 9,872 acre-feet when under flood conditions. The reservoir would provide late-season irrigation water for portions of the Nowood River Watershed. The irrigation pool would be available either directly or through exchange for irrigation water.

The proposed Project construction would disturb approximately 78 acres in the immediate vicinity of the proposed project location, which includes the embankment, spillways, Anita Ditch and Anita Supplemental Ditch improvements, access road, and parking area.

Preliminary issues include: Impacts to wetlands and cultural sites (properties), visual resources, Greater sage-grouse habitat, public health and safety, recreation, ground and surface waters, mineral development, and wildlife habitat.

The BLM seeks resource information and data for public land values (*e.g.,* air quality, cultural and historic resources, fire/fuels, fisheries, forestry, lands and realty, non-energy minerals and geology, oil and gas, paleontology, rangeland management, recreation, soil, water, and wildlife) in the project area. Preliminary planning criteria for the potential RMP amendment include: The amendment will recognize valid existing rights; planning decisions will cover public land and split-estate lands that the BLM administers; the planning process will be collaborative and multi-jurisdictional in nature; the environmental analysis will consider a reasonable range of alternatives; the BLM will consider current and potential future uses of public lands through the development of reasonably foreseeable future development and activity scenarios based on technical analysis of historical, existing, and projected levels of use; and decisions in the amendment will comply as appropriate with all applicable laws, regulations, policy, and guidance.

You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments by the close of the 30-day scoping period or within 15 days after the last public meeting, whichever is later.

The BLM will utilize and coordinate the NEPA scoping process to help fulfill the public involvement process under the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

The BLM will evaluate any authorizations and actions proposed in the EIS to determine if they conform to the decisions in the current and proposed land use plans. Any proposed actions that would change the scope of resource uses, terms and conditions, and decisions of these plans may require an amendment of an affected plan.

To provide the public with an opportunity to review the proposal and associated information, as well as any proposed plan amendments, the BLM will host meetings before November 13, 2017. The BLM will notify the public of meetings and any other opportunities for the public to be involved in the process for this proposal at least 15 days prior to the event. Meeting dates, locations and times will be announced by a news release to the media, individual emailings, and postings on the project Web site.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS.

Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1501.7, 43 CFR 1610.2.

Mary Jo Rugwell,

BLM Wyoming State Director.

[FR Doc. 2017–21965 Filed 10–10–17; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV912000 L13400000.PQ0000 LXSS006F0000; MO#]

Notice of Public Meeting of the Sierra Front-Northwestern Great Basin Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) of 1976, and the Federal Advisory Committee Act (FACA) of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM) Sierra Front-Northwestern Great Basin Resource Advisory Council (RAC) will meet as indicated below.

DATES: The RAC will hold a public meeting on Thursday, October 12 and a field trip on Friday, October 13, to the Porter Springs Recreation Area within the BLM Winnemucca District. The meeting will begin at 8:00 a.m. and end at 5:00 p.m. However, the meeting could end earlier if discussions and presentations conclude before 4:30 p.m. On October 13, the field trip will begin at 7:30 a.m. and end at 4:00 p.m.

ADDRESSES: The meeting will be held at the BLM Winnemucca District Office, 5100 East Winnemucca Blvd., Winnemucca, NV and the field trip will depart from the BLM Winnemucca District Office. Comments may be submitted by email to *lross@blm.gov* with the words ''SFNWGB RAC Oct. 2017 Comment'' in the subject line. Written comments should be sent to the following address and be received no later than October 11, 2017 in order to be discussed at meeting; SFNWGB RAC Oct. 2017 Comment, Attention: Lisa Ross, 5665 Morgan Mill Road, Carson City, Nevada 89703.

FOR FURTHER INFORMATION CONTACT: Lisa Ross by telephone at (775) 885–6107, or by email at *lross@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member RAC advises the Secretary of the Interior, through the BLM Nevada State Director, on a variety of planning and management issues associated with public land management in Nevada. Meeting agenda topics include updates on Wildfire, Burning Man, Wild Horses and Burros, Jordan Meadows Collaborative process, Mining, RAC subcommittee reports, and District manager's updates. Both the meeting and field trip are open to the public. However, the public is required to provide its own transportation for the field trip.

Individuals who plan to attend and need further information about the meeting or need special assistance such as sign language interpretation or other reasonable accommodations, may contact Lisa Ross at the phone number or email address above. A Public comment period will be available on October 12 from 8:10–8:30 a.m. and 4:30–5:00 p.m. during the meeting.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask the BLM in your comment to withhold your personal-identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 1784.4–2.

Chris Rose,

Acting Deputy Chief, Office of Communications.

[FR Doc. 2017–21964 Filed 10–10–17; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORV00000.L10200000. DF0000.LXSSH1050000. 17X.HAG 17–0148]

Notice of Public Meetings for the Southeast Oregon Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM) Southeast Oregon Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Southeast Oregon RAC will hold a public meeting on Monday and Tuesday, October 16 and 17, 2017. The October 16 meeting will consist of a field trip to view the Beaty Butte Wild Horse Training Facility and a local mining claim, departing at 8 a.m. and returning at 5 p.m. The October 17 meeting will begin at 8 a.m. and end at 1 p.m. A public comment period will be available from 12:00 p.m. to 12:30 p.m. The final agenda will be posted online at *http://www.blm.gov/or/rac/seorrac.php* on or before October 3, 2017.

ADDRESSES: The Southeast Oregon RAC will meet at the BLM Lakeview Interagency Center, 1301 S. G St., Lakeview, OR 97630, for both the Monday, October 16, field trip and the RAC business meeting.

FOR FURTHER INFORMATION CONTACT: Larisa Bogardus, Public Affairs Officer, 1301 South G Street, Lakeview, Oregon 97630; 541–947–6237; *lbogardus@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1(800) 877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member Southeast Oregon RAC was chartered and appointed by the Secretary of the Interior. The members represent commodity, conservation, and general interests. They provide advice to BLM and Forest Service resource managers regarding management plans and proposed resource actions on public land in southeast Oregon. All meetings are open to the public in their entirety. Information to be distributed to the the Southeast Oregon RAC is requested prior to the start of each meeting.

Before including your address, phone number, email address, or other personal identifying information in your comment, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 1784.4–2.

Donald Gonzalez,

Vale District Manager.

[FR Doc. 2017–21962 Filed 10–10–17; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO350000.16X.L11100000.PI0000 LXSISGMW0000]

Notice of Cancellation of Withdrawal Application and Withdrawal Proposal and Notice of Termination of Environmental Impact Statement for the Sagebrush Focal Area Withdrawal in Idaho, Montana, Nevada, Oregon, Utah and Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of cancellation.

SUMMARY: The Bureau of Land Management (BLM) has canceled its withdrawal application and the withdrawal proposal relating to approximately 10 million acres of public and National Forest system lands located within Sagebrush Focal Areas (SFAs) in Idaho, Montana, Nevada, Oregon, Utah, and Wyoming. The BLM has determined that the lands are no longer needed in connection with the proposed withdrawal. The BLM has also terminated the preparation of an Environmental Impact Statement evaluating this application and proposal.

DATES: This Notice is applicable on October 11, 2017.

FOR FURTHER INFORMATION CONTACT: Mark A. Mackiewicz, BLM, by telephone at 435–636–3616, mail to 125 South 600 West, Price, UT 84501–2833 or by email at *mmackiew@blm.gov.* Persons using a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 800–877–8339. FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Withdrawal was published in the **Federal Register** on September 24, 2015, (80 FR 57635), as corrected (80 FR 63583), of the Department's proposal to withdraw approximately 10 million acres of public and National Forest System lands in Idaho, Montana, Nevada, Oregon, Utah, and Wyoming from location and entry under the United States mining laws for 20 years, subject to valid existing rights. The September 24, 2015, Notice also served as a Notice of Intent to Prepare an Environmental Impact Statement (EIS), pursuant to the National Environmental Policy Act, 42 U.S.C. 4331, and initiated a public scoping process. The BLM has determined that the lands are no longer needed in connection with the proposed withdrawal. In accordance with 43 CFR 2310.1–4(a), the BLM therefore has canceled the proposed withdrawal and its application in support thereof. Preparation of an EIS is hereby terminated. Pursuant to 43 CFR 2310.2–1(d), the segregative effect for the lands described in 80 FR 57635 as amended by 80 FR 63583 terminated by operation of law on September 24, 2017, and the lands are currently open to location and entry under the United States mining laws, subject to valid existing rights, the provision of existing withdrawals, other segregations of record, and the requirements of applicable law.

Michael D. Nedd,

Acting Director.

[FR Doc. 2017–21963 Filed 10–10–17; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO200000/LXSGPL000000/17x/ L11100000.PH0000]

Notice of Intent To Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements or Environmental Assessments

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: On March 31, 2017, the United States District Court for the District of Nevada held that the Bureau of Land Management (BLM) violated the National Environmental Policy Act of 1969, as amended, (NEPA) by failing to prepare a supplemental Environmental Impact Statement (EIS) for the designation of Sagebrush Focal Areas (SFA) in the Nevada and Northeastern California Greater Sage-Grouse Resource Management Plan (RMP) Amendment in Nevada. In order to comply with the court's order and to address issues raised by various interested parties, the BLM intends to consider the possibility of amending some, all or none of the BLM land use plans that were amended or revised in 2014 and 2015 regarding Greater Sage-Grouse conservation in the States of California, Colorado, Idaho, Nevada, Oregon, Wyoming, North Dakota, South Dakota, Utah and Montana (''2015 Sage-Grouse Plans''). By this Notice the BLM is announcing the beginning of the scoping process to solicit public comments on Greater Sage-Grouse land management issues that could warrant land use plan amendments.

DATES: This Notice initiates the public scoping process for RMP amendment(s) with associated NEPA document(s). Comments may be submitted in writing until November 27, 2017. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local news media, newspapers and the BLM Web site at: *http://bit.ly/GRSGplanning.* In order to be included in the analysis, all comments must be received prior to the close of the 45-day scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation as appropriate.

ADDRESSES: You may submit comments on issues and planning criteria related to amending land use plans regarding Greater Sage-Grouse conservation to the BLM Web site at: *http://bit.ly/GRSGplanning* or to one of the addresses listed in the **SUPPLEMENTARY INFORMATION** section below. If your comments are specific to an individual State or region, please specify that in your comments.

Documents pertinent to this proposal may be examined at the addresses listed below in **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Johanna Munson in the BLM-Idaho State Office at (208) 373–7834, email *BLM_sagegrouseplanning@blm.gov,* or mail 1387 South Vinnell Way, Boise, ID 83708. For a list of local BLM contacts, please see the **SUPPLEMENTARY INFORMATION** section below. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individuals during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: On March 31, 2017, the United States District Court for the District of Nevada held that the BLM violated NEPA by failing to prepare a supplemental EIS for the designation of SFAs in the 2015 Greater Sage-Grouse Plan in Nevada. Similar claims were raised in other lawsuits that have not been decided. The BLM also recognizes that the 2015 Greater Sage-Grouse Plans blended elements from among the action alternatives analyzed through the NEPA process for those

decisions. In order to comply with the court's order, to address issues raised by various interested parties, and to consider recommendations in the August 4, 2017, report prepared by the Department of the Interior's Greater Sage-Grouse Review Team in Response to Secretary's Order 3353 (SO 3353), the BLM seeks comment on the SFA designation, mitigation standards, lek buffers in all habitat management area types, disturbance and density caps, habitat boundaries to reflect new information, and reversing adaptive management responses when the BLM determines that resource conditions no longer warrant those responses. The BLM also seeks comment on State-specific issues, such as the need for General Habitat Management Areas in Utah, and other issues identified by State, tribal, and local governments. The BLM also seeks input on planning criteria, which include compliance with laws and regulations and adequacy of Greater Sage-Grouse conservation measures in the land use plans. Any RMP amendment(s) with associated NEPA document(s)—EISs or Environmental Assessments (EAs)—developed will be completed in compliance with NEPA and the Federal Land Policy and Management Act of 1976, as amended.

The BLM coordinated with the Sage Grouse Task Force to develop the SO 3353 report and continues to identify issues that warrant clarification or reconsideration. This coordination effort is continuing and will help to inform the BLM's implementation of SO 3353 in each State, as will input from other stakeholders. This Notice and potential planning effort does not preclude the BLM from addressing issues and inconsistencies through other means, including policy, training, or plan maintenance, nor does it commit the BLM to amending some, all, or none of the Greater Sage-Grouse plans. In addition to comments on the issues and planning criteria, the BLM would like to receive input on whether the planning effort should occur through state-by-state amendment processes and decisions. In particular, the BLM looks forward to receiving the comments of the Governors of each state, and will strive to accommodate those comments to the extent practicable given prior collaborative efforts.

You may submit comments in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using the method listed in the **ADDRESSES** section. You should submit comments by the close of the 45-day scoping period or within 15 days after the last public meeting, whichever is later.

The BLM will utilize and coordinate the NEPA scoping process to help fulfill the public involvement process under the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources.

The following is a list of BLM contacts and the BLM offices where documents may be examined:

California: Jeremiah Karuzas; telephone: 916–978–4644; email: *jkaruzas@blm.gov*; 2800 Cottage Way Sacramento, CA 95825.

Colorado: Bridget Clayton; telephone: 970–244–3045; email: *bclayton@blm.gov*; 2815 H Road, Grand Junction, CO 81506.

Idaho: Ammon Wilhelm; telephone: 208–373–3824; email: *awilhelm@blm.gov*; 1387 S Vinnell Way, Boise, ID 83708.

Nevada: Matt Magaletti; telephone: 775–861–6472; email: *mmagalet@blm.gov*; 1340 Financial Blvd., Reno, NV 89502.

Montana/Dakotas: John Carlson; telephone: 406–896–5024; email: *jccarlso@blm.gov*; 5001 Southgate Drive, Billings, MT 59101.

Oregon: Molly Anthony; telephone: 503–808–6052; email: *manthony@blm.gov*; 1220 South West 3rd Avenue, Portland, OR 97204.

Utah: Quincy Bahr; telephone: 801–539–4122; email: *qfbahr@blm.gov*; 440 West 200 South Suite 500, Salt Lake City, UT 84101.

Wyoming: Erica Husse; telephone: 307–775–6318; email: *ehusse@blm.gov*; 5353 Yellowstone Road, Cheyenne, WY 82009.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. The BLM will evaluate identified issues to be addressed in the plan, and will place them into one of three categories:

1. Issues to be resolved in the plan amendment(s);
2. Issues to be resolved through policy or administrative action; or
3. Issues beyond the scope of the plan amendment(s).

The public is encouraged to help identify any issues, management questions, or concerns that should be addressed in the plan amendment(s). The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns.

The BLM will use an interdisciplinary approach to develop the plan amendment(s) in order to consider the variety of resource issues and concerns identified.

Authority: 40 CFR 1501.7 and 43 CFR 1610.2.

Michael D. Nedd,

Acting BLM Director.

[FR Doc. 2017–21958 Filed 10–10–17; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–24190; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before September 16, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by October 26, 2017.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions

in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before September 16, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

ILLINOIS

Cook County

Baptist Retirement Home, 316 Randolph St., Maywood, SG100001765

IOWA

Marion County

Collegiate Neighborhood Historic District, Main to W. 1st, Independence to Union & w. side of W. 1st to Liberty Sts., Pella, SG100001766

NEW YORK

Albany County

Coeymans Landing Historic District, Various Coeymans, SG100001767

Cattaraugus County

Allegany Council House, 8156 Old Rt. 17, Jimerstown, Allegany Indian Territories, SG100001768

Lewis County

First Lewis County Clerk's Office, 6660 NY 26, Martinsburg, SG100001769

Nassau County

Building at 390 Ocean Avenue, Massapequa, SG100001770

OREGON

Deschutes County

Redmond Downtown Historic District, Generally bounded by SW. Cascade & SW. Forest Aves., SW. 5th & SW. 7th Sts., Redmond, SG100001771

Josephine County

Reed-Cobb-Bowser House and Barn, 1700 Merlin Rd., Merlin, SG100001772

Lane County

Foster-Simmons House (Eugene West University Neighborhood MPS), 417 E. 13th Ave., Eugene, MP100001773

Multnomah County

Peacock Lane Historic District (Historic Residential Suburbs in the United States, 1830–1960 MPS), SE. Stark & SE. Belmont Sts., SE. Peacock Ln., Portland, MP100001774

WISCONSIN

Dane County

Tenney Building, 110 E. Main St., Madison, SG100001775

Authority: 60.13 of 36 CFR part 60.

Dated: September 22, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program, Keeper, National Register of Historic Places.

[FR Doc. 2017–21800 Filed 10–10–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1073]

Certain Thermoplastic-Encapsulated Electric Motors, Components Thereof, and Products and Vehicles Containing Same II; Institution of Investigation

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 5, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Intellectual Ventures II LLC of Bellevue, Washington. A supplement was filed on September 15, 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 thermoplastic-encapsulated electric motors, components thereof, and products and vehicles containing same by reason of infringement of U.S. Patent No. 7,154,200 (''the '200 patent''); U.S. Patent No. 7,067,944 (''the '944 patent''); U.S. Patent No. 7,067,952 (''the '952 patent''); U.S. Patent No. 7,683,509 (''the '509 patent''); and U.S. Patent No. 7,928,348 (''the '348 patent''). The complaint further alleges that an industry in the United States exists and is in the process of being established as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, as supplemented, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server 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.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION: *Authority:* The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on October 4, 2017, *Ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain thermoplastic-encapsulated electric motors, components thereof, and products and vehicles containing same by reason of infringement of one or more of claims 1, 2, and 4–7 of the '200 patent; claims 24–27 of the '348 patent; claims 1, 2, 14, and 15 of the '509 patent; claims 3, 9, and 11 of the '944 patent; and claims 10 and 12 of the '952 patent; and whether an industry in the United States exists and/or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding Administrative Law Judge shall take evidence or other information and hear arguments from the parties or

other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Intellectual Ventures II LLC, 3150 139th Avenue SE., Building 4, Bellevue, WA 98005.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Aisin Seiki Co., Ltd., 2–1, Asahimachi, Kariya 448–0032, Aichi, Japan
Aisin Holdings of America, Inc., 1665 E 4th Street Road, Seymour, IN 47274
Aisin Technical Center of America, Inc., 15300 Centennial Drive, Northville, MI 48168
Aisin World Corporation of America, 15300 Centennial Drive, Northville, MI 48168
Bayerische Motoren Werke AG, Petuelring 130, D–80788, Munich, Germany
BMW of North America, LLC, 300 Chestnut Ridge Rd., Woodcliff Lake, NJ 07677
BMW Manufacturing Co., LLC, 1400 Hwy. 101 S., Greer, SC 29651–6731
Denso Corporation, 1–1, Showacho, Kariya 448–0029, Aichi, Japan Denso International America, Inc., 24777 Denso Drive, Southfield, MI 48033
Honda Motor Co., Ltd., 1–1, 2-chome, Minami-Aoyama, Minato-ku, Tokyo 107–8556, Japan
Honda North America, Inc., 700 Van Ness Avenue, Torrance, CA 90501
American Honda Motor Co., Inc., 1919 Torrance Blvd., Torrance, CA 90501
Honda of America Mfg., Inc., 24000 Honda Pkwy., Marysville, OH 43040
Honda Manufacturing of Alabama, LLC, 1800 Honda Drive, Lincoln, AL 35096
Honda R&D Americas, Inc., 1900 Harpers Way, Torrance, CA 90501
Mitsuba Corporation, 1–2681, Hirosawacho, Kiryu 376–0013, Gunma, Japan
American Mitsuba Corporation, 2945 Three Leaves Drive, Mount Pleasant, MI 48858
Nidec Corporation, 338, Tonoshirocho, Kuze, Minami-Ku, Kyoto, Japan
Nidec Automotive Motor Americas, LLC, 1800 Opdyke Court, Auburn Hills, MI 48326
Toyota Motor Corporation, 1 Toyota-cho, Toyota City, Aichi Prefecture 471–8571, Japan
Toyota Motor North America, Inc., 601 Lexington Ave., 49th Floor, New York, NY 10022
Toyota Motor Sales, U.S.A., Inc., 19001 S. Western Avenue, Torrance, CA 90501
Toyota Motor Engineering & Manufacturing North America, Inc., 25 Atlantic Avenue, Erlanger, KY 41018
Toyota Motor Manufacturing, Indiana, Inc., 4000 Tulip Tree Drive, Princeton, IN 47670
Toyota Motor Manufacturing, Kentucky, Inc., 1001 Cherry Blossom Way, Georgetown, KY 40324

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 4, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–21842 Filed 10–10–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On October 2, 2017, the Department of Justice lodged a Consent Decree with the United States District Court for the District of Maryland in the lawsuit entitled *United States and State of Maryland* v. *AAI Corporation, et al.* The Consent Decree resolves claims under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9606 and 9607(a), for past response costs, future response costs, injunctive relief, and natural resource damages (''NRDs''), incurred in connection with the disposal of hazardous substances at the 68th Street Dump Superfund Alternative Site outside of Baltimore, Maryland (''the Site''). The Complaint, brought jointly with the State of Maryland, filed concurrently with the Consent Decree alleges that the various defendants own, owned, operated, arranged for the transport of hazardous substances to, or transported hazardous substances to the Site. The proposed Consent Decree obligates certain defendants to perform the remedy which is set forth in the September 2013 Record of Decision (attached to the Consent Decree as Exhibit B), valued at approximately $51.5 million. The proposed Consent Decree also requires certain defendants to perform additional NRD restoration work, reimburse the Natural Resource Trustees (United States Department of the Interior, acting by and through the U.S. Fish and Wildlife Service; the U.S. Department of Commerce, acting by and through the National Oceanic and Atmospheric Administration; and the State of Maryland) $240,000 for past trustee NRD assessment costs, pay the Natural Resource Trustees $630,000 to fund an off-site restoration project, and pay up to $250,000 to the Natural Resource Trustees for theirfuture oversight costs.

AAI Corporation; City of Baltimore, Maryland; CSX Realty Development, LLC; CSX Transportation, Inc.; Industrial Enterprises, Inc.; Pulaski & 68th Street, LLC; Browning-Ferris, Inc.; Acme Markets Inc.; Air Products and Chemicals, Inc.; AK Steel Corporation; Alcatel-Lucent USA Inc.; Alcolac Inc., now known as Solvay USA Inc.; Baltimore Galvanizing Co., Inc.; Baltimore Gas & Electric Company; Beazer East, Inc.; Brunswick Corporation; Chevron Environmental Management Company; Crown Cork & Seal Company, Inc.; Exxon Mobil Corporation; Honeywell International Inc.; International Paper Company; The Johns Hopkins Hospital; The Johns Hopkins Health System

Continued

Several entities, including settling agencies of the United States and the State of Maryland, are resolving their alleged liability in the Consent Decree through payments to a trust account created by the group of companies that will perform the cleanup.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of Maryland* v. *AAI Corporation, et al.,* DOJ number 90–11–3–10830. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd @usdoj.gov*.
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees*. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $90.50 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $17.25.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–21928 Filed 10–10–17; 8:45 am]

BILLING CODE 4410–15–P

Corporation; The Johns Hopkins University; Lockheed Martin Corporation; Noxell Corporation; Pitney Bowes Inc.; PPG Industries, Inc.; Arkema Inc.; Smithfield Foods, Inc.; Sala Investment Limited Partnership; Sala Investment, LLC; BP Products North America Inc.; Constellation Power Source Generation, LLC; General Electric Company; Locke Insulators, Inc.; Verizon Maryland, LLC; Waste Management of Maryland, Inc.; Mullan Enterprises, Inc.; Black and Decker (U.S.) Inc.; Conagra Grocery Products Company, LLC; and Illinois Tool Works, Inc.

NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meetings

TIME AND DATES: The Members of the National Council on Disability (NCD) will hold a quarterly meeting on Thursday, October 26, from 9:00 a.m.—4:30 p.m., Eastern Time, in Louisville, KY.

PLACE: This meeting will occur in Louisville, KY at the Aloft Louisville Downtown hotel, in the rooms called ''Tactic 1 & 4'' on the first floor, 102 W Main Street, Louisville, KY 40202. Interested parties may join the meeting in person at the meeting location or may join by phone in a listening-only capacity (other than the period allotted for public comment noted below) using the following call-in information: Teleconference number: 1–888–203–7337; Conference ID: 9520004; Conference Title: NCD Meeting; Host Name: Clyde Terry.

MATTERS TO BE CONSIDERED: The Council will receive agency updates on policy projects, finance, governance, and other business. The Council will release its annual 2017 Progress Report and receive a respondent panel presentation on the report. It will also screen a documentary film entitled ''Rooted in Rights.'' The Council will vote on final drafts of policy reports on guardianship and on pre-employment transition services under the Workforce Innovation and Opportunity Act. The Council will discuss project proposals for NCD's policy work in 2018 and 2019 before ending the meeting in a period of public comment.

AGENDA: The times provided below are approximations for when each agenda item is anticipated to be discussed (all times Eastern):

Thursday, October 26

9:00–9:15 a.m.—Welcome and introductions
9:15–11:15 a.m.—Release of NCD 2017 Progress Report, including screening of ''Rooted in Rights'' documentary and report respondent panel
11:15–11:30 a.m.—Break
11:30 a.m.–12:30 p.m.—NCD business meeting with votes scheduled following discussions of NCD's completed reports on guardianship and on pre-employment transition services under the Workforce Innovation and Opportunity Act
12:30–1:30 p.m.—Lunch break
1:30–2:15 p.m.—Continuation of NCD business meeting, including finance and governance reports
2:15–2:30 p.m.—Break
2:30–4:00 p.m.—Council discussion of 2018 and 2019 policy project priorities
4:00–4:30 p.m.—Public comment
4:30 p.m.—Adjournment

PUBLIC COMMENT: To better facilitate NCD's public comment, any individual interested in providing public comment is asked to register his or her intent to provide comment in advance by sending an email to *PublicComment@ncd.gov* with the subject line ''Public Comment'' with your name, organization, state, and topic of comment included in the body of your email. Full-length written public comments may also be sent to that email address. All emails to register for public comment at the quarterly meeting must be received by Wednesday, October 25, 2017. Priority will be given to those individuals who are in-person to provide their comments during the public comment period. Those commenters on the phone will be called on per the list of those registered via email. Due to time constraints, NCD asks all commenters to limit their comments to three minutes.

CONTACT PERSON FOR MORE INFORMATION: Anne Sommers, NCD, 1331 F Street NW., Suite 850, Washington, DC 20004; 202–272–2004 (V), 202–272–2074 (TTY).

ACCOMMODATIONS: A CART streamtext link has been arranged for this meeting. The web link to access CART on Thursday, October 26, 2017 is: *http://www.streamtext.net/player?event=NCD-QUARTERLY*.

Those who plan to attend the meeting in-person and require accommodations should notify NCD as soon as possible to allow time to make arrangements. To help reduce exposure to fragrances for those with multiple chemical sensitivities, NCD requests that all those attending the meeting in person refrain from wearing scented personal care products such as perfumes, hairsprays, and deodorants.

Dated: October 6, 2017.

Sharon M. Lisa Grubb,

Director of Operations and Administration.

[FR Doc. 2017–22057 Filed 10–6–17; 4:15 pm]

BILLING CODE 8421–03–P

NATIONAL LABOR RELATIONS BOARD

Notice of Appointments of Individuals To Serve as Members of Performance Review Boards; Corrections

AGENCY: National Labor Relations Board.

ACTION: Notice; correction.

Authority: 5 U.S.C. 4314(c)(4).

SUMMARY: The National Labor Relations Board published a document in the **Federal Register** of October 2, 2017 identifying the individuals who have been appointed to serve as members of performance review boards. The document contained incorrect dates in the Summary.

FOR FURTHER INFORMATION CONTACT: Gary Shinners, Executive Secretary, National Labor Relations Board, 1015 Half Street SE., Washington, DC 20570, (202) 273–3737 (this is not a toll-free number), 1–866–315–6572 (TTY/TDD).

Correction

In the **Federal Register** of October 2, 2017, in FR Doc. 82–45905 (Vol. 82, No. 189), on page 45905, in the second column, correct the dates in the **SUMMARY** to read ''October 1, 2016 and ending September 30, 2017.''

Dated: October 5, 2017.

Roxanne Rothschild,

Deputy Executive Secretary.

[FR Doc. 2017–21858 Filed 10–10–17; 8:45 am]

BILLING CODE 7545–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Computing and Communication Foundations; 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: Proposal Review Panel for Computing and Communication Foundations (#1192)—CSoI (Purdue University) Reverse Site Visit.

Date and Time: November 29, 2017; 8:00 a.m.–6:00 p.m.

November 30, 2017; 9:00 a.m.–3:00 p.m.

Place: Virginia Tech Research Center, 900 Glebe Road, Arlington, VA.

Type of Meeting: Part-Open.

Contact Person: Phillip Regalia, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA, 22314; Telephone: (703) 292–8910.

Purpose of Meeting: Site visit to assess the progress of the STC Award: CCF–0939370, ''Emerging Frontiers of Science of Information'', and to provide advice and recommendations concerning further support for the project.

Agenda

Wednesday, November 29, 2017; 8:00 a.m.–6:00 p.m.

8:00 a.m. to 6:00 p.m.: OPEN
Presentations by Awardee Institution, faculty staff and students, to Site Team and NSF Staff. Discussions and question and answer sessions.

Thursday, November 30, 2017; 9:00 a.m.–3:00 p.m.

9:00 a.m.–3:00 p.m.: CLOSED
Response and feedback to presentations by Site Team and NSF Staff. Discussions and question and answer sessions. Draft report on education and research activities. Complete written site visit report with preliminary recommendations.

Reason for Closing: The work being reviewed during closed portions of the site review include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the review. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 4, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–21789 Filed 10–10–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on APR1400; Notice of Meeting

The ACRS Subcommittee on APR1400 will hold a meeting October 17, 2017, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Tuesday, October 17, 2017, 8:30 a.m. until 5:00 p.m.

The Subcommittee will review the APR1400 design control document review, Chapter 8, ''Electric Power,'' and Chapter 10, ''Steam and Power Conversion System.'' The Subcommittee will hear presentations by and hold discussions with the NRC staff and Korea Hydro & Nuclear Power Company regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christopher Brown (Telephone 301–415–7111 or Email: *Christopher.Brown@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017, (81 FR 71543).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: October 5, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–21864 Filed 10–10–17; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Senior Executive Service-Performance Review Board

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members of the OPM Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Carmen Garcia, Employee Services—OPM Human Resources, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, (202) 606–1048.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. The board reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and considers recommendations to the appointing authority regarding the performance of the senior executive.

Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

The following have been designated as members of the Performance Review Board of the U.S. Office of Personnel Management:

Mark Reinhold, Associate Director for Employee Services and Chief Human Capital Officer
Jason Simmons, Chief of Staff
Dennis Coleman, Chief Financial Officer
Charles Phalen, National Background Investigations Bureau Director
Kenneth Zawodny, Associate Director for Retirement Services
Mark Lambert, Associate Director for Merit, Systems, Accountability, and Compliance
Joseph Kennedy, Associate Director for Human Resources Solutions
Andrea Bright, Deputy Chief Human Capital Officer—Executive Secretariat

[FR Doc. 2017–21923 Filed 10–10–17; 8:45 am]

BILLING CODE 6325–45–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81814; File No. SR–Phlx–2017–75]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing of Proposed Rule Change To Amend Rule 1009 To Modify the Criteria for Listing an Option on an Underlying Covered Security

October 4, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 27, 2017, NASDAQ PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Commentary .01 to Rule 1009 to modify the criteria for listing an option on an underlying covered security.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Commentary .01 to Rule 1009 to modify the criteria for listing options on an underlying security as defined in Section 18(b)(1)(A) of the Securities Act of 1933 (hereinafter ''covered security'' or ''covered securities''). In particular, the Exchange proposes to modify Rule 1009, Commentary .01(4)(i) to permit the listing of an option on an underlying covered security that has a market price of at least $3.00 per share for the previous three consecutive business days preceding the date on which the Exchange submits a certificate to the Options Clearing Corporation (''OCC'') for listing and trading. The Exchange does not intend to amend any other criteria for listing options on an underlying security in Rule 1009 and accompanying Commentary.

Currently the underlying covered security must have a closing market price of $3.00 per share for the previous five consecutive business days preceding the date on which the Exchange submits a listing certificate to OCC. In the proposed amendment, the market price will still be measured by the closing price reported in the primary market in which the underlying covered security is traded, but the measurement will be the price over the prior three consecutive business day period preceding the submission of the listing certificate to OCC, instead of the prior five business day period.

The Exchange acknowledges that the Options Listing Procedures Plan [3] requires that the listing certificate be provided to OCC no earlier than 12:01 a.m. and no later than 11:00 a.m. (Chicago time) on the trading day prior to the day on which trading is to begin.[4]

[3] The Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options Submitted Pursuant to Section 11a(2)(3)(B) of the Securities Exchange Act of 1934 (a/k/a the Options Listing Procedures Plan (''OLPP'')) is a national market system plan that, among other things, set forth procedures governing the listing of new options series. *See* Securities Exchange Act Release No. 44521 (July 6, 2001), 66 FR 36809 (July 13, 2001) (Order approving OLPP). The sponsors of OLPP include Phlx; OCC; BATS Exchange, Inc.; BOX Options Exchange LLC; C2 Options Exchange, Incorporated; Chicago Board Options Exchange, Incorporated; EDGX Exchange, Inc; Miami International Securities Exchange, LLC; MIAX PEARL LLC; The NASDAQ Stock Market LLC; NASDAQ BX, Inc.; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; Nasdaq MRX, LLC; NYSE American, LLC; and NYSE Arca, Inc.

[4] *See* OLPP at page 3.

The proposed amendment will still comport with that requirement. For example, if an initial public offering (''IPO'') occurs at 11 a.m. on Monday, the earliest date the Exchange could submit its listing certificate to OCC would be on Thursday by 12:01 a.m. (Chicago time), with the market price determined by the closing price over the three-day period from Monday through Wednesday. The option on the IPO would then be eligible for trading on the Exchange on Friday. The proposed amendment would essentially enable options trading within four business days of an IPO becoming available instead of six business days (five consecutive days plus the day the listing certificate is submitted to OCC).

At the time the Exchange adopted the ''look back'' period of five consecutive business days, it determined that the five-day period was sufficient to protect against attempts to manipulate the market price of the underlying security and would provide a reliable test for stability.[5] Surveillance technologies and procedures concerning manipulation have evolved since then to provide adequate prevention or detection of rule or securities law violations within the proposed time frame, and the Exchange represents that its existing trading surveillances are adequate to monitor the trading in the underlying security and subsequent trading of options on the Exchange.[6]

Furthermore, The NASDAQ Stock Market (''Nasdaq''), the Exchange's affiliated listing market, had no cases within the past five years where an IPO-related issue for which it had pricing information qualified for the $3.00 price requirement during the first three days of trading and did not qualify for the $3.00 price requirement during the first five days.[7] In other words, none of these qualifying issues fell below the $3.00 threshold within the first three or five days of trading. As such, the Exchange believes that its existing surveillance technologies and procedures, coupled with its findings related to the IPO-related issues on Nasdaq as described herein, adequately address potential concerns regarding possible manipulation or price stability within the proposed timeframe.

The Exchange also believes that the proposed look back period can be implemented in connection with the other initial listing criteria for underlying covered securities. In particular, the Exchange recognizes that it may be difficult to verify the number of shareholders in the days immediately following an IPO due to the fact that stock trades generally clear within two business days (T+2) of their trade date and therefore the shareholder count will generally not be known until T+2.[8] The Exchange notes that the current T+2 settlement cycle was recently reduced from T+3 on September 5, 2017 in connection with the Commission's amendments to Exchange Rule 15c6–1(a) to adopt the shortened settlement cycle,[9] and the look back period of three consecutive business days proposed herein reflects this shortened T+2 settlement period. As proposed, stock trades would clear within T+2 of their trade date (*i.e.,* within three business days) and therefore the number of shareholders could be verified within three business days, thereby enabling options trading within four business days of an IPO (three consecutive business days plus the day the listing certificate is submitted to OCC).

Furthermore, the Exchange notes that it can verify the shareholder count with various brokerage firms that have a large retail customer clientele. Such firms can confirm the number of individual customers who have a position in the new issue. The earliest that these firms can provide confirmation is usually the day after the first day of trading (T+1) on an unsettled basis, while others can confirm on the third day of trading (T+2). The Exchange has confirmed with some of these brokerage firms who provide shareholder numbers to the Exchange that they are able to provide these numbers within T+2 after an IPO. For the foregoing reasons, the Exchange believes that basing the proposed three business day look back period on the T+2 settlement cycle would allow for sufficient verification of the number of shareholders.

The proposed rule change will apply to all covered securities that meet the criteria of Rule 1009. Pursuant to Rule 1009, the Exchange's Board of Directors (the ''Board'') establishes guidelines to be considered by the Exchange in evaluating the potential underlying securities for Exchange option transactions.[10] However, the fact that a particular security may meet the guidelines established by the Board does not necessarily mean that it will be approved as an underlying security.[11] As part of the established criteria, the issuer must be in compliance with any applicable requirement of the Securities Exchange Act of 1934.[12] Additionally, in considering the underlying security, the Exchange relies on information made publicly available by the issuer and/or the markets in which the security is traded.[13] Also, in determining whether to list an option that otherwise meets the objective listing criteria, the Chairman of the Board or his designee may consider, *inter alia,* the name recognition of the option or underlying security.[14] Even if the proposed option meets the objective criteria, the Chairman of the Board or his designee may decide not to list, or place limitations or conditions upon listing.[15] The Exchange believes that these measures, together with its existing surveillance procedures, provide adequate safeguards in the review of any covered security that may meet the proposed criteria for consideration of the option within the timeframe contained in this proposal.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Section 6(b)(5) of the Act,[17] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and

[5] *See* Securities Exchange Act Release No. 47794 (May 5, 2003), 68 FR 25076 (May 9, 2003) (SR–Phlx–2003–27).

[6] Such surveillance procedures generally focus on detecting securities trading subject to opening price manipulation, closing price manipulation, layering, spoofing or other unlawful activity impacting an underlying security, the option, or both. As it relates to IPOs, the Exchange has price movement alerts, unusual market activity and order book alerts active for all trading symbols. These real-time patterns are active for the new security as soon as the IPO begins trading. The Nasdaq MarketWatch group, which provides such real-time surveillance on the Exchange and its affiliated markets, monitors trading activity in IPOs to see whether the new issue moves substantially above or below the public offering price in the first day or several days of trading.

[7] There were over 750 IPO-related issues on Nasdaq within the past five years. Out of all of the issues with pricing information, there was only one issue that had a price below $3 during the first five consecutive business days. The Exchange notes, however, that Nasdaq allows for companies to list on the Nasdaq Capital Market at $2.00 or $3.00 per share in some instances, which was the case for this particular issue. *See* Nasdaq Rule 5500 Series for initial listing standards on the Nasdaq Capital Market.

[8] The number of shareholders of record can be verified from large clearing agencies such as The Depository Trust and Clearing Corporation (''DTCC'') upon the settlement date (*i.e.,* T+2).

[9] *See* Securities Exchange Act Release No. 78962 (September 28, 2016), 81 FR 69240 (October 5, 2016) (Amendment to Securities Transaction Settlement Cycle) (File No. S7–22–16).

[10] *See* Exchange Rule 1009(b). The Board established specific criteria to consider by the Exchange in evaluating potential underlying securities for Exchange Option Transactions in its Commentary to Exchange Rule 1009.

[11] *Id.*

[12] *See* Exchange Rule 1009, Commentary .01(5).

[13] *See* Exchange Rule 1009, Commentary .02(d).

[14] *See* Exchange Rule 1009, Commentary .02(e).

[15] *See* Exchange Rule 1009, Commentary .02(c).

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that the proposed changes to its listing standards for covered securities would allow the Exchange to more quickly list options on a qualifying covered security that has met the $3.00 eligibility price without sacrificing investor protection. As discussed above, the Exchange believes that its existing trading surveillances provide a sufficient measure of protection against potential price manipulation within the proposed three consecutive business day timeframe. The Exchange also believes that the proposed three consecutive business day timeframe would continue to be a reliable test for price stability in light of its findings that none of the IPO-related issues on Nasdaq within the past five years that qualified for the $3.00 per share price standard during the first three trading days fell below the $3.00 threshold during the fourth or fifth trading day. Furthermore, the established guidelines to be considered by the Exchange in evaluating the potential underlying securities for Exchange option transactions,[18] together with existing trading surveillances, provide adequate safeguards in the review of any covered security that may meet the proposed criteria for consideration of the option within the proposed timeframe.

In addition, the Exchange believes that basing the proposed timeframe on the T+2 settlement cycle adequately addresses the potential difficulties in confirming the number of shareholders of the underlying covered security. Having some of the largest brokerage firms that provide these shareholder counts to the Exchange confirm that they are able to provide these numbers within T+2 further demonstrates that the 2,000 shareholder requirement can be sufficiently verified within the proposed timeframe. For the foregoing reasons, the Exchange believes that the proposed amendments will remove and perfect the mechanism of a free and open market and a national market system by providing an avenue for investors to swiftly hedge their investment in the stock in a shorter amount of time than what is currently in place.[19]

[18] *See* notes 10–15 above.

[19] This proposed rule change does not alter any obligations of issuers or other investors of an IPO that may be subject to a lock-up or other restrictions on trading related securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change reduces the number of days to list options on an underlying security, and is intended to bring new options listings to the marketplace quicker.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2017–75 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2017–75. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2017–75, and should be submitted on or before November 1, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21812 Filed 10–10–17; 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 15c2–7, SEC File No. 270–420, OMB Control No. 3235–0479

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 15c2–7 (17 CFR 240.15c2–7) 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.

[20] 17 CFR 200.30–3(a)(12).

Rule 15c2–7 places disclosure requirements on broker-dealers who have correspondent relationships, or agreements identified in the rule, with other broker-dealers. Whenever any such broker-dealer enters a quotation for a security through an inter-dealer quotation system, Rule 15c2–7 requires the broker-dealer to disclose these relationships and agreements in the manner required by the rule. The inter-dealer quotation system must also be able to make these disclosures public in association with the quotation the broker-dealer is making.

When rule 15c2–7 was adopted in 1964, the information it requires was necessary for execution of the Commission's mandate under the Securities Exchange Act of 1934 to prevent fraudulent, manipulative and deceptive acts by broker-dealers. In the absence of the information collection required under Rule 15c2–7, investors and broker-dealers would have been unable to accurately determine the market depth of, and demand for, securities in an inter-dealer quotation system.

There are approximately 3,939 broker-dealers registered with the Commission. Any of these broker-dealers could be potential respondents for Rule 15c2–7, so the Commission is using that figure to represent the number of respondents. Rule 15c2–7 applies only to quotations entered into an inter-dealer quotation system, such as the OTC Bulletin Board (''OTCBB''), or OTC Link (formerly, ''Pink Sheets''), operated by OTC Markets Group Inc. (''OTC Link''). According to representatives of both OTC Link and the OTCBB, neither entity has recently received, or anticipates receiving any Rule 15c2–7 notices. However, because such notices could be made, the Commission estimates that one filing is made annually pursuant to Rule 15c2–7.

Based on prior industry reports, the Commission estimates that the average time required to enter a disclosure pursuant to the rule is .75 minutes, or 45 seconds. The Commission sees no reason to change this estimate. We estimate that impacted respondents spend a total of .0125 hours per year to comply with the requirements of Rule 15c2–7 (1 notice (×) 45 seconds/notice).

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: October 4, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21909 Filed 10–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81819; File No. SR–LCH SA–2017–006]

Self-Regulatory Organizations; LCH SA; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change Relating to Options on Index Credit Default Swaps

October 4, 2017.

On August 18, 2017, Banque Central de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–LCH SA–2017–006) to amend LCH SA's CDS Clearing Rule Book, CDS Clearing Supplement, CDS Clearing Procedures, and CDS Dispute Resolution Protocol to incorporate relevant terms and make certain conforming and clarifying changes in order to permit LCH SA to clear options on index credit default swaps. The proposed rule change was published for comment in the **Federal Register** on August 31, 2017.[3] The Commission received no comments regarding the proposed changes.

Section 19(b)(2) of the Act provides that within 45 days of the publication of the notice of the filing or a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved.[4] The 45th day from the publication of the Notice is October 15, 2017.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. As noted above, LCH SA proposed to revise its CDS Clearing Rule Book, CDS Clearing Supplement, CDS Clearing Procedures, and CDS Dispute Resolution Protocol in order to permit it to clear options on index credit default swaps. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider LCH SA's proposed rule change and the associated risks.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act, extends the period by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–LCH SA–2017–006) to no later than November 29, 2017.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[5]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21816 Filed 10–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32849; 812–14248]

OppenheimerFunds, Inc., et al.

October 4, 2017.

AGENCY: Securities and Exchange Commission (''Commission'')

ACTION: Notice.

Notice of application for an order under sections 6(c) and 17(b) of the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–81487 (Aug. 25, 2017), 82 FR 41438 (Aug. 31, 2017) (SR–LCH SA–2017–006) (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] 17 CFR 200.30–3(a)(12).

Investment Company Act of 1940 (''Act'') for exemptions from section 17(a) of the Act, and under section 17(d) of the Act and rule 17d–1 thereunder to permit certain joint transactions.

SUMMARY OF APPLICATION: Applicants requests an order to permit certain registered open-end management investment companies or series thereof to invest in a private investment vehicle established by their investment advisers for the purpose of investing in China A Shares and certain other Chinese securities.

APPLICANTS: OppenheimerFunds, Inc. (''OFI''), OFI Global Asset Management, Inc. (''OFI Global''), and OFI Global Institutional, Inc. (''OFI Global Institutional,'' and together with OFI and OFI Global, the ''Initial Advisers''); OFI Global China Fund, LLC (the ''OFI Global China Fund''); and Oppenheimer Developing Markets Fund, Oppenheimer Global Fund, Oppenheimer Global Opportunities Fund, Oppenheimer Global Value Fund, Oppenheimer International Growth Fund, Oppenheimer International Small-Mid Company Fund and Oppenheimer International Equity Fund (together, the ''Trusts'').

FILING DATES: The application was filed on December 12, 2013, and amended on June 6, 2014, November 21, 2014, May 1, 2015, October 16, 2015, April 7, 2016, August 9, 2016, May 12, 2017, August 29, 2017, and September 26, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 30, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: 225 Liberty Street, New York, NY 10281.

FOR FURTHER INFORMATION CONTACT: Kieran G. Brown, Senior Counsel, at (202) 551–6773, or Robert H. Shapiro, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. Each Trust is a Delaware statutory trust and is registered under Act as an open-end management investment company. One Trust, the Oppenheimer Developing Markets Fund (the ''Initial Fund''), currently invests in the OFI Global China Fund, LLC (the ''OFI Global China Fund''), which relies on the exemptions from registration under the Act provided by section 3(c)(1) and/or 3(c)(7) of the Act.[1]

2. Each Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''), and OFI Global and OFI Global Institutional are each a wholly-owned subsidiary of OFI. OFI Global serves as investment adviser to the Initial Fund pursuant to an investment advisory agreement between OFI Global and the Initial Fund (the ''Advisory Agreement''). OFI serves as sub-adviser to the Initial Fund pursuant to a subadvisory agreement between OFI Global and OFI. As the Initial Fund's investment adviser and sub-adviser, OFI Global and OFI are responsible for making investment decisions for the Initial Fund and for administering the business and affairs of the Initial Fund. OFI Global is entitled, under the terms of the Advisory Agreement, to receive management fees from the Initial Fund at a specified rate. OFI Global also serves as the investment adviser to the other Trusts and their series and has entered into subadvisory agreements with OFI whereby OFI also provides investment advisory services to the other Trusts and their series. As investment adviser and sub-adviser, OFI Global and OFI's activities are subject to the oversight of the Boards of Trustees (the ''Board'' or ''Boards,'' as applicable) of the Trusts, at least a majority of whose members are not considered ''interested persons'' of the Trusts (as defined in section 2(a)(19) of the Act) (the ''Independent Trustees'').

3. OFI and the other Advisers also manage or may manage collective investment trusts, private pooled investment vehicles and investment companies registered in other jurisdictions (together, ''Other Vehicles''), as well as separately managed accounts (together with the Other Vehicles, ''Other Accounts'').[2] Applicants state that these Other Accounts may have similar investment objectives and strategies as the Funds and will invest in OFI Global China Fund Series (defined below) along with one or more Funds.

4. The Funds desire to purchase and redeem limited liability company interests (''Interests'') of separately identified series of the OFI Global China Fund (each separate series of the OFI Global China Fund, an ''OFI Global China Fund Series''). The OFI Global China Fund Series invests in class A Shares listed on People's Republic of China (''PRC'') stock exchanges, rights to invest in such class A Shares, corporate or government bonds listed on PRC stock exchanges or traded in the over-the-counter markets of the PRC and warrants listed on PRC stock exchanges (together, ''Chinese Securities'').[3] Notwithstanding the foregoing, a security will only be a ''Chinese Security'' if it is subject to the quota systems described in the application (as such quota systems may be amended or altered from time to time). Interests in the OFI Global China Fund will be sold only to the Funds and the Other Accounts.

5. Applicants assert that, for a variety of reasons, it is not practical or economical for the Funds to invest a significant amount of assets directly in Chinese Securities. Applicants state that, until 2002, the Chinese government restricted investment in China A Shares and other Chinese Securities to domestic (*i.e.,* Chinese)

[1] Each entity that currently intends to rely on the requested relief has been named as an applicant. Any Trusts and their existing or future series and any other existing or future registered open-end management investment company or series thereof for which an Initial Adviser, or an Initial Adviser's successor, or any person controlling, controlled by, or under common control with an Initial Adviser (an ''OFI Affiliate'') acts as investment adviser (such Initial Adviser or OFI Affiliate acting as investment adviser, an ''Adviser'') that may rely on the requested relief in the future is a ''Future Fund'' (together with the Initial Fund, the ''Funds''). For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization. Each Fund or other entity that may rely on the requested relief in the future will do so only in accordance with the terms and conditions of the requested order.

[2] The Applicants acknowledge that they are not seeking nor receiving relief with respect to the separately managed accounts.

[3] Applicants represent that the OFI Global China Fund will not invest in derivatives or in other pooled investment vehicles.

investors.[4] According to Applicants, since 2002, the Chinese Government has permitted certain non-Chinese investors to invest in China A Shares and gradually has liberalized applicable rules to permit non-Chinese investors to invest in other types of Chinese Securities. However, subject to limited exceptions described in the application, to do so, a foreign investor must receive a license from PRC regulators and be allotted a quota, representing the amount in renminbi of Chinese Securities that the investor may purchase. As described more fully in the application, individual applications on behalf of each Fund or Other Account would generally not be practical or feasible. Accordingly, OFI has obtained a license under the Qualified Foreign Institutional Investor (''QFII'') quota program, naming OFI Global China Fund as the investing vehicle in its application, and was granted a quota of US$200 million in late 2014, and has since obtained an additional $1.3 billion of quota, so that it can invest in Chinese Securities on behalf of the Funds and Other Accounts.

6. Applicants state that the OFI Global China Fund would allow the Funds, and Other Accounts, to gain dedicated exposure to Chinese Securities and provide numerous additional investment opportunities for the Funds that are consistent with their investment objectives and policies. Applicants state that each OFI Global China Fund Series will invest only in Chinese securities, cash and cash equivalents.

7. The OFI Global China Fund is organized as a Delaware limited liability company. OFI serves as, and in the future an OFI Affiliate may serve as, the managing member of the OFI Global China Fund. The OFI Global China Fund does not have a board of directors or trustees. A Fund or Other Account may invest in some or all of the different OFI Global China Fund Series.[5] Each OFI Global China Fund Series will have its own portfolio manager or portfolio management team at OFI who will be responsible for selecting particular Chinese Securities for investment by that OFI Global China Fund Series. Each Fund or Other Account investing in an OFI Global China Fund Series will hold Interests which will represent a proportionate share of the OFI Global China Fund Series' net assets and a proportionate claim on the OFI Global China Fund Series' net income. Interests in an OFI Global China Fund Series used by the Funds will be valued daily in accordance with the Funds' valuation procedures as approved by the Funds' Boards and in accordance with section 2(a)(41) of the Act. Each Interest would have the same rights as any other Interest, and the OFI Global China Fund Series would not issue preferred interests.

8. OFI will not charge advisory fees to OFI Global China Fund Series used by the Funds. OFI Global and the other Advisers will, however, be entitled to receive applicable advisory fees from the Funds or Other Accounts. Expenses of the OFI Global China Fund Series will be charged to the OFI Global China Fund Series as a whole and accrue on a daily basis.[6] The OFI Global China Fund's books and those of the OFI Global China Fund Series will be accounted for under standard accounting principles and in accordance with U.S. Generally Accepted Accounting Principles (''GAAP''), and they will be audited annually by a nationally recognized and PCAOB-registered audit firm in accordance with U.S. Generally Accepted Auditing Standards (''GAAS'').[7] The OFI Global China Fund Series in which a Fund invests will not borrow or engage in leverage.

9. A Fund's decision to invest in an OFI Global China Fund Series will be made by a Fund's portfolio manager(s). Because the PRC restricts repatriation of the proceeds from sales of Chinese Securities, each Fund will treat its entire investment in the OFI Global China Fund as an investment that is not liquid for purposes of any applicable rules or guidance of the Commission or its staff regarding the management of liquidity and will otherwise be subject to the limits described in condition 4. Applicants state that access by the Funds and Other Accounts to the quota (*i.e.,* to Chinese Securities) through the OFI Global China Fund Series is a limited opportunity and will be allocated in accordance with the Advisers' trade order aggregation and trade allocation policies and procedures (the ''Advisers' Trade Allocation Policy''). Under the Advisers' Trade Allocation Policy, if fewer Interests are available than requested by the portfolio managers of the Funds and Other Accounts, Interests will generally be allocated across participating accounts on a *pro rata* basis according to requested order size. Similarly, if more than one Fund or Other Account seeks to repatriate proceeds at or about the same time, and Chinese regulations limit the aggregate amount of proceeds that may be repatriated at any given time to a level below the aggregate amount sought to be repatriated, the requests by the applicable portfolio manager(s) will be aggregated, if received at or about the same time, and proceeds available for repatriation will be allocated *pro rata* among requesting Funds and Other Accounts.[8] The Advisers will not consider the potential impact on the quota when making investment decisions for the Funds or Other Accounts.[9]

10. Applicants state that OFI contemplates making a nominal (*i.e.,* not to exceed $1,000) investment in the OFI Global China Fund. OFI will acquire Interests in the OFI Global China Fund (or series thereof) having rights, duties and obligations that are identical in all respects to Interests purchased by other investors in the OFI Global China Fund (or series thereof). The sole purpose of the proposed investment is to permit OFI to serve as the tax matters partner of the OFI Global China Fund, which intends to be treated as a partnership for U.S. federal tax purposes. Applicants state that in the absence of OFI's investment, it is likely that the U.S. Internal Revenue Service would appoint a non-managing member

[4] Applicants assert that, for a variety of reasons, China A Shares are a more attractive means to invest in Chinese companies than are other categories of stock that are available on the Shanghai, Shenzhen and Hong Kong Stock Exchanges (which is where a significant majority of publicly traded Chinese companies list their shares).

[5] Applicants state that one OFI Global China Fund Series is contemplated, but in the future additional OFI Global China Fund Series may be established to invest in different issuers, or types, of Chinese Securities based generally on the particular characteristics of those issuers, or types, of Chinese Securities.

[6] Expenses of the OFI Global China Fund Series will include basic fees and expenses of service providers, such as the administrator, transfer agent, accountant, local custodian and legal counsel. OFI will engage an OFI Affiliate as its transfer agent. No fees will be paid by the OFI Global China Fund to a transfer agent that is an OFI Affiliate except in accordance with condition 3.

[7] Applicants state that the GAAS standards applicable to the audit of the OFI Global China Fund would be the same standards as those applicable to a registered investment company. Further, applicants state that GAAP would apply to both the OFI Global China Fund audit and a registered investment company audit. Thus, applicants assert that critical accounting policies governing security valuation, accounting for investment transactions, recognition of investment income and of expenses, and accrual of expenses, which are often the critical policies applicable to investment companies, would apply in substantially the same manner for the audit of the OFI Global China Fund.

[8] Applicants are not seeking comfort nor is the Commission providing any opinion on whether the Advisers' Trade Allocation Policy meets the standards applicable under the Act or the Advisers Act.

[9] Applicants state that the Chinese authorities may reduce or revoke a QFII's quota if the QFII does not invest the full amount of its quota over a phase-in period, or if it repatriates its investments below the quota amount.

partner of the OFI Global China Fund to serve as tax matters partner in an audit proceeding. In addition, absent such an investment by the OFI Global China Fund's managing member, the tax matters partner could change from year-to-year, which may disrupt preparation of the OFI Global China Fund's annual tax return.

Applicants' Legal Analysis

Section 17(a)—Purchase and Sale of Interests

1. Section 17(a) generally provides, in part, that it is unlawful for any affiliated person of a registered investment company (''first-tier affiliate''), or any affiliated person of such person (''second tier affiliate''), acting as principal, to sell or purchase any security or other property to or from such investment company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include (a) any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of the other person; (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with the power to vote by the other person; and (c) any person directly or indirectly controlling, controlled by, or under common control with the other person. Section 2(a)(9) defines ''control'' to mean ''the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company.''

2. Applicants state that the Funds and the OFI Global China Fund are expected to be affiliated persons under section 2(a)(3) of the Act, because it is expected that one or more Funds and Other Vehicles will own at least 5%, and potentially, more than 25% of the Interests of the OFI Global China Fund or an OFI Global China Fund Series. While Interests of the OFI Global China Fund (and OFI Global China Fund Series) will be non-voting interests, a Fund or Other Vehicle could have power to exercise a controlling influence over the management or policies of the OFI Global China Fund or Series and be deemed an affiliated person of the OFI Global China Fund or OFI Global China Fund Series under section 2(a)(3)(C). In addition, OFI Global is the investment adviser to the Initial Fund, OFI serves as the initial sub-adviser to the Initial Fund, and the Advisers will be investment advisers and sub-advisers to any Future Funds. An Adviser or OFI Affiliate will also be the managing member of the OFI Global China Fund. As a result, the OFI Global China Fund or OFI Global China Fund Series may be deemed to be under the Adviser's control under section 2(a)(3)(C), such that the OFI Global China Fund may be deemed an affiliated person of an affiliated person of the Funds.

3. If a Fund and the OFI Global China Fund are deemed affiliates of each other, or even second-tier affiliates, the sale of Interests of the OFI Global China Fund to the Fund, and the redemption of such Interests by the Fund, would be prohibited under section 17(a) of the Act.

4. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of each registered investment company involved and with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt any person or transactions from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

5. Applicants submit that the proposed arrangement satisfies the standards for relief under sections 17(b) and 6(c) of the Act. For the reasons discussed below, Applicants submit that the terms of the arrangement, including the consideration to be paid, are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transactions are consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Applicants further submit that the Funds' participation in the OFI Global China Fund Series will be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

6. Applicants state that each Fund and Other Account will be treated identically as a holder of Interest in the OFI Global China Fund Series, and each Fund and Other Account will purchase and sell Interests of an OFI Global China Fund Series on the same terms and on the same basis as each other Fund and Other Account that invests in that OFI Global China Fund Series. Applicants note that no Adviser or OFI Affiliate will receive a fee for advising any OFI Global China Fund Series used by a Fund. The Funds, as holders of Interests of the OFI Global China Fund, will not be subject to any sales load, redemption fee, distribution fee or service fee, except that the OFI Global China Fund will have the discretion to impose a redemption fee in accordance with applicable law or regulation for the purpose of offsetting brokerage, tax or other costs. If a redemption fee is charged, it will be charged only to the extent that such a fee may be charged by an open-end fund registered under the Act. Each series of the OFI Global China Fund will be audited. Moreover, administrative fees and transfer agent fees will be paid by the OFI Global China Fund Series used by the Funds to an Adviser or OFI Affiliate only upon the determination by each Fund's Board, including a majority of Independent Trustees, that the fees are (i) for services in addition to, rather than duplicative of, services rendered to the Funds directly and (ii) fair and reasonable in light of the usual and customary charges imposed by others for services of the same nature and quality. Applicants argue that the fees payable to the OFI Global China Fund's service providers will be for distinct services, and the costs of such fees will be outweighed by opportunity to invest in Chinese Securities.

Section 17(d)

7. Section 17(d) of the Act and rule 17d–1 under the Act generally prohibit joint transactions involving registered investment companies and their affiliates unless the Commission has approved the transaction. In considering whether to approve a joint transaction under rule 17d–1, the Commission considers whether the proposed transaction is consistent with the provisions, policies, and purposes of the Act, and the extent to which the participation of the investment companies is on a basis different from or less advantageous than that of the other participants.

8. Applicants state that the Funds (by purchasing Interests of the OFI Global China Fund), OFI (by managing the portfolio securities of the OFI Global China Fund and the Funds at the same time that the Funds are invested in Interests of the OFI Global China Fund and/or by providing a nominal tax matters partner investment in the OFI Global China Fund), and the OFI Global China Fund (by selling its Interests to, and redeeming its Interests from, the Funds), could be deemed to be

participants in a joint enterprise or arrangement within the meaning of section 17(d) and rule 17d–1.

9. Applicants request an order pursuant to section 17(d) and rule 17d–1 to permit the proposed transactions with the OFI Global China Fund. Applicants submit that the investment by the Funds in the OFI Global China Fund on the basis proposed is consistent with the provisions, policies and purposes of the Act, and that each Fund will invest in Interests of the OFI Global China Fund on the same basis as any other shareholder (*i.e.,* the other Funds and Other Accounts). Applicants further state that the Advisers will take reasonable steps to make sure that allocations among the Funds and Other Accounts are fair and equitable. Allocations of Chinese Securities to different OFI Global China Fund Series, and allocations of opportunities to invest in the OFI Global China Fund Series, by Funds and Other Accounts, will be subject to the Advisers' Trade Allocation Policy, under the supervision of the Advisers' and the Funds' CCO, and compliance with the Advisers' Trade Allocation Policy will be overseen by the Funds' Boards.

10. Applicants do not believe that OFI's nominal investment as tax matters partner in the OFI Global China Fund poses any potential conflict of interest not addressed by the conditions contained in the application. OFI will acquire Interests having rights, duties and obligations that are identical in all respects to Interests purchased by other investors in the OFI Global China Fund.

Section 17(a)—Cross Transactions

11. Applicants propose that the Funds be permitted to continue to engage in certain purchase and sale cross transactions in securities (''Cross Transactions'') between a Fund seeking to implement a portfolio strategy and an Other Vehicle seeking to raise or invest cash. The Funds currently rely on rule 17a–7 to engage in such Cross Transactions; however, if a Fund and an Other Vehicle were deemed to be second-tier affiliates of each other by virtue of their ownership or control affiliations with the OFI Global China Fund or an OFI Global China Fund Series, the Funds may not be entitled to rely on rule 17a–7 because they would no longer be affiliated solely for the reasons permitted by the rule.

12. Applicants assert that the potential affiliations created by the OFI Global China Fund Series structure do not affect the other protections provided by the rule, including the integrity of the pricing mechanism employed, and oversight by each Fund's Board. Applicants represent that the Funds and Other Vehicles will comply with the requirements set forth in rule 17a–(7)(a) through (g). Applicants thus believe that Cross Transactions will be reasonable and fair, and will not involve overreaching, and will be consistent with the purposes of the Act and the investment policy of each Fund.

Applicants' Conditions

Applicants agree that any order granting the requested relief shall be subject to the following conditions:

1. The Funds' investments in Interests of the OFI Global China Fund will be undertaken only in accordance with the Funds' stated investment restrictions and will be consistent with their stated investment policies.

2. The Advisers and their affiliated persons will receive no advisory fee from the OFI Global China Fund in connection with the Funds' investment in the OFI Global China Fund. The Advisers and their affiliated persons will receive no commissions, fees, or other compensation (except for transfer agent fees that are paid in accordance with condition 3 as described in the application) from a Fund or the OFI Global China Fund in connection with the purchase or redemption by the Funds of Interests in the OFI Global China Fund. Interests of the OFI Global China Fund will not be subject to a sales load, redemption fee, distribution fee or service fee, except that the OFI Global China Fund will have the discretion to impose a redemption fee in accordance with applicable law or regulation for the purpose of offsetting brokerage, tax or other costs. If a redemption fee is charged, it will be charged only to the extent that such a fee may be charged by an open-end fund registered under the Act.

3. Administrative fees and transfer agent fees will be paid by the OFI Global China Fund Series used by the Funds to an Adviser, or OFI Affiliate, only upon a determination by each Fund's Board, including a majority of its Independent Trustees, that the fees are (i) for services in addition to, rather than duplicative of, services rendered to the Funds directly and (ii) fair and reasonable in light of the usual and customary charges imposed by others for services of the same nature and quality. If such determination is not made by a Fund's Board, the Fund's Adviser will reimburse to that Fund the amount of any administrative fee and transfer agent fee borne by that Fund as an investor in the OFI Global China Fund.

4. Each Fund will treat its entire investment in the OFI Global China Fund as an investment that is not liquid for purposes of any applicable rules or guidance of the Commission or its staff regarding the management of liquidity. For example, under current guidelines, each Fund must limit its aggregate holdings of illiquid assets, which for purposes of the requested relief include any investments in the OFI Global China Fund, to 15% of its net assets. In addition, each Fund will, at all times, limit its holdings in the OFI Global China Fund to no more than 15% of its net assets.

5. Each Fund's Board, including a majority of the Independent Trustees, will determine initially and no less frequently than annually that the Fund's investment in the OFI Global China Fund is, and continues to be, in the best interests of the Fund and the Fund's shareholders. As part of this determination, the Fund's Board will consider the custody arrangements for the OFI Global China Fund's foreign securities (under rule 17f–5) and the bonding arrangements in place for certain of the OFI Global China Fund's officers and employees (under rule 17g–1).

6. The Advisers will make the accounts, books and other records of the OFI Global China Fund available for inspection by the Commission staff and, if requested, will furnish copies of those records to the Commission staff.

7. The OFI Global China Fund will comply with the following sections of the Act as if the OFI Global China Fund were an open-end management investment company registered under the Act, except as noted: Section 9; section 12; section 13 (the Interests issued by OFI Global China Fund will be regarded as voting securities under section 2(a) (42) of the Act for purposes of applying this condition and the offering memorandum utilized by the OFI Global China Fund to offer and sell Interests will be regarded as a registration statement for purposes of applying this condition); section 17(a) (except as described in the application); section 17(d) (except as described in the application); section 17(e); section 17(f); section 17(h), section 18 (the Interests issued by the OFI Global China Fund will be regarded as voting securities under section 2(a)(42) of the Act for purposes of applying this condition); section 21; section 36; and sections 37–53. In addition, the OFI Global China Fund will comply with the rules under section 17(f) [10] and section 17(g) of the

[10] Applicants note that they will operate the OFI Global China Fund such that rule 17f–1, rule 17f–2, and rule 17f–3 will not be applicable to it.

Act, and rule 22c–1 under the Act as if the OFI Global China Fund were an open-end management investment company registered under the Act. This condition 7 will apply only to OFI Global China Fund Series in which a Fund has invested; this condition 7 will not apply to OFI Global China Fund Series invested in exclusively by Other Accounts except insofar as necessary for the OFI Global China Fund Series invested in by a Fund to comply with this condition.

OFI will adopt procedures designed to ensure that the OFI Global China Fund complies with the aforementioned sections of the Act and rules under the Act. OFI will periodically review and periodically update as appropriate such procedures and will maintain books and records describing such procedures, and maintain the records required by rules 31a–1(b)(1), 31a–1(b)(2)(ii) and 31a–1(b)(9) under the Act. All books and records required to be made pursuant to this condition will be maintained and preserved for a period of not less than six years from the end of the fiscal year in which any transaction occurred, the first two years in an easily accessible place, and will be subject to examination by the Commission and its staff.

For purpose of implementing condition 7, any action that the above-referenced statutory and regulatory provisions require to be taken by the directors, officers and/or employees of a registered investment company will be performed by OFI (or its successor) [11] as the managing member of the OFI Global China Fund, except to the extent that the order requires the Funds' Boards to exercise oversight or take action with respect to the OFI Global China Fund as an extension of such Board's duties to the Funds.

8. To engage in Cross Transactions, the Funds will comply with rule 17a–7 under the Act in all respects other than the requirement that the parties to the transaction be affiliated persons (or affiliated persons of affiliated persons) of each other solely by reason of having a common investment adviser or investment advisers which are affiliated persons of each other, common officers, and/or common directors, solely because a Fund and Other Vehicle might become affiliated persons within the meaning of section 2(a)(3)(A), (B) or (C) of the Act because of their investments in the OFI Global China Fund.

9. An OFI Global China Fund Series in which a Fund invests will not borrow or engage in leverage.

[11] *See supra,* footnote 1.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21775 Filed 10–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32851; 812–14340]

USCF Fund Advisors, LLC, et al.

October 4, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) actively-managed series of certain open-end management investment companies (''Funds'') to issue shares redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (''Acquiring Funds'') to acquire shares of the Funds; and (f) certain Funds (''Feeder Funds'') to create and redeem Creation Units in-kind in a master-feeder structure.

APPLICANTS: USCF Fund Advisors, LLC (the ''Initial Adviser''), a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940, USCF ETF Trust (the ''Trust''), a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series, and ALPS Distributors, Inc. (''Distributor''), a Colorado Corporation and broker-dealer registered under the Securities Exchange Act of 1934 (''Exchange Act'').

FILING DATES: The application was filed on July 31, 2014 and amended on November 11, 2014, February 13, 2015, August 24, 2016, February 23, 2017 and July 7, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 30, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: Applicants, James M. Cain and Cynthia R. Beyea, Eversheds Sutherland (US) LLP, 700 Sixth Street NW., Suite 700, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Jeremy Heckerling, Senior Counsel, at (202) 551–7259, or Robert H. Shapiro, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as actively-managed exchange traded funds (''ETFs'').[1] Fund shares will be

[1] Applicants request that the order apply to future series of the Trust or of other open-end management investment companies that currently exist or that may be created in the future (each, included in the term ''Fund''), each of which will operate as an actively-managed ETF. Any Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each such entity is included in the term ''Adviser'') and (b) comply with the terms and conditions of the application.

purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an ''Authorized Participant'' which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Certain Funds may operate as Feeder Funds in a master-feeder structure. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will consist of a portfolio of securities and other assets and investment positions (''Portfolio Positions''). Each Fund will disclose on its Web site the identities and quantities of the Portfolio Positions that will form the basis for the Fund's calculation of NAV at the end of the day.

3. Shares will be purchased and redeemed in Creation Units only and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (''Deposit Instruments''), and shareholders redeeming their shares will receive specified instruments (''Redemption Instruments''). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c–1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that hold non-U.S. Portfolio Positions and that effect creations and redemptions of Creation Units in kind, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Acquiring Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Acquiring Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are affiliated persons, or second-tier affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Positions currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from an Acquiring Fund, and to engage in the accompanying in-kind transactions with the Acquiring Fund.[2] The purchase of Creation Units by an Acquiring Fund directly from a Fund will be accomplished in accordance with the policies of the Acquiring Fund and will be based on the NAVs of the Funds.

9. Applicants also request relief to permit a Feeder Fund to acquire shares of another registered investment company managed by the Adviser having substantially the same investment objectives as the Feeder Fund (''Master Fund'') beyond the limitations in section 12(d)(1)(A) and permit the Master Fund, and any principal underwriter for the Master Fund, to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B).

10. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21776 Filed 10–10–17; 8:45 am]

BILLING CODE 8011–01–P

[2] The requested relief would apply to direct sales of shares in Creation Units by a Fund to an Acquiring Fund and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of an Acquiring Fund because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Acquiring Fund.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Investor Advisory Committee will hold a meeting 9:30 a.m. on Thursday, October 12, 2017.

PLACE: Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC 20549.

STATUS: This meeting will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 9:00 a.m. Visitors will be subject to security checks. The meeting will be webcast on the Commission's Web site at *www.sec.gov.*

MATTERS TO BE CONSIDERED: On September 12, 2017, the Commission issued notice of the Committee meeting (Release No. 33–10412), indicating that the meeting is open to the public (except during that portion of the meeting reserved for an administrative work session during lunch), and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a quorum of the Commission may attend the meeting.

The agenda for the meeting includes: Remarks from Commissioners; a discussion regarding blockchain and other distributed ledger technology and implications for securities markets; an overview of law school clinic advocacy efforts on behalf of retail investors; a discussion regarding electronic delivery of information to retail investors (which may include a recommendation of the Investor as Purchaser Subcommittee); subcommittee reports; and a nonpublic administrative work session during lunch.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: October 5, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–21988 Filed 10–6–17; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Rule 15g–2, SEC File No. 270–381, OMB Control No. 3235–0434

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information provided for in Rule 15g–2 (17 CFR 240.15g–2) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). Rule 15g–2 (The ''Penny Stock Disclosure Rule'') requires broker-dealers to provide their customers with a risk disclosure document, as set forth in Schedule 15G, prior to their first non-exempt transaction in a ''penny stock.'' As amended, the rule requires broker-dealers to obtain written acknowledgement from the customer that he or she has received the required risk disclosure document. The amended rule also requires broker-dealers to maintain a copy of the customer's written acknowledgement for at least three years following the date on which the risk disclosure document was provided to the customer, the first two years in an accessible place. Rule 15g–2 also requires a broker-dealer, upon request of a customer, to furnish the customer with a copy of certain information set forth on the Commission's Web site.

The risk disclosure documents are for the benefit of the customers, to assure that they are aware of the risks of trading in ''penny stocks'' before they enter into a transaction. The risk disclosure documents are maintained by the broker-dealers and may be reviewed during the course of an examination by the Commission.

There are approximately 198 broker-dealers that could potentially be subject to current Rule 15g–2. The Commission estimates that approximately 5% of registered broker-dealers are engaged in penny stock transactions, and thereby subject to the Rule (5% × approximately 3,969 registered broker-dealers = 198 broker-dealers). The Commission estimates that each one of these firms processes an average of three new customers for penny stocks per week. Thus, each respondent processes approximately 156 penny stock disclosure documents per year. If communications in tangible form alone are used to satisfy the requirements of Rule 15g–2, then the copying and mailing of the penny stock disclosure document takes no more than two minutes. Thus, the total associated burden is approximately 2 minutes per response, or an aggregate total of 312 minutes per respondent. Since there are 198 respondents, the current annual burden is 61,776 minutes (312 minutes per each of the 198 respondents) or 1,030 hours for this third party disclosure burden. In addition, broker-dealers incur a recordkeeping burden of approximately two minutes per response when filing the completed penny stock disclosure documents as required pursuant to the Rule 15(g)(2)(c), which requires a broker-dealer to preserve a copy of the written acknowledgement pursuant to Rule 17a–4(b) of the Exchange Act. Since there are approximately 156 responses for each respondent, the respondents incur an aggregate recordkeeping burden of 61,776 minutes (198 respondents × 156 responses for each × 2 minutes per response) or 1,030 hours, under Rule 15g–2. Accordingly, the current aggregate annual hour burden associated with Rule 15g–2 (assuming that all respondents provide tangible copies of the required documents) is approximately 2,060 hours (1,030 third party disclosure hours + 1,030 recordkeeping hours).

The burden hours associated with Rule 15g–2 may be slightly reduced when the penny stock disclosure document required under the rule is provided through electronic means such as email from the broker-dealer (*e.g.,* the broker-dealer respondent may take only one minute, instead of the two minutes estimated above, to provide the penny stock disclosure document by email to its customer). In this regard, if each of the customer respondents estimated above communicates with his or her broker-dealer electronically, the total ongoing respondent burden is approximately 1 minute per response, or an aggregate total of 156 minutes (156 customers × 1 minutes per respondent). Assuming 198 respondents, the annual third party disclosure burden, if electronic communications were used by all customers, is 30,888 minutes (156 minutes per each of the 198 respondents) or 515 hours. If all respondents were to use electronic means, the recordkeeping burden would be 61,776 minutes or 1,030 hours (the same as above). Thus, if all broker-dealer respondents obtain and send the documents required under the rules electronically, the aggregate annual hour burden associated with Rule 15g–2 is 1,545 (515 hours + 1,030 hours).

In addition, if the penny stock customer requests a paper copy of the information on the Commission's Web

site regarding microcap securities, including penny stocks, from his or her broker-dealer, the printing and mailing of the document containing this information takes no more than two minutes per customer. Because many investors have access to the Commission's Web site via computers located in their homes, or in easily accessible public places such as libraries, then, at most, a quarter of customers who are required to receive the Rule 15g–2 disclosure document request that their broker-dealer provide them with the additional microcap and penny stock information posted on the Commission's Web site. Thus, each broker-dealer respondent processes approximately 39 requests for paper copies of this information per year or an aggregate total of 78 minutes per respondent (2 minutes per customer × 39 requests per respondent). Since there are 198 respondents, the estimated annual burden is 15,444 minutes (78 minutes per each of the 198 respondents) or 257 hours. This is a third party disclosure type of burden.

We have no way of knowing how many broker-dealers and customers will choose to communicate electronically. Assuming that 50 percent of respondents continue to provide documents and obtain signatures in tangible form and 50 percent choose to communicate electronically to satisfy the requirements of Rule 15g–2, the total aggregate burden hours would be 2,060 ((aggregate burden hours for sending disclosure documents and obtaining signed customer acknowledgments in tangible form × 0.50 of the respondents = 1,030 hours) + (aggregate burden hours for electronically signed and transmitted documents × 0.50 of the respondents = 773 hours) + (257 burden hours for those customers making requests for a copy of the information on the Commission's Web site)).

The Commission does not maintain the risk disclosure document. Instead, it must be retained by the broker-dealer for at least three years following the date on which the risk disclosure document was provided to the customer, the first two years in an accessible place. The collection of information required by the rule is mandatory. The risk disclosure document is otherwise governed by the internal policies of the broker-dealer regarding confidentiality, etc.

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: October 4, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21910 Filed 10–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Wednesday, October 11, 2017.

PLACE: Closed Commission Hearing Room.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(7), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

CONTACT PERSON FOR MORE INFORMATION: At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: October 4, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–21987 Filed 10–6–17; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81815; File No. SR-BatsBZX–2017–58]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To List and Trade Shares of the CBOE S&P 500® Dividend Aristocrats® Target Income Index ETF Under the ETF Series Solutions Trust, Under Rule 14.11(c)(3), Index Fund Shares

October 4, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 19, 2017, Bats BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to list and trade shares of the CBOE S&P 500® Dividend Aristocrats® Target Income Index ETF under the ETF Series Solutions Trust (the ''Trust''), under Rule 14.11(c)(3) (''Index Fund Shares'').

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of CBOE S&P 500® Dividend Aristocrats® Target Income Index ETF (the ''Fund'') under Rule 14.11(c)(3), which governs the listing and trading of Index Fund Shares on the Exchange. The Fund will be an index-based exchange traded fund (''ETF''). The Fund will track the CBOE S&P 500® Dividend Aristocrats® Target Income Index (the ''Index'').

The Shares will be offered by the Trust, which was established as a Delaware statutory trust on February 9, 2012. The Trust is registered with the Commission as an open-end investment company and plans to file a registration statement on behalf of the Fund on Form N–1A with the Commission.[3] The Fund's index provider, Chicago Board Options Exchange (''CBOE'' or the ''Index Provider''), is not a broker-dealer, but is affiliated with a broker-dealer. The Exchange also notes that the adviser, CBOE Vest Financial, LLC, is a BZX Affiliate as defined in Rule 14.3(e)(1)(A),[4] but is not an Affiliate Security, as defined in Rule 14.11(e)(1)(B),[5] and is therefore not subject to the additional requirements applicable to Affiliate Securities because such definition explicitly excludes Index Fund Shares. The Fund intends to qualify each year as a regulated investment company under Subchapter M of the Internal Revenue Code of 1986, as amended.

The Exchange is submitting this proposed rule change because the Index does not meet all of the ''generic'' listing requirements of Rule 14.11(c)(3)(A)(i), applicable to the listing of Index Fund Shares based upon an index of ''U.S. Component Stocks.'' [6] Specifically, Rule 14.11(c)(3)(A)(i) sets forth the requirements to be met by components of an index or portfolio of U.S. Component Stocks. Because the Index includes derivatives, rather than exclusively holding ''U.S. Component Stocks'' as defined in Rule 14.11(c)(1)(D), it does not satisfy the requirements of Rule 14.11(c)(3)(A)(i).[7]

The Shares will conform to the initial and continued listing criteria under Rule 14.11(c), except that the Index will not meet the requirements of Rule 14.11(c)(3)(A)(i)(a)–(e) in that the Index will be composed of U.S. Component Stocks and options based on U.S. Component Stocks (*i.e.,* FLEX Options and/or standardized options that reference a single U.S. Component Stock), rather than exclusively holding U.S. Component Stocks.

The Fund uses a ''passive management'' (or indexing) approach to track the total return performance, before fees and expenses, of the CBOE S&P 500® Dividend Aristocrats® Target Income Index (the ''Index'' for purposes of this section). The Index is a rules-based buy-write index created by the Index Provider, an affiliate of the Fund's investment adviser, and designed with the primary goal of generating an annualized level of income that is approximately 3.5% over the annual dividend yield of the S&P 500 Index and a secondary goal of generating price returns that are proportional to the price returns of the S&P 500 Index.

The Index is composed of two parts: (1) An equal-weighted portfolio of the stocks contained in the S&P 500 Dividend Aristocrats Index (the ''Aristocrat Stocks'') that have options that trade on a national securities exchange and (2) a rolling series of short call options on each of the Aristocrat Stocks (the ''Covered Calls''). The S&P 500 Dividend Aristocrats Index generally includes companies in the S&P 500 Index that have increased dividend payments each year for at least 25 consecutive years and meet certain market capitalization and liquidity requirements.

The Covered Calls are written (sold) [8] on the last trading day of each week with an expiration typically on the Friday of the following week and a strike price as close as possible to the closing price of the underlying Aristocrat Stock at the time the Covered Call is written. The Index employs a ''partial covered call strategy,'' meaning that Covered Calls will be written on a notional value of no more than 20% of the value of the underlying Aristocrat Stock, such that the short position in the call option is ''covered'' by a portion of the long underlying asset. The exact amount of Covered Calls written is based on a calculation designed to result in the Index generating a total yield from (i) dividends from the Aristocrat Stocks and (ii) premiums from writing Covered Calls that is 3.5% higher annually than the yield from dividends of the S&P 500 Index constituents.

The equity component of the Index is rebalanced (*i.e.,* weights are reset to equal-weighted) quarterly effective after the close of the last business day of each January, April, July, and October and reconstituted (*i.e.,* Aristocrat Stocks are added and deleted according to the Index rules) annually effective after the close of the last business day of each January.

The Fund attempts to invest all, or substantially all, of its assets in the component securities that make up the Index. Under Normal Market Conditions,[9] at least 80% of the Fund's total assets (exclusive of any collateral held from securities lending) will be

[3] While the Trust has not yet filed a registration statement on behalf of the Fund, the Exchange will not allow the Fund to list and trade on the Exchange until the registration statement for the Fund is effective.

[4] As defined in Rule 14.3(e)(1)(A), the term ''BZX Affiliate'' means the Exchange and any entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Exchange, where ''control'' means that one entity possesses, directly or indirectly, voting control of the other entity either through ownership of capital stock or other equity securities or through majority representation on the board of directors or other management body of such entity.

[5] As defined in Rule 14.3(e)(1)(B), the term ''Affiliate Security'' means any security issued by a BZX Affiliate or any Exchange-listed option on any such security, with the exception of Portfolio Depository Receipts as defined in Rule 14.11(b) and Index Fund Shares as defined in Rule 14.11(c).

[6] As defined in Rule 14.11(c)(1)(D), the term ''U.S. Component Stock'' shall mean an equity security that is registered under Sections 12(b) or 12(g) of the Act, or an American Depositary Receipt, the underlying equity security of which is registered under Sections 12(b) or 12(g) of the Act.

[7] Rule 14.11(c)(3)(A)(i)(e) provides that all securities in the applicable index or portfolio shall be U.S. Component Stocks listed on a national securities exchange and shall be NMS Stocks as defined in Rule 600 under Regulation NMS of the Act. Each component stock of the S&P 500 is a U.S. Component Stock that is listed on a national securities exchange and is an NMS Stock. Options are excluded from the definition of NMS Stock. The Fund and the Index meet all of the requirements of the listing standards for Index Fund Shares in Rule 14.11(c)(3), except the requirements in Rule 14.11(c)(3)(A)(i)(a)–(e), as the Index consists of options on U.S. Component Stocks. The S&P 500 consists of U.S. Component Stocks and satisfies the requirements of Rule 14.11(c)(3)(A)(i)(a)–(e).

[8] The Index is a hypothetical portfolio of options and equity securities. As such, the Index cannot actually buy or sell an option or equity security, but the Index reflects the value of such transactions as if the Index could actually engage in them. The Index is described as ''buying'' and ''selling'' options to aid investors in understanding how the Fund will act in tracking the Index.

[9] As defined in Rule 14.11(i)(3)(E), the term ''Normal Market Conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues causing dissemination of inaccurate market information or system failures; or force majeure type events such as natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

invested in the component securities of the Index. The Fund will hold only U.S. exchange-listed equity securities, FLEX and/or standardized exchange-listed options on exchange-listed equity securities, FLEX and/or standardized exchange-listed options on U.S. equity indexes, and cash and cash equivalents.[10]

The Exchange notes that, while the Fund will be a series of Index Fund Shares listed on the Exchange under Rule 14.11(c), the Fund will meet the generic listing standards applicable to Managed Fund Shares under Rule 14.11(i), which would allow a series of Managed Fund Shares with the exact same holdings as the Fund to list on the Exchange without requiring the submission and SEC approval of a rule filing pursuant to Section 19(b)(2) of the Act. While Index Fund Shares track the value of an index and Managed Fund Shares are based on an actively managed portfolio and are not generally designed to track an underlying reference asset, the Exchange believes that there are no substantive issues that are unique to Index Fund Shares that were not considered in the Commission's approval of the generic listing rules for Managed Fund Shares.[11] As such, the Exchange believes that this proposal similarly does not raise any substantive issues that were not otherwise addressed in the Commission's approval of the generic listing rules for Managed Fund Shares and that the Commission should act expeditiously to approve this proposal.

In addition, the Exchange represents that, except as described above, the Fund will meet each of the initial and continued listing criteria in BZX Rule 14.11(c) with the exception Rule 14.11(c)(3)(A)(i), applicable to the listing of Index Fund Shares based upon an index of ''U.S. Component Stocks.'' The Trust is required to comply with Rule 10A–3 under the Act for the initial and continued listing of the Shares of the Fund. In addition, the Exchange represents that the Shares of the Fund will comply with all other requirements applicable to Index Fund Shares including, but not limited to, requirements relating to the dissemination of key information such as the Disclosed Portfolio, Net Asset Value, and the Intraday Indicative Value, rules governing the trading of equity securities, trading hours, trading halts, surveillance, and the information circular, as set forth in Exchange rules applicable to Index Fund Shares and the orders approving such rules. Moreover, all of the options contracts held by the Fund will trade on markets that are a member of Intermarket Surveillance Group (''ISG'') or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[12] All statements and representations made in this filing regarding the index composition, the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of index, reference asset, and intraday indicative values, and the applicability of Exchange rules specified in this filing shall constitute continued listing requirements for the Fund. The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund or the Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If the Fund or the Shares are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act[13] in general and Section 6(b)(5) of the Act[14] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest in that the Shares of the Fund will meet each of the initial and continued listing criteria in BZX Rule 14.11(c) with the exception Rule 14.11(c)(3)(A)(i), applicable to the listing of Index Fund Shares based upon an index of ''U.S. Component Stocks.'' Specifically, Rule 14.11(c)(3)(A)(i) sets forth the requirements to be met by components of an index or portfolio of U.S. Component Stocks. Because the Index contains options, rather than exclusively containing ''U.S. Component Stocks'' as defined in Rule 14.11(c)(1)(D), the Index does not satisfy the requirements of Rule 14.11(c)(3)(A)(i),[15] however, the generic listing rules for Managed Fund Shares do allow for a portfolio to hold listed derivatives. The Exchange notes that, while the Fund will be a series of Index Fund Shares listed on the Exchange under Rule 14.11(c), the Fund will comply with the generic listing standards applicable to Managed Fund Shares under Rule 14.11(i) that would allow a series of Managed Fund Shares with the exact same holdings as are included in both the Index and the Fund to list on the Exchange without requiring the submission and SEC approval of a rule filing pursuant to Section 19(b)(2) of the Act. While Index Fund Shares track the value of an index and Managed Fund Shares are based on an actively managed portfolio and are not generally designed to track an underlying reference asset, the Exchange believes that there are no substantive issues that are unique to Index Fund Shares that were not considered in the Commission's approval of the generic listing rules for

[10] As defined in Rule 14.11(i)(4)(C)(iii), cash equivalents include short-term instruments with maturities of less than three months, including: (i) U.S. Government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. Government agencies or instrumentalities; (ii) certificates of deposit issued against funds deposited in a bank or savings and loan association; (iii) bankers acceptances, which are short-term credit instruments used to finance commercial transactions; (iv) repurchase agreements and reverse repurchase agreements; (v) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (vi) commercial paper, which are short-term unsecured promissory notes; and (vii) money market funds.

[11] The Commission originally approved BZX Rule 14.11(i) in Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018) and subsequently approved generic listing standards for Managed Fund Shares under Rule 14.11(i) in Securities Exchange Act Release No. 78396 (July 22, 2016), 81 FR 49698 (July 28, 2016) (SR–BATS–2015–100).

[12] For a list of the current members and affiliate members of ISG, *see www.isgportal.com.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(5).

[15] Rule 14.11(c)(3)(A)(i)(e) provides that all securities in the applicable index or portfolio shall be U.S. Component Stocks listed on a national securities exchange and shall be NMS Stocks as defined in Rule 600 under Regulation NMS of the Act.

Managed Fund Shares. As such, the Exchange believes that this proposal similarly does not raise any substantive issues that were not otherwise addressed in the Commission's approval of the generic listing rules for Managed Fund Shares and that the Commission should act expeditiously to approve this proposal.

The Exchange also represents that, except as described above, the Fund will satisfy, on an initial and continued listing basis, all of the generic listing standards under BZX Rule 14.11(c)(3)(A)(i) and all other applicable requirements for Index Fund Shares under Rule 14.11(c). The Trust is required to comply with Rule 10A–3 under the Act for the initial and continued listing of the Shares of the Fund. In addition, the Exchange represents that the Shares of the Fund will comply with all other requirements applicable to Index Fund Shares including, but not limited to, requirements relating to the dissemination of key information such as the Disclosed Portfolio, Net Asset Value, and the Intraday Indicative Value, rules governing the trading of equity securities, trading hours, trading halts, surveillance, and the information circular, as set forth in Exchange rules applicable to Index Fund Shares and the orders approving such rules. Moreover, all of the options contracts held by the Fund will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[16] All statements and representations made in this filing regarding the index composition, the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of index, reference asset, and intraday indicative values, and the applicability of Exchange rules specified in this filing shall constitute continued listing requirements for the Fund. The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund or the Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If the Fund or the Shares are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of Index Fund Shares that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR-BatsBZX–2017–58 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR-BatsBZX–2017–58. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BatsBZX–2017–58 and should be submitted on or before November 1, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21813 Filed 10–10–17; 8:45 am]

BILLING CODE 8011–01–P

[16] For a list of the current members and affiliate members of ISG, *see www.isgportal.com.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81816; File No. SR–NASDAQ–2017–087]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change To Modify the Listing Requirements Related to Special Purpose Acquisition Companies Listing Standards To Reduce Round Lot Holders on Nasdaq Capital Market for Initial Listing From 300 to 150 and Eliminate Public Holders for Continued Listing From 300 to Zero, Require $5 Million in Net Tangible Assets for Initial and Continued Listing, and Impose a Deadline To Demonstrate Compliance With Initial Listing Requirements on All Nasdaq Markets Within 30 Days Following Each Business Combination

October 4, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1], and Rule 19b–4 thereunder,[2] notice is hereby given that on September 20, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the listing requirements related to Acquisition Companies.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2009 Nasdaq adopted a rule (IM–5101–2) to impose additional listing requirements on a company whose business plan is to complete an initial public offering and engage in a merger or acquisition with one or more unidentified companies within a specific period of time (''Acquisition Companies'').[3] Based on experience listing these companies and reviewing the post-acquisition entities, Nasdaq proposes to modify the listing requirements applicable to them. Specifically, Nasdaq proposes to reduce the number of round-lot holders required for initial listing on the Nasdaq Capital Market from 300 to 150 and to eliminate the continued listing shareholder requirement on the Nasdaq Capital Market during the period that the company is subject to IM–5101–2.[4] Nasdaq also proposes to require that an Acquisition Company listed on the Nasdaq Capital Market maintain at least $5 million in net tangible assets for initial and continued listing. Finally, Nasdaq proposes to impose a deadline for the company to demonstrate compliance with all initial listing requirements, including the 300, 400, and 450 round-lot shareholder requirement on the Nasdaq Capital, Global and Global Select Markets, respectively, following a business combination.

The additional requirements currently applicable to an Acquisition Company require, in part, that 90% of the gross proceeds of the company's offering must be deposited into and retained in an escrow account through the date of a business combination; that the entity complete a significant business combination within 36 months of the effectiveness of the IPO registration statement; and that public shareholders who object to the combination have the right to convert their common stock into a pro rata share of the funds held in escrow.[5] Following each business combination the combined company must meet Nasdaq's requirements for initial listing.

Nasdaq has observed that Acquisition Companies often have difficulty demonstrating compliance with the shareholder requirement for initial and continued listing.[6] Based on conversations with marketplace participants, including the sponsors of Acquisition Companies and lawyers and bankers that advise these companies, Nasdaq believes these difficulties are due to the unique nature of Acquisition Companies, which limits the number of retail investors interested in the vehicle and encourages owners to hold their shares until a transaction is announced, as long as 3 years after their initial public offering. These same features, however, limit the benefit to investors of having a shareholder requirement. In that regard, Nasdaq notes that the purpose of the shareholder requirement, along with the listing requirements pertaining to float and market value of public float, is to help ensure that a stock has an investor following and liquid market necessary for trading.[7]

Given the unique nature of Acquisition Companies, however, the potential for distorted prices occurring as a result of there being few shareholders or illiquidity is less of a concern for their investors. During the period between its public offering and the consummation of a business combination, the value of an Acquisition Company is based primarily on the value of the funds it holds in trust, and the Acquisition Company's shareholders have the right to redeem their shares for a pro rata share of that trust in conjunction with the business combination. As a result, Acquisition Companies, generally, have historically traded close to the value in the trust, even when they have had few shareholders, which suggests that their lack of shareholders has not resulted in distorted prices and the associated concerns.[8] Acquisition Companies must

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 58228 (July 25, 2008), 73 FR 44794 (July 31, 2008) (adopting the predecessor to IM–5101–2).

[4] Under IM–5101–2(b), an Acquisition Company must complete one or more business combinations having an aggregate fair market value of at least 80% of the value of the deposit account within 36 months of the effectiveness of its IPO registration statement.

[5] The rules also require that that each proposed business combination must be approved by a majority of the company's independent directors.

[6] Rule 5505(a)(3) requires at least 300 round lot holders for initial listing on the Capital Market. Rule 5550(a)(3) requires at least 300 public holders for continued listing. To date, most Nasdaq-listed Acquisition Companies have opted to list on the Capital Market.

[7] *See, e.g., Rocky Mountain Power Company,* Securities Exchange Act Release No, 40648 (November 9, 1998) (text at footnote 11).

[8] Nasdaq analyzed the trading history of Acquisition Companies listed since 2010, including those cited for non-compliance with the 300 shareholder requirement. Nasdaq observed that shares of all reviewed Acquisition Companies

Continued

also undergo a transformative transaction within 36 months of listing, at which time they must meet all listing requirements, including the shareholder requirement. This provides an additional protection to shareholders, assuring that any liquidity issues are only temporary.

Nasdaq believes that an Exchange Traded Fund (''ETF'') is somewhat similar to an Acquisition Company in this regard in that an arbitrage mechanism keeps the ETF's price close to the value of its underlying securities, even when trading in the ETF's shares is relatively illiquid. The initial listing requirements for ETFs do not include a shareholder requirement and only 50 shareholders are required for continued listing after the ETF has been listed for one year.

For these reasons, Nasdaq proposes to reduce the shareholder requirement for the initial listing of an Acquisition Company on the Capital Market from 300 to 150 round-lot shareholders.

Nasdaq has also observed that it can be difficult for a company, once listed, to obtain evidence demonstrating the number of its shareholders because many accounts are held in street name and shareholders may object to being identified to the company. As a result, companies must seek information from broker-dealers and from third-parties that distribute information such as proxy materials for the broker-dealers. This process is time-consuming and particularly burdensome for Acquisition Companies because most operating expenses are typically borne by the Acquisition Company's sponsors due to the requirement that the gross proceeds of the initial public offering remain in the trust account until the closing of the business combination.[9] Accordingly, given the short life of an Acquisition Company,[10] the trading characteristics of Acquisition Companies observed by Nasdaq,[11] and the requirement to meet the initial listing standards at the time of the business combination, Nasdaq also proposes to eliminate the continued listing shareholder requirement for Acquisition Companies.[12]

Nasdaq notes that Rule 3a51–1 under the Act [13] defines a ''penny stock'' as any equity security that does not satisfy one of the exceptions enumerated in subparagraphs (a) through (g) under the Rule. If a security is a penny stock, Rules 15g–1 through 15g–9 under the Act [14] impose certain additional disclosure and other requirements on brokers and dealers when effecting transactions in such securities. Rule 3a51–1(a)(2) under the Act [15] excepts from the definition of penny stock securities registered on a national securities exchanges that have initial listing standards that meet certain requirements, including, in the case of primary common stock, 300 round lot holders. Rule 3a51–1 also includes alternative exceptions from the definition of penny stock. Nasdaq proposes to require that Acquisition Companies have $5 million in net tangible assets for initial and continued listing on the Nasdaq Capital Market, thereby assuring that the securities of such companies satisfy the exclusion from being a penny stock contained in Rule 3a51–1(g)(1) of the Act.[16]

If an Acquisition Company no longer meets the applicable net tangible assets requirement following initial listing, its common stock could become subject to the penny stock rules.[17] Broker-dealers that effect recommended transactions in such securities, among other things, under Commission Rule 3a51–1(g), need to review current financial statements of the issuer to verify that the security meets the applicable net tangible assets or average revenue test, have a reasonable basis for believing they remain accurate, and preserve copies of those financial statements as part of its records. To facilitate compliance by broker-dealers, Nasdaq will monitor the Acquisition Companies that fail the net tangible assets test and will publishes on the Nasdaq Listing Center Web site a daily list of any such company that no longer meets the net tangible assets requirement of the penny stock exclusion, and which does not satisfy any other penny stock exclusion.[18] Nasdaq also specifically reminds broker-dealers of their obligations under the penny stock rules.[19]

In addition, if an Acquisition Company no longer meets the applicable net tangible assets requirement following initial listing, Nasdaq would initiate delisting proceedings under the Rule 5800 Series by sending a Staff Delisting Determination.[20] While the Acquisition

traded, on average, close to the $10 redemption value with the median of the average daily range equal to $0.07. This measure was the same for the overall group of the reviewed stocks, for the subset of stocks that received deficiency notifications for non-compliance with the 300 shareholder requirement, and for the remaining subset of stocks for the companies that were not cited for non-compliance with the 300 shareholder requirement. Similarly, the average of each stock's average last price was between $9.85 and $9.96 for all three groups.

Nasdaq also reviewed trading activity following the announcement by Acquisition Companies of a pending business combination with an operating company and observed no increase in volatility in the vast majority of cases. In every instance where volatility did increase following the announcement of a pending business combination, the Acquisition Company had not been cited for non-compliance with the 300 shareholder requirement.

Nasdaq believes that this data analysis supports a conclusion that trading in shares of an Acquisition Company, generally, does not suffer when the company has fewer shareholders than the current Nasdaq requirement.

[9] While under Nasdaq's rules an Acquisition Company could pay operating and other expenses, subject to a limitation that 90% of the gross proceeds of the company's offering must be retained in trust account, Nasdaq understands that marketplace demands typically dictate that 100% of the gross proceeds from the IPO be kept in the trust account and that only interest earned on that account be used to pay taxes and limited amount of operating expenses. Marketplace participants have also indicated that the current trend is to allow interest earned to be used for payments of taxes only, thus placing the burden for all operating expenses on the sponsors.

[10] *See,* Footnote 4, supra.

[11] *See,* Footnote 8, supra.

[12] Listing Rule 5550(a)(1) requires that Acquisition Companies listed on the Nasdaq Capital Market will continue to have at least two registered and active Market Makers, one of which may be a Market Maker entering a stabilizing bid. As a result, Nasdaq does not expect that the proposed change will result in illiquidity or other problems trading the shares of Acquisition Companies.

[13] 17 CFR 240.3a51–1.

[14] 17 CFR 240.15g–1 *et seq.*

[15] 17 CFR 240.3a51–1(a)(2).

[16] 17 CFR 240.3a51–1(g)(1). Nasdaq believes that all Acquisition Companies currently listed satisfy this alternative.

[17] The Commission has previously noted the potential for abuse with respect to penny stocks. *See, e.g.,* Securities Exchange Act Release No. 49037 (January 16, 2004), 69 FR 2531 (January 8, 2004) (''Our original penny stock rules reflected Congress' view that many of the abuses occurring in the penny stock market were caused by the lack of publicly available information about the market in general and about the price and trading volume of particular penny stocks'').

[18] *https://listingcenter.nasdaq.com/PennyStockList.aspx.*

[19] In 2012, Nasdaq modified its listing requirements to add an alternative to the $4 minimum bid price per share requirement (the ''Alternative Price Filing''). In approving the Alternative Price Filing, the Commission stated that it believed that although the listing of securities that do not have a blanket exclusion from the penny stock rules and require ongoing monitoring may increase compliance burdens on broker-dealers, the additional steps taken by Nasdaq to facilitate compliance should reduce those burdens and that, on balance, Nasdaq's proposal is consistent with the requirement of Section 6(b)(5) of the Act that the rules of an exchange, among other things, be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade and, in general, to protect investors and the public interest. *See,* Exchange Act Release No. 66830 (April 18, 2012), 77 FR 24549 (April 24, 2012) (approving SR–NASDAQ–2012–002).

[20] Nasdaq also proposes to modify Listing Rule 5810(c)(1) to include a failure to meet the requirements of IM–5101–2 in the list of circumstances where Nasdaq Staff will send an immediate Staff Delisting Determination. This change will conform Rule 5810 with the language already contained in Listing Rule IM–5101–2, which states that ''if the Company does not meet the requirements for initial listing following a business combination or does not comply with one of the requirements [of Listing Rule IM–5101–2],

Company could request review of that determination by an independent Hearings Panel, the Company must make disclosure about its receipt of the Delisting Determination and the Hearings Panel can only allow a company to remain listed for a maximum of 180 calendar days from the date of the Staff Delisting Determination.[21] Thus, an Acquisition Company that became subject to the penny stock rules could remain listed on the Nasdaq Capital Market only for a limited time and investors would have notice of the pending delisting.

Last, Nasdaq notes that the existing rules require that following a business combination with an Acquisition Company, the resulting company must satisfy all initial listing requirements. The rule does not provide a timetable for the company to demonstrate that it satisfies those requirements, however. In order to assure that any company that does not satisfy the initial listing requirements following a business combination enters the delisting process promptly, Nasdaq proposes to codify that a company must demonstrate that it meets the initial listing requirements within 30 days following a business combination. If the company has not demonstrated that it meets the requirements for initial listing in that time, Nasdaq staff would issue a Delisting Determination, which the company could appeal to an independent Hearings Panel as described in the Nasdaq Rule 5800 Series.

Nasdaq also proposes to delete a duplicative paragraph from the rule text and separate certain provisions into new paragraphs to enhance the readability of the rule.

These proposed changes will be effective upon approval of this rule by the Commission. However, Nasdaq will permit Acquisition Companies, if any, that were listed on the Capital Market before this proposal was approved and that have less than $5 million net tangible assets to remain listed, provided that such a company must continue to comply with the 300 public holder requirement for continued listing.[22]

Nasdaq will issue a Staff Delisting Determination under Rule 5810 to delist the Company's securities.''

[21] *See,* Rule 5815(c)(1). A company could also request review of a Panel decision by the Nasdaq Listing and Hearing Review Council; however, the Panel decision is generally effective immediately and is not stayed even if the company does appeal. *See,* Rules 5815(d)(1) and 5820(a).

[22] *See,* Footnote 16, supra.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[23] in general, and furthers the objectives of Section 6(b)(5) of the Act,[24] which requires that the rules of an exchange promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest. While the change would allow Acquisition Companies to list with fewer shareholders, this proposed change is consistent with the investor protection provisions of the Act because other protections help assure that market prices will not be distorted by any potential resulting lack of liquidity, which is the underlying purpose of the shareholder requirement. In particular, the ability of a shareholder to redeem shares for a pro rata share of the trust helps assure that the Acquisition Company will trade close to the value of the assets held in trust.[25]

The proposed rule change will also continue to assure that any listed Acquisition Company satisfies an exclusion from the definition of a ''penny stock'' under the Act by imposing a new requirement that an Acquisition Company must maintain $5 million of net tangible assets. Further, following listing Nasdaq will monitor the company and publish on its Web site if the company no longer satisfies those additional requirements or any of the other exclusions from being a penny stock contained in Rule 3a51–1 under the Securities Act of 1933.

Thus, this change will remove impediments to and perfect the mechanism of a free and open market by removing listing requirements that prohibit certain companies from listing or remaining listed without any concomitant investor protection benefits. In addition, the change would also limit the amount of time that an Acquisition Company could remain listed following a business combination if it has not demonstrated compliance with the initial listing requirements, thereby enhancing investor protection. Accordingly, Nasdaq believes that the proposal satisfies the Exchange Act requirements.

Finally, Nasdaq does not believe that this change affecting only Acquisition Companies should affect the designation in Rule 146(b) under the Securities Act [26] of securities listed on the Nasdaq Capital Market as ''Covered Securities,'' exempt from state registration requirements.

In 1996, Congress amended Section 18 of the Securities Act to exempt from state registration requirements securities listed, or authorized for listing, on the New York Stock Exchange LLC (''NYSE''), the American Stock Exchange LLC (now known as NYSE American LLC), or the National Market System of The Nasdaq Stock Market LLC (''the Nasdaq Global Market'') (collectively, the ''Named Markets''), or any national securities exchange designated by the Commission as having ''substantially similar'' listing standards to those of the Named Markets.[27] The securities listed on these markets are defined in Section 18 as ''Covered Securities.''

In 2007, the Commission amended Rule 146(b) to designate securities listed on the Nasdaq Capital Market as Covered Securities.[28] After careful comparison, the Commission concluded that the listing standards of the Nasdaq Capital Market were substantially similar to the listing standards of NYSE American.[29]

When the Commission expanded Rule 146(b) to include the Nasdaq Capital Market, it compared the listing requirements of the Named Markets to those of the Capital Market for common stock, secondary classes of common stock and preferred stocks, convertible debt, warrants, index warrants and units.[30] At the time, no other securities were listed on the Capital Market, including Exchange Traded Products or Acquisition Companies. When the Commission later expanded Rule 146(b) to also include securities listed on BATS, it also separately considered BATS' listing requirements for other securities including Exchange Traded Funds, Portfolio Depository Receipts

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] *See,* Footnote 8, supra.

[26] 17 CFR 230.146(b).

[27] *See,* National Securities Markets Improvement Act of 1996, Public Law 104–290, 110 Stat. 3416 (October 11, 1996), adopting Section 18 of the Securities Act, 15 U.S.C. 77r(a).

[28] *See,* Securities Act Release No. 8791 (April 18, 2007), 72 FR 20410 (April 24, 2007).

[29] At the time, NYSE American was known as NYSE MKT. When determining that Nasdaq Capital Market securities are Covered Securities, the Commission did not specifically discuss Nasdaq's 300 round lot requirement for initial listing nor the difference between this requirement NYSE MKT's 400 public holder requirement. However, in determining to treat securities listed on the BATS Exchange, Inc. (''BATS'') as Covered Securities, the Commission reviewed the BATS listing standards, which are identical to Nasdaq's, and stated that this difference does not preclude ''a determination of substantial similarity between the standards.'' Securities Act Release No. 9295 (January 20, 2012), 77 FR 3590 (January 25, 2012).

[30] *See,* Securities Act Release No. 8791 (April 18, 2007), 72 FR 20410 (April 24, 2007).

and Index Fund Shares.[31] Thus, the Commission has recognized that it is appropriate to create different listing standards for different categories of companies and that such differences do not preclude the Commission from finding those securities are Covered Securities.

Nasdaq notes that it is not proposing to reduce the shareholder requirement for operating companies listed on the Nasdaq Capital Market. The proposed change affects only the separate listing requirements for Acquisition Companies, which were adopted because Nasdaq viewed Acquisition Companies as presenting different risks than operating companies and created listing requirements designed to address those risks. Similarly, and as described above, just as Nasdaq believes Acquisition Companies have unique risks, other facets of their structure and the requirements of Nasdaq's rules for Acquisition Companies minimize the need for a shareholder requirement. As described above, the Commission has previously concluded that categories of securities differing from common stock of operating companies can be Covered Securities, even though such securities are subject to lower listing requirements. Nasdaq believes that, here, the earlier decision to regulate Acquisition Companies listed on the Capital Market under the quantitative requirements of the Rule 5500 Series should not preclude the decision now to adopt a lower minimum shareholder requirement for Acquisition Companies, which are a unique category of securities, nor should it affect the designation of securities listed on the Capital Market as Covered Securities so long as the other investor protection requirements of the Act are satisfied. As described above, Nasdaq believes such investor protection requirements are satisfied. Moreover, preventing Nasdaq from making this change for the Capital Market would create the perverse, anti-competitive result that the Named Markets (including the Nasdaq Global Market) would be allowed to make this change, or any change, but that the markets identified in Rule 146(b) could never innovate and could only copy the changes made by the Named Markets [sic].

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. While the rule may permit more Acquisition Companies to list, or remain listed, on Nasdaq, other exchanges could adopt similar rules to compete for such listings.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2017–087 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2017–087. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2017–087 and should be submitted on or before November 1, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21814 Filed 10–10–17; 8:45 am]

BILLING CODE 8011–01–P

[31] *See,* Securities Act Release No. 9251 (August 8, 2011), 76 FR 49698 (August 11, 2011).

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32853; 812–14817]

Whitford Asset Management, LLC, et al.

October 4, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) index-based series of certain open-end management investment companies (''Funds'') to issue shares redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain Funds to pay redemption proceeds,

under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (''Funds of Funds'') to acquire shares of the Funds.

APPLICANTS: Whitford Asset Management LLC (the ''Initial Adviser''), a Delaware limited liability company that is registered as an investment adviser under the Investment Advisers Act of 1940, ETF Series Solutions (the ''Trust''), a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series, and Quasar Distributors, LLC (the ''Distributor''), a Delaware limited liability company and broker-dealer registered under the Securities Exchange Act of 1934 (''Exchange Act'').

FILING DATE: The application was filed on August 25, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 30, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: Whitford Asset Management LLC, 43 Leopard Road, Suite 201, Paoli, Pennsylvania 19301; ETF Series Solutions, 615 East Michigan Street, Milwaukee, Wisconsin 53202; Quasar Distributors, LLC, 777 East Wisconsin Avenue, 6th Floor, Milwaukee, Wisconsin 53202.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Counsel, at (202) 551–6812, or Robert H. Shapiro, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as index exchange traded funds (''ETFs'').[1] Fund shares will be purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an ''Authorized Participant'', which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will hold investment positions selected to correspond generally to the performance of an Underlying Index. In the case of Self-Indexing Funds, an affiliated person, as defined in section 2(a)(3) of the Act (''Affiliated Person''), or an affiliated person of an Affiliated Person (''Second-Tier Affiliate''), of the Trust or a Fund, of the Adviser, of any sub-adviser to or promoter of a Fund, or of the Distributor will compile, create, sponsor or maintain the Underlying Index.[2]

3. Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (''Deposit Instruments''), and shareholders redeeming their shares will receive specified instruments (''Redemption Instruments''). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c–1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that effect creations and redemptions of Creation Units in kind and that are based on certain Underlying Indexes that include foreign securities, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds,

[1] Applicants request that the order apply to Volshares Large Cap ETF, a new series of the Trust, and any additional series of the Trust and any other open-end management investment company or series thereof (each, included in the term ''Fund''), each of which will operate as an ETF and will track a specified index comprised of domestic or foreign equity and/or fixed income securities (each, an ''Underlying Index''). Each Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser or its successor (each, an ''Adviser'') and (b) comply with the terms and conditions of the application. For purposes of the requested Order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] Each Self-Indexing Fund will post on its Web site the identities and quantities of the investment positions that will form the basis for the Fund's calculation of its NAV at the end of the day. Applicants believe that requiring Self-Indexing Funds to maintain full portfolio transparency will help address, together with other protections, conflicts of interest with respect to such Funds.

and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are Affiliated Persons, or Second-Tier Affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those investment positions currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[3] The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21811 Filed 10–10–17; 8:45 am]

BILLING CODE 8011–01–P

[3] The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81801; File No. SR–FINRA–2017–030]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Review Charges for Communications Filed With or Submitted to FINRA

October 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 26, 2017, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as ''establishing or changing a due, fee or other charge'' under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend Section 13 of Schedule A to the FINRA By-Laws (''Section 13'') governing the review charges for communications filed with or submitted to FINRA's Advertising Regulation Department (the ''Department'') to account for upcoming technological changes that will allow Web sites to be filed in native format.

Below is the text of the proposed rule change. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

Schedule A to the By-Laws of the Corporation

* * * * *

Section 13—Review Charge for Communications Filed or Submitted

There shall be a review charge for each and every communication, whether in printed, video or other form, filed with or submitted to FINRA, except for items that are filed or submitted in response to a written request from FINRA's Advertising Regulation Department (''the Department'') issued pursuant to the spot check procedures set forth in FINRA rules, as follows: (1) For printed *or Web site* material reviewed, $125.00, plus $10.00 for each *printed* page *or Web page* reviewed in excess of 10 pages; and (2) for video or audio media, $125.00, plus $10.00 per minute for each minute of tape reviewed in excess of 10 minutes.

Where a member requests expedited review of material submitted to the Department there shall be a review charge of $600.00 per item plus $50.00 for each *printed* page *or Web page* reviewed in excess of 10 pages. Expedited review shall be completed within three business days, not including the date the item is received by the Department, unless a shorter or longer period is agreed to by the Department. The Department may, in its sole discretion, refuse requests for expedited review.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements

may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

In April 2014, FINRA launched a retrospective review of its communications with the public rules to assess their effectiveness and efficiency. In December 2014, FINRA published a report on the assessment phase of the review.[5] The report concluded that, while the rules have largely been effective in meeting their intended investor protection objectives, the rules and FINRA's administration of them could benefit from some updating to better align the investor protection benefits and the economic impacts.

To this end, the report recommended a combination of rule proposals, guidance and administrative measures, including systems upgrades, to enhance the effectiveness and efficiency of the rules with no reduction in investor protection. Pursuant to these recommendations, efforts have been underway to upgrade FINRA's Advertising Regulation Electronic Files (''AREF'') System, a web-based application accessed through the FINRA Firm Gateway that enables member firms to electronically submit communications with the public for review by FINRA's Advertising Regulation Department (''Department'').[6] Currently, the AREF System accepts such submissions in a variety of file formats for print (*e.g.,* .doc, .rtf, .txt), video (*e.g.,* .mov, .mp4, .wmv), audio (*e.g.,* .aif, .mp3, .wav) or other form (*e.g.,* .pdf), but not for Web site or Web page communications in their native format (*e.g.,* .html). Consequently, firms submitting Web site or Web page communications through the AREF System must convert them from native format to a format such as Portable Document Format (.pdf). This conversion process can be burdensome, sometimes resulting in voluminous .pdf pages. The impending upgrades to the AREF System will make the submission of Web site or Web page communications more efficient by including the capability to accept such communications in their native format.[7] Each web address, a Uniform Resource Locator or URL, would be packaged within a compressed file format and submitted through the AREF System, then reviewed by the Department in an offline state. FINRA anticipates this upgraded AREF System capability to be operational by the fourth quarter of 2017.

Proposed Rule Change

FINRA Rule 2210 (Communications with the Public) requires members to file with the Department specified retail communications either 10 business days prior to use or within 10 business days of first use, as applicable. For example, new members, for a period of one year beginning on the date their FINRA membership becomes effective, generally must file with the Department at least 10 business days prior to first use, any retail communication that is published or used in any electronic or other public media, including any generally accessible Web site.[8] As another example, all members generally must file within 10 business days of first use any retail communication, including a Web site communication that promotes or recommends a specific registered investment company or family of registered investment companies.[9] The Department evaluates these and other communications subject to filing requirements or filed voluntarily by firms for compliance with applicable rules of FINRA, the SEC, the Municipal Securities Rulemaking Board and the Securities Investors Protection Corporation. Pursuant to the content standards of Rule 2210, the Department helps to ensure that all member firms' communications are based on principles of fair dealing and good faith, are fair and balanced, and provide a sound basis for evaluating the facts in regard to any particular security or type of security, industry or service. Among other things, FINRA rules prohibit member communications from including false, exaggerated, unwarranted, or misleading statements or claims.

Currently, Section 13 imposes a review charge for each communication filed with or submitted to FINRA (except for items that are filed or submitted in response to a written request from the Department issued pursuant to the spot check procedures set forth in Rules 2210(c)(6) and 2220(c)(3)). The rates charged are based on the number of pages for printed material or the length of video or audio media. In addition, there are surcharges for expedited review. The proposed rule change would establish charges for submission of Web sites and Web pages in native format, in anticipation of the upgraded AREF System capabilities. It would establish rates of $125, plus $10 for each Web page reviewed in excess of 10 pages. The charges for expedited reviews would be $600 per item plus $50 for each Web page reviewed in excess of 10 pages. For the purposes of the charging schedule, each distinct URL would be treated as a Web page. The proposed rates mirror the current rates for printed material, which would remain unchanged. Thus, the proposed rule change maintains parity in charging, irrespective of the form of filing or submission. FINRA notes that firms will not be obligated to file or submit Web site communications in native format. They may continue to convert those communications to a printed format and submit them at the unchanged printed page rate if they find that method more efficient or economical.

FINRA has filed the proposed rule change for immediate effectiveness. FINRA will announce the implementation date of the proposed rule change in a *Regulatory Notice.*

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(5) of the Act,[10] which requires, among other things, that FINRA rules provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that FINRA operates or controls. FINRA believes that the proposed rule change is consistent with Section 15A(b)(5) of the Act in that it will establish a reasonable fee in conjunction with a technology upgrade that will permit more efficient filing and submission of electronic communications. Submission of communications in native format will be voluntary, and the proposed fee is consistent with current charges for communications submitted in other formats. Moreover, the proposed fee is equitably allocated among all members

[5] *See* Retrospective Rule Review Report, Communications with the Public (December 2014), *http://www.finra.org/sites/default/files/p602011.pdf.*

[6] FINRA Firm Gateway is an online compliance tool that provides consolidated access to FINRA applications and allows members to submit required filings electronically to meet their compliance and regulatory obligations.

[7] The upgrades to the AREF System would not impact the way in which mobile applications are currently submitted in video format.

[8] *See* FINRA Rule 2210(c)(1).

[9] *See* FINRA Rule 2210(c)(3).

[10] 15 U.S.C. 78*o*–3(b)(5).

that file or submit communications to the Department for review.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change would not impose any additional reporting requirements or costs on firms. Members will not be obligated to submit communications in native format and therefore may choose to continue to file or submit communications as they do today, with the same attendant charges.

To the extent that the conversion of Web site or Web page communications from native format to another format were viewed as burdensome among market participants, those participants will have the option to submit such communications in native format, which would permit members to mitigate any direct or indirect costs associated with such conversion.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and paragraph (f)(2) of Rule 19b–4 thereunder.[12] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2017–030 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2017–030. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2017–030, and should be submitted on or before November 1, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–21846 Filed 10–10–17; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(2).

[13] 17 CFR 200.30–3(a)(12).

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 18f–3, SEC File No. 270–385, OMB Control No. 3235–0441

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''Paperwork Reduction Act''), 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 (''OMB'') for extension and approval.

Rule 18f–3 (17 CFR 270.18f–3) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) exempts from section 18(f)(1) a fund that issues multiple classes of shares representing interests in the same portfolio of securities (a ''multiple class fund'') if the fund satisfies the conditions of the rule. In general, each class must differ in its arrangement for shareholder services or distribution or both, and must pay the related expenses of that different arrangement. The rule includes one requirement for the collection of information. A multiple class fund must prepare, and fund directors must approve, a written plan setting forth the separate arrangement and expense allocation of each class, and any related conversion features or exchange privileges (''rule 18f–3 plan''). Approval of the plan must occur before the fund issues any shares of multiple classes and whenever the fund materially amends the plan. In approving the plan, the fund board, including a majority of the independent directors, must determine that the plan is in the best interests of each class and the fund as a whole.

The requirement that the fund prepare and directors approve a written rule 18f–3 plan is intended to ensure that the fund compiles information relevant to the fairness of the separate arrangement and expense allocation for each class, and that directors review and approve the information. Without a blueprint that highlights material differences among classes, directors might not perceive potential conflicts of interests when they determine whether the plan is in the best interests of each class and

the fund. In addition, the plan may be useful to Commission staff in reviewing the fund's compliance with the rule.

Based on an analysis of fund filings, the Commission estimates that there are approximately 7,743 multiple class funds offered by 1,045 registrants. The Commission estimates that each of the 1,045 registrants will make an average of 0.5 responses annually to prepare and approve a written 18f–3 plan.[1] The Commission estimates each response will take 6 hours, requiring a total of 3 hours per registrant per year.[2] Thus the total annual hour burden associated with these requirements of the rule is approximately 3,135 hours.[3]

Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. The collection of information under rule 18f–3 is mandatory. The information provided under rule 18f–3 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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.*

[1] The Commission estimates that each registrant prepares and approves a rule 18f–3 plan every two years when issuing a new fund or new class or amending a plan (or that 522.5 of all 1,045 registrants prepare and approve a plan each year).

[2] 0.5 responses per registrant × 6 hours per response = 3 hours per registrant.

[3] 3 hours per registrant per year × 1,045 registrants = 3,135 hours per year.

Dated: October 4, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21911 Filed 10–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81818; File No. SR–LCH SA–2017–007]

Self-Regulatory Organizations; LCH SA; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change Relating to Options on Index Credit Default Swaps

October 4, 2017.

On August 1, 2017, Banque Central de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–LCH SA–2017–007) to amend LCH SA's CDS Margin Framework and CDSClear Default Fund Methodology to incorporate terms and conforming changes, and to provide for risk management policies related to options on index credit default swaps in order to permit LCH SA to clear such options. The proposed rule change was published for comment in the **Federal Register** on August 21, 2017.[3] The Commission received no comments regarding the proposed changes.

Section 19(b)(2) of the Act provides that within 45 days of the publication of the notice of the filing or a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved.[4] The 45th day from the publication of the Notice is October 5, 2017.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. As noted above, LCH SA proposed to amend its CDS Margin Framework and CDSClear Default Fund Methodology in order to permit it to clear options on index credit default swaps. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider LCH SA's proposed rule change and the risks associated therewith.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act, extends the period by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–LCH SA–2017–007) to no later than November 19, 2017.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[5]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21815 Filed 10–10–17; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–81399 (Aug. 15, 2017), 82 FR 39622 (Aug. 21, 2017) (SR–LCH SA–2017–007) (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Women-Owned Small Business Federal Contract Program NAICS Code Updates

AGENCY: U.S. Small Business Administration.

ACTION: Notice of Updated NAICS Codes for Use in the Women-Owned Small Business Federal Contract Program.

SUMMARY: The U.S. Small Business Administration (SBA) is updating the North American Industry Classification System (NAICS) codes authorized for use in the Women-Owned Small Business (WOSB) Federal Contract Program (WOSB Program). The update is being made to reflect the U.S. Office of Management and Budget's (OMB) NAICS revision for 2017, identified as NAICS 2017. NAICS 2017 created 21 new industries by reclassifying, combining, or splitting 29 NAICS 2012 industry codes. These changes would impact eight (8) of the 2012 NAICS codes designated for use under the WOSB Program.

DATES: The designations of industries contained in this notice apply to all solicitations issued on or after October 1, 2017.

FOR FURTHER INFORMATION CONTACT: Amy Kim, Office of Government Contracting, 409 3rd Street SW., Washington, DC 20416, *wosb@sba.gov.*

SUPPLEMENTARY INFORMATION:

1. Background

Under section 8(m) of the Small Business Act, 15 U.S.C. 637(m), SBA is responsible for implementing and administering the WOSB Program, which went into effect on February 4, 2011. 75 FR 62258 (February 4, 2011). The WOSB Program authorizes Federal contracting officers to restrict competition for an acquisition to WOSBs, provided that the following conditions are met: (1) The acquisition is for a good or service assigned a NAICS code in which SBA has determined that WOSBs are substantially underrepresented; (2) There is a reasonable expectation that at least two WOSBs will submit offers; and (3) The award will be made at a fair and reasonable price. The WOSB Program also authorizes contracting officers to award a sole source contract to a WOSB if only one WOSB can perform the contract at a fair and reasonable price.

In addition, Economically Disadvantaged Women-Owned Small Businesses (EDWOSBs) can likewise receive set-asides and sole source awards similar to those described above in NAICS codes in which SBA has determined that WOSBs are underrepresented.

In order to identify the industries eligible for set-asides under the WOSB Program, the Small Business Act required the SBA Administrator to periodically conduct a study to identify those industries in which small business concerns owned and controlled by women are underrepresented in Federal contracting. 15 U.S.C. 637(m)(4).

Pursuant to that statutory requirement, SBA awarded a contract to the Kauffman-RAND Institute for Entrepreneurship Public Policy (RAND) to complete a study of the underrepresentation of WOSBs in Federal prime contracts by industry code. The RAND study was published in April 2007.[1] SBA used the results of the RAND study to designate 83 four-digit NAICS industry groups where WOSBs were found to be either underrepresented or substantially underrepresented in Federal contracting and therefore eligible for contracting under the WOSB Program. In October 2010, SBA published a Final Rule identifying those eligible NAICS codes. 75 FR 62258 (October 7, 2010).

In 2014, Congress amended the Small Business Act to require SBA to submit a report to Congress reflecting the results of a new study by January 2, 2016, and then continue to conduct a new study every five years. Public Law 113–291 825(c) (Dec. 19, 2014). In response to this statutory mandate, SBA asked the Office of the Chief Economist (OCE) of the U.S. Department of Commerce for assistance in conducting a new study of the WOSB Program. OCE looked at whether, holding constant various factors that might influence the award of a contract, the odds of winning Federal prime contracts by firms that were owned by women were greater or less than the odds of winning them by otherwise similar businesses.[2]

As a result of the OCE study findings, SBA increased the number of 2012 NAICS codes authorized for use under the WOSB Program to 113 four-digit NAICS industry groups, effective March 3, 2016. 81 FR 11340 (March 3, 2016). Consequently, WOSBs have been able to compete for and receive contract awards in 92 four-digit NAICS industry groups or 365 six-digit NAICS codes. EDWOSBs have been able to compete for and receive contract awards in 21 designated four-digit NAICS industry groups or 80 six-digit NAICS codes, in addition to those authorized for WOSBs.

On August 8, 2016, OMB published its most recent update to the NAICS industry groups, NAICS 2017, ''Notice of NAICS 2017 final decisions,'' in the **Federal Register**. 81 FR 52584 (August 8, 2016). The Notice of NAICS 2017 final decisions stated that Federal statistical establishment data published for years beginning on or after January 1, 2017, should be published using NAICS 2017. Accordingly, on April 18, 2017, SBA published a proposed rule seeking comments on its proposed size standards under NAICS 2017. 82 FR 18523 (April 18, 2017). A final rule which adopted the revisions to small business size standards as proposed was published in the **Federal Register** on September 27, 2017. 82 FR 44886 (September 27, 2017).

In order to align the WOSB Program with the Notice of NAICS 2017 final decisions and SBA's adoption of NAICS 2017 for its size standards, SBA is issuing this notice to amend the NAICS codes eligible for use under the WOSB Program.

2. Changes in Eligible NAICS Codes

After review and comparison of the NAICS 2012 and NAICS 2017 industry groups, SBA has determined that NAICS 2017 reduces the number of four-digit NAICS industry groups eligible for procurements under the WOSB Program from 113 to 112 because NAICS 2017 merged two NAICS 2012 industry groups, NAICS 5171 and 5172, into one—5173.[3]

NAICS 2017 also reduces the number of eligible six-digit NAICS codes for WOSBs to compete in under the WOSB Program from 365 to 364. The number of eligible six-digit NAICS codes for EDWOSBs to compete in under the WOSB Program (80 NAICS codes) remains the same.

The changes to the eligible six-digit NAICS industry groups resulted from the following updates in the NAICS 2017:

NAICS 2017 created new four-digit NAICS industries by merging NAICS 2012 industries. As a result of the merges, the following changes are made to the six-digit NAICS codes eligible for WOSBs under the WOSB Program:

- 2012 NAICS codes 333911 and 333913 are merged into 2017 NAICS code 333914; and
- 2012 NAICS codes 512210 and 512220 are merged into 2017 NAICS code 512250.

Additionally, six-digit NAICS codes were changed without changing their definitions or titles. In order to accommodate these changes, the following six-digit NAICS codes eligible under the WOSB Program will be revised as follows:

- 2012 NAICS code 517110 will be changed to 2017 NAICS code 517311; and
- 2012 NAICS code 517210 will be changed to 2017 NAICS code 517312

EDWOSBs are eligible to pursue set-aside or sole source contracts with 2017 NAICS code 517311. For their part, WOSBs are eligible to compete for set-aside or sole source contracts with 2017 NAICS code 517312.

Under NAICS 2017, new industries were created by splitting two industries into two parts with one part of each industry defined as a separate industry and combining other parts of the two industries to form a separate new industry. As a result of this change, the following six-digit NAICS codes eligible for WOSBs under the WOSB Program will be amended as follows:

- 2012 NAICS code 541711 will correspond to 2017 NAICS codes 541713 and 541714; and

[1] The RAND study is available to the public at *https://www.rand.org/pubs/technical_reports/TR442.html.*

[2] The OCE study is available to the public at *https://www.sba.gov/sites/default/files/wosb_study_report.pdf.*

[3] Under the 2012 NAICS and the OCE study, 5171 was eligible for EDWOSB contracts, while 5172 was eligible for WOSB contracts. Despite the merging of these industry codes at the four-digit level to NAICS code 5173, the six-digit NAICS code 517110 will remain eligible for EDWOSB contracts and the six-digit NAICS code 517210 will remain eligible for WOSB contracts. Therefore, eligible NAICS codes at the six-digit NAICS level will remain aligned with the findings of the OCE study.

• 2012 NAICS code 541712 will correspond to 2017 NAICS codes 541713 and 541715.

Table 1, WOSB NAICS Code Changes from NAICS 2012 to NAICS 2017, illustrates the six-digit WOSB and EDWOSB NAICS codes that are being updated as a result of implementing 2017 NAICS.

TABLE 1—WOSB NAICS CODE CHANGES FROM NAICS 2012 TO NAICS 2017

NAICS 2012			NAICS 2017		
6-Digit	Description	WOSB/ EDWOSB	6-Digit	Description	WOSB/ EDWOSB
333911	Pump and Pumping Equipment Manufacturing.	WOSB	333914	Measuring, Dispensing, and Other Pumping Equipment Manufacturing.	WOSB
333913	Measuring and Dispensing Pump Manufacturing.	WOSB	333914	Measuring, Dispensing, and Other Pumping Equipment Manufacturing.	WOSB
512210	Record Production	WOSB	512250	Record Production and Distribution	WOSB
512220	Integrated Record Production/Distribution.	WOSB	512250	Record Production and Distribution	WOSB
517110	Wired Telecommunications Carriers	EDWOSB	517311	Wired Telecommunications Carriers	EDWOSB
517210	Wireless Telecommunications Carriers (except Satellite).	WOSB	517312	Wireless Telecommunications Carriers (except Satellite).	WOSB
541711	Research and Development in Biotechnology.	WOSB	541713	Research and Development in Nanotechnology.	WOSB
			541714	Research and Development in Biotechnology (except Nanobiotechnology).	WOSB
541712	Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology).	WOSB	541713	Research and Development in Nanotechnology.	WOSB
			541715	Research and Development in the Physical, Engineering, and Life Sciences (except Nanotechnology and Biotechnology).	WOSB

Table 2, 2017 NAICS Codes Authorized for Use under the WOSB Program—WOSB, indicates all 364 six-digit NAICS codes available for use for WOSB set-aside and sole source procurement under the WOSB Program.

TABLE 2—2017 NAICS CODES AUTHORIZED FOR USE UNDER THE WOSB PROGRAM—WOSB

4-Digit	6-Digit	Women owned small business 2017 NAICS description	WOSB/ EDWOSB
1153		Support Activities for Forestry.	
	115310	Support Activities for Forestry	WOSB
2213		Water, Sewage and Other Systems.	
	221310	Water Supply and Irrigation Systems	WOSB
	221320	Sewage Treatment Facilities	WOSB
	221330	Steam and Air-Conditioning Supply	WOSB
2361		Residential Building Construction.	
	236115	New Single-Family Housing Construction (except For-Sale Builders)	WOSB
	236116	New Multifamily Housing Construction (except For-Sale Builders)	WOSB
	236117	New Housing For-Sale Builders	WOSB
	236118	Residential Remodelers	WOSB
2362		Nonresidential Building Construction.	
	236210	Industrial Building Construction	WOSB
	236220	Commercial and Institutional Building Construction	WOSB
2371		Utility System Construction.	
	237110	Water and Sewer Line and Related Structures Construction	WOSB
	237120	Oil and Gas Pipeline and Related Structures Construction	WOSB
	237130	Power and Communication Line and Related Structures Construction	WOSB
2373		Highway, Street, and Bridge Construction.	
	237310	Highway, Street, and Bridge Construction	WOSB
2379		Other Heavy and Civil Engineering Construction.	
	237990	Other Heavy and Civil Engineering Construction	WOSB
2381		Foundation, Structure, and Building Exterior Contractors.	
	238110	Poured Concrete Foundation and Structure Contractors	WOSB
	238120	Structural Steel and Precast Concrete Contractors	WOSB
	238130	Framing Contractors	WOSB
	238140	Masonry Contractors	WOSB
	238150	Glass and Glazing Contractors	WOSB
	238160	Roofing Contractors	WOSB
	238170	Siding Contractors	WOSB
	238190	Other Foundation, Structure, and Building Exterior Contractors	WOSB
2382		Building Equipment Contractors.	

TABLE 2—2017 NAICS CODES AUTHORIZED FOR USE UNDER THE WOSB PROGRAM—WOSB—Continued

4-Digit	6-Digit	Women owned small business 2017 NAICS description	WOSB/ EDWOSB
	238210	Electrical Contractors and Other Wiring Installation Contractors	WOSB
	238220	Plumbing, Heating, and Air-Conditioning Contractors	WOSB
	238290	Other Building Equipment Contractors	WOSB
2383		Building Finishing Contractors.	
	238310	Drywall and Insulation Contractors	WOSB
	238320	Painting and Wall Covering Contractors	WOSB
	238330	Flooring Contractors	WOSB
	238340	Tile and Terrazzo Contractors	WOSB
	238350	Finish Carpentry Contractors	WOSB
	238390	Other Building Finishing Contractors	WOSB
2389		Other Specialty Trade Contractors.	
	238910	Site Preparation Contractors	WOSB
	238990	All Other Specialty Trade Contractors	WOSB
3114		Fruit and Vegetable Preserving and Specialty Food Manufacturing	
	311411	Frozen Fruit, Juice, and Vegetable Manufacturing	WOSB
	311412	Frozen Specialty Food Manufacturing	WOSB
	311421	Fruit and Vegetable Canning	WOSB
	311422	Specialty Canning	WOSB
	311423	Dried and Dehydrated Food Manufacturing	WOSB
3118		Bakeries and Tortilla Manufacturing.	
	311811	Retail Bakeries	WOSB
	311812	Commercial Bakeries	WOSB
	311813	Frozen Cakes, Pies, and Other Pastries Manufacturing	WOSB
	311821	Cookie and Cracker Manufacturing	WOSB
	311824	Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour	WOSB
	311830	Tortilla Manufacturing	WOSB
3141		Textile Furnishings Mills.	
	314110	Carpet and Rug Mills	WOSB
	314120	Curtain and Linen Mills	WOSB
3149		Other Textile Product Mills.	
	314910	Textile Bag and Canvas Mills	WOSB
	314994	Rope, Cordage, Twine, Tire Cord, and Tire Fabric Mills	WOSB
	314999	All Other Miscellaneous Textile Product Mills	WOSB
3231		Printing and Related Support Activities.	
	323111	Commercial Printing (except Screen and Books)	WOSB
	323113	Commercial Screen Printing	WOSB
	323117	Books Printing	WOSB
	323120	Support Activities for Printing	WOSB
3241		Petroleum and Coal Products Manufacturing.	
	324110	Petroleum Refineries	WOSB
	324121	Asphalt Paving Mixture and Block Manufacturing	WOSB
	324122	Asphalt Shingle and Coating Materials Manufacturing	WOSB
	324191	Petroleum Lubricating Oil and Grease Manufacturing	WOSB
	324199	All Other Petroleum and Coal Products Manufacturing	WOSB
3323		Architectural and Structural Metals Manufacturing.	
	332311	Prefabricated Metal Building and Component Manufacturing	WOSB
	332312	Fabricated Structural Metal Manufacturing	WOSB
	332313	Plate Work Manufacturing	WOSB
	332321	Metal Window and Door Manufacturing	WOSB
	332322	Sheet Metal Work Manufacturing	WOSB
	332323	Ornamental and Architectural Metal Work Manufacturing	WOSB
3324		Boiler, Tank, and Shipping Container Manufacturing.	
	332410	Power Boiler and Heat Exchanger Manufacturing	WOSB
	332420	Metal Tank (Heavy Gauge) Manufacturing	WOSB
	332431	Metal Can Manufacturing	WOSB
	332439	Other Metal Container Manufacturing	WOSB
3325		Hardware Manufacturing.	
	332510	Hardware Manufacturing	WOSB
3328		Coating, Engraving, Heat Treating, and Allied Activities.	
	332811	Metal Heat Treating	WOSB
	332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers	WOSB
	332813	Electroplating, Plating, Polishing, Anodizing, and Coloring	WOSB
3329		Other Fabricated Metal Product Manufacturing.	
	332911	Industrial Valve Manufacturing	WOSB
	332912	Fluid Power Valve and Hose Fitting Manufacturing	WOSB
	332913	Plumbing Fixture Fitting and Trim Manufacturing	WOSB
	332919	Other Metal Valve and Pipe Fitting Manufacturing	WOSB
	332991	Ball and Roller Bearing Manufacturing	WOSB
	332992	Small Arms Ammunition Manufacturing	WOSB
	332993	Ammunition (except Small Arms) Manufacturing	WOSB
	332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing	WOSB

TABLE 2—2017 NAICS CODES AUTHORIZED FOR USE UNDER THE WOSB PROGRAM—WOSB—Continued

4-Digit	6-Digit	Women owned small business 2017 NAICS description	WOSB/ EDWOSB
	332996	Fabricated Pipe and Pipe Fitting Manufacturing	WOSB
	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	WOSB
3331		Agriculture, Construction, and Mining Machinery Manufacturing.	
	333111	Farm Machinery and Equipment Manufacturing	WOSB
	333112	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing	WOSB
	333120	Construction Machinery Manufacturing	WOSB
	333131	Mining Machinery and Equipment Manufacturing	WOSB
	333132	Oil and Gas Field Machinery and Equipment Manufacturing	WOSB
3334		Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing.	
	333413	Industrial and Commercial Fan and Blower and Air Purification Equipment Manufacturing	WOSB
	333414	Heating Equipment (except Warm Air Furnaces) Manufacturing	WOSB
	333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.	WOSB
3335		Metalworking Machinery Manufacturing.	
	333511	Industrial Mold Manufacturing	WOSB
	333514	Special Die and Tool, Die Set, Jig, and Fixture Manufacturing	WOSB
	333515	Cutting Tool and Machine Tool Accessory Manufacturing	WOSB
	333517	Machine Tool Manufacturing	WOSB
	333519	Rolling Mill and Other Metalworking Machinery Manufacturing	WOSB
3339		Other General Purpose Machinery Manufacturing.	
	333912	Air and Gas Compressor Manufacturing	WOSB
	333914	Measuring, Dispensing, and Other Pumping Equipment Manufacturing	WOSB
	333921	Elevator and Moving Stairway Manufacturing	WOSB
	333922	Conveyor and Conveying Equipment Manufacturing	WOSB
	333923	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing	WOSB
	333924	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing	WOSB
	333991	Power-Driven Handtool Manufacturing	WOSB
	333992	Welding and Soldering Equipment Manufacturing	WOSB
	333993	Packaging Machinery Manufacturing	WOSB
	333994	Industrial Process Furnace and Oven Manufacturing	WOSB
	333995	Fluid Power Cylinder and Actuator Manufacturing	WOSB
	333996	Fluid Power Pump and Motor Manufacturing	WOSB
	333997	Scale and Balance Manufacturing	WOSB
	333999	All Other Miscellaneous General Purpose Machinery Manufacturing	WOSB
3345		Navigational, Measuring, Electromedical, and Control Instruments Manufacturing.	
	334510	Electromedical and Electrotherapeutic Apparatus Manufacturing	WOSB
	334511	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing.	WOSB
	334512	Automatic Environmental Control Manufacturing for Residential, Commercial, and Appliance Use	WOSB
	334513	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables.	WOSB
	334514	Totalizing Fluid Meter and Counting Device Manufacturing	WOSB
	334515	Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals	WOSB
	334516	Analytical Laboratory Instrument Manufacturing	WOSB
	334517	Irradiation Apparatus Manufacturing	WOSB
	334519	Other Measuring and Controlling Device Manufacturing	WOSB
3346		Manufacturing and Reproducing Magnetic and Optical Media.	
	334613	Blank Magnetic and Optical Recording Media Manufacturing	WOSB
	334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing	WOSB
3363		Motor Vehicle Parts Manufacturing.	
	336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing	WOSB
	336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing	WOSB
	336330	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing	WOSB
	336340	Motor Vehicle Brake System Manufacturing	WOSB
	336350	Motor Vehicle Transmission and Power Train Parts Manufacturing	WOSB
	336360	Motor Vehicle Seating and Interior Trim Manufacturing	WOSB
	336370	Motor Vehicle Metal Stamping	WOSB
	336390	Other Motor Vehicle Parts Manufacturing	WOSB
3369		Other Transportation Equipment Manufacturing.	
	336991	Motorcycle, Bicycle, and Parts Manufacturing	WOSB
	336992	Military Armored Vehicle, Tank, and Tank Component Manufacturing	WOSB
	336999	All Other Transportation Equipment Manufacturing	WOSB
3371		Household and Institutional Furniture and Kitchen Cabinet Manufacturing.	
	337110	Wood Kitchen Cabinet and Countertop Manufacturing	WOSB
	337121	Upholstered Household Furniture Manufacturing	WOSB
	337122	Nonupholstered Wood Household Furniture Manufacturing	WOSB
	337124	Metal Household Furniture Manufacturing	WOSB
	337125	Household Furniture (except Wood and Metal) Manufacturing	WOSB
	337127	Institutional Furniture Manufacturing	WOSB
3391		Medical Equipment and Supplies Manufacturing.	
	339112	Surgical and Medical Instrument Manufacturing	WOSB

TABLE 2—2017 NAICS CODES AUTHORIZED FOR USE UNDER THE WOSB PROGRAM—WOSB—Continued

4-Digit	6-Digit	Women owned small business 2017 NAICS description	WOSB/ EDWOSB
	339113	Surgical Appliance and Supplies Manufacturing	WOSB
	339114	Dental Equipment and Supplies Manufacturing	WOSB
	339115	Ophthalmic Goods Manufacturing	WOSB
	339116	Dental Laboratories	WOSB
3399		Other Miscellaneous Manufacturing.	
	339910	Jewelry and Silverware Manufacturing	WOSB
	339920	Sporting and Athletic Goods Manufacturing	WOSB
	339930	Doll, Toy, and Game Manufacturing	WOSB
	339940	Office Supplies (except Paper) Manufacturing	WOSB
	339950	Sign Manufacturing	WOSB
	339991	Gasket, Packing, and Sealing Device Manufacturing	WOSB
	339992	Musical Instrument Manufacturing	WOSB
	339993	Fastener, Button, Needle, and Pin Manufacturing	WOSB
	339994	Broom, Brush, and Mop Manufacturing	WOSB
	339995	Burial Casket Manufacturing	WOSB
	339999	All Other Miscellaneous Manufacturing	WOSB
4831		Deep Sea, Coastal, and Great Lakes Water Transportation.	
	483111	Deep Sea Freight Transportation	WOSB
	483112	Deep Sea Passenger Transportation	WOSB
	483113	Coastal and Great Lakes Freight Transportation	WOSB
	483114	Coastal and Great Lakes Passenger Transportation	WOSB
4842		Specialized Freight Trucking.	
	484210	Used Household and Office Goods Moving	WOSB
	484220	Specialized Freight (except Used Goods) Trucking, Local	WOSB
	484230	Specialized Freight (except Used Goods) Trucking, Long-Distance	WOSB
4884		Support Activities for Road Transportation.	
	488410	Motor Vehicle Towing	WOSB
	488490	Other Support Activities for Road Transportation	WOSB
4931		Warehousing and Storage.	
	493110	General Warehousing and Storage	WOSB
	493120	Refrigerated Warehousing and Storage	WOSB
	493130	Farm Product Warehousing and Storage	WOSB
	493190	Other Warehousing and Storage	WOSB
5111		Newspaper, Periodical, Book, and Directory Publishers.	
	511110	Newspaper Publishers	WOSB
	511120	Periodical Publishers	WOSB
	511130	Book Publishers	WOSB
	511140	Directory and Mailing List Publishers	WOSB
	511191	Greeting Card Publishers	WOSB
	511199	All Other Publishers	WOSB
5112		Software Publishers.	
	511210	Software Publishers	WOSB
5121		Motion Picture and Video Industries.	
	512110	Motion Picture and Video Production	WOSB
	512120	Motion Picture and Video Distribution	WOSB
	512131	Motion Picture Theaters (except Drive-Ins)	WOSB
	512132	Drive-In Motion Picture Theaters	WOSB
	512191	Teleproduction and Other Postproduction Services	WOSB
	512199	Other Motion Picture and Video Industries	WOSB
5122		Sound Recording Industries.	
	512230	Music Publishers	WOSB
	512240	Sound Recording Studios	WOSB
	512250	Record Production and Distribution	WOSB
	512290	Other Sound Recording Industries	WOSB
5151		Radio and Television Broadcasting.	
	515111	Radio Networks	WOSB
	515112	Radio Stations	WOSB
	515120	Television Broadcasting	WOSB
5173		Wired and Wireless Telecommunications Carriers.	
	517312	Wireless Telecommunications Carriers (except Satellite)	WOSB
5174		Satellite Telecommunications.	
	517410	Satellite Telecommunications	WOSB
5179		Other Telecommunications.	
	517911	Telecommunications Resellers	WOSB
	517919	All Other Telecommunications	WOSB
5182		Data Processing, Hosting, and Related Services.	
	518210	Data Processing, Hosting, and Related Services	WOSB
5191		Other Information Services.	
	519110	News Syndicates	WOSB
	519120	Libraries and Archives	WOSB
	519130	Internet Publishing and Broadcasting and Web Search Portals	WOSB

TABLE 2—2017 NAICS CODES AUTHORIZED FOR USE UNDER THE WOSB PROGRAM—WOSB—Continued

4-Digit	6-Digit	Women owned small business 2017 NAICS description	WOSB/ EDWOSB
	519190	All Other Information Services	WOSB
5241		Insurance Carriers.	
	524113	Direct Life Insurance Carriers	WOSB
	524114	Direct Health and Medical Insurance Carriers	WOSB
	524126	Direct Property and Casualty Insurance Carriers	WOSB
	524127	Direct Title Insurance Carriers	WOSB
	524128	Other Direct Insurance (except Life, Health, and Medical) Carriers	WOSB
	524130	Reinsurance Carriers	WOSB
5242		Agencies, Brokerages, and Other Insurance Related Activities.	
	524210	Insurance Agencies and Brokerages	WOSB
	524291	Claims Adjusting	WOSB
	524292	Third Party Administration of Insurance and Pension Funds	WOSB
	524298	All Other Insurance Related Activities	WOSB
5321		Automotive Equipment Rental and Leasing.	
	532111	Passenger Car Rental	WOSB
	532112	Passenger Car Leasing	WOSB
	532120	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing	WOSB
5324		Commercial and Industrial Machinery and Equipment Rental and Leasing.	
	532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	WOSB
	532412	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	WOSB
	532420	Office Machinery and Equipment Rental and Leasing	WOSB
	532490	Other Commercial and Industrial Machinery and Equipment Rental and Leasing	WOSB
5411		Legal Services.	
	541110	Offices of Lawyers	WOSB
	541191	Title Abstract and Settlement Offices	WOSB
	541199	All Other Legal Services	WOSB
5412		Accounting, Tax Preparation, Bookkeeping, and Payroll Services.	
	541211	Offices of Certified Public Accountants	WOSB
	541213	Tax Preparation Services	WOSB
	541214	Payroll Services	WOSB
	541219	Other Accounting Services	WOSB
5413		Architectural, Engineering, and Related Services.	
	541310	Architectural Services	WOSB
	541320	Landscape Architectural Services	WOSB
	541330	Engineering Services	WOSB
	541340	Drafting Services	WOSB
	541350	Building Inspection Services	WOSB
	541360	Geophysical Surveying and Mapping Services	WOSB
	541370	Surveying and Mapping (except Geophysical) Services	WOSB
	541380	Testing Laboratories	WOSB
5415		Computer Systems Design and Related Services.	
	541511	Custom Computer Programming Services	WOSB
	541512	Computer Systems Design Services	WOSB
	541513	Computer Facilities Management Services	WOSB
	541519	Other Computer Related Services	WOSB
5416		Management, Scientific, and Technical Consulting Services.	
	541611	Administrative Management and General Management Consulting Services	WOSB
	541612	Human Resources Consulting Services	WOSB
	541613	Marketing Consulting Services	WOSB
	541614	Process, Physical Distribution, and Logistics Consulting Services	WOSB
	541618	Other Management Consulting Services	WOSB
	541620	Environmental Consulting Services	WOSB
	541690	Other Scientific and Technical Consulting Services	WOSB
5417		Scientific Research and Development Services.	
	541713	Research and Development in Nanotechnology	WOSB
	541714	Research and Development in Biotechnology (except Nanobiotechnology)	WOSB
	541715	Research and Development in the Physical, Engineering, and Life Sciences (except Nanotechnology and Biotechnology).	WOSB
	541720	Research and Development in the Social Sciences and Humanities	WOSB
5418		Advertising, Public Relations, and Related Services.	
	541810	Advertising Agencies	WOSB
	541820	Public Relations Agencies	WOSB
	541830	Media Buying Agencies	WOSB
	541840	Media Representatives	WOSB
	541850	Outdoor Advertising	WOSB
	541860	Direct Mail Advertising	WOSB
	541870	Advertising Material Distribution Services	WOSB
	541890	Other Services Related to Advertising	WOSB
5419		Other Professional, Scientific, and Technical Services.	
	541910	Marketing Research and Public Opinion Polling	WOSB
	541921	Photography Studios, Portrait	WOSB

TABLE 2—2017 NAICS CODES AUTHORIZED FOR USE UNDER THE WOSB PROGRAM—WOSB—Continued

4-Digit	6-Digit	Women owned small business 2017 NAICS description	WOSB/ EDWOSB
	541922	Commercial Photography	WOSB
	541930	Translation and Interpretation Services	WOSB
	541940	Veterinary Services	WOSB
	541990	All Other Professional, Scientific, and Technical Services	WOSB
5612		Facilities Support Services.	
	561210	Facilities Support Services	WOSB
5615		Travel Arrangement and Reservation Services.	
	561510	Travel Agencies	WOSB
	561520	Tour Operators	WOSB
	561591	Convention and Visitors Bureaus	WOSB
	561599	All Other Travel Arrangement and Reservation Services	WOSB
5616		Investigation and Security Services.	
	561611	Investigation Services	WOSB
	561612	Security Guards and Patrol Services	WOSB
	561613	Armored Car Services	WOSB
	561621	Security Systems Services (except Locksmiths)	WOSB
	561622	Locksmiths	WOSB
5617		Services to Buildings and Dwellings.	
	561710	Exterminating and Pest Control Services	WOSB
	561720	Janitorial Services	WOSB
	561730	Landscaping Services	WOSB
	561740	Carpet and Upholstery Cleaning Services	WOSB
	561790	Other Services to Buildings and Dwellings	WOSB
5619		Other Support Services.	
	561910	Packaging and Labeling Services	WOSB
	561920	Convention and Trade Show Organizers	WOSB
	561990	All Other Support Services	WOSB
5622		Waste Treatment and Disposal.	
	562211	Hazardous Waste Treatment and Disposal	WOSB
	562212	Solid Waste Landfill	WOSB
	562213	Solid Waste Combustors and Incinerators	WOSB
	562219	Other Nonhazardous Waste Treatment and Disposal	WOSB
5629		Remediation and Other Waste Management Services.	
	562910	Remediation Services	WOSB
	562920	Materials Recovery Facilities	WOSB
	562991	Septic Tank and Related Services	WOSB
	562998	All Other Miscellaneous Waste Management Services	WOSB
6113		Colleges, Universities, and Professional Schools.	
	611310	Colleges, Universities, and Professional Schools	WOSB
6114		Business Schools and Computer and Management Training.	
	611410	Business and Secretarial Schools	WOSB
	611420	Computer Training	WOSB
	611430	Professional and Management Development Training	WOSB
6116		Other Schools and Instruction.	
	611610	Fine Arts Schools	WOSB
	611620	Sports and Recreation Instruction	WOSB
	611630	Language Schools	WOSB
	611691	Exam Preparation and Tutoring	WOSB
	611692	Automobile Driving Schools	WOSB
	611699	All Other Miscellaneous Schools and Instruction	WOSB
6117		Educational Support Services.	
	611710	Educational Support Services	WOSB
6211		Offices of Physicians.	
	621111	Offices of Physicians (except Mental Health Specialists)	WOSB
	621112	Offices of Physicians, Mental Health Specialists	WOSB
6214		Outpatient Care Centers.	
	621410	Family Planning Centers	WOSB
	621420	Outpatient Mental Health and Substance Abuse Centers	WOSB
	621491	HMO Medical Centers	WOSB
	621492	Kidney Dialysis Centers	WOSB
	621493	Freestanding Ambulatory Surgical and Emergency Centers	WOSB
	621498	All Other Outpatient Care Centers	WOSB
6215		Medical and Diagnostic Laboratories.	
	621511	Medical Laboratories	WOSB
	621512	Diagnostic Imaging Centers	WOSB
6219		Other Ambulatory Health Care Services.	
	621910	Ambulance Services	WOSB
	621991	Blood and Organ Banks	WOSB
	621999	All Other Miscellaneous Ambulatory Health Care Services	WOSB
6221		General Medical and Surgical Hospitals.	
	622110	General Medical and Surgical Hospitals	WOSB

TABLE 2—2017 NAICS CODES AUTHORIZED FOR USE UNDER THE WOSB PROGRAM—WOSB—Continued

4-Digit	6-Digit	Women owned small business 2017 NAICS description	WOSB/ EDWOSB
6231		Nursing Care Facilities (Skilled Nursing Facilities).	
	623110	Nursing Care Facilities (Skilled Nursing Facilities)	WOSB
6242		Community Food and Housing, and Emergency and Other Relief Services.	
	624210	Community Food Services	WOSB
	624221	Temporary Shelters	WOSB
	624229	Other Community Housing Services	WOSB
	624230	Emergency and Other Relief Services	WOSB
7112		Spectator Sports.	
	711211	Sports Teams and Clubs	WOSB
	711212	Racetracks	WOSB
	711219	Other Spectator Sports	WOSB
7113		Promoters of Performing Arts, Sports, and Similar Events.	
	711310	Promoters of Performing Arts, Sports, and Similar Events with Facilities	WOSB
	711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities	WOSB
7114		Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures.	
	711410	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	WOSB
7115		Independent Artists, Writers, and Performers.	
	711510	Independent Artists, Writers, and Performers	WOSB
7211		Traveler Accommodation.	
	721110	Hotels (except Casino Hotels) and Motels	WOSB
	721120	Casino Hotels	WOSB
	721191	Bed-and-Breakfast Inns	WOSB
	721199	All Other Traveler Accommodation	WOSB
7212		RV (Recreational Vehicle) Parks and Recreational Camps.	
	721211	RV (Recreational Vehicle) Parks and Campgrounds	WOSB
	721214	Recreational and Vacation Camps (except Campgrounds)	WOSB
7225		Restaurants and Other Eating Places.	
	722511	Full-Service Restaurants	WOSB
	722513	Limited-Service Restaurants	WOSB
	722514	Cafeterias, Grill Buffets, and Buffets	WOSB
	722515	Snack and Nonalcoholic Beverage Bars	WOSB
8111		Automotive Repair and Maintenance.	
	811111	General Automotive Repair	WOSB
	811112	Automotive Exhaust System Repair	WOSB
	811113	Automotive Transmission Repair	WOSB
	811118	Other Automotive Mechanical and Electrical Repair and Maintenance	WOSB
	811121	Automotive Body, Paint, and Interior Repair and Maintenance	WOSB
	811122	Automotive Glass Replacement Shops	WOSB
	811191	Automotive Oil Change and Lubrication Shops	WOSB
	811192	Car Washes	WOSB
	811198	All Other Automotive Repair and Maintenance	WOSB
8112		Electronic and Precision Equipment Repair and Maintenance.	
	811211	Consumer Electronics Repair and Maintenance	WOSB
	811212	Computer and Office Machine Repair and Maintenance	WOSB
	811213	Communication Equipment Repair and Maintenance	WOSB
	811219	Other Electronic and Precision Equipment Repair and Maintenance	WOSB
8113		Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance.	
	811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance.	WOSB
8121		Personal Care Services.	
	812111	Barber Shops	WOSB
	812112	Beauty Salons	WOSB
	812113	Nail Salons	WOSB
	812191	Diet and Weight Reducing Centers	WOSB
	812199	Other Personal Care Services	WOSB
8123		Drycleaning and Laundry Services.	
	812310	Coin-Operated Laundries and Drycleaners	WOSB
	812320	Drycleaning and Laundry Services (except Coin-Operated)	WOSB
	812331	Linen Supply	WOSB
	812332	Industrial Launderers	WOSB
8129		Other Personal Services.	
	812910	Pet Care (except Veterinary) Services	WOSB
	812921	Photofinishing Laboratories (except One-Hour)	WOSB
	812922	One-Hour Photofinishing	WOSB
	812930	Parking Lots and Garages	WOSB
	812990	All Other Personal Services	WOSB
8131		Religious Organizations.	
	813110	Religious Organizations	WOSB
8139		Business, Professional, Labor, Political, and Similar Organizations.	
	813910	Business Associations	WOSB

TABLE 2—2017 NAICS CODES AUTHORIZED FOR USE UNDER THE WOSB PROGRAM—WOSB—Continued

4-Digit	6-Digit	Women owned small business 2017 NAICS description	WOSB/ EDWOSB
	813920	Professional Organizations	WOSB
	813930	Labor Unions and Similar Labor Organizations	WOSB
	813940	Political Organizations	WOSB
	813990	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)	WOSB

Table 3, 2017 NAICS Codes Authorized for Use under the WOSB Program—EDWOSB, shows all 80 six-digit NAICS codes authorized for use for EDWOSB set-aside and sole source procurements under the WOSB Program.

TABLE 3—2017 NAICS CODES AUTHORIZED FOR USE UNDER THE WOSB PROGRAM—EDWOSB

4-Digit	6-Digit	Economically disadvantaged women-owned small business 2017 NAICS description	WOSB/ EDWOSB
3152		Cut and Sew Apparel Manufacturing.	
	315210	Cut and Sew Apparel Contractors	EDWOSB
	315220	Men's and Boys' Cut and Sew Apparel Manufacturing	EDWOSB
	315240	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing	EDWOSB
	315280	Other Cut and Sew Apparel Manufacturing	EDWOSB
3219		Other Wood Product Manufacturing.	
	321911	Wood Window and Door Manufacturing	EDWOSB
	321912	Cut Stock, Resawing Lumber, and Planing	EDWOSB
	321918	Other Millwork (including Flooring)	EDWOSB
	321920	Wood Container and Pallet Manufacturing	EDWOSB
	321991	Manufactured Home (Mobile Home) Manufacturing	EDWOSB
	321992	Prefabricated Wood Building Manufacturing	EDWOSB
	321999	All Other Miscellaneous Wood Product Manufacturing	EDWOSB
3259		Other Chemical Product and Preparation Manufacturing.	
	325910	Printing Ink Manufacturing	EDWOSB
	325920	Explosives Manufacturing	EDWOSB
	325991	Custom Compounding of Purchased Resins	EDWOSB
	325992	Photographic Film, Paper, Plate, and Chemical Manufacturing	EDWOSB
	325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing	EDWOSB
3333		Commercial and Service Industry Machinery Manufacturing.	
	333314	Optical Instrument and Lens Manufacturing	EDWOSB
	333316	Photographic and Photocopying Equipment Manufacturing	EDWOSB
	333318	Other Commercial and Service Industry Machinery Manufacturing	EDWOSB
3342		Communications Equipment Manufacturing.	
	334210	Telephone Apparatus Manufacturing	EDWOSB
	334220	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.	EDWOSB
	334290	Other Communications Equipment Manufacturing	EDWOSB
3353		Electrical Equipment Manufacturing.	
	335311	Power, Distribution, and Specialty Transformer Manufacturing	EDWOSB
	335312	Motor and Generator Manufacturing	EDWOSB
	335313	Switchgear and Switchboard Apparatus Manufacturing	EDWOSB
	335314	Relay and Industrial Control Manufacturing	EDWOSB
3359		Other Electrical Equipment and Component Manufacturing.	
	335911	Storage Battery Manufacturing	EDWOSB
	335912	Primary Battery Manufacturing	EDWOSB
	335921	Fiber Optic Cable Manufacturing	EDWOSB
	335929	Other Communication and Energy Wire Manufacturing	EDWOSB
	335931	Current-Carrying Wiring Device Manufacturing	EDWOSB
	335932	Noncurrent-Carrying Wiring Device Manufacturing	EDWOSB
	335991	Carbon and Graphite Product Manufacturing	EDWOSB
	335999	All Other Miscellaneous Electrical Equipment and Component Manufacturing.	EDWOSB
3372		Office Furniture (including Fixtures) Manufacturing	
	337211	Wood Office Furniture Manufacturing	EDWOSB
	337212	Custom Architectural Woodwork and Millwork Manufacturing	EDWOSB
	337214	Office Furniture (except Wood) Manufacturing	EDWOSB
	337215	Showcase, Partition, Shelving, and Locker Manufacturing	EDWOSB
4841		General Freight Trucking	
	484110	General Freight Trucking, Local	EDWOSB
	484121	General Freight Trucking, Long-Distance, Truckload	EDWOSB
	484122	General Freight Trucking, Long-Distance, Less Than Truckload	EDWOSB
4885		Freight Transportation Arrangement	
	488510	Freight Transportation Arrangement	EDWOSB
4889		Other Support Activities for Transportation	

TABLE 3—2017 NAICS CODES AUTHORIZED FOR USE UNDER THE WOSB PROGRAM—EDWOSB—Continued

4-Digit	6-Digit	Economically disadvantaged women-owned small business 2017 NAICS description	WOSB/ EDWOSB
	488991	Packing and Crating	EDWOSB
	488999	All Other Support Activities for Transportation	EDWOSB
5173		Wired and Wireless Telecommunications Carriers	
	517311	Wired Telecommunications Carriers	EDWOSB
5311		Lessors of Real Estate	
	531110	Lessors of Residential Buildings and Dwellings	EDWOSB
	531120	Lessors of Nonresidential Buildings (except Miniwarehouses)	EDWOSB
	531130	Lessors of Miniwarehouses and Self-Storage Units	EDWOSB
	531190	Lessors of Other Real Estate Property	EDWOSB
5414		Specialized Design Services	
	541410	Interior Design Services	EDWOSB
	541420	Industrial Design Services	EDWOSB
	541430	Graphic Design Services	EDWOSB
	541490	Other Specialized Design Services	EDWOSB
5611		Office Administrative Services	
	561110	Office Administrative Services	EDWOSB
5614		Business Support Services	
	561410	Document Preparation Services	EDWOSB
	561421	Telephone Answering Services	EDWOSB
	561422	Telemarketing Bureaus and Other Contact Centers	EDWOSB
	561431	Private Mail Centers	EDWOSB
	561439	Other Business Service Centers (including Copy Shops)	EDWOSB
	561440	Collection Agencies	EDWOSB
	561450	Credit Bureaus	EDWOSB
	561491	Repossession Services	EDWOSB
	561492	Court Reporting and Stenotype Services	EDWOSB
	561499	All Other Business Support Services	EDWOSB
5621		Waste Collection	
	562111	Solid Waste Collection	EDWOSB
	562112	Hazardous Waste Collection	EDWOSB
	562119	Other Waste Collection	EDWOSB
6115		Technical and Trade Schools	
	611511	Cosmetology and Barber Schools	EDWOSB
	611512	Flight Training	EDWOSB
	611513	Apprenticeship Training	EDWOSB
	611519	Other Technical and Trade Schools	EDWOSB
6243		Vocational Rehabilitation Services.	
	624310	Vocational Rehabilitation Services	EDWOSB
7223		Special Food Services.	
	722310	Food Service Contractors	EDWOSB
	722320	Caterers	EDWOSB
	722330	Mobile Food Services	EDWOSB
8114		Personal and Household Goods Repair and Maintenance.	
	811411	Home and Garden Equipment Repair and Maintenance	EDWOSB
	811412	Appliance Repair and Maintenance	EDWOSB
	811420	Reupholstery and Furniture Repair	EDWOSB
	811430	Footwear and Leather Goods Repair	EDWOSB
	811490	Other Personal and Household Goods Repair and Maintenance	EDWOSB

SBA will post the lists of designated 2017 NAICS codes set forth in this Notice on the WOSB Program's Web page on SBA's Web site, at *www.sba.gov/wosb.*

Robb N. Wong,

Associate Administrator, Office of Government Contracting and Business Development.

[FR Doc. 2017–21925 Filed 10–10–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10156]

Notice Regarding Positive Actions by the Government of Sudan

ACTION: Notice.

SUMMARY: The Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Administrator of the U.S. Agency for International Development, is publishing a notice stating that the Government of Sudan has sustained the positive actions that gave rise to Executive Order 13761 of January 13, 2017 (''Recognizing Positive Actions by the Government of Sudan and Providing for the Revocation of Certain Sudan-Related Sanctions''), as amended by Executive Order 13804 of July 11, 2017 (''Allowing Additional Time for Recognizing Positive Actions by the Government of Sudan and Amending Executive Order 13761''). The Secretary of State has also provided to the President a report required in Executive Order 13761, as amended. As a result, the criteria in section 12(b) of Executive Order 13761, as amended, have been fulfilled, making effective sections of that Executive Order that, among other things, revoke certain economic sanctions related to Sudan.

DATES: Effective October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Mark Zimmer, Department of State's Office of the U.S. Special Envoy for Sudan and South Sudan, tel.: 202–647–4531.

SUPPLEMENTARY INFORMATION: Section 12(b) of Executive Order 13761, as amended by section 1(c) of Executive Order 13804, states that sections 1, 4, 5, 6, and 7 of that Executive Order are effective on October 12, 2017, provided that the Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Administrator of the U.S. Agency for International Development, has published a notice in the **Federal Register** on or before that date, stating that the Government of Sudan has sustained the positive actions that gave rise to the Executive Order, and that the Secretary of State has provided to the President the report described in section 10 of that Executive Order.

The Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Administrator of the U.S. Agency for International Development, hereby states that the Government of Sudan has sustained the positive actions that gave rise to Executive Order 13761 of January 13, 2017. The Secretary of State has also provided to the President the report described in section 10 of Executive Order 13761, as amended.

As a result, the criteria set forth in section 12(b) of Executive Order 13761, as amended, have been satisfied, and sections 1, 4, 5, 6, and 7 of Executive Order 13761, as amended, are effective on October 12, 2017.

Dated: October 4, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–21927 Filed 10–10–17; 8:45 am]

BILLING CODE 4710–26–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2017–76]

Petition for Exemption; Summary of Petition Received; Airlines for America

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before October 31, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0893 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Nia Daniels, (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 3, 2017.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2017–0893.

Petitioner: Airlines for America.

Sections of 14 CFR Affected: 121.339(c).

Description of Relief Sought: Airlines for America (A4A), on behalf of its affected operators, petitions for an exemption to operate Boeing B757–200 and –300 series aircraft with the survival kits remotely stowed from the slide/rafts. A4A has also petitioned for survival kits to be remotely stowed from the slide/rafts for the Airbus A319/A320/A321 aircraft, which the FAA has previously granted in Exemption No. 17291.

[FR Doc. 2017–21913 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice Suspending Implementation of the Environmental Impact Statement and Record of Decision for the Philadelphia International Airport Capacity Enhancement Program

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Suspending implementation of the Environmental Impact Statement (EIS) and Record of Decision (ROD) for the Philadelphia International Airport (PHL) Capacity Enhancement Program (CEP).

SUMMARY: The FAA is suspending further implementation of the December 2010 ROD for the Philadelphia International Airport (PHL) CEP. Due to unforeseen changes in operations at PHL, several of the airfield capacity enhancing components identified in the CEP ROD are not needed at this time. When the CEP ROD was issued, operations at PHL were forecasted to reach 555,112 in 2016 and 699,799 in 2025. PHL was consistently ranked as one of the most delayed airports in the nation. Delays at PHL contributed to delays throughout the region and across the nation and were resulting in substantial costs in time and money for passengers and airlines. However, unforeseen changes in the aviation industry and aircraft activity have resulted in considerably less activity at PHL. Actual operations at PHL in 2016 were 394,022, nearly thirty percent lower than originally forecasted. PHL is no longer experiencing severe congestion or significant delays. Over recent years, there has been no indication or reason to believe that forecasted operations and associated delays at PHL will reach the level experienced at the time FAA approved the CEP ROD. Since there is no longer

a foreseeable need for additional capacity at PHL, the airport sponsor, the City of Philadelphia, has elected to postpone several of the major components of CEP, including construction of the new southern runway and the extension of Runway 8/26. In support of this decision, the FAA is suspending the ROD for the PHL CEP. Projects currently underway will continue to completion. As circumstances change and new projects are proposed, environmental analyses for those projects will be conducted in accordance with the National Environmental Policy Act (NEPA).

DATES: Applicable upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Susan L. McDonald, Environmental Protection Specialist, Federal Aviation Administration, Harrisburg Airports District Office, 3905 Hartzdale Drive, Suite 508, Harrisburg, PA 17011.

SUPPLEMENTARY INFORMATION: In 2003, the City of Philadelphia, the airport sponsor, who owns and operates PHL, asked FAA to consider ways to accommodate existing and forecasted aviation demands. PHL was one of the airports contributing to delays throughout the national airspace system, with delays approaching 20 minutes per average annual operation. Operations (aircraft takeoffs and landings) at PHL were increasing and forecasted to reach 555,112 in 2016 and 699,799 in 2025. Delays at PHL were attributed to airfield configuration deficiencies and operational constraints; particularly in poor weather conditions. The purpose of the CEP was to enhance airport capacity in order to accommodate current and future aviation demand in the Philadelphia Metropolitan Area during all weather conditions. The FAA signed the ROD for the CEP on December 30, 2010.

The CEP was designed to provide PHL with five runways connected by a redesigned and more efficient taxiway system. Under CEP, Runway 17/35 would remain as a 6,500-foot-long crosswind runway. Runway 8/26 would be extended 2,000 feet to the east, for a total length of 7,000 feet with an Engineered Materials Arresting System (EMAS) constructed at the east end of the runway. Runway 9L/27R would remain at its current length (9,500 feet) and location. Runway 9R/27L would be extended to the east by 1,500 feet, to a total length of 12,000 feet, and would be renamed Runway 9C/27C. A new 9,103-foot-long runway, Runway 9R/27L, would be constructed 1,600 feet south of Runway 9C/27C (existing 9R/27L). All existing navigational aids would be relocated as necessary, or new navigational aids installed as required to meet the approach criteria for the particular runway end. The CEP included upgrades and reconfigurations to the existing terminal complex, and the addition of a new commuter terminal east of Runway 17/35. An automated people mover (APM) was to be constructed to transport passengers between terminals and parking facilities. The CEP would also have required the relocation or expansion of many of the other airport facilities, including cargo, general aviation (corporate), maintenance, fuel, training facilities, and deicing facilities. The FAA's Air Traffic Control Tower (ATCT) was also to be relocated. In order to accommodate the CEP, several off-airport facilities and properties needed to be acquired or, in some cases, relocated.

The City of Philadelphia has actively worked to implement the various components of the CEP since 2010. To date, the City has acquired several parcels of land, constructed taxiway improvements, and begun work on extending Runway 9R/27L. During this period, changes in both the aviation industry and aviation activity have resulted in reductions in the number of operations at PHL. Although enplanements at PHL have remained steady, the number of aircraft takeoffs and landings has decreased. In 2016, annual operations at PHL were 394,022; nearly 30 percent lower than forecasted. This decrease in operations is attributed to airlines using larger planes that can seat more passengers, general aviation activity shifting to other regional airports, and consolidations within the airline industry, such as the merger of US Airways and American Airlines. This unforeseen drop in operations has resulted in the airport sponsor realigning its capital improvement program to address more immediate needs at the airport, and indefinitely deferring the construction of the southern runway and the Runway 8/26 extension. For these reasons, implementation of the ROD for the PHL CEP is being suspended. Projects currently underway at PHL will continue to completion. As circumstances change and new projects are proposed, environmental analyses for the projects will be conducted in accordance with NEPA.

FOR FURTHER INFORMATION CONTACT: Susan McDonald, Environmental Protection Specialist, Federal Aviation Administration, Harrisburg Airports District Office, 3905 Hartzdale Drive, Suite 508, Camp Hill, PA 17011, Telephone (717) 730–2841.

Issued in Camp Hill, Pennsylvania, October 3, 2017.

Lori Pagnanelli,

Manager, Harrisburg Airports District Office.

[FR Doc. 2017–21880 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2017–0975]

RIN 2120–0768

Request for Emergency Processing of Collection of Information by the Office of Management and Budget; Emergency Clearance To Revise Information Collection 2120–0768, Part 107 Authorizations and Waivers

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

ACTION: Notice of Agency request for OMB emergency information collection processing and request for comments.

SUMMARY: FAA hereby gives notice it is submitting the following Information Collection request (ICR) to the Office of Management and Budget (OMB) for Emergency processing under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations. FAA requests that OMB authorize the proposed collection of information identified below on, or before October 16, 2017, for a period of 180 days.

ADDRESSES: A copy of this individual information collection request (ICR), with applicable supporting documentation, may be obtained by calling FAA's unmanned aircraft systems (UAS) Low Altitude Authorization and Notification Capability (LAANC) Program Manager: Casey Nair (tel. (202) 267–0369) or via email at *Casey.Nair@faa.gov.* Comments regarding these information collection requirements should include the title and OMB control number listed below and should be sent directly to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street NW., Washington, DC 20503, Attention: FAA Desk Officer. Comments may also be sent via email to OMB at *oira_submissions@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Casey Nair, FAA's unmanned aircraft systems (UAS) Low Altitude Authorization and Notification Capability (LAANC) Program Manager, tel. (202) 267–0369 or via email at *Casey.Nair@faa.gov.*

SUPPLEMENTARY INFORMATION:

Title: The FAA Seeks Emergency Clearance to Revise its Existing Information Collection 2120–0768, Part 107 Authorizations and Waivers under 14 CFR part 107.

OMB Control Number: 2120–0768.

Form Number(s): N/A.

Affected Public: Businesses and Small UAS operators under 14 CFR part 107.

Frequency of Submission: One submission per operation.

Respondent Universe: small UAS operators under 14 CFR part 107.

Reporting Burden:

Total Estimated Responses: 124,000 authorization requests 2017 with a 35% increase per year every year after.

Total Estimated Annual Burden: The FAA estimates that using the LAANC based method for authorizations will require five minutes per transaction. Therefore, the FAA estimates the total time burden using LAANC to be approximately 10,400 hours for authorizations. That number increases to 14,400 in 2018 and 18,954 in 2018 and 2019 respectively.

Status: Emergency Review.

Description: Under 14 CFR 107.41, ''no person may operate a small unmanned aircraft in Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport unless that person has prior authorization from Air Traffic Control (ATC).'' [14 CFR 107.41.] Since the promulgation of part 107, the FAA has received an extremely high volume of airspace authorization requests for UAS operations. From September 2016 to July 2017 the Agency received 20,566 authorization requests. Of these, the Agency has processed 14,334 and continues to have over 6,000 authorizations in the processing queue. Requests have steadily increased over time, and the FAA expects the queue will exceed 25,000 pending authorizations within the next 6 months. The volume of these authorization requests has dramatically increased the time between submission and approval of those authorization requests. Currently, airspace authorization requests may be in queue sixty to ninety days before receiving a response. The time necessary to process these requests has resulted in an increase in safety reports due to non-compliant operations. Today there are an average of 250 safety reports a month, or approximately 1,500 over a six-month period, associated with a potential risk of an incident between manned aircraft and a UAS. In addition, because of the lengthy queue for processing through the authorization Web site, Air Traffic Controllers routinely receive calls from UAS operators seeking approval to operate. These calls create distractions for Air Traffic Control management and in some cases can impact the controllers managing manned traffic creating a potential safety hazard. To mitigate these potential hazards, the FAA is seeking to implement the Low Altitude Authorization and Notification Capability (LAANC) system. Using the LAANC system, the FAA will be able to grant near-real time authorizations for the vast majority of operations. Implementation of the LAANC system is vital to the safety of the National Airspace System because it would (1) encourage compliance with 14 CFR 107.41 by speeding up the time to process authorization requests (2) reduce distraction of controllers working in the Tower, and (3) increase public access and capacity of the system to grant authorizations. LAANC is expected to dramatically reduce the incidence of noncompliant operations. The FAA estimates a minimum of 30% reduction in noncompliant operations would result in 450 fewer safety reports over the next six months.

As provided under 5 CFR 1320.13, Emergency Processing, DOT is requesting emergency processing for this new collection of information as specified in the PRA and its implementing regulations. DOT cannot reasonably comply with normal clearance procedures because the use of normal clearance procedures is reasonably likely to result in further distraction to Air Traffic Controllers and further non-compliant operations. Due to the pressing safety consideration of reducing safety reports due to non-compliant UAS operations, the FAA cannot wait the normal 90 days of public comment. Therefore, FAA is requesting OMB approval of this collection of information 7 days after publication of this Notice in the **Federal Register**. Upon OMB approval of its Emergency clearance request, FAA will follow the normal clearance procedures for the information collection associated with LAANC.

Also included in the request for processing for the purposes of transparency are non-substantive changes to the Web site portal for requesting airspace authorizations. These changes include new branding of the Web site portal DroneZone and improvements to the external customer experience. It's expected that operations that are relatively simple will go through LAANC's automated approval process while more complex operations that require a more thorough review by FAA subject matter experts (SME) will go through the FAA's DroneZone electronic portal. Again, these changes will create greater access to airspace authorizations and decrease the number of non-compliant operations.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FAA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on October 4, 2017.

Casey Nair,

LAANC Program Manager.

[FR Doc. 2017–21878 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Rescission of the Record of Decision (ROD) for the I–94 East-West Corridor Project in the City of Milwaukee, Milwaukee County, Wisconsin

AGENCY: Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Notice of rescission of the Record of Decision.

SUMMARY: The FHWA is issuing this notice to advise the public that the ROD for the proposed I–94 East-West Corridor (70th Street to 16th Street) Project in the City of Milwaukee, Milwaukee County, Wisconsin is rescinded effective with this notice.

FOR FURTHER INFORMATION CONTACT: Bethaney Bacher-Gresock, Major Project Environmental Manager, Federal Highway Administration, 525 Junction Road, Suite 8000, Madison, Wisconsin, 53717–2157, Telephone: (608) 662–2119.

SUPPLEMENTARY INFORMATION: The FHWA, as the lead Federal agency, in cooperation with the Wisconsin Department of Transportation (WisDOT) signed a ROD on September 9, 2016 for the I–94 East-West Corridor (70th Street to 16th Street) Project; it is hereby rescinded. The purpose of the project was to address the deteriorated infrastructure condition of I–94, including obsolete roadway and bridge design, and thereby maintain a state of good repair and improve safety along approximately 3.5 miles of I–94. The proposed project included modernizing

existing interchanges and adding capacity along the corridor.

WisDOT has notified FHWA that pursuant to s. 84.0145, Wis. Stats., the Legislature must specifically authorize WisDOT to proceed with the project. The recently approved 2017 Wisconsin Act 59, the State's biennial budget, did not authorize WisDOT to advance the project. Therefore, FHWA has determined, in conjunction with WisDOT, that the ROD shall be rescinded. Any future environmental action within this corridor will comply with environmental review requirements of the National Environmental Policy Act ((NEPA) (42 U.S.C. 4321, *et seq.*)), FHWA environmental regulations (23 CFR 771), and related authorities prior to reissuance of a ROD or other NEPA documentation, as appropriate. Comments and questions concerning this action should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: October 4, 2017.

Timothy C. Marshall,

Assistant Division Administrator, FHWA Wisconsin Division, Madison, Wisconsin.

[FR Doc. 2017–21917 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Tier 1 Environmental Impact Statement for the Chesapeake Bay Crossing Study, Anne Arundel County, Baltimore County, Calvert County, Cecil County, Dorchester County, Harford County, Kent County, Queen Anne's County, St. Mary's County, Somerset County, and Talbot County, Maryland

AGENCY: Federal Highway Administration (FHWA), Maryland Transportation Authority (MDTA), DOT.

ACTION: Notice of intent to prepare a Tier 1 Environmental Impact Statement (EIS).

SUMMARY: The FHWA, as the Lead Federal Agency, and MDTA, as the Local Project Sponsor, are issuing this notice to advise the public of our intention to prepare a Tier 1 EIS for the Chesapeake Bay Crossing Study in Maryland. The Tier 1 EIS will assess the potential environmental impacts of addressing congestion at the Chesapeake Bay Bridge, which could result in added capacity at the existing bridge or at a new location across the Chesapeake Bay. The Tier 1 EIS will be prepared in accordance with regulations implementing the National Environmental Policy Act (NEPA) and provisions of the Fixing America's Surface Transportation Act (FAST Act) and will include a range of reasonable corridor alternatives, including a ''No Build'' alternative.

FOR FURTHER INFORMATION CONTACT: Jeanette Mar, Environmental Program Manager, Federal Highway Administration, Maryland Division, 10 S. Howard Street, Suite 2450, Baltimore, MD 21201, (410) 779–7152, or email at *jeanette.mar@dot.gov.* Melissa Williams, Director, Division of Planning & Program Development, Maryland Transportation Authority, 2310 Broening Highway, Baltimore, MD 21224, (410) 537–5650, or email at *mwilliams9@mdta.state.md.us.*

SUPPLEMENTARY INFORMATION: The purpose of this notice is to: (1) Alert interested parties to the FHWA and MDTA plan to prepare the Tier 1 EIS; (2) provide information on the nature of the proposed action; (3) solicit public and agency input regarding the scope of the Tier 1 EIS, including the purpose and need, alternatives to be considered, and impacts to be evaluated; and (4) announce that public and agency scoping meetings will be conducted.

The Chesapeake Bay Crossing Study Tier 1 EIS will identify the preferred corridor alternative for addressing congestion at the Chesapeake Bay Bridge and evaluate its financial viability. The study area is a broad geographic area that includes the entire length of the Chesapeake Bay in Maryland, spanning approximately 100 miles from the northern end near Havre de Grace to the southern border with Virginia between St. Mary's and Somerset Counties. The study will include a review of existing roadway infrastructure and environmental conditions along both shores of the Bay to identify potential crossing corridors in Maryland. Each potential corridor alternative will consist of a corridor band approximately one mile wide. This width may be adjusted to accommodate the specific conditions at each crossing as the study progresses.

Once the full range of potential corridor alternatives is developed, the study will include identification of a range of reasonable corridor alternatives for screening. It is assumed that approximately ten to fifteen corridors will be identified as reasonable for additional study. These corridors will then be screened based on measurable criteria to the corridor alternatives that will be retained for analysis in the Tier 1 Draft EIS. The EIS will be prepared by MDTA for FHWA to fulfill the requirements established in NEPA pursuant to current FHWA regulations and guidance.

The EIS will be prepared as a tiered document, providing a systematic approach for advancing potential transportation improvements. The analyses undertaken during Tier 1 will result in identification of the preferred corridor alternative that best meets the study purpose and need. The FHWA intends to issue a single Final Tier 1 EIS and Record of Decision (ROD) unless FHWA determines statutory criteria or practicability considerations precluding issuance of a combined document. If the combined Final Tier 1 EIS/ROD identifies an Action (Build) alternative, MDTA will complete a Tier 2 NEPA document where the agency will evaluate site-specific, project level impacts and required mitigation commitments. The scope of future environmental studies will be commensurate with the proposed action and potential environmental consequences.

FHWA and MDTA will undertake a scoping process for the Chesapeake Bay Crossing Study that will allow the public and interested agencies to comment on the scope of the Tier 1 EIS. This public outreach effort will educate and engage stakeholders, and solicit stakeholder input. FHWA and MDTA will invite all interested individuals, organizations, and public agencies to comment on the scope of the Tier 1 EIS, including the purpose and need, corridor alternatives to be studied, impacts to be evaluated, and evaluation methods to be used.

FHWA and MDTA will develop preliminary public outreach materials (such as fact sheets, brochures, maps or other materials) to support the scoping process. A public scoping presentation in webinar format will be held in November 2017. The meeting will be held online and available for viewing at the study Web site (*www.baycrossingstudy.com*). MDTA will also provide local viewing of the presentation at multiple locations. Presentation times and locations will be announced on the project Web site, in newspaper advertisements, and by other media.

Initial scoping will provide an opportunity for public input on issues relevant to the Tier 1 EIS. More information on public outreach activities, including future public open

houses, will be available in a project coordination plan on the study Web site. All public meetings related to the study will be held in locations accessible to persons with disabilities. Any person who requires special assistance, such as a language interpreter, should contact the Chesapeake Bay Crossing Study: Tier 1 NEPA Team at (410) 537–5650 or via email at *info@baycrossingstudy.com* at least 48 hours before the open house or meeting.

Letters inviting agencies to be cooperating or participating in the environmental review process are being sent to those agencies that have jurisdiction or may have an interest in the Chesapeake Bay Crossing Study: Tier 1 NEPA. FHWA and MDTA will notify cooperating and participating agencies of a separate agency scoping meeting to be held October 25, 2017, in Annapolis, Maryland.

Written comments or questions on the scope of the Tier 1 EIS should be mailed to the Chesapeake Bay Crossing Study: Tier 1 NEPA, c/o Ms. Melissa Williams, Director, Division of Planning & Program Development, Maryland Transportation Authority, 2310 Broening Highway, Baltimore, MD 21224; sent via email to *mwilliams9@mdta.state.md.us;* or submitted on the study Web site (*www.baycrossingstudy.com*).

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: October 2, 2017.

Gregory Murrill,

Division Administrator, Federal Highway Administration, Baltimore, Maryland.

[FR Doc. 2017–21916 Filed 10–10–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2009–0155; FMCSA–2011–0125; FMCSA–2011–0144; FMCSA–2011–0145; FMCSA–2013–0019; FMCSA–2013–0181; FMCSA–2015–0062; FMCSA–2015–0063]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 127 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

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 5:30 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., e.t., 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

On July 27, 2017, FMCSA published a notice announcing its decision to renew exemptions for 127 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (82 FR 35029). The public comment period ended on August 28, 2017, and one comment was received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person:

> Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received one comment in this preceding. An anonymous commenter stated they believe the rule preventing drivers with ITDM operating CMVs in interstate commerce should be removed and the medical examiners should determine whether a driver is fit to operate a CMV in interstate commerce. On May 4, 2015, FMCSA published a Notice of Proposed Rulemaking (NPRM) (80 FR 25260) proposing changes to the Diabetes standard and requesting comments from the public. FMCSA is currently evaluating comments received and drafting a Final Rule. Information related to this action can be found in the Docket at FMCSA–2005–23151.

IV. Conclusion

Based upon its evaluation of the 127 renewal exemption applications and comments received, FMCSA announces its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.64(3):

As of August 1, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 35 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 37719; 80 FR 59223):

Adele M. Aasen (ND)
Kyle E. Beine (WI)
Joseph M. Blackwell (GA)
Joseph G. Blastick (SD)
Gary W. Boninsegna (OH)
Billy J. Bronson (OR)
Michael L. Campbell (NC)
Steven C. Cornell (PA)
Josiah L. Crestik (MN)
Richard L. Cunningham (NE)
Thomas M. Delasko (FL)
William T. Eason (NC)
Douglas J. Garrison (IA)
Daniel W. Gregory (NC)
Barry L. Grimes, Sr. (MD)
Dennis J. Grimm (DE)

Stephen G. Helmer (NE)
Marco K. Higgs (OR)
Jeffrey T. Hunley (NC)
Colin S. Jackson (WA)
Peter E. Mizialko (NJ)
Michael I. Moore (IN)
Richard M. Ohland (MN)
James D. Parrish (NC)
Justin D. Redding (MT)
Alex R. Rumph (MT)
Kenneth S. Schoenberger (PA)
Jarred E. Shawles (CA)
Howard L. Smith (IL)
Jeffrey S. Snyder (PA)
Jerry L. Stevens (NE)
Todd Stover (PA)
Dennis P. Walker, Jr. (OH)
Horace V. Watson (GA)
Jeremy W. Wolfe (MO)

The drivers were included in docket number FMCSA–2015–0062. Their exemptions are applicable as of August 1, 2017, and will expire on August 1, 2019.

As of August 3, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (74 FR 28097; 74 FR 38481):

Joseph Jurewicz (CT)
Dana N. Larsen (UT)
Jason G. Leavitt (UT)
Thomas M. Petee (MI)
Jim A. Phelps (MI)
James F. Rabideau, Jr. (NY)
John E. Spano (MA)

The drivers were included in docket number FMCSA–2009–0155. Their exemptions are applicable as of August 3, 2017, and will expire on August 3, 2019.

As of August 4, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 34127; 76 FR 47288):

Richard A. Bosma (IL)
Ronnie E. Combs, Jr. (KY)
Barbara A. Farrell (WA)
Tony D. Gayles (KY)
Joshua D. Kohl (IA)
Judah A. Nell (PA)
Peter J. Wasko, Jr. (PA)
Alfred Zaldana (CA)

The drivers were included in docket number FMCSA–2011–0125. Their exemptions are applicable as of August 4, 2017, and will expire on August 4, 2019.

As of August 5, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 34127; 76 FR 47288):

Justin C. Brewer (NY)
Roger W. Carr (MD)
Stanley D. Ingram (TN)
Rondal W. Kennedy (KY)
Jerry W. Miller (VA)
Gregg O. Price (MS)
Gary D. Pugliese (NJ)
Jeffrey A. Radel (PA)
Vladmir V. Tayts (PA)
Jady R. Tengs (ID)

The drivers were included in docket number FMCSA–2011–0144. Their exemptions are applicable as of August 5, 2017, and will expire on August 5, 2019.

As of August 15, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 43 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 41550; 80 FR 59229):

Henry Andreoli (NH)
Jonathan A. Boston (NY)
James G. Bracegirdle (GA)
Joseph C. Brewster (VA)
Bradley R. Brown (NH)
Annette F. Bryant (CA)
Brian G. Carter (GA)
Daniel B. Craig (OR)
Sean W. Dempsey (OH)
Patrick L. Feely (MN)
Garry W. Garrison (WI)
James Gennello (NJ)
John T. Gorman (NJ)
Joel K. Hawkins (IL)
Gary L. Hulslander (PA)
Daniel E. Jackowski (WI)
John W. Johnson (TN)
Samuel S. Johnson (WI)
Charles A. Kelley (IA)
Omer E. King (PA)
Eric R. Knutson (MN)
Bruce E. Koehn (KS)
Douglas L. Kugler (MN)
Andrew S. McKinney (MN)
Douglas D. Miller (WY)
Robert F. Perez (PA)
Ray E. Phipps (IL)
Bruce F. Sanderson (LA)
Raymond Santiago (NJ)
Travis D. Shadden (IN)
Randy S. Steinbach (WA)
Paul R. Thorkelson (MN)
Michael J. Toth (PA)
Christopher O. Trent (KS)
Charles H. Turner (WI)
Jesse W. Turner (MI)
Donavan A. Van Houten (WA)
Matt S. Volk (NE)
Daniel M. Waldner (ND)
Timothy L. Wilkinson (OH)
Catherine A. Wilcox (CT)
Kenneth P. Wing (MI)
Timothy W. Young (PA)

The drivers were included in docket number FMCSA–2015–0063. Their exemptions are applicable as of August 15, 2017, and will expire on August 15, 2019.

As of August 16, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 14 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 32704; 78 FR 50140):

Herlen D. Barner (TN)
James W. Bledsoe (AL)
Daniel L. Bosley (KY)
Verland G. Casper (WI)
Kyle P. Cerra (PA)
Raymond K. Harper (KS)
Shane B. Henninger (IA)
Jeffrey S. Hubbell (PA)
Kevin T. Johnson (SD)
Randall L. Krider (IN)
William J. Panoch (WI)
James E. Smith (TN)
Kevin R. Treichel (IA)
Thomas R. Yecker (PA)

The drivers were included in docket number FMCSA–2013–0019. Their exemptions are applicable as of August 16, 2017, and will expire on August 16, 2019.

As of August 29, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 40439; 76 FR 53707):

Bryan K. Aaron (UT)
Donald M. Bergman (MN)
Ronald J. Boehm (IN)
Vernon W. Elmore (MS)
Michael J. Gilbert (WA)
Andrew W. Richey (MS)
Thomas M. Shafer (IN)
Allen D. Stevenson (NJ)
Oleg Tarasov (NJ)

The drivers were included in docket number FMCSA–2011–0145. Their exemptions are applicable as of August 29, 2017, and will expire on August 29, 2019.

As of August 30, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, Lloyd K. Steinkamp (WV) has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 38435; 78 FR 63294).

The driver was included in docket number FMCSA–2013–0181. The exemption is applicable as of August 30,

2017, and will expire on August 30, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the applicable date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: October 2, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–21901 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0058]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 91 individuals for an exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before November 13, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2016–0004 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy*.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 91 individuals listed in this notice have requested an exemption from the hearing requirement in 49 CFR 391.41(b)(11). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person:

> First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

On February 1, 2013, FMCSA announced in a Notice of Final Disposition titled, Qualification of Drivers; Application for Exemptions; National Association of the Deaf, (78 FR 7479), its decision to grant requests from 40 individuals for exemptions from the Agency's physical qualification standard concerning hearing for interstate CMV drivers. Since the February 1, 2013 notice, the Agency has published additional notices granting requests from hard of hearing and deaf individuals for exemptions from the Agency's physical qualification standard concerning hearing for interstate CMV drivers.

II. Qualifications of Applicants

Mario Alvarado: Mr. Alvarado, age 28, holds an operator's license in California.

Shey C. Amberson: Mr. Amberson, age 39, holds an operator's license in Florida.

Kasseth Andrews: Mr. Andrews, age 33, holds an operator's license in Massachusetts.

Steven Andrews: Mr. Andrews, age 33, holds an operator's license in Florida.

Randy Bailey: Mr. Bailey, age 36, holds an operator's license in New Jersey.

Ivan Batista: Mr. Batista, age 36, holds an operator's license in New Jersey.

Larry G. Beeson: Mr. Beeson, age 75, holds a class B CDL in North Carolina.

Deontae Blanks: Mr. Blanks, age 34, holds an operator's license in Texas.

Daryl A. Broker: Mr. Broker, age 63, holds a class A CDL in Minnesota.

Justin Brooks: Mr. Brooks, age 37, holds an operator's license in Washington.

Daniel Camp: Mr. Camp, age 28, holds an operator's license in Georgia.

Joseph Caplan: Mr. Caplan, age 67, holds a class A CDL in Connecticut.

Vincente Carreon: Mr. Carreon, age 55, holds a class A CDL in Texas.

Richard N. Casto: Mr. Casto, age 49, holds an operator's license in Ohio.

Blair D. Chappell: Mr. Chappell, age 35, holds an operator's license in Pennsylvania.

Christa B. Coppley: Ms. Coppley, age 43, holds an operator's license in North Carolina.

Leslie Crump: Mr. Crump, age 43, holds an operator's license in Indiana.

William Darnell: Mr. Darnell, age 43, holds a class A CDL in Arizona.

Travis K. Davisson: Mr. Davisson, age 43, holds a class A CDL in Iowa.

Sean M. Dearsman: Mr. Dearsman, age 39, holds an operator's license in Ohio.

Shane DiBernado: Mr. DiBernado, age 22, holds an operator's license in Colorado.

James Edmonson: Mr. Edmonson, age 35, holds an operator's license in Louisiana.

Gary Effner: Mr. Effner, age 46, holds an operator's license in Massachusetts.

Mitchell R. Estill: Mr. Estill, age 41, holds an operator's license in Missouri.

Jeremy Exum: Mr. Exum, age 41, holds an operator's license in Texas.

William F. Farrell: Mr. Farrell, age 59, holds an operator's license in Wisconsin.

Lucius Fowler: Mr. Fowler, age 44, holds an operator's license in Illinois.

Bruce Francechi: Mr. Francechi, age 52, holds an operator's license in New York.

Buddy Gann: Mr. Gann, age 39, holds an operator's license in Indiana.

Blanca Gerardo: Mr. Gerardo, age 43, holds an operator's license in Texas.

Teela Gilmore: Ms. Gilmore, age 41, holds an operator's license in Georgia.

Douglas M. Gray: Mr. Gray, age 56, holds a class A CDL in Oregon.

John Grebenc: Mr. Grebenc, age 45, holds a class A CDL in Minnesota.

Kimberly Gumm: Ms. Gumm, age 56, holds a Class A CDL in Indiana.

Conrad Hause: Mr. Hause, age 36, holds an operator's license in Maryland.

John Hayt, III: Mr. Hayt, age 30, holds an operator's license in Florida.

Raymond E. Henk: Mr. Henk, age 46, holds an operator's license in Texas.

Jorge L. Hernandez: Mr. Hernandez, age 27, holds an operator's license in Texas.

Andrew J. Hippler: Mr. Hippler, age 43, holds a class A CDL in Idaho.

Charles Holbrook: Mr. Holbroon, age 47, holds a class A CDL in Maryland.

Paul Hoover: Mr. Hoover, age 30, holds a class A CDL in Pennsylvania.

Buford G. Hudson: Mr. Hudson, age 50, holds an operator's license in Kentucky.

Thomas Jensen: Mr. Jensen, age 55, holds a class A CDL in Iowa.

Charles J. Jernigan, Jr.: Mr. Jernigan, age 54, holds an operator's license in South Carolina.

James M. Johnson: Mr. Johnson, age 46, holds a class A CDL in Minnesota.

Matthew Jones: Mr. Jones, age 43, holds an operator's license in California.

Ronald L. Jones: Mr. Jones, age 61, holds an operator's license in Oklahoma.

Wayne A. Kramas: Mr. Kramas, age 53, holds an operator's license in Wisconsin.

Daniel Krystosek: Mr. Krystosek, age 25, holds a class A CDL in Minnesota.

Nicholas Kulasa: Mr. Kulasa, age 32, holds an operator's license in Illinois.

Ryan R. Larkin: Mr. Larkin, age 35, Holds an operator's license in Massachusetts.

Aaron S. Leader: Mr. Leader, age 36, holds an operator's license in Arizona.

Brian Levinson: Mr. Levinson, age 50, holds an operator's license in Florida.

Benjamin Lockwood: Mr. Lockwood, age 27, holds an operator's license in Texas.

Stephen O. Lothamer: Mr. Lothamer, age 55, holds a class A CDL in Michigan.

Pete Love, Jr.: Mr. Love, age 43, holds an operator's license in Nebraska.

John R. Martikainen: Mr. Martikainen, age 38, holds an operator's license in Connecticut.

Cory McDaniel: Mr. McDaniel, age 29, holds an operator's license in Pennsylvania.

Jamarques McMahon: Mr. McMahon, age 24, holds an operator's license in Texas.

Ty McRae: Mr. McRae, age 23, holds an operator's license in Georgia.

David W. Morgan: Mr. Morgan, age 47, holds an operator's license in Idaho.

Coltin Mueller: Mr. Mueller, age 21, holds an operator's license in Wisconsin.

Eddie P. Naquin: Mr. Naquin, age 47, holds an operator's license in Texas.

Ernest O. Noel: Mr. Noel, age 41, holds an operator's license in Indiana.

Robert C. Oliver: Mr. Oliver, age 45, holds a class A CDL in Washington.

Tim S. Oyler: Mr. Oyler, age 48, holds a class A CDL in Utah.

Douglas Pfueger: Mr. Pfueger, age 52, holds an operator's license in Missouri.

Charles L. Pitt: Mr. Pitt, age 53, holds an operator's license in Alabama.

Jonathan Pitts: Mr. Pitts, age 47, holds an operator's license in Maryland.

Robert F. Quintero: Mr. Quintero, age 62, holds an operator's license in Illinois.

Jonathan Ramos: Mr. Ramos, age 30, holds an operator's license in Nebraska.

James E. Redmond: Mr. Redmond, age 43, holds an operator's license in Illinois.

Lucas Robinson: Mr. Robinson, age 37, holds an operator's license in Ohio.

David Rowe: Mr. Rowe, age 41, holds an operator's license in Colorado.

Dustin Sargent: Mr. Sargent, age 31, holds an operator's license in Texas.

Carl Seabough: Mr. Seabough, age 46, Holds an operator's license in Florida.

Johnny Seng: Mr. Seng, age 22, holds an operator's license in Rhode Island.

Michael Singleton: Mr. Singleton, age 44, holds an operator's license in Texas.

Marshall Smith: Mr. Smith, age 32, holds an operator's license in Texas.

Lonnie D. Stockton: Mr. Stockton, age 52, holds an operator's license in Texas.

Robert S. Swafford: Mr. Swafford, age 31, holds an operator's license in Oklahoma.

Michael N. Swetnam: Mr. Swetnam, age 63, holds a class A CDL in Texas.

Courtney D. Turner: Ms. Turner, age 38, holds a class A CDL in Virginia.

Corey Twombly: Mr. Twombly, age 27, holds an operator's license in New York.

Gary Wallace: Mr. Wallace, age 60, holds a class A CDL in North Carolina.

James R. Wilson: Mr. Wilson, age 40, holds an operator's license in Mississippi.

Melanie Wilson: Ms. Wilson, age 53, holds an operator's license in Texas.

Ricky M. Winslow: Mr. Winslow, age 56, holds a class A CDL in Michigan.

Jerry E. Wright: Mr. Wright, age 63, holds a class A CDL in North Carolina.

Kedir Yimamu: Mr. Yimamu, age 34, holds an operator's license in Virginia.

Edward J. Zozaya: Mr. Zozaya, age 34, holds an operator's license in Arizona.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

III. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone

number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2016–0004 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination any time after the close of the comment period.

IV. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2016–0004 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: October 2, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–21896 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0020]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 11 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on August 25, 2017. The exemptions expire on August 25, 2019.

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., e.t., 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

On July 25, 2017, FMCSA published a notice announcing receipt of applications from 11 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (82 FR 34564). The public comment period ended on August 24, 2017, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person:

> Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the July 25, 2017, **Federal Register** notice (82 FR 34564) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 11 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, enucleated eye, pars planitis, prosthetic eye, and retinal detachment. In most cases, their eye conditions were not recently developed. Nine of the applicants were either born with their vision impairments or have had them since childhood. The two individuals that sustained their vision conditions as adults have had it for a range of six to nine years. Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting

State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for three to 40 years. In the past three years, one driver was involved in a crash, and no drivers were convicted of moving violations in CMVs. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10) and (b) by a certified Medical Examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 11 exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Michael T. Allen (AZ)
Robert F. Anneheim (NC)
Ray C. Atkinson (TN)
Joseph Cuthbert (PA)
Kent W. Fulp (NC)
Edward P. Hutton (ID)
Stephen McLaren (TN)
Robert E. Richards (ME)
James R. Robinette (VA)
James Tucker (TN)
Alvin White (TN)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: October 2, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–21893 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0019]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 12 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on August 29, 2017. The exemptions expire on August 29, 2019.

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., e.t., 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

On July 27, 2017, FMCSA published a notice announcing receipt of applications from 12 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (82 FR 35043). The public comment period ended on August 28, 2017, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that

granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

> Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the July 27, 2017, **Federal Register** notice (82 FR 35043) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 12 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, aphakia, chorioretinal scarring, complete loss of vision, optic nerve atrophy, optic nerve pallor, prosthetic eye. In most cases, their eye conditions were not recently developed. Eight of the applicants were either born with their vision impairments or have had them since childhood. The four individuals that sustained their vision conditions as adults have had it for a range of three to ten years. Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for three to 42 years. In the past three years, two drivers were involved in crashes, and no drivers were convicted of moving violations in CMVs. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future. Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10) and (b) by a certified Medical Examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 12 exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Thomas A. Barber (NC)

Nazar B. Bihun (PA)

Patrick J. Conner (OK)

Jay D. Diebel (MI)

Danny G. Goodman, Jr. (TX)

Randy N. Grandfield (VT)

Edgar A. Ideler (IL)

Dennis R. Jones (TX)

Rufus L. Jones (NJ)

Derek J. Savko (MT)

John J. Tilton (NH)

Randy D. VanScoy (IA)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: October 2, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–21883 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0181]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from five individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before November 13, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2017–0181 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The five individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

> Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8),* paragraphs 3, 4, and 5.]

The advisory criteria states the following:

If an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the Medical Examiner in consultation with the treating physician. Before certification is considered, it is suggested that a six-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a five-year period or more.

As a result of Medical Examiners misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures

[1] See *http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a* and *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified Medical Examiner based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders, (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' Since the January 15, 2013 notice, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in 49 CFR 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (MEP) (78 FR 3069).

II. Qualifications of Applicants

Gary T. Clark

Mr. Clark is a 44-year old Class A driver in Kentucky. He has a history of epilepsy and has remained seizure free since 2006. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2015. His physician states that he is supportive of Mr. Clark receiving an exemption.

Gary J. Gress

Mr. Gress is a 58-year old Class AM driver in Pennsylvania. He has a history of post traumatic seizure due to traumatic brain injury and has remained seizure free since 2003. He takes anti-seizure medication, with the dosage and frequency remaining the same since that time. His physician states that he is supportive of Mr. Gress receiving an exemption.

Joseph R. Lamkin

Mr. Lamkin is a 47-year old Class DB driver in Kentucky. He has a history of multiple past generalized seizures and has remained seizure free since 1998. He takes anti-seizure medications, with the dosage and frequency remaining the same since 2007. His physician states that he is supportive of Mr. Lamkin receiving an exemption.

Kenneth L. Lewis

Mr. Lewis is a 55-year old Class A driver in North Carolina. He has a history of epilepsy and has remained seizure free since 1984. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2004. His physician states that he is supportive of Mr. Lewis receiving an exemption.

Sean C. Moran

Mr. Moran is a 22-year old Class D driver in Massachusetts. He has a history of epilepsy and has remained seizure free since 2009. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2010. His physician states that he is supportive of Mr. Moran receiving an exemption.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0181 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0181 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: October 2, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–21881 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0384]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces decision to renew exemptions for five individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable June 10, 2017. The exemptions will expire on June 10, 2019.

FOR FURTHER INFORMATION CONTACT: 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., e.t., 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

On July 3, 2017, FMCSA published a notice announcing its decision to renew exemptions for five individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (82 FR 30939). The public comment period ended on August 2, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to driver a CMV if that person:

> First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received no comments in response to this preceding.

IV. Conclusion

Based upon its evaluation of the five renewal exemption applications, FMCSA announces its' decision to exempt the following drivers from the hearing requirement in 49 CFR 391.41 (b)(11).

As of June 10, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers. (82 FR 30939):

Thomas Carr (PA)
Richard Knapp (WI)
Keith Miller (PA)
Jeffrey Webber (OK)
Michael Wilkes (MA)

The drivers were included in docket number FMCSA–2014–0384. Their exemptions were applicable on June 10, 2017, and will expire on June 10, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: October 2, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–21894 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0234]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 27 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) operating a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before November 13, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2017–0234 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 27 individuals listed in this notice have requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person:

Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population.

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441). The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305). Section 4129 requires: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the three-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e). Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003, notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003, notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

II. Qualifications of Applicants

James J. Aden

Mr. Aden, 70, has had ITDM since 1997. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Aden understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Aden meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Serafim S. Amaral

Mr. Amaral, 62, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Amaral understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Amaral meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A from California.

John E. Biel

Mr. Biel, 71, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Biel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Biel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Adam D. Comer

Mr. Comer, 32, has had ITDM since 1987. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Comer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Comer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Arkansas.

Timothy P. Conner

Mr. Conner, 49, has had ITDM since 2010. His endocrinologist examined him

in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Conner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Conner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Virginia.

Miguel P. Flores

Mr. Flores, 57, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Flores understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Flores meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Mark J. Fulks

Mr. Fulks, 32, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Fulks understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fulks meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Iowa.

Daniel Gonzalez, III

Mr. Gonzalez, 46, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gonzalez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gonzalez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Chad A. Hayden

Mr. Hayden, 42, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hayden understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hayden meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Joseph F. Hubenka

Mr. Hubenka, 57, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hubenka understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hubenka meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Nebraska.

Galen M. Hurd, III

Mr. Hurd, 53, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hurd understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hurd meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from South Carolina.

Edward S. Jacobs

Mr. Jacobs, 58, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Jacobs understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jacobs meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Michigan.

Jason D. Jones

Mr. Jones, 45, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Jones understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jones meets the requirements

of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Oklahoma.

David M. Kelly

Mr. Kelly, 63, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kelly understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kelly meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Maryland.

Robert A. Leboffe

Mr. Leboffe, 25, has had ITDM since 1999. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Leboffe understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Leboffe meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Tanner H. Littlefield

Mr. Littlefield, 26, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Littlefield understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Littlefield meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Rhode Island.

Veneta K. Mayor

Ms. Mayor, 49, has had ITDM since 2012. Her endocrinologist examined her in 2017 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Mayor understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Mayor meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds an operator's license from Nevada.

Randy J. Nekuda

Mr. Nekuda, 60, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Nekuda understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Nekuda meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Nebraska.

Thomas M. Reece

Mr. Reece, 45, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Reece understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Reece meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from North Carolina.

Michael L. Rivera

Mr. Rivera, 36, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Rivera understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rivera meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Gary L. Robbins

Mr. Robbins, 49, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Robbins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Robbins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oregon.

Eddie Rodriguez, Jr.

Mr. Rodriguez, 37, has had ITDM since 2011. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12

months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Rodriguez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rodriguez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable proliferative diabetic retinopathy. He holds an operator's license from Texas.

Erwin R. Rud

Mr. Rud, 68, has had ITDM since 1954. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Rud understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rud meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Minnesota.

Diane L. Simmons

Ms. Simmons, 70, has had ITDM since 2016. Her endocrinologist examined her in 2017 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Simmons understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Simmons meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from Idaho.

Russell Van Alphen

Mr. Van Alphen, 47, has had ITDM since 1999. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Van Alphen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Van Alphen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

Thomas C. Williams

Mr. Williams, 22, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Williams understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Williams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Kansas.

Glen E. Wray, Jr.

Mr. Wray, 55, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Wray understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wray meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date's section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0234 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0234 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: October 2, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–21900 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0428]

Hours of Service of Drivers: Application for Exemption; Truck Renting and Leasing Association (TRALA)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant the Truck Renting and Leasing Association (TRALA) a limited exemption from the requirement to use an electronic logging device (ELD) to record the driver's hours-of-service (HOS) no later than December 18, 2017. This limited exemption provides that all drivers of property-carrying commercial motor vehicles (CMVs) rented for 8 days or less, regardless of reason, are not required to use an ELD in the vehicle. While operating under this exemption, drivers will remain subject to the standard hours-of-service (HOS) limits, maintain a paper record of duty status (RODS) if required, and maintain a copy of the rental agreement on the vehicle. FMCSA has analyzed the exemption application and the public comments and has determined that the exemption, subject to the terms and conditions imposed, will achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

DATES: The exemption is applicable from October 11, 2017 through October 11, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Request for Exemption

TRALA is a national trade association of companies whose members engage in commercial truck renting and leasing, vehicle finance leasing, and consumer truck rental. Its membership encompasses major independent firms such as Ryder System, Penske Truck Leasing, U-Haul, Budget, and Enterprise Truck Rental, as well as small and medium-size businesses that generally participate as members of four leasing group systems: Idealease, NationaLease, PACCAR Leasing Company, and Mack Leasing System-Volvo Truck Leasing System. In total, its nearly 500 member companies operate more than 5,000 commercial leasing and rental locations, and more than 20,000 consumer rental locations throughout the United States, Mexico and Canada.

''Renting'' is a term of art in the vehicle leasing industry, generally meaning a transaction granting the exclusive use of a vehicle for 30 days or less, whereas a lease generally means a transaction granting the exclusive use of a vehicle for more than 30 days. TRALA's application is on behalf of all drivers of property-carrying commercial motor vehicles (CMVs) rented for 30 days or less.

While TRALA stated that it fully supports FMCSA's final rule to mandate ELDs, it is concerned about the unintended technical and operational consequences that will unfairly and adversely affect short-term rental vehicles. The commercial vehicle rental industry provides short-term rental services to a large population of drivers on a daily basis. Most of these drivers will normally employ an ELD to comply with the new rule. Considering the significant number of different device platforms and subscription options, it is unlikely that the driver's device would be able to communicate properly with the rental company's telematics platform. TRALA states that while FMCSA recognized during the rulemaking process these issues associated with a lack of interoperability among ELD systems, and required certain technical specifications in the final rule, the Agency stopped short of requiring full interoperability among ELDs.

Many commenters to the proposed ELD rule raised similar interoperability concerns. However, the rule requires only that ELDs can transfer data electronically via either a ''telematics'' approach capable of wireless web service, or a ''local'' method capable of Bluetooth and USB 2.0 transfer. Furthermore, according to TRALA, the Agency decided ''not to require full interoperability between all ELDs,'' reasoning that ''[a]lthough full interoperability would have some benefits, it would also be complicated and costly'' (80 FR 78327, December 16, 2015). According to commenters, the Agency left it to the ELD manufacturers to address many concerns regarding non-interoperability of the various software systems on the market.

TRALA elaborated on its two primary issues of concern relating to the exemption request: (1) Data transfer and, (2) data liability.

TRALA described two potential data transfer problems. First, a customer who is required to use an ELD may rent a truck that has one operating system, while the customer may use another operating system for its drivers; data cannot be transferred from the rental vehicle to the customer's system unless both ELDs are on the same platform. In addition, upon request by an authorized safety official, a driver must produce and transfer the driver's HOS records from an ELD in accordance with 49 CFR 395.24(d). This would include the driver's duty status for the current 24-hour period and the prior seven days. However, if the driver is operating a rental vehicle with an ELD that is not compatible with the driver's normal ELD system, the data will not transfer to the new vehicle's ELD system. TRALA states that scenario would be considered an ''ELD malfunction'' and the driver would be required to reconstruct the RODS for the current 24-hour period and the previous seven consecutive days on graph grid paper logs. TRALA's application requests that drivers of short-term rental vehicles be allowed to avoid the uncertainties of attempting compliance with the HOS rules using non-compatible ELD systems, and instead use paper RODS during the rental period.

TRALA contends that CMVs are more prone to break-downs than non-CMVs because of their heavy use. When CMVs

break-down, they are often replaced temporarily by short-term rental vehicles until the original truck can be repaired. TRALA claims that these repairs can take days, if not several weeks, to complete. More often than not, replacement vehicles come from a third-party rental company, which increases the likelihood that the replacement truck would have a different ELD operating system than the vehicle it is replacing, thus impeding data transfer.

TRALA's second primary issue involves data liability concerns. TRALA states that it has been suggested that rental companies should be able to collect and report ELD data to customers, allowing customers to access the data seamlessly. However, the final rule does not require ELDs to be capable of reading and combining exported data from other providers. Furthermore, lessors do not have the ability to combine data from different devices into one report. Requiring lessors to bear the burden of safeguarding the data for each renter would expose the rental company to tremendous risk with respect to data security and protection. All parties involved in the business transaction would probably reject rental companies' assumption of these risks on behalf of their customers.

Public Comments

On March 22, 2017, FMCSA published notice of this application and requested public comment (82 FR 14789). The Agency received 429 docket comments, over 95% supporting the TRALA request. Among those in favor of the exemption were the following industry trade associations: The American Trucking Associations, Inc. (ATA); the National Association of Chemical Distributors (NACD), National Tank Truck Carriers (NTTC), National Private Truck Council (NPTC), Truckload Carriers Association (TCA), and the National Automobile Dealership Association (NADA). The fireworks industry, including the American Pyrotechnics Association (APA), filed 30 comments in support of the request. Principal opponents of the exemption were the Advocates for Highway and Auto Safety (Advocates) and the Owner-Operator Independent Driver's Association (OOIDA).

Commenters gave three primary reasons in support of the request. First, they believe there is currently a significant technology gap that will not allow different ELD systems to communicate and share information with each other. As many rental companies must individually collect their own data to comply with the International Fuel Tax Agreement (IFTA) and International Registration Plan, the interoperability of ELD technology will create more challenges than solutions for the short-term rental market as compared to the vast majority of trucks that are owned or leased.

Further, all ELDs must be capable of exporting data in a standard file format to facilitate importing by other systems. However, devices and systems are not required to be capable of importing these records. This means that transferring data, whether through ''memory sticks'' or other applications, will not work with the technology currently available. TRALA states that several ELD manufacturers have already commented that ''plug and play'' devices are years away from being operational; and given the small percentage of trucks that would be impacted by these efforts, it is unlikely that major technological advances will occur in the next few years.

Another benefit of a short-term rental exemption would be a simpler roadside inspection process since short-term rentals of 30 days or less do not require a truck to display the user's U.S. DOT number. The continued use of paper logs would alleviate any confusion in the inspection process since a law enforcement officer would immediately recognize a short-term rental vehicle when handed the rental agreement. That consistency would speed up the process and create less confusion. This current rule also requires that a rental contract of 30 days or less be carried in the truck at all times. This existing requirement can allow authorities to confirm the short-term nature of the rental.

Those opposing the TRALA request commented that the application does not meet the statutory and regulatory requirements for the exemption. It fails to consider practical alternatives, justify the need for the exemption, provide an analysis of the safety impacts the requested exemption may cause, and provide information on the specific countermeasures to be undertaken to ensure that the exemption will achieve an equivalent or greater level of safety than would be achieved absent the exemption.

A second comment in opposition noted that TRALA cites technical concerns regarding interoperability of data between devices, truck break-downs, and data transfer and liability concerns as reasons why their vehicles should be exempted from the ELD mandate. While these points are legitimate, the commenter argued that they are not limited to the truck renting and leasing industry. Carriers of all sizes will encounter these same problems, along with ELD manufacturers and law enforcement agencies. Exempting one segment of the trucking industry will not change that.

All comments are available for review in the docket for this notice.

FMCSA Decision

FMCSA has evaluated TRALA's application and the public comments and decided to grant a limited exemption for the driver and carrier of a CMV rented for 8 days or fewer, regardless of reason. FMCSA has determined that an exemption period of up to 30 days, as requested, is unnecessarily long given the importance of ELDs to ensure the accuracy of HOS records. One condition of the exemption is that a copy of the rental agreement must be carried on the vehicle and made available to law enforcement. Another is that the driver must possess copies of his or her RODS for the current and prior 7 days, if required on those days.

A high proportion of the comments supported the exemption. The Agency believes that an exemption period of up to 8 days for drivers of rental CMVs would give most carriers sufficient time to repair or replace their usual vehicles while minimizing any temptation to extend non-ELD operations. The use of paper records of duty status (RODS) will not create an undue risk of non-compliance when limited to this short period. An 8-day exemption period coincides with 49 CFR 395.34(d), which provides that a motor carrier that receives or discovers information about an ELD malfunction must correct it within 8 days. During that 8-day malfunction window, the driver must reconstruct the RODS for the current 24-hour period, and the previous seven consecutive days. The 8-day exemption for rental CMVs would follow that pattern. The exempt driver must have a copy of his/her RODS for the current day and the prior seven days. Under these conditions, FMCSA believes that exempt drivers and carriers—like those operating under section 395.34(d)—are likely to achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption (49 CFR 381.305(a)). In addition, the 2014 ''The Rental Truck Safety Study Report to Congress,'' prepared by FMCSA,[1] found no problem with rental trucks. In the period 2005–2010, the Trucks Involved in Fatal Accidents (TIFA) database recorded no instances in which the critical reason

[1] *www.fmcsa.dot.gov/mission/policy/rental-truck-safety-study-report.*

for the crash was assigned to the rental truck driver.

Terms and Conditions of the Exemption

Terms of the Exemption

- This exemption from the requirements of 49 CFR 395.8(a)(1)(i) is effective from October 11, 2017 through October 11, 2022.
- This exemption covers a rental period of 8 days or fewer, regardless of reason for the rental. Evidence that a carrier has replaced one rental CMV with another on 8-day cycles or attempted to renew a rental agreement for the same CMV for an additional 8 days will be regarded as a violation of the exemption and subject the carrier to the penalties for failure to use an ELD.
- Drivers must have a copy of this notice or equivalent signed FMCSA exemption document in their possession while operating under the terms of the exemption. The exemption document must be presented to law enforcement officials upon request.
- Drivers must have a copy of the rental agreement in the CMV, and make it available to law enforcement officers on request. The agreement must clearly identify the parties to the agreement, the vehicle, and the dates of the rental period.
- Driver must possess copies of their RODS for the current day and the prior 7 days, if required on those days.

Preemption

In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Notification to FMCSA

Carriers operating under this exemption must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's drivers operating under the terms of this exemption. The notification must include the following information:

(a) Identity of Exemption: ''TRALA''

(b) Date of the accident,

(c) City or town, and State, in which the accident occurred, or closest to the accident scene,

(d) Driver's name and license number,

(e) Co-driver's name and license number,

(f) Vehicle number and State license number,

(g) Number of individuals suffering physical injury,

(h) Number of fatalities,

(i) The police-reported cause of the accident,

(j) Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and

(k) The total driving time and total on-duty time period prior to the accident.

Accident notifications shall be emailed to *MCPSD@dot.gov*.

Termination

FMCSA believes that drivers of short-term rental vehicles will continue to maintain their previous safety record while operating under this exemption. However, should problems occur, FMCSA will take all steps necessary to protect the public interest, including revocation or restriction of the exemption. FMCSA will immediately restrict participation in the exemption for failure to comply with its terms and conditions.

Issued on: September 28, 2017.

Daphne Y. Jefferson,

Deputy Administrator.

[FR Doc. 2017–21892 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0038]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 47 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on August 29, 2017. The exemptions expire on August 29, 2019.

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., e.t., 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

On July 27, 2017, FMCSA published a notice announcing receipt of applications from 47 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (82 FR 35033). The public comment period ended on August 28, 2017, and two comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person:

> Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received two comments in this proceeding. Givonna Hymel stated that she believes the exemption application process should be shortened, and that the program in its current form is unfair and

discriminatory. On May 4, 2015, FMCSA published a Notice of Proposed Rulemaking (NPRM) (80 FR 25260) proposed changes to the Diabetes standard and requesting comments from the public. FMCSA is currently evaluating comments received and drafting a Final Rule. Information related to this action can be found in the Docket at FMCSA–2005–23151. Marisol Aguilar stated that she agrees with the decision to grant exemptions to Mark A. Brede, Bradley J. Holmstrom, Delbert E. Holt, and Anthony A. Kronbeck.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the July 27, 2017, **Federal Register** notice (85 FR 35033) and will not be repeated in this notice.

These 47 applicants have had ITDM over a range of one to 42 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

IV. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keeping a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 47 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Miguel A. Alicea (CT)
Ralph W. Boyatt (WA)
Eduard Braun (AR)
Mark A. Brede (MN)
Lawrence P. Butler (CA)
Keith T. Campbell (TX)
Larry W. Carruth (AL)
Dennis R. Carte (MO)
Steven B. Carter (NC)
Gregory L. Crawford (MI)
James D. Duvall (VT)
Reginald D. Evans (NE)
Daniel F. Foder (NY)
Daniel J. Fowler (CT)
Michael F. Greene (MA)
Cindy E. Grimes (NE)
Leo J. Hoffman, Jr. (PA)
Bradley J. Holmstrom (MN)
Delbert E. Holt (MN)
Alexander C. Jennings (NJ)
Calvin W. Johnson (WI)
Shannon E. Johnson (AZ)
Kenneth E. King (IN)
Anthony A. Kronbeck (MN)
Charles P. Lane, Jr. (AL)
Gjasi A. Leite (GA)
Richard V. Madden (PA)
Landon H. McCuddin (SD)
Damien R. Mitchell (NC)
Steven J. Mooney (AL)
Luther G. Mumaw, Jr. (WV)
Roberto Noa (FL)
Benjamin P. Peirce (CA)
Judah G. Pira (WA)
Robert E. Racy II (OH)
Robert P. Rowean, Jr. (MA)
Wesley R. Schmid (CT)
Royal J. Schultz (NY)
Joseph B. Simon (NJ)
Andrew J. Slionski (NY)
Samuel L. Smith (NC)
Terry D. Stumpff (WA)
Manuel A. Vasquez (NJ)
Paul O. Verly (CO)
Alvin G. Welch (NY)
Damien E. Wiggins (CA)
Frank R. Woitel (NM)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Issued on: October 2, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–21897 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0022]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 22 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on September 12, 2017. The exemptions expire on September 12, 2019. Each group of exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

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:

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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., e.t., 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

On August 10, 2017, FMCSA published a notice announcing receipt of applications from 22 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (82 FR 37504). The public comment period ended on September 11, 2017, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

> Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received one comment in this proceeding. Vicky Johnson stated Minnesota Driver and Vehicle Services (DVS) has no objections to Ray M. Bliss retaining his CDL with his vision exemption.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the August 10, 2017, **Federal Register** notice (82 FR 37504) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 22 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, central retinal vein occlusion, complete loss of vision, fibrosis, macular scarring, phthisis bulbi, prosthetic eye, retinal scarring, and scotoma. In most cases, their eye conditions were not recently developed. Nineteen of the applicants were either born with their vision impairments or have had them since childhood. The three individuals that sustained their vision conditions as adults have had it for a range of five to 23 years. Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for three to 38 years. In the past three years, one driver was involved in a crash, and no drivers were convicted of moving violations in CMVs. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

IV. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10) and (b) by a certified Medical Examiner who attests that the individual is otherwise

physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 22 exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Eddie S. Bennett (MI)
Ray M. Bliss (MN)
Gary S. Boryk (VA)
Jonathan E. Burt (VT)
David A. Cooper (WV)
Nicholas M. Deschepper (SD)
Frank J. Devitz (PA)
John F. Ferguson, Jr. (PA)
Dominick P. Fittipaldi (PA)
Alvin H. Horgdal (IA)
Louis R. LeMonds, Jr. (WA)
Jonathan Marin (NJ)
Mark E. McNaughton (IA)
Louis Neofotistos (MA)
Josue M. Rodriguez-Espinoza (CA)
James R. Rupert (CA)
Christopher J. Schmidt (WI)
Brandon L. Siebe (KY)
Greg C. Stilson (WY)
Paul M. Wooton (KY)
Willie C. Young (TX)
Eloy Zuniga (TX)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: October 2, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–21898 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0180]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to grant exemptions for four individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on September 2, 2017. The exemptions expire on September 2, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, f*mcsamedical@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., ET, 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

On August 2, 2017, FMCSA published a notice announcing its decision to grant exemptions for four individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (82 FR 36072). The public comment period ended on September 1, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that granting these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

> Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the four exemption applications and comments received, FMCSA announces its' decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41 (b)(8):

As of September 2, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the conditions for

obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers.

Shane A. Brackett (ID)
Peter Connors (PA)
Brian D. Krise (PA)
Daniel Maben (MI)

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: October 2, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–21899 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–5578; FMCSA–1999–6480; FMCSA–2000–7165; FMCSA–2001–9561; FMCSA–2003–15892; FMCSA–2005–21254; FMCSA–2005–21711; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2007–25246; FMCSA–2007–2663; FMCSA–2007–27897; FMCSA–2009–0121; FMCSA–2009–0154; FMCSA–2011–0024; FMCSA–2011–0092; FMCSA–2011–0140; FMCSA–2011–0142; FMCSA–2011–0189; FMCSA–2013–0026; FMCSA–2013–0027; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0165; FMCSA–2014–0300; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0055]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 86 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before November 13, 2017.

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., ET., 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.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–1999–5578; FMCSA–1999–6480; FMCSA–2000–7165; FMCSA–2001–9561; FMCSA–2003–15892; FMCSA–2005–21254; FMCSA–2005–21711; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2007–25246; FMCSA–2007–2663; FMCSA–2007–27897; FMCSA–2009–0121; FMCSA–2009–0154; FMCSA–2011–0024; FMCSA–2011–0092; FMCSA–2011–0140; FMCSA–2011–0142; FMCSA–2011–0189; FMCSA–2013–0026; FMCSA–2013–0027; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0165; FMCSA–2014–0300; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0055 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, ET, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the two year period.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

> Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 86 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 86 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (64 FR 27027; 64 FR 51568; 64 FR 68195; 65 FR 20251; 65 FR 33406; 65 FR 57234; 66 FR 30502; 66 FR 41654; 66 FR 48504; 67 FR 17102; 68 FR 13360; 68 FR 44837; 68 FR 52811; 68 FR 54775; 68 FR 61860; 70 FR 12265; 70 FR 30999; 70 FR 41811; 70 FR 46567; 70 FR 48797; 70 FR 53412; 70 FR 61165; 70 FR 61493; 71 FR 63379; 72 FR 180; 72 FR 1050; 72 FR 1051; 72 FR 8417; 72 FR 9397; 72 FR 27624; 72 FR 36099; 72 FR 39879; 72 FR 40359; 72 FR 40362; 72 FR 52419; 72 FR 52421; 72 FR 54971; 72 FR 62896; 73 FR 78423; 74 FR 6211; 74 FR 19270; 74 FR 26461; 74 FR 26466; 74 FR 34074; 74 FR 34395; 74 FR 34630; 74 FR 37295; 74 FR 41971; 74 FR 43221; 74 FR 48343; 74 FR 49069; 74 FR 53581; 75 FR 79083; 76 FR 17481; 76 FR 25762; 76 FR 25766; 76 FR 28125; 76 FR 37169; 76 FR 37885; 76 FR 44652; 76 FR 44653; 76 FR 49528; 76 FR 50318; 76 FR 53708; 76 FR 54530; 76 FR 55465; 76 FR 55467; 76 FR 61143; 76 FR 62143; 76 FR 64171; 76 FR 67246; 77 FR 74734; 78 FR 4531; 78 FR 22598; 78 FR 24300; 78 FR 24798; 78 FR 34143; 78 FR 37270; 78 FR 37274; 78 FR 41975; 78 FR 46407; 78 FR 47818; 78 FR 52602; 78 FR 56986; 78 FR 56993; 78 FR 63307; 78 FR 68137; 78 FR 77782; 78 FR 78477; 79 FR 4531; 79 FR 53708; 79 FR 73686; 80 FR 2473; 80 FR 12248; 80 FR 14223; 80 FR 18693; 80 FR 22773; 80 FR 29152; 80 FR 31635; 80 FR 31636; 80 FR 33011; 80 FR 35699; 80 FR 36395; 80 FR 37718; 80 FR 40122; 80 FR 41547; 80 FR 44188; 80 FR 45573; 80 FR 48402; 80 FR 48404; 80 FR 48411; 80 FR 48413; 80 FR 49302; 80 FR 50917; 80 FR 59225; 80 FR 62161; 80 FR 62163). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption. In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of October and are discussed below:

As of October 3, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 54 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 33406; 65 FR 57234; 66 FR 30502; 66 FR 41654; 68 FR 13360; 68 FR 44837; 70 FR 12265; 70 FR 41811; 71 FR 63379; 72 FR 180; 72 FR 1051; 72 FR 8417; 72 FR 9397; 72 FR 27624; 72 FR 36099; 72 FR 39879; 72 FR 40362; 72 FR 52419; 73 FR 78423; 74 FR 19270; 74 FR 26461; 74 FR 26466; 74 FR 34395; 74 FR 34630; 74 FR 37295; 74 FR 41971; 74 FR 48343; 74 FR 6211; 75 FR 79083; 76 FR 17481; 76 FR 25762; 76 FR 25766; 76 FR 28125; 76 FR 37169; 76 FR 37885; 76 FR 44652; 76 FR 44653; 76 FR 49528; 76 FR 50318; 76 FR 53708; 76 FR 54530; 76 FR 61143; 77 FR 74734; 78 FR 4531; 78 FR 22598; 78 FR 24300; 78 FR 24798; 78 FR 34143; 78 FR 37270; 78 FR 37274; 78 FR 41975; 78 FR 46407; 78 FR 52602; 78 FR 56986; 78 FR 56993; 78 FR 77782; 78 FR 78477; 79 FR 4531; 79 FR 53708; 79 FR 73686; 80 FR 2473; 80 FR 12248; 80 FR 14223; 80 FR 18693; 80 FR 22773; 80 FR 29152; 80 FR 31635; 80 FR 31636; 80 FR 33011; 80 FR 35699; 80 FR 36395; 80 FR 37718; 80 FR 40122; 80 FR 41547; 80 FR 44188; 80 FR 45573; 80 FR 48402; 80 FR 48404; 80 FR 48411; 80 FR 48413; 80 FR 49302; 80 FR 50917; 80 FR 59225; 80 FR 62161; 80 FR 62163):

Deneris G. Allen (LA)
Michael J. Altobelli (CT)
Joel D. Barchard (MA)
Rocky B. Bentz (WI)
Keith A. Bliss (NY)
Ronald Bostick (SC)
Steven J. Brauer (NJ)
Jean-Pierre G. Brefort (CT)
Michael W. Britt (MD)
Shaun E. Burnett (IA)
James E. Byrnes (MO)
Kevin W. Cannon (TX)
Juan R. Cano (TX)
Charles C. Chapman (NC)
Thomas W. Crouch (IN)
Verlin L. Driskell (NE)
Robin C. Duckett (SC)
Phillip Ergovich (MO)
Dan J. Feik (IL)
Saul E. Fierro (AZ)
Steven A. Garrity (MA)
Mark E. Gessner (FL)
David B. Ginther (PA)
Dominic F. Giordano (CT)
Enrique F. Gonzalez (NC)
Donald A. Hall (NC)
Willard D. Hall (CA)
Dennis H. Heller (KS)
Steven C. Holland (OK)
Ronald E. Howard (PA)
Michael A. Kelly (TX)
Abdullah T. Khalil (VA)
Jorge Lopez (OH)
Alex P. Makhanov (WA)
Michael L. Martin (OH)
Phillip P. Mazza (WI)
Lawrence McGowan (OH)
John T. McWilliams (IA)
Dionicio Mendoza (TX)
Garth R. Mero (VT)
Charles A. Morgan (NC)
Willam V. Nickel (OR)
Russell W. Nutter (OH)
Nathan Pettis (FL)
Mark A. Pirl (NC)
Timmy J. Pottebaum (IA)
Jason W. Rupp (PA)
Ricky J. Sanderson (UT)
Kirby R. Sands (IA)
Manjinder Singh (WA)
Steven W. Stull (IL)
Richard G. Vaughn (NC)
Victor H. Vera (TX)
Bruce W. Williams (IL)

The drivers were included in one of the following docket numbers: FMCSA–2000–7165; FMCSA–2001–9561; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2007–25246; FMCSA–2007–2663; FMCSA–2007–27897; FMCSA–2009–0121; FMCSA–2009–0154; FMCSA–2011–0024; FMCSA–2011–0092; FMCSA–2011–0140; FMCSA–2011–0142; FMCSA–2013–0026; FMCSA–2013–0027; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2014–0300; FMCSA–2014–0302; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0055. Their exemptions are applicable as of October 3, 2017, and will expire on October 3, 2019.

As of October 23, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for

interstate CMV drivers (78 FR 47818; 78 FR 63307; 80 FR 59225):

Larry E. Blakely (GA)
Britt A. Green (ND)
Arlene S. Kent (NH)
Willie L. Murphy (IN)
Joseph J. Pudlik (IL)
Jeffrey R. Swett (SC)
Brian C. Tate (VA)

The drivers were included in docket number FMCSA–2013–0165. Their exemptions are applicable as of October 23, 2017, and will expire on October 23, 2019.

As of October 24, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 14 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 27027; 64 FR 51568; 66 FR 30502; 66 FR 41654; 66 FR 48504; 68 FR 44837; 68 FR 54775; 70 FR 30999; 70 FR 41811; 70 FR 46567; 70 FR 48797; 70 FR 53412; 70 FR 61493; 72 FR 39879; 72 FR 40359; 72 FR 52421; 72 FR 54971; 72 FR 62896; 74 FR 34074; 74 FR 41971; 74 FR 43221; 74 FR 49069; 76 FR 55467; 76 FR 62143; 78 FR 77782; 80 FR 59225):

Calvin D. Atwood (NM)
Andrew B. Clayton (TN)
William P. Doolittle (MO)
Richard L. Gagnebin (KS)
Jonathan M. Gentry (TN)
Benny D. Hatton, Jr. (NY)
Robert W. Healey, Jr. (NJ)
Nathaniel H. Herbert, Jr. (PA)
Thomas W. Markham (MN)
Kevin L. Moody (OH)
Charles W. Mullenix (GA)
Garry L. Rogers (CO)
Gary M. Wolff (IL)
John C. Young (VA)

The drivers were included in one of the following docket numbers: FMCSA–1999–5578; FMCSA–2001–9561; FMCSA–2005–21254; FMCSA–2005–21711; FMCSA–2007–27897. Their exemptions are applicable as of October 24, 2017, and will expire on October 24, 2019.

As of October 30, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 68195; 65 FR 20251; 67 FR 17102; 68 FR 52811; 68 FR 61860; 70 FR 61165; 71 FR 63379; 72 FR 1050; 74 FR 49069; 74 FR 53581; 76 FR 64171; 78 FR 68137; 80 FR 59225):

James D. Davis (OH)
Dewayne E. Harms (IL)
David F. LeClerc (MN)
Jesse L. Townsend (LA)
Humberto A. Valles (TX)
James A. Welch (NH)
Michael E. Yount (ID)

The drivers were included in one of the following docket numbers: FMCSA–1999–6480; FMCSA–2003–15892; FMCSA–2006–26066. Their exemptions are applicable as of October 30, 2017, and will expire on October 30, 2019.

As of October 31, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 55465; 76 FR 67246; 78 FR 77782; 80 FR 59225:

Darrell G. Anthony (TX)
Harold L. Pearsall (PA)
Phillip M. Pridgen, Sr. (MD)
Gerald D. Stidham (CO)

The drivers were included in docket number FMCSA–2011–0189. Their exemptions are applicable as of October 31, 2017, and will expire on October 31, 2019.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 86 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: October 2, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–21895 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0050; FMCSA–2012–0294; FMCSA–2013–0106; FMCSA–2014–0214; FMCSA–2014–0216; FMCSA–2014–0381; FMCSA–2015–0115; FMCSA–2015–0116; FMCSA–2015–0117]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 12 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on September 12, 2017. The exemptions expire on September 12, 2019. Comments must be received on or before November 13, 2017.

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.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2012–0050; FMCSA–2012–0294; FMCSA–2013–0106; FMCSA–2014–0214; FMCSA–2014–0216; FMCSA–2014–0381; FMCSA–2015–0115; FMCSA–2015–0116; FMCSA–2015–0117 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person:

> Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The 12 individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the 12 applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 12 drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, each driver has received a renewed exemption.

As of September 12, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Ronald Boogay, (NJ)
Todd W. Brock, (CO)
Matthew J. Chizek, (WI)
Paul E. Granger, (MI)
Jason C. Kirkham, (WI)
Michael K. Lail, (NC)
Ivan M. Martin, (PA)
Charles A. McCarthy, III, (MA)
Douglas S. Slagel, (OH)
William L. Swann, (MD)
Cory R. Wagner, (IL)
Timothy M. Zahratka, (MN)

The drivers were included in docket numbers FMCSA–2012–0050; FMCSA–2012–0294; FMCSA–2013–0106; FMCSA–2014–0214; FMCSA–2014–0216; FMCSA–2014–0381; FMCSA–2015–0115; FMCSA–2015–0116; FMCSA–2015–0117. Their exemptions are applicable as of September 12, 2017, and will expire on September 12, 2019.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each

driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 12 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41 (b)(8). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: October 2, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–21879 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2017–0096]

Notice of Application for Approval To Discontinue or Modify a Railroad Signal System

Under part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this provides the public notice that on September 1, 2017, Norfolk Southern Corporation (NS) petitioned the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2017–0096.

Applicant: Norfolk Southern Corporation, Mr. B.L. Sykes, Chief Engineer C&S Engineering, 1200 Peachtree Street NE., Atlanta, GA 30309.

NS seeks the discontinuance of control point BV&E located at milepost (MP) H–260.3 between Rutland Jct. MP H–197.00 and Smithville, GA MP H–275.0 on the Albany District, Georgia Division, Americus, GA.

NS will replace the power-operated switch with a hand-operated switch protected by a switch circuit controller and derail. The current controlled signals will be replaced with automatic signals.

NS states the reason for the proposed change is that train operations in this area no longer support the need for the power-operated switch due to the limited number of movements that would require the switch to be in the reverse position. NS has also discontinued the use of the former 0-Line that ties into the main track and is made inaccessible at the approach signal to BV&E Jct.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by November 27, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2017–21867 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2007–29238]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that on September 19, 2017, Mount Vernon Terminal Railway (MVT) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 223. FRA assigned the petition Docket Number FRA–2007–29238.

Specifically, MVT seeks an extension of its existing waiver of compliance from the glazing requirements of 49 CFR 223.11, for one of its locomotives, MVT 1200. MVT states that locomotive MVT 1200 is used two to three times per week for a total of approximately two hours per week at speeds not exceeding 10 miles per hour. MVT 1200 is used exclusively for switching operations within yard limits, which includes about 0.5 miles of main track and 0.5 miles of side tracks and spurs.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200

New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by November 27, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2017–21866 Filed 10–10–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2017–0097]

Notice of Application for Approval To Discontinue or Modify a Railroad Signal System

Under part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this provides the public notice that on August 2#, 2017, Norfolk Southern Corporation (NS) petitioned the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2017–0097.

Applicant: Norfolk Southern Corporation, Mr. B.L. Sykes, Chief Engineer C&S Engineering, 1200 Peachtree Street NE., Atlanta, GA 30309.

NS seeks to discontinue control point (CP) East End Avenue on the CNO&TP District at milepost (MP) 337.2, Central Division, Chattanooga, TN.

CP East End Avenue will be removed from service. All associated signal equipment, existing power switches, movable point frogs and slip switches will be retired or converted to hand operation. Zero track is currently governed by Rule 261. Cavalier and AGS #2 track will become yard leads and be governed under Yard Limit Rule 93. AGS #1 will be renamed Main #2 and CNO&TPO Main will be renamed Main #1; both will remain governed by Rule 261.

NS states the reason for proposed change is as part of the rationalization, reconfiguration, and implementation of positive train control through the Chattanooga, TN, area between CP Pratt and CP 23rd Street.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by November 27, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2017–21865 Filed 10–10–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special

permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before November 13, 2017.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 29, 2017.

Donald Burger,

Chief, General Approvals and Permits Branch.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA				
7657–M		WELKER, INC	173.201, 173.202, 173.203, 173.301(f)(2), 173.302a(a)(1), 173.304(a), 177.840(a)(1).	To modify the special permit to more closely align it with SP 11054.
11054–M		WELKER, INC	173.201, 173.202, 173.203, 173.301(f)(2), 173.302a(a)(1), 173.304(a), 177.840(a)(1).	To modify the special permit to bring it in line with SP 7657.
11691–M		THE COCA–COLA COMPANY.	172.301(c), 176.83(d), 176.800(a), 176.800(b).	To modify the special permit to authorize additional Class 3, 8 and 9 hazardous materials.
14523–M		PACIFIC BIO–MATERIAL MANAGEMENT, INC.	173.199(a), 178.603, 178.609(d).	To modify the special permit to authorize an additional packaging for transporting vials of hazmat.
15136–M		LUXFER INC	173.302a(a)(1)	To modify the special permit to authorize pneumatic proof pressure testing for periodic requalifications.
15238–M		REEDER FLYING SERVICE, INC.	172.101(j), 172.200, 172.204(c)(3), 172.301(c), 173.27(b)(2), 175.30(a)(1), 175.75.	To modify the special permit to add and remove items from the authorized hazmat to be transported.
15991–M		DOCKWEILER AG	178.50(d)(1), 178.50(d)(2)	To modify the special permit by updating the drawings and specifications of the authorized non-DOT specification cylinders conforming to DOT Specification 4B.
16295–M		EVONIK CORPORATION	172.519(c)	To modify the special permit to remove the requirement of transporting in closed, sealed transport vehicles or freight containers.
16452–M		THE PROCTER & GAMBLE COMPANY.	49 CFR Subchapter C	To modify the permit to clarify the requirement for strong outer packaging to meet the requirements normally applied to packages of ''limited quantities'' moving by air.
20235–N		UNION PACIFIC RAILROAD COMPANY INC.	174.83(c), 174.83(d), 174.83(e).	To authorize the transportation in commerce of flatcars carrying bulk packagings containing certain Division 4.3 materials without restricting its ability to couple with another railcar while moving under its own momentum.
20397–N		DEEP SPACE INDUSTRIES INC.	173.185(a)(1)(i)	To authorize the transportation in commerce of low production batteries contained in equipment by motor vehicle.
20402–N		ORONO SPECTRAL SOLUTIONS INC.	173.315(l)	To authorize an alternative test method for the determination of the presence of the minimum water content in anhydrous ammonia.
20419–M		INSITU, INC	173.185(a)	To clarify state of charge allowances depending on transport mode and to authorize carriage by the grantee.
20432–N		PROCYON–ALPHA SQUARED, INC.	173.185(f)	To authorize the manufacture, mark, sale and use of specially designed packagings for the transportation in commerce of damaged, defective or recalled lithium ion cells, batteries and equipment containing these cells and batteries.
20440–N		NELLIS ENGINEERING, INC.	173.185(a)	To authorize the transportation in commerce of lithium ion batteries and lithium ion batteries contained in equipment by cargo-only aircraft.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20450–N		PORSCHE CARS NORTH AMERICA, INC.		To authorize the transportation in commerce of lithium ion batteries which exceed the allowable 35 kg weight limit by cargo aircraft.
20456–N		CALLERY, LLC	173.13(c)(1)(ii)	To authorize the transportation in commerce of Division 4.3 materials in packages not required to labeled.
20464–N		CCL CONTAINER CORPORATION.	173.306(a)(3)(ii)	To authorize the manufacture, marking, sale and use of certain non-DOT specification inside metal containers.
20473–N		ADVANCED CHEMICAL TRANSPORT, INC.	173.242(c), 173.242(c)(1), 173.242(c)(2), 178.801(i).	To authorize the transportation of a non-DOT specification bulk metal container with inner non-DOT specification metal trap/canisters containing Division 4.2 materials for disposal.
20475–N		MERCK & CO., INC	173.306(a)(3)(ii)	To authorize the manufacture, mark, sale, and use of non-specification metal receptacles meeting the requirements of 2Q receptacles except it exceeds the pressure authorized.
20478–N		THERMO MF PHYSICS LLC.	173.304(a)	To authorize the transportation in commerce of sulfur hexafluoride in non-specification packaging.
20487–N		GIVAUDAN FRAGRANCES CORPORATION.	173.120(c)	Applicant intended to apply for party status to DOT–SP 12065.
20505–N		NYNJ LINK DEVELOPER LLC.	107.601(a), 107.601(c)	To authorize the transportation in commerce of certain hazardous materials without registering in accordance with part 107 subpart G.
20508–N		PATRIOT CHEMICALS & SERVICES, LLC.	180.407	Applicant intended to renew party status to DOT–SP 8627.
20510–N		SPECTRA TECHNOLOGIES LLC.	172.101, 172.204(c)(3), 172.204(c)(3), 173.27(b)(2), 173.27(b)(3).	To authorize the one-time, one-way transportation in commerce of certain explosives, by cargo aircraft only, which are otherwise forbidden by the regulations.
20516–N		GENERAL DEFENSE CORP.	172.101(j), 172.204(c)(3)	To authorize the one-time, one way transportation of an explosive by cargo aircraft, which is otherwise forbidden by the regulations.
20520–N		AVIAKOMPANIYA UKRAINA–AEROALYANS, PrAT.	172.101(j), 172.204(c)(3), 173.27(b)(2), 175.30(a)(1).	To authorize the transportation in commerce of certain hazardous materials forbidden aboard cargo-only aircraft.
20521–N		NYNJ LINK DEVELOPER LLC.	107.601	To authorize the transportation in commerce of hazardous materials without registering in accordance with Subpart F of Part 107.
20535–N		PHARMACEUTICAL DELIVERY, INC.	172.203(a), 177.842(a), 177.842(b).	Applicant intended to apply for party status to DOT–SP 8308.

[FR Doc. 2017–21847 Filed 10–10–17; 8:45 am]
BILLING CODE 4901–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before November 13, 2017.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 29, 2017.

Donald Burger,

Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20540–N		LINDE GAS NORTH AMERICA LLC.	173.163(b)	To authorize the transportation in commerce of DOT specification 3A and 3AA cylinders containing certain hazardous materials after previously containing hydrogen fluoride. (Modes 1, 2, 3).
20541–N		ISGEC HEAVY ENGINEERING LTD.	179.300–19(a)	To authorize the manufacture, mark, sale, and use of DOT specification tank cars that have been inspected outside of the United States. (Mode 1).
20543–N		SODASTREAM USA, INC	172.301(c), 180.209	To authorize the transportation in commerce of certain cylinders that are authorized to be requalified every 10 years. (Modes 1, 2, 3).
20545–N		STANDARD FUSEE CORPORATION.	172.101, 172.202, 172.301, 172.401.	To authorize the transportation in commerce of certain explosive materials reclassed as Division 4.1. (Modes 1, 2, 3, 4, 5).
20546–N		DEPARTMENT OF DEFENSE (MILITARY SURFACE DEPLOYMENT & DISTRIBUTION COMMAND).	173.159(d)	To authorize the transportation in commerce of batteries in metal drums or boxes as strong outer packagings. (Modes 1, 2, 3, 4).
20547–N		FISHER SCIENTIFIC COMPANY LLC.	173.158(e)	To authorize the one time transportation of nitric acid without tightly closed intermediate inner packagings cushioned with an absorbent material. (Mode 1).
20549–N		CORNERSTONE ARCHITECTURAL PRODUCTS LLC.	172.102(c)(1), 172.200, 172.300, 172.400, 172.700(a).	To authorize the manufacture, marking, sale and use of non-DOT specification fiberboard boxes for the transportation in commerce of certain batteries without shipping papers, marking of the proper shipping name and identification number or labeling, when transported for recycling or disposal. (Modes 1, 3).
20550–N		NORTHSTAR TREKKING	172.101(j), 172.200, 172.204(c)(3), 172.300, 173.1, 173.27(b)(2), 175.30(a)(1), 175.75.	To authorize the transportation in commerce of certain hazardous materials by external load with a helicopter in remote areas of the U.S. without being subject to hazard communication requirements and quantity limitations where no other means of transportation is available. (Mode 4).
20551–N		MONDY GLOBAL, INC	173.304(a)	To authorize the transportation in commerce of non-DOT specification cylinders containing refrigerant gases for the purpose of transferring the materials to compliant packagings outside of the port area. (Mode 1, 3).
20556–N		SAFT AMERICA INC	172.101(j)	To authorize the transportation in commerce of lithium ion batteries in excess of 35 kg net weight by cargo-only aircraft.

[FR Doc. 2017–21849 Filed 10–10–17; 8:45 am]
BILLING CODE 4901–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before October 26, 2017.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in

accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 29, 2017.

Donald Burger,

Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
11932–M		THE BOEING COMPANY	172.301(c), 173.168(b), 173.168(d), 173.168(d)(1)(i), 173.168(f)(2)(ii).	To modify the permit to authorize an additional drawings and designs for modified aircraft sub-assemblies. (Mode 1).
14424–M		CHART, INC	177.834(h)	To modify the special permit to authorize the use of a larger pressure vessel as part of a truck or trailer mounted refrigerated liquid gas (cryogenic) delivery unit. (Mode 1).
15647–M		FIBA TECHNOLOGIES, INC.	179.7, 180.505, 180.519(b)(6).	To modify the special permit to authorize visual inspection for certain tanks rather than hydrostatic testing. (Modes 1, 2).
20297–M		CODYSALES, INC	172.203(a), 172.301(c), 173.302a(b), 180.205.	To modify the special permit to authorize the addition of Class 5.1 hazmat, to modify testing requirement for cylinders made of 6351 aluminum alloy, and to revise language in paragraph 7 for clarity. (Modes 1, 2, 3, 4, 5).
20356–M		TESLA, INC	172.101(j)	To modify the special permit to authorize an increase in the number of cells which make up a battery module. (Mode 4).
14832–M		TRINITY INDUSTRIES, INC.	172.203(a), 173.31(e)(2)(iii), 179.100–12(c).	To modify the special permit to authorize an additional toxic by inhalation material. (Mode 2).

[FR Doc. 2017–21848 Filed 10–10–17; 8:45 am]

BILLING CODE 4901–60–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, November 9, 2017.

FOR FURTHER INFORMATION CONTACT: Otis Simpson at 1–888–912–1227 or 202–317–3332.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Thursday, November 9, 2017, at 12:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Otis Simpson. For more information please contact Otis Simpson at 1–888–912–1227 or 202–317–3332, or write TAP Office, 1111 Constitution Ave. NW., Room 1509, Washington, DC 20224 or contact us at the Web site: *http://www.improveirs.org.* The agenda will include various IRS issues.

The agenda will include a discussion on various letters, and other issues related to written communications from the IRS.

Dated: October 4, 2017.

Susan Jimerson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–21921 Filed 10–10–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8924

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: The Internal Revenue Service (IRS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning the excise tax on certain transfers of qualifying geothermal or mineral interests.

DATES: Written comments should be received on or before December 11, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the regulation should be directed to Taquesha Cain, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Taquesha.R.Cain@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Excise Tax on Certain Transfers of Qualifying Geothermal or Mineral Interests.

OMB Number: 1545–2099.

Form Number: Forms 8924.

Abstract: Form 8924, Excise Tax on Certain Transfers of Qualifying Geothermal or Mineral Interests, is

required by Section 403 of the Tax Relief and Health Care Act of 2006 which imposes an excise tax on certain transfers of qualifying mineral or geothermal interests.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 20.

Estimated Time Per Respondent: 5 hours, 33 minutes.

Estimated Total Annual Burden Hours: 111.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 4, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–21922 Filed 10–10–17; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission

ACTION: Request for public comment.

SUMMARY: In August 2017, the Commission indicated that one of its policy priorities would be the ''[c]ontinuation of its multiyear study of offenses involving synthetic cathinones (such as methylone, MDPV, and mephedrone) and synthetic cannabinoids (such as JWH–018 and AM–2201), as well as tetrahydrocannabinol (THC), fentanyl, and fentanyl analogues, and consideration of appropriate guideline amendments, including simplifying the determination of the most closely related substance under Application Note 6 of the Commentary to § 2D1.1.'' *See* 82 FR 39949 (Aug. 22, 2017). As part of its continuing work on this priority, the Commission is publishing this request for public comment on issues related to fentanyl and fentanyl analogues. The issues for comment are set forth in the **SUPPLEMENTARY INFORMATION** portion of this notice.

DATES: Public comment regarding the issues for comment set forth in this notice should be received by the Commission not later than November 13, 2017.

ADDRESSES: All written comment should be sent to the Commission by electronic mail or regular mail. The email address for public comment is *Public_Comment@ussc.gov.* The regular mail address for public comment is United States Sentencing Commission, One Columbus Circle, NE., Suite 2–500, Washington, DC 20002–8002, Attention: Public Affairs.

FOR FURTHER INFORMATION CONTACT: Christine Leonard, Director, Office of Legislative and Public Affairs, (202) 502–4500, *pubaffairs@ussc.gov.*

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

In August 2016, the Commission indicated that one of its priorities would be the ''[s]tudy of offenses involving MDMA/Ecstasy, synthetic cannabinoids (such as JWH–018 and AM–2201), and synthetic cathinones (such as Methylone, MDPV, and Mephedrone), and consideration of any amendments to the *Guidelines Manual* that may be appropriate in light of the information obtained from such study.'' *See* U.S. Sentencing Comm'n, ''Notice of Final Priorities,'' 81 FR 58004 (Aug. 24, 2016). On August 17, 2017, the Commission revised the priority to study offenses involving synthetic cathinones (such as methylone, MDPV, and mephedrone) and synthetic cannabinoids (such as JWH–018 and AM–2201), as well as tetrahydrocannabinol (THC), fentanyl, and fentanyl analogues. *See* U.S. Sentencing Comm'n, ''Notice of Final Priorities,'' 82 FR 39949 (Aug. 22, 2017). The Commission also stated that, as part of the study, it would consider possible approaches to simplify the determination of the most closely related substance under Application Note 6 of the Commentary to § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). The Commission expects to solicit comment several times during the study period from experts and other members of the public.

On December 19, 2016, the Commission published a notice inviting general comment on synthetic cathinones (MDPV, methylone, and mephedrone) and synthetic cannabinoids (JWH–018 and AM–2201), as well as about the application of the factors the Commission traditionally considers when determining the marihuana equivalencies for specific controlled substances to the substances under study. *See* U.S. Sentencing Comm'n, ''Request for Public Comment,'' 81 FR 92021 (Dec. 19, 2016).

On April 18, 2017, the Commission held a public hearing related to this priority. The Commission received testimony from experts on the synthetic drugs related to the study, including testimony about their chemical structure, pharmacological effects, trafficking patterns, and community impact.

On June 21, 2017, the Commission published a second notice requesting public comment on issues specifically related to MDMA/ecstasy and methylone, one of the synthetic cathinones included in the Commission's study. *See* U.S. Sentencing Comm'n, ''Request for

Public Comment,'' 82 FR 28382 (June 21, 2017).

On August 25, 2017, the Commission published a third notice requesting public comment on issues related to (1) synthetic cathinones and (2) tetrahydrocannabinol (THC) and synthetic cannabinoids. *See* U.S. Sentencing Comm'n, ''Request for Public Comment,'' 82 FR 40648 (Aug. 25, 2017).

As part of its continuing work on this priority, the Commission is publishing this fourth request for public comment focusing on issues related to fentanyl and fentanyl analogues. In addition to the substance-specific topics discussed below, the Commission anticipates that its work will continue to be guided by the factors the Commission traditionally considers when determining the marihuana equivalencies for specific controlled substances, including their chemical structure, pharmacological effects, legislative and scheduling history, potential for addiction and abuse, the patterns of abuse and harms associated with their abuse, and the patterns of trafficking and harms associated with their trafficking.

The Commission will also consider possible approaches to simplify the determination of the most closely related substance under Application Note 6 of the Commentary to § 2D1.1. The Commission has received comment from the public suggesting that questions regarding ''the most closely related controlled substance'' arise frequently in cases involving the substances included in the study, and that the Application Note 6 process requires courts to hold extensive hearings to receive expert testimony on behalf of the government and the defendant.

Fentanyl and Fentanyl Analogues.— According to the National Institute on Drug Abuse, fentanyl is a powerful synthetic opioid analgesic that is similar to morphine but 50 to 100 times more potent. *See* National Institute on Drug Abuse, DrugFacts: Fentanyl (June 2016), available at *https://www.drugabuse.gov/publications/drugfacts/fentanyl.* Fentanyl is a prescription drug that can be diverted for illicit use. Non-pharmaceutical fentanyl and analogues of fentanyl are also produced in clandestine laboratories for illicit use. *See, e.g.,* U.N. Office on Drugs & Crime, *Fentanyl and Its Analogues—50 Years On,* Global Smart Update 17 (March 2017), available at *https://www.unodc.org/documents/scientific/Global_SMART_Update_17_web.pdf.* The clandestinely manufactured fentanyl and fentanyl analogues have frequently been identified as the substances associated with recent increases in drug overdose deaths. These substances are sold in the illicit drug market as powder, pills, absorbed on blotter paper, mixed with or substituted for heroin, or as tablets that may mimic the appearance of other opioids.

The Controlled Substances Act (21 U.S.C. 801 *et seq.*) classifies fentanyl as a Schedule II controlled substance, along with heroin and other opiates. While there is no other specific reference to the term ''fentanyl'' in Title 21, United States Code, a subsequent section establishes a mandatory minimum penalty for a substance identified as ''N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide.'' 21 U.S.C. 841(b)(1)(A)(vi). A Department of Justice regulation explains that N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide is the substance ''commonly known as fentanyl.'' 28 CFR 50.21(d)(4)(vii). The Controlled Substances Act prescribes a mandatory minimum penalty of five years for trafficking 40 or more grams of the substance, or ten or more grams of an analogue of the substance. 21 U.S.C. 841(b)(1)(A)(vi); (b)(1)(B)(vi).

The Drug Quantity Table in § 2D1.1 contains entries for both ''fentanyl'' and ''fentanyl analogue,'' at ratios equivalent to those established by statute. The Drug Equivalency Tables in the Commentary to § 2D1.1 clearly identify fentanyl with the specific substance associated with the statutory minimum penalty by providing a marihuana equivalency for 1 gm of ''Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propenamide)'' equal to 2.5 kg of marihuana (*i.e.,* a 1:2,500 ratio). The Drug Equivalency Tables also sets forth the marihuana equivalencies for two other substances, Alpha-Methylfentanyl and 3-Methylfentanyl. Both substances have the same marihuana equivalency ratio, 1:10,000, as fentanyl analogue. Alpha-Methylfentanyl and 3-Methylfentanyl are pharmaceutical analogues of fentanyl that were developed in the 1960s or 1970s. *See, e.g.,* T.J. Gillespie et al., Identification and Quantification of Alpha-Methylfentanyl in Post Mortem Specimens, 6(3) J. of Analytical Toxicology 139 (May–June 1982).

In cases involving a fentanyl analogue other than the two listed above, courts are required by Application Note 6 of the Commentary to § 2D1.1 to ''determine the base offense level using the marihuana equivalency of the most closely related controlled substance referenced in [§ 2D1.1].'' Section 2D1.1 provides a three-step process for making this determination. *See* USSG § 2D1.1, comment. (n.6, 8). First, a court determines the most closely related controlled substance by considering, to the extent practicable, the factors set forth in Application Note 6. Next, the court determines the appropriate quantity of marihuana equivalent of the most closely related controlled substance, using the Drug Equivalency Tables at Application Note 8(D). Finally, the court uses the Drug Quantity Table in § 2D1.1(c) to determine the base offense level that corresponds to that amount of marihuana.

Issues for Comment.—

1. The Commission invites general comment on fentanyl and fentanyl analogues, particularly on their chemical structures, their pharmacological effects, potential for addiction and abuse, the patterns of abuse and harms associated with their abuse, and the patterns of trafficking and harms associated with their trafficking. How are fentanyl and fentanyl analogues manufactured, distributed, possessed, and used? What are the characteristics of the offenders involved in these various activities? What harms are posed by these activities? How do these harms differ from those associated with other opioids such as heroin, morphine, hydrocodone, or oxycodone? How, if at all, do the harms associated with pharmaceutical fentanyl differ from the harms associated with non-pharmaceutical fentanyl? To the extent the harms posed by these substances are different, should the guidelines provide different penalties for pharmaceutical fentanyl and non-pharmaceutical fentanyl?

2. Fentanyl, when identified as N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide, and analogues of that specific chemical, are subject to mandatory minimum penalties under current law, with analogues punished four times more harshly than fentanyl itself. Those penalties have shaped the guidelines provisions related to fentanyl since 1987. The Commission seeks comment on whether there are controlled substances that might commonly be regarded as ''fentanyl analogues'' that are not analogues of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide and therefore do not meet the statutory definition of an ''analogue.'' If so, should the guidelines provide penalties for such controlled substances consistent with the mandatory minimum provisions applicable to fentanyl analogues that meet the statutory definition? Should the guidelines instead account for such substances in a different manner than

substances to which the mandatory minimum penalty applies?

3. The Commission invites general comment on whether and, if so how, the guidelines should be amended to account for fentanyl and fentanyl analogues. How, if at all, should the guideline provisions related to fentanyl and the fentanyl analogues specifically listed in § 2D1.1 be amended? For example, should the Commission revise the marihuana equivalencies already provided for fentanyl, Alpha-Methylfentanyl, and 3-Methylfentanyl? If so, what equivalency should the Commission provide for each substance, and why?

Should the Commission amend § 2D1.1 to account for other unlisted fentanyl analogues? For example, should the Commission establish marihuana equivalencies for fentanyl analogues currently not listed in § 2D1.1? If so, what specific fentanyl analogues should the Commission include in the Drug Equivalency Tables and what equivalency should the Commission provide for each such substance? What factors should the Commission consider when deciding whether to account for these substances?

4. The Commission has received anecdotal information about the availability of several fentanyl analogues. How are these novel fentanyl analogues developed, manufactured and trafficked? To what extent are these substances legally manufactured for pharmaceutical purposes and then diverted for illicit trafficking and use, as opposed to having been manufactured illegally? How complex is the procedure to develop these substances and how frequently are they introduced into the illicit drug market?

Instead of providing marihuana equivalencies for individual fentanyl analogues, should the Commission consider establishing a single marihuana equivalency applicable to all fentanyl analogues? Are fentanyl analogues sufficiently similar to one another in chemical structure, pharmacological effects, potential for addiction and abuse, patterns of trafficking and abuse, and associated harms, to support the adoption of a broad class-based approach for sentencing purposes? If so, what marihuana equivalency should the Commission provide for fentanyl analogues as a class and why? What factors should the Commission account for if it considers adopting a broad class-based approach for fentanyl and its analogues? Should the Commission define ''fentanyl analogues'' for purposes of this broad class-based approach? If so, how? Are there any fentanyl analogues that should not be included as part of a broad class-based approach and for which the Commission should provide a marihuana equivalency separate from other fentanyl analogues? If so, what equivalency should the Commission provide for each such fentanyl analogue, and why?

What are the advantages and disadvantages of a broad class-based approach for fentanyl analogues? If the Commission were to provide a different approach to account for fentanyl analogues in the guidelines, what should that different approach be?

Authority: 28 U.S.C. 994(a), (o), (p), (x); USSC Rules of Practice and Procedure 4.4.

William H. Pryor, Jr.,

Acting Chair.

[FR Doc. 2017–21820 Filed 10–10–17; 8:45 am]

BILLING CODE 2210–40–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0209]

Agency Information Collection Activity: Application for Work Study Allowance; Student Work-Study Agreement (Advance Payment); Extended Student Work-Study Agreement; Student Work-Study Agreement

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 13, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0209'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, VA Clearance Officer—Office of Quality Privacy and Risk, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *Cynthia.harvey.pryor@va.gov.* Please refer to ''OMB Control No. 2900–0209'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Section 3485 of title 38, United States Code, and section 21.4145 of title 38, Code of Federal Regulations necessitate these collections of information.

Title: Application for Work Study Allowance; Student Work-Study Agreement (Advance Payment); Extended Student Work-Study Agreement; Student Work-Study Agreement (VA Forms 22–8691, 22–8692, 22–8692a, and 22–8692b).

OMB Control Number: 2900–0209.

Type of Review: Renewal of a currently approved collection.

Abstract: VA uses the VA Forms 22–8691, 22–8692, 22–8692a, and 22–8692b collecting information to determine the individual's eligibility for the work-study allowance, the number of hours the individual will work, the amount payable, whether the individual desires an advance payment, and whether the individual wants to extend the work-study contract. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 35876 on August 1, 2017.

Affected Public: Individuals and households.

Estimated Annual Burden: 17,865 hours.

Estimated Average Burden per Respondent = 23 minutes.

Frequency of Response: Once Annually.

Estimated Number of Respondents: 113,851.

By direction of the Secretary.

Cynthia Harvey-Pryor,

VA Clearance Officer, Office of Quality Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2017–21823 Filed 10–10–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0013]

Agency Information Collection Activity: Application for United States Flag for Burial Purposes

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 11, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0013'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461–5870.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 2301(f)(1).

Title: Application for United States Flag for Burial Purposes, (VA Form 27–2008).

OMB Control Number: 2900–0013.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 27–2008 is used for family members and/or next-of-kin to apply for a burial flag.

Affected Public: Individuals and households.

Estimated Annual Burden: 162,500 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time per Veteran's family.

Estimated Number of Respondents: 650,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2017–21825 Filed 10–10–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0171]

Agency Information Collection Activity: Application for Individualized Tutorial Assistance

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 11, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.*

Please refer to ''OMB Control No. 2900–0171 in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461–5870.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 3019.

Title: Application for Individualized Tutorial Assistance, VA Form 22–1990T.

OMB Control Number: 2900–0171.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 22–1990t for Tutorial assistance is a supplementary allowance payable on a monthly basis for up to 12 months. The student must be training at one-half time or more in a post-secondary degree program, and must have a deficiency in a unit course or subject that is required as part of, or prerequisite to, his or her approved program. The student uses VA Form 22–1990t, Application and Enrollment Certification for Individualized Tutorial Assistance to apply for the supplemental allowance.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Affected Public: Individuals or households.

Estimated Annual Burden: 180 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once Annually.

Estimated Number of Respondents: 359.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2017–21826 Filed 10–10–17; 8:45 am]

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Part II

Environmental Protection Agency

40 CFR Part 63
National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2014–0741; FRL–9969–06–OAR]

RIN 2060–AS46

National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action finalizes the residual risk and technology review (RTR) conducted for the chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills regulated under the national emission standards for hazardous air pollutants (NESHAP). We are finalizing our proposed determination that risks from the source category are acceptable and that the standards provide an ample margin of safety to protect public health. We are also finalizing amendments to the NESHAP based on developments in practices, processes, and control technologies identified as part of the technology review. These final amendments include revisions to the opacity monitoring provisions and the addition of requirements to maintain proper operation of the electrostatic precipitator (ESP) automatic voltage control (AVC). Additional amendments are also being finalized including the requirement to conduct 5-year periodic emissions testing, and submit electronic reports; revisions to provisions addressing periods of startup, shutdown, and malfunction (SSM); and technical and editorial changes. These amendments are made under the authority of the Clean Air Act (CAA) and will improve the effectiveness of the rule.

DATES: This final rule is effective on October 11, 2017. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of October 11, 2017]

ADDRESSES: The Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA–HQ–OAR–2014–0741. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov,* or in hard copy at the EPA Docket Center, EPA WJC West Building, Room Number 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact Dr. Kelley Spence, Sector Policies and Programs Division (Mail Code: E143–03), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–3158; fax number: (919) 541–0516; and email address: *spence.kelley@epa.gov.* For specific information regarding the risk modeling methodology, contact Mr. James Hirtz, Health and Environmental Impacts Division (Mail Code: C539–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0881; and email address: *hirtz.james@epa.gov.* For information about the applicability of the NESHAP to a particular entity, contact Ms. Sara Ayres, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, USEPA Region 5 (Mail Code: E–19J), 77 West Jackson Boulevard, Chicago, Illinois 60604; telephone number: (312) 353–6266; and email address: *ayres.sara@epa.gov.*

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

ASTM American Society for Testing and Materials
AVC automatic voltage control
BLO black liquor oxidation
CAA Clean Air Act
CBI confidential business information
CDX Central Data Exchange
CEDRI Compliance and Emissions Data Reporting Interface
CFR Code of Federal Regulations
CHIEF Clearinghouse for Inventories and Emissions Factors
CMS continuous monitoring system
COMS continuous opacity monitoring system
CPMS continuous parameter monitoring system
CRA Congressional Review Act
DAS data acquisition system
D.C. Cir. United States Court of Appeals for the District of Columbia Circuit
DCE direct contact evaporator
EPA Environmental Protection Agency
ERT Electronic Reporting Tool
ESP electrostatic precipitator
EST Eastern Standard Time
FR Federal Register
HAP hazardous air pollutant
HI hazard index
HQ hazard quotient
IBR incorporation by reference
ICR Information Collection Request
km kilometer
MACT maximum achievable control technology
MIR maximum individual risk
NAAQS National Ambient Air Quality Standards
NAICS North American Industry Classification System
NAS National Academy of Sciences
NDCE nondirect contact evaporator
NESHAP national emission standards for hazardous air pollutants
No. number
NRDC Natural Resources Defense Council
NSPS new source performance standards
NTTAA National Technology Transfer and Advancement Act
OAQPS Office of Air Quality Planning and Standards
OEHHA Office of Environmental Health Hazard Assessment
OMB Office of Management and Budget
PAH polycyclic aromatic hydrocarbons
PB–HAP hazardous air pollutant known to be persistent and bio-accumulative in the environment
PM particulate matter
PRA Paperwork Reduction Act
PS–1 Performance Specification 1
QA quality assurance
REL reference exposure level
RFA Regulatory Flexibility Act
RIN Regulatory Information Number
RTO regenerative thermal oxidizer
RTR residual risk and technology review
SAB Science Advisory Board
SDT smelt dissolving tank
SSM startup, shutdown, and malfunction
THC total hydrocarbons
TOSHI target organ-specific hazard index
tpy tons per year
TRIM.FaTE Total Risk Integrated Methodology.Fate, Transport, and Ecological Exposure model
UMRA Unfunded Mandates Reform Act
U.S. United States
U.S.C. United States Code
v. versus
WebFIRE Web Factor Information Retrieval System
XML extensible markup language

Background information. On December 30, 2016, the EPA proposed revisions to the NESHAP for Chemical

Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills based on our RTR. In this action, we are finalizing amendments to the rule based on public comment and updated analyses. We summarize comments that the EPA received regarding the proposed rule that resulted in changes in the final rulemaking package and provide our responses in this preamble. A summary of all other public comments on the proposal and the EPA's responses to those comments is available in the document titled, *National Emissions Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills (40 CFR part 63, subpart MM)—Residual Risk and Technology Review, Final Amendments: Response to Public Comments on December 30, 2016 Proposal,* in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741). A ''track changes'' version of the regulatory language that incorporates the changes in this action is also available in the docket.

Organization of this document. The information in this preamble is organized as follows:

I. General Information

A. Does this action apply to me?

Regulated entities. Categories and entities potentially regulated by this action are shown in Table 1 of this preamble.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

Source category	NESHAP	NAICS [1] code
Pulp and Paper Production	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.	32211, 32212, 32213.

[1] North American Industry Classification System.

Table 1 of this preamble is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by the final action for the source category listed. To determine whether your facility is affected, you should examine the applicability criteria in the appropriate NESHAP. If you have any questions regarding the applicability of any aspect of this NESHAP, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the Internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at: *https://www.epa.gov/stationary-sources-air-pollution/kraft-soda-sulfite-and-stand-alone-semichemical-pulp-mills-mact-ii.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version and key technical documents at this same Web site.

Additional information is available on the RTR Web site at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.* This information includes an overview of the RTR program, links to project Web sites for the RTR source categories, and detailed emissions and other data we used as inputs to the risk assessments.

C. Judicial Review and Administrative Reconsideration

Under CAA section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by December 11, 2017. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal

proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, EPA WJC South Building, 1200 Pennsylvania Ave. NW., Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code: 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

II. Background

A. What is the statutory authority for this action?

Section 112 of the CAA establishes a two-stage regulatory process to address emissions of hazardous air pollutants (HAPs) from stationary sources. In the first stage, the EPA must identify categories of sources emitting one or more of the HAPs listed in CAA section 112(b) and then promulgate technology-based NESHAP for those sources. ''Major sources'' are those that emit, or have the potential to emit, any single HAP at a rate of 10 tons per year (tpy) or more, or 25 tpy or more of any combination of HAPs. For major sources, these standards are commonly referred to as maximum achievable control technology (MACT) standards and must reflect the maximum degree of emission reductions of HAPs achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). In developing MACT standards, CAA section 112(d)(2) directs the EPA to consider the application of measures, processes, methods, systems or techniques, including, but not limited to, those that reduce the volume of or eliminate HAP emissions through process changes, substitution of materials, or other modifications; enclose systems or processes to eliminate emissions; collect, capture, or treat HAPs when released from a process, stack, storage, or fugitive emissions point; are design, equipment, work practice, or operational standards; or any combination of the above.

For these MACT standards, the statute specifies certain minimum stringency requirements, which are referred to as MACT floor requirements, and which may not be based on cost considerations. See CAA section 112(d)(3). For new sources, the MACT floor cannot be less stringent than the emission control achieved in practice by the best-controlled similar source. The MACT standards for existing sources can be less stringent than floors for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing 5 sources for categories or subcategories with fewer than 30 sources). In developing MACT standards, we must also consider control options that are more stringent than the floor under CAA section 112(d)(2). We may establish standards more stringent than the floor, based on the consideration of the cost of achieving the emissions reductions, any non-air quality health and environmental impacts, and energy requirements.

In the second stage of the regulatory process, the CAA requires the EPA to undertake two different analyses, which we refer to as the technology review and the residual risk review. Under the technology review, we must review the technology-based standards and revise them ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less frequently than every 8 years, pursuant to CAA section 112(d)(6). Under the residual risk review, we must evaluate the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide an ample margin of safety to protect public health or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. The residual risk review is required within 8 years after promulgation of the technology-based standards, pursuant to CAA section 112(f). In conducting the residual risk review, if the EPA determines that the current standards provide an ample margin of safety to protect public health, it is not necessary to revise the MACT standards pursuant to CAA section 112(f).[1] For more information on the statutory authority for this rule, see 81 FR 97049–51.

B. What is the subpart MM source category and how does the NESHAP regulate HAP emissions from the source category?

As defined in the *Initial List of Categories of Sources Under Section 112(c)(1) of the Clean Air Act Amendments of 1990* (see 57 FR 31576, July 16, 1992), the ''Pulp and Paper Production'' source category is any facility engaged in the production of pulp and/or paper. The EPA developed the NESHAPs for the source category in two phases. The first phase, 40 CFR part 63, subpart S, regulates non-combustion processes at mills that (1) chemically pulp wood fiber (using kraft, sulfite, soda, and semichemical methods), (2) mechanically pulp wood fiber (*e.g.,* groundwood, thermomechanical, pressurized), (3) pulp secondary fibers (deinked and non-deinked), (4) pulp non-wood material, and (5) manufacture paper. Subpart S was originally promulgated on April 15, 1998, (63 FR 18504). The second phase, 40 CFR part 63, subpart MM, regulates chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills, and was originally promulgated on January 12, 2001 (66 FR 3180). The chemical recovery combustion sources include kraft and soda recovery furnaces, smelt dissolving tanks (SDTs), and lime kilns; kraft black liquor oxidation (BLO) units; sulfite combustion units; and semichemical combustion units. Because subpart MM sources comprise a subset of the sources at a pulp and paper mill, for purposes of this preamble, we are referring to the source category for this NESHAP as the ''subpart MM source category.''

We already completed the RTR for 40 CFR part 63, subpart S, with final amendments published in the **Federal Register** on September 11, 2012 (77 FR 55698). For the 40 CFR part 63, subpart MM RTR, we published proposed amendments in the **Federal Register** on December 30, 2016 (81 FR 97046). We conducted a risk assessment and technology review of the emission sources covered by subpart MM, as well as a risk assessment of the whole facility. The facility-wide risk

[1] The U.S. Court of Appeals for the District of Columbia Circuit has affirmed this approach of implementing CAA section 112(f)(2)(A): *NRDC* v. *EPA,* 529 F.3d 1077, 1083 (D.C. Cir. 2008) (''If EPA determines that the existing technology-based standards provide an *'ample margin of safety,' then the Agency is free to readopt those standards during the residual risk rulemaking.*'').

assessment includes emissions from all sources of HAPs at the facility, including sources covered by other NESHAP (*e.g.,* pulp and paper production processes covered under subpart S, boilers covered under 40 CFR part 63, subpart DDDDD, and paper and other web coating operations covered under 40 CFR part 63, subpart JJJJ). This final rule focuses exclusively on the RTR for subpart MM. The EPA is not amending subpart S, subpart DDDDD, or subpart JJJJ in this action.

According to the results of the EPA's 2011 pulp and paper Information Collection Request (ICR), and updates based on more recent information, there are a total of 107 major sources in the United States (U.S.) that conduct chemical recovery combustion operations, including 97 kraft pulp mills, 1 soda pulp mill, 3 sulfite pulp mills, and 6 stand-alone semichemical pulp mills.

Subpart MM of 40 CFR part 63 includes numerical emission limits for recovery furnaces, SDTs, lime kilns, and sulfite and semichemical combustion units. The control systems used by most mills to meet the subpart MM emission limits are as follows:

- Recovery furnaces: ESPs, wet scrubbers, and nondirect contact evaporator (NDCE) furnace design with dry-bottom ESP and dry particulate matter (PM) return system.
- Smelt dissolving tanks: Wet scrubbers, mist eliminators, and venting to recovery furnace.
- Lime kilns: ESPs and wet scrubbers.
- Sulfite combustion units: Wet scrubbers and mist eliminators.
- Semichemical combustion units: Wet scrubbers, ESPs, and regenerative thermal oxidizers (RTOs).

C. What changes did we propose for the subpart MM source category in our December 30, 2016, proposal?

On December 30, 2016, the EPA published a proposed rule in the **Federal Register** for the subpart MM NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills, which took into consideration the RTR analyses. In that action, we proposed to:

- Reduce the opacity limits for recovery furnaces;
- Revise the opacity monitoring allowances for recovery furnaces and lime kilns (*i.e.,* the percentage of the operating time within a semiannual period below which opacity can exceed the limit without it being considered a violation);
- Require ESP parameter monitoring for recovery furnaces and lime kilns equipped with ESPs;
- Clarify the monitoring requirements for combined ESP/wet scrubber controls;
- Provide alternative monitoring parameters for SDT wet scrubbers;
- Require periodic air emissions performance testing once every 5 years as facilities renew their operating permits;
- Eliminate the SSM exemption;
- Provide alternative monitoring parameters for wet scrubbers and ESPs during SSM periods;
- Specify procedures for establishing continuous parameter monitoring system (CPMS) operating limits;
- Reduce the reporting frequency and require electronic submission for excess emissions reports;
- Require mills to submit electronic copies of performance test reports; and
- Make a number of technical and editorial changes.

III. What is included in this final rule?

This action finalizes the EPA's determinations pursuant to the RTR provisions of CAA section 112 for the subpart MM source category and amends the subpart MM NESHAP based on those determinations. This action also finalizes other changes to the NESHAP, including a requirement for 5-year periodic emissions testing; electronic reporting; revisions to provisions addressing periods of SSM; and technical and editorial changes. This final action is based on the proposed rulemaking (published in the **Federal Register** on December 30, 2016) and reflects refinements made in response to comments received during the public comment period for that proposal.

A. What are the final rule amendments based on the risk review for the subpart MM source category?

The EPA proposed no changes to the subpart MM NESHAP based on the risk review conducted pursuant to CAA section 112(f). We are finalizing our proposed determination that risks from the source category are acceptable, considering all of the health information and factors evaluated, and also considering risk estimation uncertainty. We are also finalizing our proposed determination that the current standards provide an ample margin of safety, as well as our finding regarding the absence of adverse environmental effects. The EPA received no new data or other information during the public comment period that affected our determinations. Therefore, we are not requiring additional controls and, thus, are not making any revisions to the existing standards under CAA section 112(f).

B. What are the final rule amendments based on the technology review for the subpart MM source category?

We determined that there are developments in practices, processes, and control technologies that warrant revisions to the NESHAP for this source category. Therefore, to satisfy the requirements of CAA section 112(d)(6), we are revising the NESHAP as follows:

- Revising the opacity monitoring allowance for all recovery furnaces equipped with ESPs from 6 percent to 2 percent;
- Revising the opacity monitoring allowance for all lime kilns equipped with ESPs from 6 percent to 3 percent;
- Adding a requirement for recovery furnaces and lime kilns equipped with ESPs to maintain proper operation of the ESP AVC;
- Adding the aforementioned ESP requirement and wet scrubber parameter monitoring for emission units equipped with an ESP followed by a wet scrubber; and
- Providing alternative monitoring, specifically scrubber fan amperage, as an alternative to pressure drop measurement, for SDT dynamic scrubbers operating at ambient pressure and low-pressure entrainment scrubbers on SDTs where the fan speed does not vary.

C. What are the final rule amendments addressing emissions during periods of startup, shutdown and malfunction?

As proposed, we are finalizing amendments to the subpart MM NESHAP to eliminate the SSM exemption. Consistent with *Sierra Club* v. *EPA,* 551 F. 3d 1019 (D.C. Cir. 2008), the EPA has established standards in this rule that apply at all times. We are also revising Table 1 to Subpart MM of Part 63 (General Provisions applicability table) to change several references related to requirements that apply during periods of SSM. We are eliminating or revising certain recordkeeping and reporting requirements related to the eliminated SSM exemption, including the requirement for an SSM plan. We are also making changes to the rule to remove or modify language that is no longer applicable due to the removal of the SSM exemption. With the final amendments to the 40 CFR part 63, subpart MM monitoring requirements, we determined that facilities in this source category can meet the applicable emissions standards in this NESHAP at

all times, including periods of startup and shutdown; therefore, no additional standards are needed to address emissions during these periods.

The 40 CFR part 63, subpart MM monitoring requirements were analyzed and adjusted to ensure that continuous compliance can feasibly be demonstrated during periods of startup and shutdown. Subpart MM requires continuous opacity monitoring to indicate ongoing compliance with the PM emission limits. In developing the proposed standards for the subpart MM RTR, the EPA reviewed numerous continuous opacity monitoring datasets that included periods of startup and shutdown, and stated that the affected units would be able to comply with the proposed standards at all times. Further analysis of the datasets show that sufficient startup and shutdown data were included in the analyses to form the basis for our conclusions, even though not all units provided such data. Subpart MM also requires continuous RTO operating temperature and wet scrubber parameter monitoring. As proposed, we are removing the requirement to consider wet scrubber pressure drop during startup and shutdown because pressure drop is dependent on gas flow, which is transient (changing) during startup and shutdown. Continuous compliance is based on scrubber liquid flow rate monitoring during startup and shutdown instead of both pressure drop and liquid flow rate. We are also limiting the times when corrective actions are implemented or violations are recorded to times when spent pulping liquor or lime mud is fed (as applicable). The final rule specifies that corrective action can include completion of transient startup and shutdown conditions as expediently as possible.

D. What other changes have been made to the NESHAP?

Other changes to the NESHAP that do not fall into the categories in the previous sections include:

- Requiring facilities to conduct periodic air emissions performance testing, with the first of the tests to be conducted within 3 years of the effective date of the revised standards, and thereafter no longer than 5 years following the previous performance test;
- Specifying procedures for establishing operating limits based on data recorded by CPMS, including the frequency for recording parameters and the averaging period for reducing the recorded readings;
- Reducing the frequency for submitting excess emissions reports from quarterly to semiannually in conjunction with requiring electronic reporting of excess emissions (in the future, as reporting forms are tested and become available—see section IV.F of this preamble);
- Requiring facilities to submit electronic copies of performance test reports;
- Requiring facilities to submit initial notifications and notifications of compliance status electronically; and
- Making various technical and editorial corrections.

E. What are the effective and compliance dates of the standards?

The revisions to the NESHAP being promulgated in this action are effective on October 11, 2017. The compliance date for existing sources is October 11, 2019, with the exception of the first periodic performance test, which must be conducted by October 13, 2020, and the date to submit performance test data through CEDRI, which is within 60 days of completing the test. Facilities must comply with the changes set out in this final rule no later than 2 years after the effective date of the final rule. Section 112(i)(3) of the CAA provides that, for a standard or other regulation promulgated under CAA section 112, the Administrator shall establish a compliance date no later than 3 years after the effective date of the standard, except where otherwise provided. We conclude that 2 years are necessary to make the system adjustments needed to demonstrate compliance with the revised requirements, including adjusting data acquisition systems (DAS) to include startup and shutdown periods and the revised opacity monitoring allowances, to transition to electronic excess emissions reporting, and to comply with revised monitoring requirements.

As noted in section IV.F of this preamble, the initial compliance date for electronic excess emissions reporting will be 1 year after the excess emissions reporting form (*i.e.,* a spreadsheet template) becomes available in the EPA's Compliance and Emissions Data Reporting Interface (CEDRI). A compliance date 2 years after promulgation allows 1 year for beta-testing of the e-reporting form before it is placed into CEDRI, followed by 1 year for facilities to begin using the final form.[2] A period of 3 years after promulgation is not needed for compliance because, as explained in section IV.B of this preamble, the EPA is not finalizing the proposed revisions to the opacity limits or ESP parameter monitoring requirements that would involve capital projects such as an ESP upgrade.

New sources must comply with all of the standards by October 11, 2017, or upon startup, whichever is later.

F. What are the requirements for submission of performance test data to the EPA?

The EPA is requiring owners and operators of pulp and paper production facilities to submit electronic copies of certain required performance test reports to the EPA's Central Data Exchange (CDX) using the CEDRI. The electronic submittal of the reports addressed in this rulemaking will increase the usefulness of the data contained in those reports, is in keeping with current trends in data availability and transparency, will further assist in the protection of public health and the environment, will improve compliance by facilitating the ability of regulated facilities to demonstrate compliance with requirements and by facilitating the ability of delegated state, local, tribal, and territorial air agencies and the EPA to assess and determine compliance, and will ultimately reduce burden on regulated facilities, delegated air agencies, and the EPA. Electronic reporting also eliminates paper-based, manual processes, thereby saving time and resources, simplifying data entry, eliminating redundancies, minimizing data reporting errors, and providing data quickly and accurately to the affected facilities, air agencies, the EPA, and the public.

The EPA Web site that stores the submitted electronic data, WebFIRE, is easily accessible and provides a user-friendly interface. By making the records, data, and reports addressed in this rulemaking readily available, the EPA, the regulated community, and the public will benefit when the EPA conducts future CAA-required technology reviews. As a result of having reports readily accessible, our ability to carry out timely comprehensive reviews will be increased.

We anticipate that fewer or less substantial ICRs in conjunction with prospective CAA-required technology reviews may be needed, which results in a decrease in time spent by industry to respond to data collection requests. We also expect the ICRs to contain less extensive stack testing provisions, as we will already have stack test data electronically. Reduced testing requirements would be a cost savings to

[2] A copy of the revised semiannual electronic excess emissions reporting form (spreadsheet template) incorporating public comments has been placed in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741).

industry. The EPA should also be able to conduct these required reviews more efficiently. While the regulated community may benefit from a reduced burden of ICRs, the general public benefits from the Agency's ability to provide these required reviews more efficiently, resulting in increased public health and environmental protection.

State, local, and tribal air agencies, as well as the EPA, can benefit from more streamlined and automated review of the electronically submitted data. Standardizing report formats allows air agencies to review reports and data more quickly. Having reports and associated data in electronic format will facilitate review through the use of software ''search'' options, as well as the downloading and analyzing of data in spreadsheet format. Additionally, air agencies and the EPA can access reports wherever and whenever they want or need, as long as they have access to the Internet. The ability to access and review air emission report information electronically will assist air agencies to more quickly and accurately determine compliance with the applicable regulations, potentially allowing a faster response to violations which could minimize harmful air emissions. This benefits both air agencies and the general public.

For a more thorough discussion of electronic reporting required by this rule, see the discussion in the preamble of the proposal (81 FR 97079–81). In summary, in addition to supporting regulation development, control strategy development, and other air pollution control activities, having an electronic database populated with performance test data will save industry, air agencies, and the EPA significant time, money, and effort while improving the quality of emission inventories and air quality regulations and enhancing the public's access to this important information.

IV. What is the rationale for our final decisions and amendments for the subpart MM source category?

For each action, this section provides a description of what we proposed and what we are finalizing, the EPA's rationale for the final decisions and amendments, and a summary of key comments and responses. A thorough discussion of all comments received on the proposed rulemaking and EPA's corresponding responses can be found in the comment summary and response document available in the docket (Docket ID No. EPA–HQ–OAR–2014–0741).

A. Residual Risk Review for the Subpart MM Source Category

Results of residual risk review. Pursuant to CAA section 112(f), we conducted a residual risk review and presented the results for the review, along with our proposed decisions regarding risk acceptability and ample margin of safety, in the December 30, 2016, proposed rule for the subpart MM source category (81 FR 97046). The results of the risk assessment are presented briefly in Table 2 of this preamble, and in more detail in a document titled, *Residual Risk Assessment for Pulp Mill Combustion Sources in Support of the October 2017 Risk and Technology Review Final Rule,* available in the docket for this rulemaking (Docket ID No. EPA–HQ–OAR–2014–0741). Based on both actual and allowable emissions for the source category, the estimated maximum individual risk (MIR) [3] was 4-in-1 million, with emissions of gaseous organic HAPs acetaldehyde and naphthalene from the BLO process accounting for the majority of the risk. The total estimated national cancer incidence for this source category, based on actual emission levels, was 0.01 excess cancer cases per year, or one case in 100 years. The total estimated national cancer incidence for this source category, based on allowable emission levels, was 0.02 excess cancer cases per year, or one case in 50 years. The estimated maximum chronic non-cancer target organ specific hazard index (TOSHI) value for this source category was 0.3, based on both actual and allowable emissions and driven by acrolein emissions from lime kilns.

TABLE 2—PULP MILL COMBUSTION SOURCES (SUBPART MM) INHALATION RISK ASSESSMENT RESULTS IN THE DECEMBER 2016 PROPOSAL

	Cancer MIR (in-1-million)		Cancer incidence (cases per year)	Population with risk of 1-in-1 million or more	Population with risk of 10-in-1 million or more	Max chronic non-cancer HI [1] (actuals)	Max chronic non-cancer HI [1] (allowables)
	Based on actual emissions	Based on allowable emmissions					
Source category.	4 (naphthalene, acetaldehyde).	4 (naphthalene, acetaldehyde).	0.01	7,600	0	HI < 1	HI < 1
Whole facility	20 (arsenic, chromium VI)	.....	0.05	440,000	280	HI = 1	HI = 1

[1] Hazard index.

The multi-pathway screening analysis, based on actual emissions, indicates the excess cancer risk from this source category is less than 10-in-1 million, based on dioxins/furans and polycyclic aromatic hydrocarbon (PAH) emissions, with PAH emissions accounting for 99 percent of these potential risks from the fisher and the farmer scenarios considered for multi-pathway modeling. There were no facilities within this source category with a final multi-pathway non-cancer screen value greater than 1 for cadmium or mercury.

To put the risks from the source category in context, we also evaluated facility-wide risk. Our facility-wide risk assessment, based on actual emissions, estimated the MIR to be 20-in-1 million driven by arsenic and chromium VI emissions, and estimated the chronic non-cancer TOSHI value to be 1, driven by emissions of acrolein. We estimated approximately 440,000 people to have cancer risks greater than or equal to 1-in-1 million considering facility-wide emissions from the pulp and paper production source category (see Table 2). The facility-wide cancer and non-cancer risks are driven by emissions from industrial boilers, representing 62 percent of the cancer risks and 95 percent of the non-cancer risks. Emissions from 40 CFR part 63, subpart MM sources represent only 6 percent of the total facility-wide cancer risk of 20-in-1 million.

The screening assessment of worst-case acute inhalation impacts indicates no pollutants exceeding a hazard quotient (HQ) value of 1 based on the reference exposure level (REL), with an estimated worst-case maximum acute HQ of 0.3 for acrolein based on the 1-hour REL.

[3] Although defined as ''maximum individual risk,'' MIR refers only to cancer risk. MIR, one metric for assessing cancer risk, is the estimated risk were an individual exposed to the maximum level of a pollutant for a lifetime.

A review of the uncertainties in the risk assessment identified one additional key consideration, and that is the quality of data associated with the facility-wide emissions. The data provided from the power boilers (*i.e.,* sources covered under Boiler MACT, 40 CFR part 63, subpart DDDDD) were collected in 2009 and represent pre-MACT emissions before any controls were implemented. The uncertainty introduced by using pre-MACT boiler emissions data may result in an overestimated risk estimate for the facility-wide analysis for both cancer and non-cancer impacts.

We weighed all health risk factors in our risk acceptability determination, and we proposed that the residual risks from this source category are acceptable. We then considered whether the NESHAP provides an ample margin of safety to protect public health and whether more stringent standards were necessary to prevent an adverse environmental effect by taking into consideration costs, energy, safety, and other relevant factors. In determining whether the standards provide an ample margin of safety to protect public health, we examined the same risk factors that we investigated for our acceptability determination and also considered the costs, technological feasibility, and other relevant factors related to emissions control options that might reduce risk associated with emissions from the source category. As noted in the discussion of the ample margin of safety analysis in the preamble to the proposed rule (81 FR 97069–70), we considered options for further reducing gaseous organic HAP emissions from recovery furnace systems. We considered the reduction in HAP emissions that could be achieved by converting or replacing direct contact evaporator (DCE) recovery furnaces (which include BLO systems) with NDCE recovery furnaces. We also considered conversion of wet ESP systems to dry ESP systems for NDCE recovery furnaces. The overall cost of these options is an estimated $1.4 billion to $3.7 billion in capital cost and $120 million to $440 million in annualized cost. Application of these options would achieve an estimated emission reduction of 2,920 tpy of gaseous organic HAPs (including risk drivers and other gaseous organic HAPs), with a corresponding cost effectiveness of $45,000 to $153,000 per ton of emissions reduced. Due to the low level of current risk and the costs associated with these options, we proposed that additional HAP emission reductions from the source category are not necessary to provide an ample margin of safety. Based on the results of our environmental risk screening assessment,[4] we also proposed that more stringent standards are not necessary to prevent an adverse environmental effect.

Public comments and final approach. Most of the commenters providing input on the proposed risk review supported our determination of risk acceptability and ample margin of safety analysis for 40 CFR part 63, subpart MM.

We evaluated all of the comments on EPA's risk review and determined that no changes to the review are needed. A summary of these comments and our responses is located in the comment summary and response document, available in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741).

For the reasons explained in the proposed rule, we determined that the risks from the 40 CFR part 63, subpart MM source category are acceptable, and the current standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect. Since proposal, neither the risk assessment nor our determinations regarding risk acceptability, ample margin of safety or adverse environmental effects have changed. Therefore, pursuant to CAA section 112(f)(2), we are finalizing our residual risk review as proposed.

B. Technology Review for the Subpart MM Source Category

Pursuant to CAA section 112(d)(6), we conducted a technology review, which focused on identifying and evaluating developments in practices, processes, and control technologies for the emission sources in the source category. The following paragraphs discuss what we proposed pursuant to CAA section 112(d)(6), changes to the technology review since proposal, the key comments we received on the technology review and our responses, and the rationale for our final approach for the technology review. For an in-depth account of the comments and responses, see the comment summary and response document in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741).

Emissions standards. At proposal, we focused our CAA section 112(d)(6) review of 40 CFR part 63, subpart MM on the emissions standards currently established in subpart MM. No cost-effective developments in practices, processes, or control technologies were identified in our technology review to warrant revisions to the gaseous organic HAP standards for recovery furnaces and semichemical combustion units, or to the HAP metal standards for recovery furnaces, lime kilns, SDTs, and sulfite combustion units. More information concerning our technology review is in the memorandum titled, *Section 112(d)(6) Technology Review for the NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills,* available in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741), and in the preamble to the proposed rule (81 FR 97070–75).

Multiple commenters concurred with the EPA that the results of the technology review supported the conclusion that there should be no changes to the emissions standards. One commenter objected and argued that the current MACT standards for HAP metals from recovery furnaces, SDTs, lime kilns, and sulfite combustion units did not meet the requirements of CAA section 112(d)(2) and (3) when originally promulgated. The commenter stated that each of the emissions standards must receive a proper CAA section 112(d)(6) review to evaluate whether there is an emissions standard in place that met the CAA section 112(d)(2) and (3) test. According to the commenter, the EPA must set emissions standards on each of these emission units to satisfy the CAA, by establishing a proper floor for the first time, and performing a beyond-the-floor analysis. The commenter argued that the EPA is not authorized by CAA section 112(d)(6) to leave in place errors made when performing the originally-required MACT rulemaking under CAA section 112(d)(2) and (3).

In addition to commenting on the current 40 CFR part 63, subpart MM standards, commenters offered opposing opinions regarding whether the EPA should have expanded the scope of sources and/or pollutants covered by subpart MM as part of the technology review. One commenter argued that the EPA has no obligation to expand the scope of the existing standards, and does not in fact have statutory authority to do so. The commenter stated that there is neither legal nor technical justification for considering limitations for new pollutants or for new sources as part of the CAA section 112(d)(6) review of the subpart MM standards. The commenter also stated that the EPA's residual risk review, which included the major processes and pollutants, did not

[4] The environmental screening analysis is documented in *Residual Risk Assessment for Pulp Mill Combustion Sources in Support of the October 2017 Risk and Technology Review Final Rule,* available in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741).

identify any reason for expanding the emission units covered or the pollutants limited in the subpart MM standards.

Another commenter argued that the EPA must set emissions standards for all emitted HAPs from all emission units. The commenter stated that, currently, there are uncontrolled HAPs emitted by pulp mills, including mercury, dioxins/furans, and hydrochloric acid. The commenter also stated that the gaseous organic HAPs emitted from existing recovery furnaces and from new and existing lime kilns and SDTs have no applicable emission limit. The commenter also noted that the EPA failed to set any standard for HAP metals emissions from new and existing chemical recovery combustion units at stand-alone semichemical pulp mills. The commenter indicated that the CAA section 112(d)(6) review has brought the problem of currently unregulated HAPs to the EPA's attention, and it is now ''necessary'' under CAA section 112(d)(6) to set emissions standards that control these pollutants, as the CAA directs. The commenter also asserted that, under CAA section 112(d)(6), the D.C. Circuit Court legal decisions governing the EPA's regulatory responsibility are ''developments'' that define proper pollution controls, practices, and technologies, and the EPA is legally required to account for them and set standards to limit these pollutants in the review rulemaking.

Regarding our review of the current 40 CFR part 63, subpart MM standards, we disagree with the commenter that implied the EPA must recalculate or reanalyze the validity of MACT floors previously established under CAA sections 112(d)(2) and (3) as part of the technology review under CAA section 112(d)(6). As explained in prior RTR rulemakings, the EPA does not read CAA section 112(d)(6) as requiring a reanalysis or recalculation of MACT floors. *See* National Emissions Standards for Coke Oven Batteries (70 FR 19992, 20008 (April 15, 2005)). We read CAA section 112(d)(6) as providing the EPA with substantial latitude in weighing a variety of factors and arriving at an appropriate balance in considering revisions to standards promulgated under CAA section 112(d)(2) and (3). Nothing in CAA section 112(d)(6) expressly or implicitly requires that the EPA recalculate the MACT floor as part of the CAA section 112(d)(6) review. The EPA's interpretation on this point has been upheld by the D.C. Circuit. *Nat'l Ass'n for Surface Finishing* v. *EPA,* 795 F.3d 1, 7–9 (D.C. Cir. 2015); *Ass'n of Battery Recyclers* v. *EPA,* 716 F. 3d 667, 673 (D.C. Cir. 2013); *Natural Resources Defense Council* (*NRDC)* v. *EPA,* 529 F.3d 1077, 1084 (D.C. Cir. 2008). Further, CAA section 112(d)(6) provides that the ''developments'' the EPA must take into account when conducting technology reviews are specifically ''developments in practices, processes, and control technologies.'' See 81 FR 79066 (December 30, 2016) (describing the developments the EPA considers when conducting CAA section 112(d)(6) reviews). The EPA interprets the term ''developments'' to include technological improvements that could result in significant additional emission reduction as well as wholly new methods of emission reduction. *See, e.g.,* 75 FR 65083; *see also Nat'l Ass'n Surface Finishing* v. *EPA,* 795 F.3d 1, 11 (D.C. Cir. 2015) (upholding the EPA's conclusion that developments include changes that indicate that a previously considered option for reducing emissions may now be cost-effective or technologically feasible and concluding that it is sufficient for the EPA ''to assess and discuss the collective impact of the developments it has identified, and to revise standards appropriately in light thereof.''). The EPA does not, however, interpret the term ''development'' as used in CAA section 112(d)(6) to include intervening case law. An intervening decision by a court regarding other CAA section 112 requirements does not constitute a development in a practice, process or control technology. As such, the EPA has no obligation to consider intervening case law as a ''development'' when identifying developments for purposes of the section 112(d)(6) review.

Regarding the scope of the subpart MM technology review, the EPA acknowledges that standards for certain combinations of pollutants and processes in the subpart MM source category have not been promulgated according to CAA section 112(d)(2) and (3). We agree that the EPA does not have any obligation to expand the scope of the existing standards under CAA section 112(d)(6), and we do not look to CAA section 112(d)(6) for authority to set additional standards within a source category. The authority to set additional standards within a source category comes from CAA section 112(d)(2) and (3). Though the EPA has discretion to develop standards under CAA section 112(d)(2) and (3) for previously unregulated pollutants at the same time as the Agency completes the CAA section 112(d)(6) review, nothing in CAA section 112(d)(6) expressly requires the EPA to do so as part of that review. The compressed schedule for this rulemaking, due to the court-ordered deadline, did not make it reasonable to appropriately evaluate new standards for unregulated pollutants and processes. This issue is discussed further in the comment summary and response document that is available in the docket. The EPA is not taking any action at this time with respect to the unregulated pollutants or processes, though the EPA might choose to do so in the future after assembling the data and information needed to conduct the CAA section 112(d)(2) and (3) analyses.

Continuous opacity monitoring. Based on our analysis of continuous opacity monitoring system (COMS) data for kraft and soda recovery furnaces and lime kilns equipped with ESPs [5] and our consideration of the costs and impacts of various opacity monitoring options for these sources,[6] we stated at proposal that:

- There had been a development in existing recovery furnace operating practices that supported reducing the existing source opacity limit from 35 percent to 20 percent and revising the monitoring allowance for the 20 percent opacity limit from 6 percent to a 2 percent monitoring allowance as part of the subpart MM technology review process; and
- There had been a development in existing lime kiln operating practices that supported revising the monitoring allowance from 6 percent to a 1 percent monitoring allowance for opacity as part of the subpart MM technology review process.

The estimated cost effectiveness of the proposed recovery furnace option, $36,800 per ton PM, was within the range of other recent EPA regulations. There was no cost-effectiveness value for the proposed lime kiln option because there were no estimated incremental HAP reductions (81 FR 97072–73).

Multiple commenters objected to the proposed changes to the opacity requirements for recovery furnaces and lime kilns, questioning the cost effectiveness and stating that the technology review should not result in changing the opacity requirements. The commenters argued that the EPA's assumption for ''improving maintenance'' to reduce the number of exceedances of the recovery furnace and lime kiln opacity limits was incorrect,

[5] See the memorandum in the docket titled, *Review of the Continuous Opacity Monitoring Data from the Pulp and Paper ICR Responses for Subpart MM Sources.*

[6] See the memorandum in the docket titled, *Costs/Impacts of the Subpart MM Residual Risk and Technology Review.*

and stated that facilities would incur emission unit shutdown (and resulting lost production) and potential capital costs in order to meet the reduced opacity limits and monitoring allowances. Commenters stated that facilities would need to make ESP upgrades to meet the proposed limits and they provided cost estimates for these upgrades, based on their experiences. In response to these comments, we conducted further analysis, based on the assumption that ESP upgrades (but not maintenance) would be needed to meet the proposed standard and revised the cost estimates considering the cost data provided.[7] In this further analysis considering new information, we estimated costs that are significantly higher than what we estimated at proposal. For recovery furnaces, we estimated annual ESP upgrade costs of $21 million v. $8.7 million at proposal; for lime kilns, we estimated annual ESP upgrade costs of $0.87 million v. $0.068 million at proposal. For PM, the surrogate for HAP metals, we estimated the cost effectiveness for recovery furnace ESP upgrades to increase from $36,800 to $91,400 per ton. For HAP metals specifically, the cost effectiveness exceeds $250 million per ton.

Commenters also stated that examination of only 1 year of COMS data for 2009 from the 2011 pulp and paper ICR was not adequate to fully determine the impacts of the proposed change or to demonstrate that there has been a change in operating practice. Commenters further stated that the COMS data for recovery furnaces and lime kilns that the EPA used in its analysis did not include periods of startup and shutdown in all instances, and that the EPA's analysis of existing performance relative to the proposed opacity limits and monitoring allowances was, therefore, incomplete. The EPA acknowledges that 2009 data may not be representative of current operation, as suggested by the commenters, and that the number of startup and shutdown events likely vary from year to year. Considering this information and the analyses performed for the final action,[8] we are not finalizing the recovery furnace and lime kiln opacity requirements as proposed. Instead, we are finalizing an opacity limit of 35 percent for existing recovery furnaces, with a corrective action level of 20 percent and a 2 percent monitoring allowance. A 2 percent monitoring allowance reflects improvements in operating practices from the previous 6 percent allowance, but allows sufficient flexibility for periods of startup and shutdown. We are finalizing, as proposed, an opacity limit of 20 percent for new recovery furnaces, with a corrective action level of 20 percent and a 2 percent monitoring allowance. For lime kilns, we are finalizing an opacity limit of 20 percent, with a 3 percent monitoring allowance. A 3 percent monitoring allowance reflects improvements in operating practices from the previous 6 percent allowance, but allows sufficient flexibility for periods of startup and shutdown as compared to the proposed 1 percent allowance. Our review of available COMS data indicates that all recovery furnaces and lime kilns equipped with ESPs can meet these limits, so we do not expect any costs associated with these requirements, which addresses commenters' concerns about the cost of the proposed opacity options.[9]

ESP parameter monitoring. We proposed an ESP parameter monitoring requirement for recovery furnaces and lime kilns equipped with ESPs. We proposed that these sources monitor the secondary voltage and secondary current (or, alternatively, total secondary power) of each ESP collection field. These proposed ESP parameter monitoring requirements were in addition to opacity monitoring for recovery furnaces equipped with ESPs alone. The purpose of this proposed requirement was to provide an additional indicator of ESP performance and enable affected sources to show continuous compliance with the HAP metal standards (surrogate PM emission limits) at all times, including periods when the opacity monitoring allowance is used (81 FR 97073). For example, these requirements were proposed to provide an indicator that the ESP was efficiently operated and properly maintained for the duration of the semiannual reporting period, including during periods of startup and shutdown. At the time of the proposed rule, we estimated that the nationwide costs associated with adding the proposed ESP parameter monitoring requirements would be $5.7 million capital and $1.4 million annualized for ESP parameter monitors, and that all mills with ESP-controlled recovery furnaces and lime kilns would be impacted (81 FR 97073).

Multiple commenters stated that the ESP total power monitoring provisions should be removed or revised. Instead of adding an additional monitoring requirement that they believed would be burdensome and duplicative of the opacity monitoring already being conducted, commenters suggested that the EPA should instead require proper operation of the ESP's AVC or power management system, which would achieve the same goal of ensuring the ESP performance. Commenters provided information suggesting that we underestimated the ESP parameter monitoring costs, specifically that EPA incorrectly assumed that all ESPs were equipped with the ability to record the parameters. Based on our review of this cost information, we conducted a reanalysis and estimated revised costs of $16 million in capital costs and $4 million in annualized costs associated with adding ESP parameter monitoring for existing sources.[10]

Given that the intent of the proposed additional ESP monitoring was to ensure efficient operation and proper maintenance of the ESP, see 81 FR 97073 (December 30, 2016), and that commenters suggested that the use of the AVC ensures efficient operation and notifies operators of issues requiring maintenance, and that the costs were significantly higher than EPA estimated at proposal, we are not finalizing the proposed ESP parameter monitoring requirements. The EPA is instead finalizing a requirement for recovery furnaces and lime kilns equipped with ESPs to maintain proper operation of the ESP's AVC. This requirement applies at all times, including times when the opacity monitoring allowance is used. Because existing ESPs already have AVC, there is no need to estimate equipment cost. We have only estimated recordkeeping costs for this requirement.[11] The final rule also clarifies that the requirement to maintain proper operation of the ESP's AVC does not apply to recovery furnaces and lime kilns subject to the 40 CFR part 60, subpart BBa New Source Performance Standards (NSPS) for Kraft Pulp Mills, because the NSPS requires ESP parameter monitoring for these units.

Monitoring of ESPs followed by wet scrubbers. Because moisture in wet stacks interferes with opacity readings, opacity is not a suitable monitoring requirement for recovery furnaces or lime kilns with wet scrubber stacks.

[7] See the memorandum in the docket titled, *Revised Costs/Impacts of the Subpart MM Residual Risk and Technology Review for Promulgation.*

[8] *Id.*

[9] See the memoranda in the docket titled, *Addendum to the Review of the Continuous Opacity Monitoring Data from the Pulp and Paper ICR Responses for Subpart MM Sources,* and *Revised Costs/Impacts of the Subpart MM Residual Risk and Technology Review for Promulgation.*

[10] See the memorandum in the docket titled, *Revised Costs/Impacts of the Subpart MM Residual Risk and Technology Review for Promulgation.*

[11] *Id.*

Therefore, we proposed to require ESP and wet scrubber parameter monitoring for emission units equipped with an ESP followed by a wet scrubber. The ESP parameters proposed to be monitored were secondary voltage and secondary current (or, alternatively, total secondary power), and the wet scrubber parameters were pressure drop and scrubber liquid flow rate (81 FR 97073–74). As noted in the previous paragraph, for the final rule, we are replacing the proposed ESP parameter monitoring requirement with a requirement to maintain proper operation of the ESP's AVC based on public comment, except for recovery furnaces and lime kilns subject to the subpart BBa NSPS, because ESP parameter monitoring is already required for these units. We are finalizing the rest of these monitoring requirements as proposed.

Wet scrubber parameter monitoring. Subpart MM of 40 CFR part 63 specifies monitoring of scrubber liquid flow rate and pressure drop for kraft and soda SDTs and sulfite combustion units equipped with wet scrubbers. Facilities may have difficulty meeting the minimum pressure drop requirement during startup and shutdown, as expected due to the reduced (and changing) volumetric flow of stack gases during these periods. We proposed revising the monitoring requirements to address startup and shutdown periods when certain parameters could be difficult to achieve. Specifically, we proposed to consider only scrubber liquid flow rate during these periods (*i.e.,* excess emissions would include any 3-hour period when black liquor solids (BLS) are fired that the scrubber flow rate does not meet the minimum parameter limits set in the initial performance test). Based on previous alternative monitoring requests for SDTs, we also proposed to allow operators to use SDT scrubber fan amperage as an alternative to pressure drop measurement for SDT dynamic scrubbers operating at ambient pressure or for low-energy entrainment scrubbers on SDTs where the fan speed does not vary (81 FR 97074–75). We received no public comments on the proposed changes in wet scrubber parameter monitoring and, therefore, are finalizing these monitoring requirements as proposed.

C. Changes to SSM Provisions

We received several comments on our proposal to remove exemptions for SSM events. See the comment summary and response document available in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741) for public comments and our responses relating to our proposal to remove the SSM exemption from 40 CFR part 63, subpart MM. An overview of our rationale for removing this exemption is provided below.

In its 2008 decision in *Sierra Club* v. *EPA,* 551 F.3d 1019 (D.C. Cir. 2008), the United States Court of Appeals for the District of Columbia Circuit vacated portions of two provisions in the EPA's CAA section 112 regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that some CAA section 112 standards apply continuously.

We have eliminated the SSM exemption in this rule. Consistent with *Sierra Club* v. *EPA,* the EPA has established standards in this rule that apply at all times. We have also revised Table 1 (the General Provisions applicability table) in several respects as is explained in more detail below. For example, we have eliminated the incorporation of the General Provisions' requirement that the source develop an SSM plan. We have also eliminated and revised certain recordkeeping and reporting that is related to the SSM exemption as described in detail in the proposed rule and summarized again here.

In establishing the standards in this rule, the EPA has taken into account startup and shutdown periods and, for the reasons explained below, has not established alternate emissions standards for those periods.

Periods of startup, normal operations, and shutdown are all predictable and routine aspects of a source's operations. Malfunctions, in contrast, are neither predictable nor routine. Instead they are, by definition, sudden, infrequent and not reasonably preventable failures of emissions control, process or monitoring equipment (40 CFR 63.2) (definition of malfunction). The EPA interprets CAA section 112 as not requiring emissions that occur during periods of malfunction to be factored into development of CAA section 112 standards and this reading has been upheld as reasonable by the D.C. Circuit in *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–610 (2016). Under CAA section 112, emissions standards for new sources must be no less stringent than the level ''achieved'' by the best controlled similar source, and for existing sources, generally must be no less stringent than the average emission limitation ''achieved'' by the best performing 12 percent of sources in the category. There is nothing in CAA section 112 that directs the Agency to consider malfunctions in determining the level ''achieved'' by the best performing sources when setting emissions standards. As the D.C. Circuit has recognized, the phrase ''average emissions limitation achieved by the best performing 12 percent of'' sources ''says nothing about how the performance of the best units is to be calculated.'' *Nat'l Ass'n of Clean Water Agencies* v. *EPA,* 734 F.3d 1115, 1141 (D.C. Cir. 2013). While the EPA accounts for variability in setting emissions standards, nothing in CAA section 112 requires the Agency to consider malfunctions as part of that analysis. A malfunction should not be treated in the same manner as the type of variation in performance that occurs during routine operations of a source. A malfunction is a failure of the source to perform in a ''normal or usual manner'' and no statutory language compels the EPA to consider such events in setting CAA section 112 standards.

As the D.C. Circuit recognized in *U.S. Sugar Corp.,* accounting for malfunctions in setting emissions standards would be difficult, if not impossible, given the myriad different types of malfunctions that can occur across all sources in the category and given the difficulties associated with predicting or accounting for the frequency, degree, and duration of various malfunctions that might occur. *Id.* at 608 (''the EPA would have to conceive of a standard that could apply equally to the wide range of possible boiler malfunctions, ranging from an explosion to minor mechanical defects. Any possible standard is likely to be hopelessly generic to govern such a wide array of circumstances.'') As such, the performance of units that are malfunctioning is not ''reasonably'' foreseeable. *See, e.g., Sierra Club* v. *EPA,* 167 F.3d 658, 662 (D.C. Cir. 1999) (''The EPA typically has wide latitude in determining the extent of data-gathering necessary to solve a problem. We generally defer to an agency's decision to proceed on the basis of imperfect scientific information, rather than to 'invest the resources to conduct the perfect study.'') *See also, Weyerhaeuser* v. *Costle,* 590 F.2d 1011, 1058 (D.C. Cir. 1978) (''In the nature of things, no general limit, individual permit, or even any upset provision can anticipate all upset situations. After a certain point, the transgression of regulatory limits caused by 'uncontrollable acts of third parties,'

such as strikes, sabotage, operator intoxication or insanity, and a variety of other eventualities, must be a matter for the administrative exercise of case-by-case enforcement discretion, not for specification in advance by regulation.''). In addition, emissions during a malfunction event can be significantly higher than emissions at any other time of source operation. For example, if an air pollution control device with 99 percent removal goes off-line as a result of a malfunction (as might happen if, for example, the bags in a baghouse catch fire) and the emission unit is a steady state type unit that would take days to shut down, the source would go from 99 percent control to zero control until the control device was repaired. The source's emissions during the malfunction would be 100 times higher than during normal operations. As such, the emissions over a 4-day malfunction period would exceed the annual emissions of the source during normal operations. As this example illustrates, accounting for malfunctions could lead to standards that are not reflective of (and significantly less stringent than) levels that are achieved by a well-performing non-malfunctioning source. It is reasonable to interpret CAA section 112 to avoid such a result. The EPA's approach to malfunctions is consistent with CAA section 112 and is a reasonable interpretation of the statute.

In the event that a source fails to comply with the applicable CAA section 112(d) standards as a result of a malfunction event, the EPA would determine an appropriate response based on, among other things, the good faith efforts of the source to minimize emissions during malfunction periods, including preventative and corrective actions, as well as root cause analyses to ascertain and rectify excess emissions. The EPA would also consider whether the source's failure to comply with the CAA section 112(d) standard was, in fact, sudden, infrequent, not reasonably preventable, and was not instead caused in part by poor maintenance or careless operation. 40 CFR 63.2 (definition of malfunction).

If the EPA determines in a particular case that an enforcement action against a source for violation of an emissions standard is warranted, the source can raise any and all defenses in that enforcement action and the federal district court will determine what, if any, relief is appropriate. The same is true for citizen enforcement actions. Similarly, the presiding officer in an administrative proceeding can consider any defense raised and determine whether administrative penalties are appropriate.

In summary, the EPA interpretation of the CAA and, in particular, CAA section 112 is reasonable and encourages practices that will avoid malfunctions. Administrative and judicial procedures for addressing exceedances of the standards fully recognize that violations may occur despite good faith efforts to comply and can accommodate those situations. *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–610 (2016).

40 CFR 63.860(d) General duty. We are revising the General Provisions table (Table 1) entry for 40 CFR 63.6(e) by re-designating it as 40 CFR 63.6(e)(1)(i) and changing the ''yes'' in column 3 to a ''no.'' Section 63.6(e)(1)(i) describes the general duty to minimize emissions. Some of the language in that section is no longer necessary or appropriate in light of the elimination of the SSM exemption. We are instead adding general duty regulatory text at 40 CFR 63.860(d) that reflects the general duty to minimize emissions while eliminating the reference to periods covered by an SSM exemption. The current language in 40 CFR 63.6(e)(1)(i) characterizes what the general duty entails during periods of SSM. With the elimination of the SSM exemption, there is no need to differentiate between normal operations, startup and shutdown, and malfunction events in describing the general duty. Therefore, the language the EPA is promulgating for 40 CFR 63.860(d) does not include that language from 40 CFR 63.6(e)(1).

We are also revising the General Provisions table (Table 1) to add an entry for 40 CFR 63.6(e)(1)(ii) and include a ''no'' in column 3. Section 63.6(e)(1)(ii) imposes requirements that are not necessary with the elimination of the SSM exemption or are redundant with the general duty requirement being added at 40 CFR 63.860(d).

SSM plan. We are revising the General Provisions table (Table 1) to add an entry for 40 CFR 63.6(e)(3) and include a ''no'' in column 3. Generally, these paragraphs require development of an SSM plan and specify SSM recordkeeping and reporting requirements related to the SSM plan. As noted, the EPA is removing the SSM exemptions. Therefore, affected units will be subject to an emissions standard during such events. The applicability of a standard during such events will ensure that sources have ample incentive to plan for and achieve compliance and, thus, the SSM plan requirements are no longer necessary.

Compliance with standards. We are revising the General Provisions table (Table 1) entry for 40 CFR 63.6(f) by re-designating this section as 40 CFR 63.6(f)(1) and including a ''no'' in column 3. The current language of 40 CFR 63.6(f)(1) exempts sources from non-opacity standards during periods of SSM. As discussed above, the Court in *Sierra Club* vacated the exemptions contained in this provision and held that the CAA requires that some CAA section 112 standard apply continuously. Consistent with *Sierra Club,* the EPA is revising standards in this rule to apply at all times.

We are revising the General Provisions table (Table 1) entry for 40 CFR 63.6(h) by re-designating this section as 40 CFR 63.6(h)(1) and including a ''no'' in column 3. The current language of 40 CFR 63.6(h)(1) exempts sources from opacity standards during periods of SSM. As discussed above, the Court in *Sierra Club* vacated the exemptions contained in this provision and held that the CAA requires that some CAA section 112 standard apply continuously. Consistent with *Sierra Club,* the EPA is revising standards in this rule to apply at all times.

40 CFR 63.865 Performance test requirements and test methods. We are revising the General Provisions table (Table 1) entry for 40 CFR 63.7(e) by re-designating it as 40 CFR 63.7(e)(1) and including a ''no'' in column 3. Section 63.7(e)(1) describes performance testing requirements. The EPA is instead adding a performance testing requirement at 40 CFR 63.865. The performance testing requirements we are adding differ from the General Provisions performance testing provisions in several respects. The regulatory text does not include the language in 40 CFR 63.7(e)(1) that restated the SSM exemption and language that precluded startup and shutdown periods from being considered ''representative'' for purposes of performance testing. The revised performance testing provisions require testing under representative operating conditions, excluding periods of startup and shutdown. As in 40 CFR 63.7(e)(1), performance tests conducted under this subpart should not be conducted during malfunctions because conditions during malfunctions are often not representative of normal operating conditions. The EPA is adding language that requires the owner or operator to record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. Section 63.7(e) requires that the owner or operator make available records ''as

may be necessary to determine the condition of the performance test'' to the Administrator upon request, but does not specifically require the information to be recorded. The regulatory text the EPA is adding to this provision builds on that requirement and makes explicit the requirement to record the information.

40 CFR 63.864 Monitoring requirements. We are revising the General Provisions table (Table 1) by re-designating 40 CFR 63.8(c) as 40 CFR 63.8(c)(1), adding entries for 40 CFR 63.8(c)(1)(i) through (iii) and including ''no'' in column 3 for paragraphs (i) and (iii). The cross-references to the general duty and SSM plan requirements in those subparagraphs are not necessary in light of other requirements of 40 CFR 63.8 that require good air pollution control practices (40 CFR 63.8(c)(1)) and that set out the requirements of a quality control program for monitoring equipment (40 CFR 63.8(d)).

We are revising the General Provisions table (Table 1) by adding an entry for 40 CFR 63.8(d)(3) and including a ''no'' in column 3. The final sentence in 40 CFR 63.8(d)(3) refers to the General Provisions' SSM plan requirement which is no longer applicable. The EPA is adding to the rule at 40 CFR 63.864(f) text that is identical to 40 CFR 63.8(d)(3) except that the final sentence is replaced with the following sentence: ''The program of corrective action should be included in the plan required under 40 CFR 63.8(d)(2).''

40 CFR 63.866 Recordkeeping requirements. We are revising the General Provisions table (Table 1) by adding an entry for 40 CFR 63.10(b)(2)(i) and including a ''no'' in column 3. Section 63.10(b)(2)(i) describes the recordkeeping requirements during startup and shutdown. These recording provisions are no longer necessary because the EPA is promulgating that recordkeeping and reporting applicable to normal operations applies to startup and shutdown. In the absence of special provisions applicable to startup and shutdown, such as a startup and shutdown plan, there is no reason to retain additional recordkeeping for startup and shutdown periods.

We are revising the General Provisions table (Table 1) by adding an entry for 40 CFR 63.10(b)(2)(ii) and including a ''no'' in column 3. Section 63.10(b)(2)(ii) describes the recordkeeping requirements during a malfunction. The EPA is adding such requirements to 40 CFR 63.866(d). The regulatory text we are adding differs from the General Provisions it is replacing in that the General Provisions requires the creation and retention of a record of the occurrence and duration of each malfunction of process, air pollution control, and monitoring equipment. The EPA is applying the requirement to any failure to meet an applicable standard and is requiring that the source record the date, time, and duration of the failure rather than the ''occurrence.'' The EPA is also adding to 40 CFR 63.866(d) a requirement that sources keep records that include a list of the affected source or equipment and actions taken to minimize emissions, an estimate of the quantity of each regulated pollutant emitted over any emission limit the source failed to meet, and a description of the method used to estimate the emissions. Examples of such methods could include mass balance calculations, measurements when available, or engineering judgment based on known process parameters. The EPA is requiring that sources keep records of this information to ensure that there is adequate information to allow the EPA to determine the severity of any failure to meet a standard, and to provide data that may document how the source met the general duty to minimize emissions when the source has failed to meet an applicable standard.

We are revising the General Provisions table (Table 1) by adding an entry for 40 CFR 63.10(b)(2)(iv) and including a ''no'' in column 3. When applicable, the provision requires sources to record actions taken during SSM events when actions were inconsistent with their SSM plan. The requirement is no longer appropriate because SSM plans will no longer be required. The requirement previously applicable under 40 CFR 63.10(b)(2)(iv)(B) to record actions to minimize emissions and record corrective actions is now applicable by reference to 40 CFR 63.866(d).

We are revising the General Provisions table (Table 1) by adding an entry for 40 CFR 63.10(b)(2)(v) and including a ''no'' in column 3. When applicable, the provision requires sources to record actions taken during SSM events to show that actions taken were consistent with their SSM plan. The requirement is no longer appropriate because SSM plans will no longer be required.

We are revising the General Provisions table (Table 1) by adding an entry for 40 CFR 63.10(c)(15) and including a ''no'' in column 3. The EPA is promulgating that 40 CFR 63.10(c)(15) no longer applies. When applicable, the provision allows an owner or operator to use the affected source's SSM plan or records kept to satisfy the recordkeeping requirements of the SSM plan, specified in 40 CFR 63.6(e), to also satisfy the requirements of 40 CFR 63.10(c)(10) through (12). The EPA is eliminating this requirement because SSM plans will no longer be required, and, therefore, 40 CFR 63.10(c)(15) no longer serves any useful purpose for affected units.

40 CFR 63.867 Reporting requirements. We are revising the General Provisions table (Table 1) entry for 40 CFR 63.10(d)(5) by re-designating it as 40 CFR 63.10(d)(5)(i) and changing the ''yes'' in column 3 to a ''no.'' Section 63.10(d)(5)(i) describes the periodic reporting requirements for startups, shutdowns, and malfunctions. To replace the General Provisions reporting requirement, the EPA is adding reporting requirements to 40 CFR 63.867(c). The replacement language differs from the General Provisions requirement in that it eliminates periodic SSM reports as a stand-alone report. We are promulgating language that requires sources that fail to meet an applicable standard at any time to report the information concerning such events in the semiannual report already required under this rule. We are promulgating that the report must contain the number, date, time, duration, and the cause of such events (including unknown cause, if applicable), a list of the affected source or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions.

We will no longer require owners or operators to determine whether actions taken to correct a malfunction are consistent with an SSM plan, because plans will no longer be required. The final amendments, therefore, eliminate the cross reference to 40 CFR 63.10(d)(5)(i) that contains the description of the previously required SSM report format and submittal schedule from this section. These specifications are no longer necessary because the events will be reported in otherwise required reports with similar format and submittal requirements.

We are revising the General Provisions table (Table 1) to add an entry for 40 CFR 63.10(d)(5)(ii) and include a ''no'' in column 3. Section 63.10(d)(5)(ii) describes an immediate report for startups, shutdown, and malfunctions when a source failed to meet an applicable standard, but did not follow the SSM plan. We will no longer require owners and operators to report when actions taken during a startup, shutdown, or malfunction were not

consistent with an SSM plan, because plans will no longer be required.

D. Emissions Testing

Periodic testing. As part of an ongoing effort to improve compliance with various federal air emission regulations, we reviewed the 40 CFR part 63, subpart MM emissions testing and monitoring requirements and proposed to require periodic emissions testing every 5 years. We proposed that the first of the periodic performance tests be conducted within 3 years of the effective date of the revised standards and, thereafter, before the facilities renew their 40 CFR part 70 operating permits, but no longer than 5 years following the previous performance test. The proposal required periodic filterable PM testing for existing and new kraft and soda recovery furnaces, SDTs, and lime kilns and sulfite combustion units; periodic methanol testing for new kraft and soda recovery furnaces; and periodic total hydrocarbon (THC) testing for existing and new semichemical combustion units (81 FR 97078).

Multiple commenters expressed concern about the proposed requirement for facilities to conduct periodic tests ''before renewing their 40 CFR part 70 operating permit,'' arguing that the phrase was confusing and unnecessary, and they recommended that the wording linking periodic testing to permit renewal should be struck. We have reviewed these comments and agree that tying the timing for periodic testing to title V permit renewal could be considered confusing and could unnecessarily complicate the rule. Therefore, we are finalizing (as proposed) the requirement to conduct the first of the periodic tests within 3 years of the effective date of the revised standards and, thereafter, no longer than 5 years following the previous test, without reference to permit renewal. For more information, see the comment summary and response document available in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741).[12]

Test conditions. We also proposed to revise the performance test requirements to specify that ''performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance of the affected source for the period being tested'' (81 FR 97081). The proposed rule language was included in 40 CFR part 63, subpart MM as a replacement for similar language in 40 CFR 63.7(e)(1) that is no longer entirely applicable because it stated that periods of SSM would not be considered a violation.

A commenter objected to the proposed language, stating that, depending on what ''conditions'' the Administrator specifies, it may be impossible to conduct performance testing in the time frame required, while simultaneously meeting all the conditions the Administrator or their designee may specify. The commenter suggested that the rule should simply require that performance tests be conducted under normal operating conditions. We agree that the proposed rule language needs clarification and have revised the language for the final rule to refer to ''normal operating conditions'' and eliminate the phrase ''such conditions as the Administrator specifies to the owner or operator.''

E. CPMS Operating Limits

We proposed specific changes regarding the establishment and enforcement of CPMS operating limits. A discussion of the proposed changes, the public comments received, and the changes made for promulgation is provided in the following paragraphs and presented in greater detail in the comment summary and response document available in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741).[13]

Procedures for establishing operating limits. We proposed procedures for establishing operating limits based on data recorded by CPMS. The 40 CFR part 63, subpart MM emissions standards include numerical emission limits, with compliance demonstrated through the proposed periodic performance tests, and operating limits (*e.g.,* opacity limits or continuously monitored parameter limits) used to demonstrate ongoing compliance in between performance tests. The original subpart MM regulatory text referred extensively to operating parameter ranges and is not as specific as more recent NESHAPs in specifying how operating limits are to be determined. Therefore, we proposed language to clarify the procedures for establishing parameter limits, beginning with the first periodic performance test proposed to be required under 40 CFR 63.865. We proposed that the operating limits be established as the average of the parameter values associated with each performance test run in 40 CFR 63.864(j). Wet scrubbers and RTOs have minimum operating limits, such that the EPA would consider 3-hour average values below the minimum operating limit to be a monitoring exceedance to be reported under 40 CFR 63.867(c) (81 FR 97078–79).

Multiple commenters objected to the proposed provisions in 40 CFR 63.864(j) that specify how operating parameter limits are established. The commenters argued that use of the test average conflicts with the language in 40 CFR part 63, subpart MM that allows the operating parameter limits to be expanded based on additional test data and limits the flexibility facilities need to establish an operating limit that allows for the full range of process operation. Commenters argued that the proposed methodology also conflicts with recent MACT rules such as the Boiler MACT rule (subpart DDDDD) that allows use of the lowest or highest individual test run to be used. Commenters concluded that flexibility in use of the hourly average value obtained during a test run and not the test average is important to establishing operating parameter limits that allow for a compliance demonstration at operating conditions below full load. Commenters stated that the ability to confirm the established operating limit during subsequent testing is another important element of flexibility needed in subpart MM. Commenters also recommended that subpart MM should allow operating parameter limits to be adjusted to a level that is 90 percent of the value during the test to allow for operational flexibility.

In response to these comments, we have revised the rule from proposal to allow minimum operating parameter limits to be established based on the lowest 1-hour average value recorded during a performance test that demonstrates compliance. We have also revised the rule from proposal to allow facilities to confirm the established operating limits during subsequent testing instead of requiring the operating limits to be reestablished during each repeat test. With these added flexibilities, in addition to provisions included in 40 CFR 63.864(k) that specify corrective actions before an operating parameter violation is incurred, we did not include the commenter's suggested 90 percent adjustment for minimum operating parameter limits. Facilities may establish a range of parameter values by conducting multiple performance tests.

Exceedances of operating limits. We proposed to eliminate the language in 40 CFR 63.864(k)(3) providing that no more than one non-opacity monitoring exceedance will be attributed in any 24-hour period (81 FR 97079). Multiple commenters argued that the EPA should not delete 40 CFR 63.864(k)(3), noting

[12] *Id.*

[13] *Id.*

that facilities may experience consecutive 3-hour periods where operating parameter values (*e.g.,* concurrent scrubber flow and pressure drop) are out of range as part of the same event, despite a facility's best efforts to take corrective action as soon as possible. With the removal of the 24-hour defined period, commenters indicated it is unclear how to count concurrent parameter events for the purposes of determining a noncompliance count. Commenters also noted that 40 CFR part 63, subpart MM does not currently specify that the 3-hour wet scrubber continuous monitoring systems (CMS) are averaged over 3-hour blocks or 3-hour rolling periods and that states have not been consistent in applying this averaging period, so a facility with a 3-hour rolling average would consume the five allowed 3-hour averages in as little as 7 hours.

In response to these comments, we are not taking any final action to eliminate or in any way revise 40 CFR 63.864(k)(3). We recognize that one event could trigger multiple 3-hour exceedances in a 24-hour period, especially for facilities using a 3-hour rolling average. As originally promulgated, 40 CFR part 63, subpart MM did not specify whether 3-hours averages were to be reduced to 3-hour block or 3-hour rolling averages. As a result, commenters brought to our attention that some facilities are currently using block averages, while others are using rolling averages. Keeping in place the current provision in 40 CFR 63.864(k)(3) that no more than one exceedance will be attributed in any given 24-hour period avoids creating a difference in the compliance obligation between the two monitoring approaches.

F. Recordkeeping and Reporting Requirements

We proposed specific changes to the recordkeeping and reporting requirements. Major public comments on the proposed amendments to these requirements and the EPA's responses are discussed in the paragraphs below and presented in greater detail in the comment summary and response document, available in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741).[14]

Reporting frequency and electronic reporting. As originally promulgated, 40 CFR part 63, subpart MM requires that owners and operators of facilities submit quarterly excess emissions reports for monitoring exceedances and periods of noncompliance and semiannual reports when no excess emissions have occurred during the reporting period. These excess emission reports are typically submitted as a hard copy to the delegated authority, and reports in this form usually are not readily available for the EPA and the public to analyze. We proposed that semiannual electronic reporting would provide ample data to assess a facility's performance with regard to the emissions standards in subpart MM. We proposed that all excess emissions reports be submitted on a semiannual basis in conjunction with requiring electronic reporting as discussed below (81 FR 97079). We received public comments supporting the reduction in reporting frequency and no comments disagreeing with this change. Therefore, we are finalizing this provision as proposed.

We proposed that owners and operators of 40 CFR part 63, subpart MM facilities submit performance test reports, semiannual reports, and notifications through CEDRI. The EPA believes that the electronic submittal of these reports will increase the usefulness of the data contained in the reports, is consistent with current trends in data availability, will further assist in the protection of public health and the environment, and will ultimately result in less burden on the regulated community (81 FR 97079).

Multiple commenters stated that the EPA's proposed new electronic reporting requirement in 40 CFR part 63, subpart MM will be excessively burdensome to industry and is not justified. We disagree with these comments. Based on the analysis performed for the proposed Electronic Reporting and Recordkeeping Requirements for the New Source Performance Standards (*i.e.,* the NSPS electronic reporting rule) (80 FR 15100), electronic reporting results in an overall cost savings to industry when annualized over a 20-year period, although there are some initial costs in the short term (80 FR 15111). The cost savings is achieved through means such as standardization of data, embedded quality assurance (QA) checks, automatic calculation routines, and reduced data entry through the ability to reuse data in files instead of starting anew with each report. As outlined in the NSPS electronic reporting rule, there are many benefits to electronic reporting spanning all users of the data—the EPA, state and local regulators, the regulated entities, and the public. In the preamble to this proposed rule (81 FR 97079–80), we provided a number of reasons why the electronic reporting required by the amendments will provide benefits going forward and that most of the benefits we outlined were longer-term benefits (*e.g.,* eliminating ''paper-based, manual processes, thereby saving time and resources, simplifying data entry, eliminating redundancies, minimizing data reporting errors and providing data quickly and accurately to the affected facilities, air agencies, the EPA and the public.''). For these reasons, we are finalizing the requirement to electronically report test results through CEDRI using the Electronic Reporting Tool (ERT).

One commenter noted that the EPA's ERT, which is used to generate the test data files uploaded to the EPA's CDX through CEDRI, continues to be revised and updated due to various flaws. The commenter argued that it is unreasonable to put sources at risk of violations (due to late or inaccurate reporting) because of EPA reporting tool issues or availability. At a minimum, the commenter suggested that the requirement to use a particular CEDRI form should stipulate that the form has been available for 1 year, per the recently signed final, but not published NSPS electronic reporting rule. According to the commenter, that rule also provides for a reporting extension in the event of an outage of the EPA's CDX or CEDRI the week prior to a report's due date. The commenter suggested that this same allowance should be provided in 40 CFR part 63, subpart MM if the electronic reporting requirement is finalized.

We agree that it is unreasonable to put sources at risk of violations because of EPA reporting tool issues or availability. Based on commenter input and our consideration of the tasks that facilities must conduct prior to initial compliance, we have determined 1 year from the posting of the reporting form (*i.e.,* a spreadsheet template) on the CEDRI Web site will provide for a more efficient transition to electronic reporting of semiannual reports. For these reports, the initial compliance date for electronic reporting will be 1 year from the date the form is posted on the CEDRI Web site. We have also added language to the final rule to provide facilities with the ability to seek electronic reporting extensions for circumstances beyond the control of the facility, *i.e.,* for a possible outage in the CDX or CEDRI or for a force majeure event in the time just prior to a report's due date. If either the CDX or CEDRI is unavailable at any time beginning 5 business days prior to the date that the submission is due, and the unavailability prevents the submission of a report by the required date, a

[14] *Id.*

facility may assert a claim of EPA system outage. We consider 5 business days prior to the reporting deadline to be an appropriate timeframe because if the system is down prior to this time, facilities will have 1 week to complete reporting once the system is back online. We will provide notification of known outages as far in advance as possible by the EPA's Clearinghouse for Inventories and Emissions Factors (CHIEF) Listserv notice, posting on the CEDRI Web site and posting on the CDX Web site to enable facilities to plan accordingly. However, if a planned or unplanned outage occurs and a facility believes that it will affect or it has affected compliance with an electronic reporting requirement, we have provided a process to assert such a claim. A force majeure event is an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically as required by this rule. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazards beyond the control of the facility. If such an event occurs or is still occurring or if there are still lingering effects of the event in the 5 business days prior to a submission deadline, we have provided a process to assert a claim of force majeure. In both circumstances, reporting should occur as soon as possible once the situation has been resolved. We are providing these potential extensions to protect facilities from noncompliance in cases when a facility cannot successfully submit a report by the reporting deadline for reasons outside of its control, as described above. We are not providing an extension for other instances. You should register for CEDRI far in advance of the initial compliance date, in order to make sure that you can complete the identity proofing process prior to the initial compliance date. Additionally, we recommend you start developing reports early, in case any questions arise during the reporting process.

While we do agree that more time is necessary to comply with electronic reporting requirements for semiannual reports, we do not agree that more time is necessary to comply with electronic reporting requirements for performance test reports and performance evaluation reports, which are uploads of ERT files. The allotted 60 days should be ample time to determine whether reports using the ERT need to be uploaded to the CDX through CEDRI. We also disagree that the ERT continues to be revised and updated due to various flaws. We acknowledge that, in early versions of the ERT, there were some issues, particularly related to rounding results. However, we have diligently worked to address issues as they have been brought to our attention. We have also added many improvements to the ERT based on feedback from users. We are finalizing the requirement to submit reports electronically to the EPA through CEDRI.

If the requirement for using CEDRI for electronic reporting remains in the final rule, commenters stated they would prefer filling and uploading the spreadsheet to fulfill the reporting requirements rather than entering the required information into a fillable CEDRI web form and increasing the chances of transcription errors, if they must choose between approaches. However, the commenters indicated their ultimate preference would be for facilities to upload their own already-formatted reports generated from their DAS, rather than reformatting the current information to fit the EPA's reporting form.

We acknowledge the commenter's support for the use of the spreadsheet style form for fulfilling reporting requirements. We intend to solely use the spreadsheet-style form for this rule in lieu of a fillable web form or extensible markup language (XML) submittal. Commenters provided a variety of detailed comments on the semiannual compliance reporting spreadsheet for 40 CFR part 63, subpart MM, which have resulted in a number of changes to the spreadsheet reporting form (template) for the final rule. For more information, see the comment summary and response document, available in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741).[15] We have also placed a copy of the revised electronic reporting spreadsheet template incorporating public comments in the docket. The spreadsheet template includes tabs for excess emissions summary reports and excess emissions detailed reports (if required). We are not allowing free-form excess emissions summary reports because this does not allow for efficient electronic compilation of the information reported, a key benefit of electronic reporting. The final rule requires use of the excess emissions summary report tabs in the spreadsheet template for each semiannual report. However, when detailed reporting is required (*e.g.,* due to the number of operating limit exceedances or monitor downtime), facilities would be allowed to submit detailed reports in either the spreadsheet template format provided or in an alternative format specifying the required details (*e.g.,* as a separate file upload into CEDRI) given the length of detailed reports. Allowing a file upload of detailed reports in an alternate format allows facilities to provide data generated from their DAS.

As another burden-reducing measure, we have reduced the number of notifications proposed to be uploaded into CEDRI. As proposed, an electronic copy of all notifications required under 40 CFR part 63, subpart MM would have been required to be uploaded into CEDRI. Subpart MM requires numerous notifications listed in the NESHAP General Provisions (40 CFR part 63, subpart A), as specified in Table 1 of subpart MM. For example, facilities are required to notify their delegated authority prior to conducting or rescheduling performance tests, as well as in the event of a CMS performance evaluation. Considering comments on electronic reporting in general, and after reviewing the number of notifications, we revised the final rule to only require upload of initial notifications required in 40 CFR 63.9(b), notifications of compliance status required in 40 CFR 63.9(h), and the report of PM emission limits required in 40 CFR 63.867(b) to be included in a notification of compliance status. This change focuses CEDRI-reporting of notifications for subpart MM on key (non-routine) notifications that will be the most informative in conjunction with electronically submitted emissions test reports and semiannual reports. Any of these notifications required after 2 years following the effective date of the final rule would be required to be uploaded into CEDRI in a user-specified file format. No specific form is being designed for subpart MM notifications at this time.

Excess emissions recordkeeping and reporting. We proposed specifying in 40 CFR 63.867(c)(1) and (3) the reporting requirements from the NESHAP General Provisions for the excess emissions and summary reports. We believed that specifying the General Provision reporting requirements for the proposed semiannual reports in 40 CFR part 63, subpart MM would help eliminate confusion as to which report is submitted (*e.g.,* full excess emissions report or summary report) and the content of the required report (81 FR 97080).

The EPA's intent with the proposed revisions to 40 CFR 63.867(c)(1) and (3) was to include the relevant language from 40 CFR 63.10(e)(3) of the General

[15] *Id.*

Provisions specifying the contents of summary and detailed excess emissions reports into 40 CFR part 63, subpart MM to improve clarity. However, we received public comments indicating that duplicating the relevant portions of 40 CFR 63.10(e)(3) as proposed may have caused some confusion. To remedy this confusion, we are splitting out the paragraphs of 40 CFR 63.10(e) and 63.10(e)(3) in the General Provisions applicability table (Table 1 to Subpart MM of Part 63) to more clearly indicate which sections apply or are replaced by sections in subpart MM. We are finalizing a revised version of 40 CFR 63.867(c)(1) that removes the proposed references to paragraphs in 40 CFR 63.10(e)(3), replaced by 40 CFR 63.867(c)(1). We are also noting in Table 1 that 40 CFR 63.867(c)(1) and (3) specify the contents of the summary and detailed excess emissions reports. We are finalizing a revised version of § 63.867(c) that refers to the procedures in 40 CFR 63.867(d)(2) and 40 CFR 63.10(e)(3)(v) for submittal of the semiannual excess emission reports and summary reports.

Section 63.10(e)(3)(v) continues to apply and is not being replaced with language in 40 CFR part 63, subpart MM. This section specifies the delivery date for the report (*i.e.,* post-marked by the 30th business day following each calendar half) and general content for the report. The final rule now relies on 40 CFR 63.10(e)(3)(v) for the requirement: ''When no excess emissions or exceedances of a parameter have occurred, or a CMS has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.''

In addition, we are not finalizing the proposed requirement in 40 CFR 63.867(c)(3)(iii)(A)(2) to include in the detailed excess emissions report the number of 6-minute opacity averages removed due to invalid readings, to address a comment that including this provision could imply that invalid opacity averages are periods of excess emissions. The CMS performance summary portion of the summary and detail reports provide sufficient information on the duration of invalid readings.

We proposed to revise the recordkeeping requirements section in 40 CFR 63.866(d)(2) to require that sources record information on failures to meet the applicable standard (81 FR 97081). We further proposed in 40 CFR 63.867(c)(4) to require reporting of this information in the excess emissions report along with an estimate of emissions associated with the failure. Multiple commenters objected to the proposed requirement that would have required an emissions estimate in association with opacity or parameter operating limits. The commenters argued that attempting to quantify emissions that may theoretically result from a violation of monitoring requirements would be extremely burdensome, impracticable, and would result in over-reporting and inaccurate emissions estimates. The commenters stated that, with a large margin of compliance, a monitoring violation may not actually result in emissions in excess of the applicable emission limit. They recommended that this proposed language be revised.

In response to this comment, we have revised the language in the final rulemaking to require emissions estimates to be provided in the semiannual report only for failures to meet ''emission limits,'' such as the PM (HAP metal), methanol, or THC limits contained in 40 CFR part 63, subpart MM. Failures to meet emission limits are likely to be discovered during periodic emissions tests, which provide a quantitative means for estimating emissions. Failures also include violations of opacity and parameter operating limits as specified in § 63.864(k)(2), which are required to be reported with the corresponding number of failures, and the date, time, and duration of each failure in the semiannual report. The final rule does not require reporting of an emissions estimate associated with failure to meet an opacity or parameter operating limit, but does require facilities to maintain sufficient information to provide an emissions estimate if such an estimate was requested by the Administrator.

G. Technical and Editorial Changes

The EPA is finalizing as proposed (81 FR 97081) several technical and editorial corrections on which we received no public comments, including:

- Revisions throughout 40 CFR part 63, subpart MM to clarify the location in 40 CFR part 60 of applicable EPA test methods;
- Revisions throughout 40 CFR part 63, subpart MM to update the facility name for Cosmo Specialty Fibers;
- Revisions to the definitions section in 40 CFR 63.861 to:
  - Remove the definition for ''black liquor gasification'' and remove reference to black liquor gasification in the definitions for ''kraft recovery furnace,'' ''recovery furnace,'' ''semichemical combustion unit,'' and ''soda recovery furnace'';
  - Remove the SSM exemption from the definition for ''modification'';
  - Clarify that the definition for ''particulate matter (PM)'' refers to filterable PM;
  - Remove reference to use of one-half of the method detection limit for non-detect Method 29 measurements within the definition of ''hazardous air pollutant (HAP) metals'';
  - Change the definition for ''smelt dissolving tanks (SDT)'' to refer to the singular ''smelt dissolving tank (SDT)'' to be consistent with the use of the term in the rule; and
  - Remove the definition for ''startup'' that pertains to the former black liquor gasification system at Georgia-Pacific's facility in Big Island, Virginia.
- Correction of a misspelling in 40 CFR 63.862(c).
- Revisions to multiple sections (40 CFR 63.863, 63.866, and 63.867) to remove reference to the former smelters and former black liquor gasification system at Georgia-Pacific's facility in Big Island, Virginia.
- Revisions to the monitoring requirements section in 40 CFR 63.864 to add reference to Performance Specification 1 (PS–1) in COMS monitoring provisions and add incorporation by reference (IBR) for bag leak detection systems.
- Revisions to the performance test requirements section in 40 CFR 63.865 to change the ambient oxygen concentration in Equations 7 and 8 from 21 percent to 20.9 percent to make subpart MM consistent with the rest of the NESHAPs.
- Revision to the terminology in the delegation of authority section in 40 CFR 63.868 to match the definitions in 40 CFR 63.90.
- Revisions to the General Provisions applicability table (Table 1 to subpart MM of part 63) to align with those sections of the General Provisions that have been amended or reserved over time.

V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted

A. What are the affected sources?

There are currently 107 major source pulp and paper mills operating in the U.S. that conduct chemical recovery combustion operations, including 97 kraft pulp mills, 1 soda pulp mill, 3 sulfite pulp mills, and 6 stand-alone semichemical pulp mills. The existing affected source regulated at kraft or soda pulp mills is each existing chemical recovery system, defined as all existing DCE and NDCE recovery furnaces, SDTs, and lime kilns. A DCE recovery furnace system is defined to include the DCE recovery furnace and BLO system

at the pulp mill. New affected sources at kraft or soda pulp mills include each new recovery furnace and associated SDT, and each new lime kiln. Subpart MM of 40 CFR part 63 affected sources also include each new or existing chemical recovery combustion unit located at a sulfite pulp mill or at a stand-alone semichemical pulp mill.

B. What are the air quality impacts?

At the current level of control, emissions of HAPs (HAP metals, acid gases, and gaseous organic HAPs) are approximately 11,600 tpy. Current emissions of PM (a surrogate pollutant for HAP metals) and total reduced sulfur compounds (emitted by the same mechanism as gaseous organic HAP) are approximately 23,200 tpy and 3,600 tpy, respectively.

The final amendments require all 107 mills subject to 40 CFR part 63, subpart MM to conduct periodic testing for their chemical recovery combustion operations; 96 mills with recovery furnaces or lime kilns equipped with ESP controls to meet more stringent opacity monitoring allowances and comply with a requirement to maintain proper operation of the ESP's AVC; and all 107 mills to operate without the SSM exemption. The EPA estimates that the final changes to the opacity monitoring allowances will result in no emissions reductions. We were unable to quantify the specific emissions reductions associated with periodic emissions testing or eliminating the SSM exemption, and we expect no emissions reductions with the aforementioned ESP requirement. Periodic testing will help facilities understand the emissions from and performance of their processes and control systems, and will help to identify potential issues that may otherwise go unnoticed, and thus, providing benefit to both the facilities and to surrounding populations. Eliminating the SSM exemption will reduce emissions by requiring facilities to meet the applicable standards at all times.

Indirect or secondary air emissions impacts are impacts that would result from the increased electricity usage associated with the operation of control devices (*i.e.,* increased secondary emissions of criteria pollutants from power plants, which include PM, carbon monoxide, nitrogen oxides, and sulfur dioxide). Energy impacts include the electricity and steam needed to operate control devices and other equipment that would be required under this final rule. The EPA estimates that the final changes to the opacity monitoring allowances will result in no energy impacts or secondary emissions of criteria pollutants. The EPA also expects no secondary air emissions impacts or energy impacts from the other final requirements.

For further information on these impacts, see the memorandum titled, *Revised Costs/Impacts of the Subpart MM Residual Risk and Technology Review for Promulgation,* available in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741).

C. What are the cost impacts?

Costs associated with elimination of the startup and shutdown exemption were estimated as part of the reporting and recordkeeping costs and include time for re-evaluating previously developed SSM record systems. Costs to transition to electronic excess emissions reporting and adjust existing record systems for the revised opacity monitoring allowances were also estimated as part of the reporting and recordkeeping costs. Costs associated with periodic testing were estimated for the 73 mills that do not already conduct periodic testing and include the costs for EPA Method 5 filterable PM testing for kraft and soda recovery furnaces, lime kilns, and SDTs and sulfite combustion units; EPA Method 308 methanol testing for new kraft and soda recovery furnaces; and EPA Method 25A THC testing for semichemical combustion units. Costs associated with the requirement to maintain proper operation of ESP AVC were estimated for the 96 mills with ESP-controlled recovery furnaces and lime kilns and include only recordkeeping costs, since existing ESPs are already expected to have these systems. The EPA estimates the nationwide capital costs associated with these new requirements to be $3.8 million and the nationwide annual costs to be $0.97 million to $1.0 million per year at 3 percent and 7 percent interest rates, respectively.

For further information on these costs, see the memorandum titled, *Revised Costs/Impacts of the Subpart MM Residual Risk and Technology Review for Promulgation,* available in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741).

D. What are the economic impacts?

The economic impact analysis is designed to inform decision makers about the potential economic consequences of a regulatory action. For the final rule, the EPA performed a partial-equilibrium analysis of national pulp and paper product markets to estimate potential paper product market impacts, as well as consumer and producer welfare impacts of the regulatory options.

Across regulatory options, the EPA estimates market-level changes in the paper and paperboard markets to be insignificant. For the final rule, the EPA predicts national-level weighted average paper and paperboard prices to increase about 0.01 percent, while total production levels decrease less than 0.01 percent on average.

In addition, the EPA performed a screening analysis for impacts on small businesses by comparing estimated annualized engineering compliance costs at the firm-level to firm sales. The screening analysis found that the ratio of compliance cost to firm revenue falls below 1 percent for the three small companies likely to be affected by the final rule. For small firms, the minimum and maximum cost-to-sales ratios are less than 1 percent.

More information and details of this analysis are provided in the technical document, titled *Economic Impact Analysis for Final Revisions to the National Emissions Standards for Hazardous Air Pollutants, Subpart MM, for the Pulp and Paper Industry,* available in the docket for this final rule (Docket ID No. EPA–HQ–OAR–2014–0741).

E. What are the benefits?

We do not estimate any significant reductions in HAP emissions as a result of these final amendments. However, the amendments will help to improve the clarity of the rule, which will improve compliance and, therefore, minimize emissions. Certain provisions also provide operational flexibility with no increase in HAP emissions.

F. What analysis of environmental justice did we conduct?

We examined the potential for any environmental justice issues that might be associated with the source category by performing a demographic analysis of the population close to the facilities. In this analysis, we evaluated the distribution of HAP-related cancer and non-cancer risks from the subpart MM source category across different social, demographic, and economic groups within the populations living near facilities identified as having the highest risks. The methodology and the results of the demographic analyses are included in a technical report, *Risk and Technology Review—Analysis of Socio-Economic Factors for Populations Living Near Pulp Mill Combustion Sources,* available in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741). The results, for various demographic groups, are based on the estimated risks from actual emissions

levels for the population living within 50 kilometers (km) of the facilities.[16]

The results of the subpart MM source category demographic analysis indicate that emissions from the source category expose approximately 7,600 people to a cancer risk at or above 1-in-1 million and do not expose any person to a chronic non-cancer TOSHI greater than 1. The specific demographic results indicate that the percentage of the population potentially impacted by emissions is greater than its corresponding national percentage for the minority population (33 percent for the source category compared to 28 percent nationwide), the African American population (28 percent for the source category compared to 13 percent nationwide) and for the population over age 25 without a high school diploma (18 percent for the source category compared to 15 percent nationwide). The proximity results (irrespective of risk) indicate that the population percentages for certain demographic categories within 5 km of source category emissions are greater than the corresponding national percentage for those same demographics. The following demographic percentages for populations residing within close proximity to facilities with chemical recovery combustion sources are higher than the corresponding nationwide percentage: African American, ages 65 and up, over age 25 without a high school diploma, and below the poverty level.

The risks due to HAP emissions from this source category are low for all populations (*e.g.,* inhalation cancer risks are less than 4-in-1 million for all populations and non-cancer HIs are less than 1). Furthermore, we do not expect this final rule to achieve significant reductions in HAP emissions. Section IV.B of this preamble addresses opportunities as part of the technology review to further reduce HAP emissions. We did not find these technologies to be cost effective.

Therefore, we conclude that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. However, this final rule will provide additional benefits to these demographic groups by improving the compliance, monitoring, and implementation of the NESHAP.

[16] This metric comes from the Benzene NESHAP. See 54 FR 38046.

G. What analysis of children's environmental health did we conduct?

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 the environmental health risks or safety risks addressed by this action present a disproportionate risk to children. The results of the subpart MM source category demographic analysis [17] indicate that approximately 7,600 people are exposed to a cancer risk at or above 1-in-1 million and no one is exposed to a chronic non-cancer TOSHI greater than 1 due to emissions from the source category. The distribution of the population with risks above 1-in-1 million is 26 percent for ages 0 to 17, 61 percent for ages 18 to 64, and 13 percent for ages 65 and up. Children ages 0 to 17 also constitute 24 percent of the population nationwide. Therefore, the analysis shows that actual emissions from 40 CFR part 63, subpart MM facilities have only a slightly greater impact on children ages 0 to 17.

VI. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review 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 an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

The information collection activities in this rule have been submitted for approval to OMB under the PRA. The ICR document that the EPA prepared has been assigned EPA ICR number 1805.09. You can find a copy of the ICR in the docket for this rule (Docket ID No. EPA–HQ–OAR–2014–0741), and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

The information requirements are based on notification, recordkeeping, and reporting requirements in the NESHAP General Provisions, which are essential in determining compliance and mandatory for all operators subject to national emissions standards. These recordkeeping and reporting requirements are specifically authorized by CAA section 114 (42 U.S.C. 7414). All information submitted to the EPA pursuant to the recordkeeping and reporting requirements for which a claim of confidentiality is made is safeguarded according to Agency policies set forth in 40 CFR part 2, subpart B.

We are finalizing changes to the 40 CFR part 63, subpart MM paperwork requirements in the form of eliminating the SSM reporting and SSM plan requirements, adding periodic emissions testing for selected process equipment, revising opacity monitoring allowances, adding a recordkeeping requirement for recovery furnaces and lime kilns equipped with ESPs, reducing the frequency of all excess emissions reports to semiannual, and requiring electronic submittal of all performance test reports and semiannual reports.

Respondents/affected entities: Respondents include chemical pulp mills operating equipment subject to 40 CFR part 63, subpart MM.

Respondent's obligation to respond: Mandatory (authorized by section 114 of the CAA).

Estimated number of respondents: 107.

Frequency of response: The frequency of responses varies depending on the burden item. Responses include notifications, reports of periodic performance tests, and semiannual compliance reports.

Total estimated burden: The estimated annual recordkeeping and reporting burden for this information collection, averaged over the first 3 years of this ICR, is 124,085 labor hours per year. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $14.1 to 14.2 million per year, including $13.4 million per year in labor costs and $0.7 to 0.8 million per year in annualized capital costs at 3 percent and 7 percent interest, respectively. These estimated costs represent the full ongoing information collection burden for 40 CFR part 63, subpart MM, as revised by the final amendments being promulgated.

[17] See the following document in the docket titled, *Risk and Technology Review—Analysis of Socio-Economic Factors for Populations Living Near Pulp Mill Combustion Sources.*

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the Agency will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

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. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The EPA estimates that all affected small entities will have annualized costs of less than 1 percent of their sales. We have, therefore, concluded that this action will have no net regulatory burden for all directly regulated small entities. For more information on the small entity impacts associated with this rule, please refer to the *Economic Impact Analysis for Final Revisions to the National Emissions Standards for Hazardous Air Pollutants, Subpart MM, for the Pulp and Paper Industry* in the public docket (Docket ID No. EPA–HQ–OAR–2014–0741).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an 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. It 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. This final rule imposes requirements on owners and operators of kraft, soda, sulfite, and stand-alone semichemical pulp mills and not tribal governments. The EPA does not know of any pulp mills owned or operated by Indian tribal governments, or located within tribal lands. However, if there are any, the effect of this rule on communities of tribal governments would not be unique or disproportionate to the effect on other communities. Thus, Executive Order 13175 does not apply to this action.

H. 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 the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in section IV.A of this preamble and further documented in the risk report titled, *Residual Risk Assessment for Pulp Mill Combustion Sources in Support of the October 2017 Risk and Technology Review Final Rule,* available in the docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741).

I. Executive Order 13211: Actions Concerning Regulations 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) and 1 CFR Part 51

This action involves technical standards. While the EPA identified ASTM D6784–02 (Reapproved 2008), ''Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method)'' as being potentially applicable, the Agency decided not to use it. The use of this voluntary consensus standard would be impractical because this standard is only acceptable as an alternative to the portion of EPA Method 29 for mercury, and emissions testing for mercury alone is not required under 40 CFR part 63, subpart MM.

The EPA is incorporating into 40 CFR part 63, subpart MM the following guidance document: EPA–454/R–98–015, Office of Air Quality Planning and Standards (OAQPS), Fabric Filter Bag Leak Detection Guidance, September 1997. This guidance document provides procedures for selecting, installing, setting up, adjusting, and operating a bag leak detection system; and also includes QA procedures. This guidance document is readily accessible at *https://www.epa.gov/emc/emc-continuous-emission-monitoring-systems.*

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

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).

The documentation for this decision is contained in section V.F of this preamble and the technical report titled, *Risk and Technology Review–Analysis of Socio-Economic Factors for Populations Living Near Pulp Mill Combustion Sources,* in the public docket for this action (Docket ID No. EPA–HQ–OAR–2014–0741).

L. Congressional Review Act (CRA)

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. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Pulp and paper mills, Reporting and recordkeeping requirements.

Dated: September 29, 2017.

E. Scott Pruitt,

Administrator.

For the reasons set out in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart A—[Amended]

■ 2. Section 63.14 is amended by revising paragraph (m)(3) to read as follows:

§ 63.14 Incorporations by reference.

* * * * *

(m) * * *

(3) EPA–454/R–98–015, Office of Air Quality Planning and Standards (OAQPS), Fabric Filter Bag Leak Detection Guidance, September 1997, *https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=2000D5T6.PDF,* IBR approved for §§ 63.548(e), 63.864(e), 63.7525(j), 63.8450(e), 63.8600(e), and 63.11224(f).

* * * * *

Subpart MM—[Amended]

■ 3. Section 63.860 is amended by revising paragraphs (b)(5) and (7) and adding paragraph (d) to read as follows:

§ 63.860 Applicability and designation of affected source.

* * * * *

(b) * * *

(5) Each new or existing sulfite combustion unit located at a sulfite pulp mill, except such existing units at Cosmo Specialty Fibers' Cosmopolis, Washington facility (Emission Unit no. AP–10).

* * * * *

(7) The requirements of the alternative standard in § 63.862(d) apply to the hog fuel dryer at Cosmo Specialty Fibers' Cosmopolis, Washington facility (Emission Unit no. HD–14).

* * * * *

(d) At all times, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

■ 4. Section 63.861 is amended by:

■ a. Removing the definition for ''Black liquor gasification'';

■ b. Revising the definitions for ''Hazardous air pollutants (HAP) metals,'' ''Hog fuel dryer,'' ''Kraft recovery furnace,'' ''Modification,'' ''Particulate matter (PM),'' ''Recovery furnace,'' ''Semichemical combustion unit,'' ''Smelt dissolving tanks,'' and ''Soda recovery furnace'';

■ c. Removing the definition for ''Startup''; and

■ d. Revising the definition for ''Total hydrocarbons (THC).''

The revisions read as follows:

§ 63.861 Definitions.

* * * * *

Hazardous air pollutants (HAP) metals means the sum of all emissions of antimony, arsenic, beryllium, cadmium, chromium, cobalt, lead, manganese, mercury, nickel, and selenium as measured by EPA Method 29 (40 CFR part 60, appendix A–8).

Hog fuel dryer means the equipment that combusts fine particles of wood waste (hog fuel) in a fluidized bed and directs the heated exhaust stream to a rotary dryer containing wet hog fuel to be dried prior to combustion in the hog fuel boiler at Cosmo Specialty Fibers' Cosmopolis, Washington facility. The hog fuel dryer at Cosmo Specialty Fibers' Cosmopolis, Washington facility is Emission Unit no. HD–14.

* * * * *

Kraft recovery furnace means a recovery furnace that is used to burn black liquor produced by the kraft pulping process, as well as any recovery furnace that burns black liquor produced from both the kraft and semichemical pulping processes, and includes the direct contact evaporator, if applicable.

* * * * *

Modification means, for the purposes of § 63.862(a)(1)(ii)(E)(*1*), any physical change (excluding any routine part replacement or maintenance) or operational change that is made to the air pollution control device that could result in an increase in PM emissions.

* * * * *

Particulate matter (PM) means total filterable particulate matter as measured by EPA Method 5 (40 CFR part 60, appendix A–3), EPA Method 17 (§ 63.865(b)(1)) (40 CFR part 60, appendix A–6), or EPA Method 29 (40 CFR part 60, appendix A–8).

* * * * *

Recovery furnace means an enclosed combustion device where concentrated black liquor produced by the kraft or soda pulping process is burned to recover pulping chemicals and produce steam.

* * * * *

Semichemical combustion unit means any equipment used to combust or pyrolyze black liquor at stand-alone semichemical pulp mills for the purpose of chemical recovery.

* * * * *

Smelt dissolving tank (SDT) means a vessel used for dissolving the smelt collected from a kraft or soda recovery furnace.

* * * * *

Soda recovery furnace means a recovery furnace used to burn black liquor produced by the soda pulping process and includes the direct contact evaporator, if applicable.

* * * * *

Total hydrocarbons (THC) means the sum of organic compounds measured as carbon using EPA Method 25A (40 CFR part 60, appendix A–7).

■ 5. Section 63.862 is amended by revising paragraphs (c)(1) and (d) to read as follows:

§ 63.862 Standards.

* * * * *

(c) *Standards for gaseous organic HAP.* (1) The owner or operator of any new recovery furnace at a kraft or soda pulp mill must ensure that the concentration of gaseous organic HAP, as measured by methanol, discharged to the atmosphere is no greater than 0.012 kg/Mg (0.025 lb/ton) of black liquor solids fired.

* * * * *

(d) *Alternative standard.* As an alternative to meeting the requirements of paragraph (a)(2) of this section, the owner or operator of the existing hog fuel dryer at Cosmo Specialty Fibers' Cosmopolis, Washington facility (Emission Unit no. HD–14) must ensure that the mass of PM in the exhaust gases discharged to the atmosphere from the hog fuel dryer is less than or equal to 4.535 kilograms per hour (kg/hr) (10.0 pounds per hour (lb/hr)).

■ 6. Section 63.863 is amended by revising paragraphs (a) and (c) to read as follows:

§ 63.863 Compliance dates.

(a) The owner or operator of an existing affected source or process unit must comply with the requirements in

this subpart no later than March 13, 2004, except as noted in paragraph (c) of this section.

* * * * *

(c) The owner or operator of an existing source or process unit must comply with the revised requirements published on October 11, 2017 no later than October 11, 2019, with the exception of the following:

(1) The first of the 5-year periodic performance tests must be conducted by October 13, 2020, and thereafter within 5 years following the previous performance test; and

(2) The date to submit performance test data through the CEDRI is within 60 days after the date of completing each performance test.

■ 7. Section 63.864 is amended by:
■ a. Revising the introductory text of paragraph (d) and paragraph (d)(4);
■ b. Adding paragraphs (e)(1) and (2);
■ c. Revising paragraphs (e)(10)(i) and (ii);
■ d. Adding paragraph (e)(10)(iii);
■ e. Revising the introductory text of paragraph (e)(12) and paragraphs (e)(12)(i), (ix), and (x);
■ f. Revising paragraphs (e)(13) and (14);
■ g. Adding paragraph (f);
■ h. Revising paragraph (g);
■ i. Adding paragraph (h); and
■ j. Revising paragraphs (j) and (k).

The revisions and additions read as follows:

§ 63.864 Monitoring requirements.

* * * * *

(d) *Continuous opacity monitoring system (COMS).* The owner or operator of each affected kraft or soda recovery furnace or lime kiln equipped with an ESP must install, calibrate, maintain, and operate a COMS in accordance with Performance Specification 1 (PS–1) in appendix B to 40 CFR part 60 and the provisions in §§ 63.6(h) and 63.8 and paragraphs (d)(3) and (4) of this section.

* * * * *

(4) As specified in § 63.8(g)(2), each 6-minute COMS data average must be calculated as the average of 36 or more data points, equally spaced over each 6-minute period.

(e) * * *

(1) For any kraft or soda recovery furnace or lime kiln using an ESP emission control device, the owner or operator must maintain proper operation of the ESP's automatic voltage control (AVC).

(2) For any kraft or soda recovery furnace or lime kiln using an ESP followed by a wet scrubber, the owner or operator must follow the parameter monitoring requirements specified in paragraphs (e)(1) and (10) of this section. The opacity monitoring system specified in paragraph (d) of this section is not required for combination ESP/wet scrubber control device systems.

* * * * *

(10) * * *

(i) A monitoring device used for the continuous measurement of the pressure drop of the gas stream across the scrubber must be certified by the manufacturer to be accurate to within a gage pressure of ±500 pascals (±2 inches of water gage pressure); and

(ii) A monitoring device used for continuous measurement of the scrubbing liquid flow rate must be certified by the manufacturer to be accurate within ±5 percent of the design scrubbing liquid flow rate.

(iii) As an alternative to pressure drop measurement under paragraph (e)(3)(i) of this section, a monitoring device for measurement of fan amperage may be used for smelt dissolving tank dynamic scrubbers that operate at ambient pressure or for low-energy entrainment scrubbers where the fan speed does not vary.

* * * * *

(12) The owner or operator of the affected hog fuel dryer at Cosmo Specialty Fibers' Cosmopolis, Washington facility (Emission Unit no. HD–14) must meet the requirements in paragraphs (e)(12)(i) through (xi) of this section for each bag leak detection system.

(i) The owner or operator must install, calibrate, maintain, and operate each triboelectric bag leak detection system according to EPA–454/R–98–015, ''Fabric Filter Bag Leak Detection Guidance'' (incorporated by reference—see § 63.14). The owner or operator must install, calibrate, maintain, and operate other types of bag leak detection systems in a manner consistent with the manufacturer's written specifications and recommendations.

* * * * *

(ix) The baseline output must be established by adjusting the range and the averaging period of the device and establishing the alarm set points and the alarm delay time according to section 5.0 of the ''Fabric Filter Bag Leak Detection Guidance'' (incorporated by reference—see § 63.14).

(x) Following initial adjustment of the system, the sensitivity or range, averaging period, alarm set points, or alarm delay time may not be adjusted except as detailed in the site-specific monitoring plan. In no case may the sensitivity be increased by more than 100 percent or decreased more than 50 percent over a 365-day period unless such adjustment follows a complete fabric filter inspection which demonstrates that the fabric filter is in good operating condition, as defined in section 5.2 of the ''Fabric Filter Bag Leak Detection Guidance,'' (incorporated by reference—see § 63.14). Record each adjustment.

* * * * *

(13) The owner or operator of each affected source or process unit that uses an ESP, wet scrubber, RTO, or fabric filter may monitor alternative control device operating parameters subject to prior written approval by the Administrator. The request for approval must also include the manner in which the parameter operating limit is to be set.

(14) The owner or operator of each affected source or process unit that uses an air pollution control system other than an ESP, wet scrubber, RTO, or fabric filter must provide to the Administrator an alternative monitoring request that includes a description of the control device, test results verifying the performance of the control device, the appropriate operating parameters that will be monitored, how the operating limit is to be set, and the frequency of measuring and recording to establish continuous compliance with the standards. The alternative monitoring request is subject to the Administrator's approval. The owner or operator of the affected source or process unit must install, calibrate, operate, and maintain the monitor(s) in accordance with the alternative monitoring request approved by the Administrator. The owner or operator must include in the information submitted to the Administrator proposed performance specifications and quality assurance procedures for the monitors. The Administrator may request further information and will approve acceptable test methods and procedures. The owner or operator must monitor the parameters as approved by the Administrator using the methods and procedures in the alternative monitoring request.

(f) *Data quality assurance.* The owner or operator shall keep CMS data quality assurance procedures consistent with the requirements in § 63.8(d)(1) and (2) on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan in § 63.8(d)(2) is revised, the owner or operator shall keep previous (*i.e.,* superseded) versions of the performance evaluation plan on record to be made available for

inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. The program of corrective action should be included in the plan required under § 63.8(d)(2).

(g) *Gaseous organic HAP.* The owner or operator of each affected source or process unit complying with the gaseous organic HAP standard of § 63.862(c)(1) through the use of an NDCE recovery furnace equipped with a dry ESP system is not required to conduct any continuous monitoring to demonstrate compliance with the gaseous organic HAP standard.

(h) *Monitoring data.* As specified in § 63.8(g)(5), monitoring data recorded during periods of unavoidable CMS breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high level adjustments must not be included in any data average computed under this subpart.

* * * * *

(j) *Determination of operating limits.* (1) During the initial or periodic performance test required in § 63.865, the owner or operator of any affected source or process unit must establish operating limits for the monitoring parameters in paragraphs (e)(1) and (2) and (e)(10) through (14) of this section, as appropriate; or

(2) The owner or operator may base operating limits on values recorded during previous performance tests or conduct additional performance tests for the specific purpose of establishing operating limits, provided that data used to establish the operating limits are or have been obtained during testing that used the test methods and procedures required in this subpart. The owner or operator of the affected source or process unit must certify that all control techniques and processes have not been modified subsequent to the testing upon which the data used to establish the operating parameter limits were obtained.

(3) The owner or operator of an affected source or process unit may establish expanded or replacement operating limits for the monitoring parameters listed in paragraphs (e)(1) and (2) and (e)(10) through (14) of this section and established in paragraph (j)(1) or (2) of this section during subsequent performance tests using the test methods in § 63.865.

(4) The owner or operator of the affected source or process unit must continuously monitor each parameter and determine the arithmetic average value of each parameter during each performance test run. Multiple performance tests may be conducted to establish a range of parameter values. Operating outside a previously established parameter limit during a performance test to expand the operating limit range does not constitute a monitoring exceedance. Operating limits must be confirmed or reestablished during performance tests.

(5) New, expanded, or replacement operating limits for the monitoring parameter values listed in paragraphs (e)(1) and (2) and (e)(10) through (14) of this section should be determined as described in paragraphs (j)(5)(i) and (ii) of this section.

(i) The owner or operator of an affected source or process unit that uses a wet scrubber must set a minimum scrubber pressure drop operating limit as the lowest of the 1-hour average pressure drop values associated with each test run demonstrating compliance with the applicable emission limit in § 63.862.

(A) For a smelt dissolving tank dynamic wet scrubber operating at ambient pressure or for low-energy entrainment scrubbers where fan speed does not vary, the minimum fan amperage operating limit must be set as the lowest of the 1-hour average fan amperage values associated with each test run demonstrating compliance with the applicable emission limit in § 63.862.

(B) [Reserved]

(ii) The owner operator of an affected source equipped with an RTO must set the minimum operating temperature of the RTO as the lowest of the 1-hour average temperature values associated with each test run demonstrating compliance with the applicable emission limit in § 63.862.

(k) *On-going compliance provisions.* (1) Following the compliance date, owners or operators of all affected sources or process units are required to implement corrective action if the monitoring exceedances in paragraphs (k)(1)(i) through (vii) of this section occur during times when spent pulping liquor or lime mud is fed (as applicable). Corrective action can include completion of transient startup and shutdown conditions as expediently as possible.

(i) For a new or existing kraft or soda recovery furnace or lime kiln equipped with an ESP, when the average of ten consecutive 6-minute averages result in a measurement greater than 20 percent opacity;

(ii) For a new or existing kraft or soda recovery furnace, kraft or soda smelt dissolving tank, kraft or soda lime kiln, or sulfite combustion unit equipped with a wet scrubber, when any 3-hour average parameter value is below the minimum operating limit established in paragraph (j) of this section, with the exception of pressure drop during periods of startup and shutdown;

(iii) For a new or existing kraft or soda recovery furnace or lime kiln equipped with an ESP followed by a wet scrubber, when any 3-hour average scrubber parameter value is below the minimum operating limit established in paragraph (j) of this section, with the exception of pressure drop during periods of startup and shutdown;

(iv) For a new or existing semichemical combustion unit equipped with an RTO, when any 1-hour average temperature falls below the minimum temperature operating limit established in paragraph (j) of this section;

(v) For the hog fuel dryer at Cosmo Specialty Fibers' Cosmopolis, Washington facility (Emission Unit no. HD–14), when the bag leak detection system alarm sounds;

(vi) For an affected source or process unit equipped with an ESP, wet scrubber, RTO, or fabric filter and monitoring alternative operating parameters established in paragraph (e)(13) of this section, when any 3-hour average value does not meet the operating limit established in paragraph (j) of this section; and

(vii) For an affected source or process unit equipped with an alternative air pollution control system and monitoring operating parameters approved by the Administrator as established in paragraph (e)(14) of this section, when any 3-hour average value does not meet the operating limit established in paragraph (j) of this section.

(2) Following the compliance date, owners or operators of all affected sources or process units are in violation of the standards of § 63.862 if the monitoring exceedances in paragraphs (k)(2)(i) through (ix) of this section occur during times when spent pulping liquor or lime mud is fed (as applicable):

(i) For an existing kraft or soda recovery furnace equipped with an ESP, when opacity is greater than 35 percent for 2 percent or more of the operating time within any semiannual period;

(ii) For a new kraft or soda recovery furnace equipped with an ESP, when opacity is greater than 20 percent for 2 percent or more of the operating time within any semiannual period;

(iii) For a new or existing kraft or soda lime kiln equipped with an ESP, when opacity is greater than 20 percent for 3 percent or more of the operating time within any semiannual period;

(iv) For a new or existing kraft or soda recovery furnace, kraft or soda smelt dissolving tank, kraft or soda lime kiln, or sulfite combustion unit equipped with a wet scrubber, when six or more 3-hour average parameter values within any 6-month reporting period are below the minimum operating limits established in paragraph (j) of this section, with the exception of pressure drop during periods of startup and shutdown;

(v) For a new or existing kraft or soda recovery furnace or lime kiln equipped with an ESP followed by a wet scrubber, when six or more 3-hour average scrubber parameter values within any 6-month reporting period are outside the range of values established in paragraph (j) of this section, with the exception of pressure drop during periods of startup and shutdown;

(vi) For a new or existing semichemical combustion unit equipped with an RTO, when any 3-hour average temperature falls below the temperature established in paragraph (j) of this section;

(vii) For the hog fuel dryer at Cosmo Specialty Fibers' Cosmopolis, Washington facility (Emission Unit no. HD–14), when corrective action is not initiated within 1 hour of a bag leak detection system alarm and the alarm is engaged for more than 5 percent of the total operating time in a 6-month block reporting period. In calculating the operating time fraction, if inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted; if corrective action is required, each alarm is counted as a minimum of 1 hour; if corrective action is not initiated within 1 hour, the alarm time is counted as the actual amount of time taken to initiate corrective action;

(viii) For an affected source or process unit equipped with an ESP, wet scrubber, RTO, or fabric filter and monitoring alternative operating parameters established in paragraph (e)(13) of this section, when six or more 3-hour average values within any 6-month reporting period do not meet the operating limits established in paragraph (j) of this section; and

(ix) For an affected source or process unit equipped with an alternative air pollution control system and monitoring operating parameters approved by the Administrator as established in paragraph (e)(14) of this section, when six or more 3-hour average values within any 6-month reporting period do not meet the operating limits established in paragraph (j) of this section.

(3) For purposes of determining the number of nonopacity monitoring exceedances, no more than one exceedance will be attributed in any given 24-hour period.

■ 8. Section 63.865 is amended by revising the introductory text and paragraphs (b)(1) through (5), (c)(1), and the introductory text of paragraph (d) to read as follows:

§ 63.865 Performance test requirements and test methods.

The owner or operator of each affected source or process unit subject to the requirements of this subpart is required to conduct an initial performance test and periodic performance tests using the test methods and procedures listed in § 63.7 and paragraph (b) of this section. The owner or operator must conduct the first of the periodic performance tests within 3 years of the effective date of the revised standards and thereafter within 5 years following the previous performance test. Performance tests shall be conducted based on representative performance (*i.e.,* performance based on normal operating conditions) of the affected source for the period being tested. Representative conditions exclude periods of startup and shutdown. The owner or operator may not conduct performance tests during periods of malfunction. The owner or operator must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

* * * * *

(b) * * *

(1) For purposes of determining the concentration or mass of PM emitted from each kraft or soda recovery furnace, sulfite combustion unit, smelt dissolving tank, lime kiln, or the hog fuel dryer at Cosmo Specialty Fibers' Cosmopolis, Washington facility (Emission Unit no. HD–14), Method 5 in appendix A–3 of 40 CFR part 60 or Method 29 in appendix A–8 of 40 CFR part 60 must be used, except that Method 17 in appendix A–6 of 40 CFR part 60 may be used in lieu of Method 5 or Method 29 if a constant value of 0.009 g/dscm (0.004 gr/dscf) is added to the results of Method 17, and the stack temperature is no greater than 205 °C (400 °F). For Methods 5, 29, and 17, the sampling time and sample volume for each run must be at least 60 minutes and 0.90 dscm (31.8 dscf), and water must be used as the cleanup solvent instead of acetone in the sample recovery procedure.

(2) For sources complying with § 63.862(a) or (b), the PM concentration must be corrected to the appropriate oxygen concentration using Equation 7 of this section as follows:

$$C_{corr} = C_{meas} \times (20.9-X)/(20.9-Y) \qquad \text{(Eq. 7)}$$

Where:

C_{corr} = the measured concentration corrected for oxygen, g/dscm (gr/dscf);

C_{meas} = the measured concentration uncorrected for oxygen, g/dscm (gr/dscf);

X = the corrected volumetric oxygen concentration (8 percent for kraft or soda recovery furnaces and sulfite combustion units and 10 percent for kraft or soda lime kilns); and

Y = the measured average volumetric oxygen concentration.

(3) Method 3A or 3B in appendix A–2 of 40 CFR part 60 must be used to determine the oxygen concentration. The voluntary consensus standard ANSI/ASME PTC 19.10–1981—Part 10 (incorporated by reference—see § 63.14) may be used as an alternative to using Method 3B. The gas sample must be taken at the same time and at the same traverse points as the particulate sample.

(4) For purposes of complying with § 63.862(a)(1)(ii)(A), the volumetric gas flow rate must be corrected to the appropriate oxygen concentration using Equation 8 of this section as follows:

$$Q_{corr} = Q_{meas} \times (20.9-Y)/(20.9-X) \qquad \text{(Eq. 8)}$$

Where:

Q_{corr} = the measured volumetric gas flow rate corrected for oxygen, dscm/min (dscf/min).

Q_{meas} = the measured volumetric gas flow rate uncorrected for oxygen, dscm/min (dscf/min).

Y = the measured average volumetric oxygen concentration.

X = the corrected volumetric oxygen concentration (8 percent for kraft or soda recovery furnaces and 10 percent for kraft or soda lime kilns).

(5)(i) For purposes of selecting sampling port location and number of traverse points, Method 1 or 1A in appendix A–1 of 40 CFR part 60 must be used;

(ii) For purposes of determining stack gas velocity and volumetric flow rate, Method 2, 2A, 2C, 2D, or 2F in appendix A–1 of 40 CFR part 60 or Method 2G in appendix A–2 of 40 CFR part 60 must be used;

(iii) For purposes of conducting gas analysis, Method 3, 3A, or 3B in appendix A–2 of 40 CFR part 60 must be used. The voluntary consensus standard ANSI/ASME PTC 19.10–1981—Part 10 (incorporated by reference—see § 63.14) may be used as an alternative to using Method 3B; and

(iv) For purposes of determining moisture content of stack gas, Method 4 in appendix A–3 of 40 CFR part 60 must be used.

* * * * *

(c) * * *

(1) The owner or operator complying through the use of an NDCE recovery furnace equipped with a dry ESP system is required to conduct periodic performance testing using Method 308 in appendix A of this part, as well as the methods listed in paragraphs (b)(5)(i) through (iv) of this section to demonstrate compliance with the gaseous organic HAP standard. The requirements and equations in paragraph (c)(2) of this section must be met and utilized, respectively.

* * * * *

(d) The owner or operator seeking to determine compliance with the gaseous organic HAP standards in § 63.862(c)(2) for semichemical combustion units must use Method 25A in appendix A–7 of 40 CFR part 60, as well as the methods listed in paragraphs (b)(5)(i) through (iv) of this section. The sampling time for each Method 25A run must be at least 60 minutes. The calibration gas for each Method 25A run must be propane.

* * * * *

■ 9. Section 63.866 is amended by removing and reserving paragraph (a) and revising paragraphs (c) and (d) to read as follows:

§ 63.866 Recordkeeping requirements.

* * * * *

(c) In addition to the general records required by § 63.10(b)(2)(iii) and (vi) through (xiv), the owner or operator must maintain records of the information in paragraphs (c)(1) through (8) of this section:

(1) Records of black liquor solids firing rates in units of Mg/d or ton/d for all recovery furnaces and semichemical combustion units;

(2) Records of CaO production rates in units of Mg/d or ton/d for all lime kilns;

(3) Records of parameter monitoring data required under § 63.864, including any period when the operating parameter levels were inconsistent with the levels established during the performance test, with a brief explanation of the cause of the monitoring exceedance, the time the monitoring exceedance occurred, the time corrective action was initiated and completed, and the corrective action taken;

(4) Records and documentation of supporting calculations for compliance determinations made under § 63.865(a) through (d);

(5) Records of parameter operating limits established for each affected source or process unit;

(6) Records certifying that an NDCE recovery furnace equipped with a dry ESP system is used to comply with the gaseous organic HAP standard in § 63.862(c)(1);

(7) For the bag leak detection system on the hog fuel dryer fabric filter at Cosmo Specialty Fibers' Cosmopolis, Washington facility (Emission Unit no. HD–14), records of each alarm, the time of the alarm, the time corrective action was initiated and completed, and a brief description of the cause of the alarm and the corrective action taken; and

(8) Records demonstrating compliance with the requirement in § 63.864(e)(1) to maintain proper operation of an ESP's AVC.

(d)(1) In the event that an affected unit fails to meet an applicable standard, including any emission limit in § 63.862 or any opacity or CPMS operating limit in § 63.864, record the number of failures. For each failure record the date, start time, and duration of each failure.

(2) For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, and the following information:

(i) For any failure to meet an emission limit in § 63.862, record an estimate of the quantity of each regulated pollutant emitted over the emission limit and a description of the method used to estimate the emissions.

(ii) For each failure to meet an operating limit in § 63.864, maintain sufficient information to estimate the quantity of each regulated pollutant emitted over the emission limit. This information must be sufficient to provide a reliable emissions estimate if requested by the Administrator.

(3) Record actions taken to minimize emissions in accordance with § 63.860(d) and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

■ 10. Section 63.867 is amended by:

■ a. Removing and reserving paragraph (a)(2);

■ b. Revising paragraph (a)(3);

■ c. Revising paragraph (c); and

■ d. Adding paragraph (d).

The revisions and additions read as follows:

§ 63.867 Reporting requirements.

(a) * * *

(3) In addition to the requirements in subpart A of this part, the owner or operator of the hog fuel dryer at Cosmo Specialty Fibers' Cosmopolis, Washington, facility (Emission Unit no. HD–14) must include analysis and supporting documentation demonstrating conformance with EPA guidance and specifications for bag leak detection systems in § 63.864(e)(12) in the Notification of Compliance Status.

* * * * *

(c) *Excess emissions report.* The owner or operator must submit semiannual excess emissions reports containing the information specified in paragraphs (c)(1) through (5) of this section. The owner or operator must submit semiannual excess emission reports and summary reports following the procedure specified in paragraph (d)(2) of this section as specified in § 63.10(e)(3)(v).

(1) If the total duration of excess emissions or process control system parameter exceedances for the reporting period is less than 1 percent of the total reporting period operating time, and CMS downtime is less than 5 percent of the total reporting period operating time, only the summary report is required to be submitted. This report will be titled ''Summary Report—Gaseous and Opacity Excess Emissions and Continuous Monitoring System Performance'' and must contain the information specified in paragraphs (c)(1)(i) through (x) of this section.

(i) The company name and address and name of the affected facility.

(ii) Beginning and ending dates of the reporting period.

(iii) An identification of each process unit with the corresponding air

pollution control device, being included in the semiannual report, including the pollutants monitored at each process unit, and the total operating time for each process unit.

(iv) An identification of the applicable emission limits, operating parameter limits, and averaging times.

(v) An identification of the monitoring equipment used for each process unit and the corresponding model number.

(vi) Date of the last CMS certification or audit.

(vii) An emission data summary, including the total duration of excess emissions (recorded in minutes for opacity and hours for gases), the duration of excess emissions expressed as a percent of operating time, the number of averaging periods recorded as excess emissions, and reason for the excess emissions (*e.g.,* startup/shutdown, control equipment problems, other known reasons, or other unknown reasons).

(viii) A CMS performance summary, including the total duration of CMS downtime during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of CMS downtime expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total CMS downtime during the reporting period (*e.g.,* monitoring equipment malfunction, non-monitoring equipment malfunction, quality assurance, quality control calibrations, other known causes, or other unknown causes).

(ix) A description of changes to CMS, processes, or controls since last reporting period.

(x) A certification by a certifying official of truth, accuracy and completeness. This will state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(2) [Reserved]

(3) If measured parameters meet any of the conditions specified in § 63.864(k)(1) or (2), the owner or operator of the affected source must submit a semiannual report describing the excess emissions that occurred. If the total duration of monitoring exceedances for the reporting period is 1 percent or greater of the total reporting period operating time, or the total CMS downtime for the reporting period is 5 percent or greater of the total reporting period operating time, or any violations according to § 63.864(k)(2) occurred, information from both the summary report and the excess emissions and continuous monitoring system performance report must be submitted. This report will be titled ''Excess Emissions and Continuous Monitoring System Performance Report'' and must contain the information specified in paragraphs (c)(1)(i) through (x) of this section, in addition to the information required in § 63.10(c)(5) through (14), as specified in paragraphs (c)(3)(i) through (vi) of this section. Reporting monitoring exceedances does not constitute a violation of the applicable standard unless the violation criteria in § 63.864(k)(2) and (3) are reached.

(i) An identification of the date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks.

(ii) An identification of the date and time identifying each period during which the CMS was out of control, as defined in § 63.8(c)(7).

(iii) The specific identification of each period of excess emissions and parameter monitoring exceedances as described in paragraphs (c)(3)(iii)(A) through (E) of this section.

(A) For opacity:

(*1*) The total number of 6-minute averages in the reporting period (excluding process unit downtime).

(*2*) [Reserved]

(*3*) The number of 6-minute averages in the reporting period that exceeded the relevant opacity limit.

(*4*) The percent of 6-minute averages in the reporting period that exceed the relevant opacity limit.

(*5*) An identification of each exceedance by start and end time, date, and cause of exceedance (including startup/shutdown, control equipment problems, process problems, other known causes, or other unknown causes).

(B) [Reserved]

(C) For wet scrubber operating parameters:

(*1*) The operating limits established during the performance test for scrubbing liquid flow rate and pressure drop across the scrubber (or fan amperage if used for smelt dissolving tank scrubbers).

(*2*) The number of 3-hour wet scrubber parameter averages below the minimum operating limit established during the performance test, if applicable.

(*3*) An identification of each exceedance by start and end time, date, and cause of exceedance (including startup/shutdown, control equipment problems, process problems, other known causes, or other unknown causes).

(D) For RTO operating temperature:

(*1*) The operating limit established during the performance test.

(*2*) The number of 1-hour and 3-hour temperature averages below the minimum operating limit established during the performance test.

(*3*) An identification of each exceedance by start and end time, date, and cause of exceedance including startup/shutdown, control equipment problems, process problems, other known causes, or other unknown causes).

(E) For alternative parameters established according to § 63.864(e)(13) or (14) subject to the requirements of § 63.864(k)(1) and (2):

(*1*) The type of operating parameters monitored for compliance.

(*2*) The operating limits established during the performance test.

(*3*) The number of 3-hour parameter averages outside of the operating limits established during the performance test.

(*4*) An identification of each exceedance by start and end time, date, and cause of exceedance including startup/shutdown, control equipment problems, process problems, other known causes, or other unknown causes).

(iv) The nature and cause of the event (if known).

(v) The corrective action taken or preventative measures adopted.

(vi) The nature of repairs and adjustments to the CMS that was inoperative or out of control.

(4) If a source fails to meet an applicable standard, including any emission limit in § 63.862 or any opacity or CPMS operating limit in § 63.864, report such events in the semiannual excess emissions report. Report the number of failures to meet an applicable standard. For each instance, report the date, time and duration of each failure. For each failure, the report must include a list of the affected sources or equipment, and for any failure to meet an emission limit under § 63.862, provide an estimate of the quantity of each regulated pollutant emitted over the emission limit, and a description of the method used to estimate the emissions.

(5) The owner or operator of an affected source or process unit subject to the requirements of this subpart and subpart S of this part may combine excess emissions and/or summary reports for the mill.

(d) *Electronic reporting.* (1) Within 60 days after the date of completing each performance test (as defined in § 63.2) required by this subpart, the owner or operator must submit the results of the performance test following the procedure specified in either paragraph (d)(1)(i) or (ii) of this section.

(i) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT Web site (*https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert*) at the time of the test, the owner or operator must submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). (CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*).) Performance test data must be submitted in a file format generated through the use of the EPA's ERT or an alternate electronic file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT Web site. If the owner or operator claims that some of the performance test information being submitted is confidential business information (CBI), the owner or operator must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site, including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAPQS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph (d)(1)(i).

(ii) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, the owner or operator must submit the results of the performance test to the Administrator at the appropriate address listed in § 63.13 unless the Administrator agrees to or specifies an alternative reporting method.

(2) The owner or operator must submit the notifications required in § 63.9(b) and § 63.9(h) (including any information specified in § 63.867(b)) and semiannual reports to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX (*https://cdx.epa.gov*).) You must upload an electronic copy of each notification in CEDRI beginning with any notification specified in this paragraph that is required after October 11, 2019. The owner or operator must use the appropriate electronic report in CEDRI for this subpart listed on the CEDRI Web site (*https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri*) for semiannual reports. If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, you must submit the report to the Administrator at all the appropriate addresses listed in § 63.13. Once the form has been available in CEDRI for 1 year, you must begin submitting all subsequent reports via CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the reports are submitted.

(3) If you are required to electronically submit a report through CEDRI in the EPA's CDX, and due to a planned or actual outage of either the EPA's CEDRI or CDX systems within the period of time beginning 5 business days prior to the date that the submission is due, you will be or are precluded from accessing CEDRI or CDX and submitting a required report within the time prescribed, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description identifying the date, time and length of the outage; a rationale for attributing the delay in reporting beyond the regulatory deadline to the EPA system outage; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved. The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(4) If you are required to electronically submit a report through CEDRI in the EPA's CDX and a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning 5 business days prior to the date the submission is due, the owner or operator may assert a claim of force majeure for failure to timely comply with the reporting requirement. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (*e.g.,* hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.,* large scale power outage). If you intend to assert a claim of force majeure, you must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs. The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

■ 11. Section 63.868 is amended by revising paragraphs (b)(2) through (4) to read as follows:

§ 63.868 Delegation of authority.

* * * * *

(b) * * *

(2) Approval of a major change to test method under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90.

(3) Approval of a major change to monitoring under § 63.8(f) and as defined in § 63.90.

(4) Approval of a major change to recordkeeping/reporting under § 63.10(f) and as defined in § 63.90.

■ 12. Table 1 to Subpart MM of Part 63 is revised to read as follows:

TABLE 1 TO SUBPART MM OF PART 63—GENERAL PROVISIONS APPLICABILITY TO SUBPART MM

General provisions reference	Summary of requirements	Applies to subpart MM	Explanation
63.1(a)(1)	General applicability of the General Provisions	Yes	Additional terms defined in §63.861; when overlap between subparts A and MM of this part, subpart MM takes precedence.
63.1(a)(2)–(14)	General applicability of the General Provisions	Yes.	
63.1(b)(1)	Initial applicability determination	No	Subpart MM specifies the applicability in §63.860.
63.1(b)(2)	Title V operating permit—see 40 CFR part 70	Yes	All major affected sources are required to obtain a title V permit.
63.1(b)(3)	Record of the applicability determination	No	All affected sources are subject to subpart MM according to the applicability definition of subpart MM.
63.1(c)(1)	Applicability of subpart A of this part after a relevant standard has been set.	Yes	Subpart MM clarifies the applicability of each paragraph of subpart A of this part to sources subject to subpart MM.
63.1(c)(2)	Title V permit requirement	Yes	All major affected sources are required to obtain a title V permit. There are no area sources in the pulp and paper mill source category.
63.1(c)(3)	[Reserved]	No.	
63.1(c)(4)	Requirements for existing source that obtains an extension of compliance.	Yes.	
63.1(c)(5)	Notification requirements for an area source that increases HAP emissions to major source levels.	Yes.	
63.1(d)	[Reserved]	No.	
63.1(e)	Applicability of permit program before a relevant standard has been set.	Yes.	
63.2	Definitions	Yes	Additional terms defined in §63.861; when overlap between subparts A and MM of this part occurs, subpart MM takes precedence.
63.3	Units and abbreviations	Yes.	
63.4	Prohibited activities and circumvention	Yes.	
63.5(a)	Construction and reconstruction—applicability	Yes.	
63.5(b)(1)	Upon construction, relevant standards for new sources.	Yes.	
63.5(b)(2)	[Reserved]	No.	
63.5(b)(3)	New construction/reconstruction	Yes.	
63.5(b)(4)	Construction/reconstruction notification	Yes.	
63.5(b)(5)	Construction/reconstruction compliance	Yes.	
63.5(b)(6)	Equipment addition or process change	Yes.	
63.5(c)	[Reserved]	No.	
63.5(d)	Application for approval of construction/reconstruction.	Yes.	
63.5(e)	Construction/reconstruction approval	Yes.	
63.5(f)	Construction/reconstruction approval based on prior State preconstruction review.	Yes.	
63.6(a)(1)	Compliance with standards and maintenance requirements—applicability.	Yes.	
63.6(a)(2)	Requirements for area source that increases emissions to become major.	Yes.	
63.6(b)	Compliance dates for new and reconstructed sources.	Yes.	
63.6(c)	Compliance dates for existing sources	Yes, except for sources granted extensions under 63.863(c).	Subpart MM specifically stipulates the compliance schedule for existing sources.
63.6(d)	[Reserved]	No.	
63.6(e)(1)(i)	General duty to minimize emissions	No	See §63.860(d) for general duty requirement.
63.6(e)(1)(ii)	Requirement to correct malfunctions ASAP	No.	
63.6(e)(1)(iii)	Operation and maintenance requirements enforceable independent of emissions limitations.	Yes.	
63.6(e)(2)	[Reserved]	No.	
63.6(e)(3)	Startup, shutdown, and malfunction plan (SSMP).	No.	
63.6(f)(1)	Compliance with nonopacity emissions standards except during SSM.	No.	
63.6(f)(2)–(3)	Methods for determining compliance with nonopacity emissions standards.	Yes.	
63.6(g)	Compliance with alternative nonopacity emissions standards.	Yes.	

TABLE 1 TO SUBPART MM OF PART 63—GENERAL PROVISIONS APPLICABILITY TO SUBPART MM—Continued

General provisions reference	Summary of requirements	Applies to subpart MM	Explanation
63.6(h)(1)	Compliance with opacity and visible emissions (VE) standards except during SSM.	No.	
63.6(h)(2)–(9)	Compliance with opacity and VE standards	Yes	Subpart MM does not contain any opacity or VE standards; however, § 63.864 specifies opacity monitoring requirements.
63.6(i)	Extension of compliance with emissions standards.	Yes.	
63.6(j)	Exemption from compliance with emissions standards.	Yes.	
63.7(a)(1)	Performance testing requirements—applicability.	Yes.	
63.7(a)(2)	Performance test dates	Yes.	
63.7(a)(3)	Performance test requests by Administrator under CAA section 114.	Yes.	
63.7(a)(4)	Notification of delay in performance testing due to force majeure.	Yes.	
63.7(b)(1)	Notification of performance test	Yes.	
63.7(b)(2)	Notification of delay in conducting a scheduled performance test.	Yes.	
63.7(c)	Quality assurance program	Yes.	
63.7(d)	Performance testing facilities	Yes.	
63.7(e)(1)	Conduct of performance tests	No	See § 63.865.
63.7(e)(2)–(3)	Conduct of performance tests	Yes.	
63.7(e)(4)	Testing under section 114	Yes.	
63.7(f)	Use of an alternative test method	Yes.	
63.7(g)	Data analysis, recordkeeping, and reporting	Yes.	
63.7(h)	Waiver of performance tests	Yes	§ 63.865(c)(1) specifies the only exemption from performance testing allowed under subpart MM.
63.8(a)(1)	Monitoring requirements—applicability	Yes	See § 63.864.
63.8(a)(2)	Performance Specifications	Yes.	
63.8(a)(3)	[Reserved]	No.	
63.8(a)(4)	Monitoring with flares	No	The use of flares to meet the standards in subpart MM is not anticipated.
63.8(b)(1)	Conduct of monitoring	Yes	See § 63.864.
63.8(b)(2)–(3)	Specific requirements for installing and reporting on monitoring systems.	Yes.	
63.8(c)(1)	Operation and maintenance of CMS	Yes	See § 63.864.
63.8(c)(1)(i)	General duty to minimize emissions and CMS operation.	No.	
63.8(c)(1)(ii)	Reporting requirements for SSM when action not described in SSMP.	Yes.	
63.8(c)(1)(iii)	Requirement to develop SSM plan for CMS	No.	
63.8(c)(2)–(3)	Monitoring system installation	Yes.	
63.8(c)(4)	CMS requirements	Yes.	
63.8(c)(5)	Continuous opacity monitoring system (COMS) minimum procedures.	Yes.	
63.8(c)(6)	Zero and high level calibration check requirements.	Yes.	
63.8(c)(7)–(8)	Out-of-control periods	Yes.	
63.8(d)(1)–(2)	CMS quality control program	Yes	See § 63.864.
63.8(d)(3)	Written procedures for CMS	No	See § 63.864(f).
63.8(e)(1)	Performance evaluation of CMS	Yes.	
63.8(e)(2)	Notification of performance evaluation	Yes.	
63.8(e)(3)	Submission of site-specific performance evaluation test plan.	Yes.	
63.8(e)(4)	Conduct of performance evaluation and performance evaluation dates.	Yes.	
63.8(e)(5)	Reporting performance evaluation results	Yes.	
63.8(f)	Use of an alternative monitoring method	Yes.	
63.8(g)	Reduction of monitoring data	Yes.	
63.9(a)	Notification requirements—applicability and general information.	Yes.	
63.9(b)	Initial notifications	Yes.	
63.9(c)	Request for extension of compliance	Yes.	
63.9(d)	Notification that source subject to special compliance requirements.	Yes.	
63.9(e)	Notification of performance test	Yes.	
63.9(f)	Notification of opacity and VE observations	Yes	Subpart MM does not contain any opacity or VE standards; however, § 63.864 specifies opacity monitoring requirements.

TABLE 1 TO SUBPART MM OF PART 63—GENERAL PROVISIONS APPLICABILITY TO SUBPART MM—Continued

General provisions reference	Summary of requirements	Applies to subpart MM	Explanation
63.9(g)(1)	Additional notification requirements for sources with CMS.	Yes.	
63.9(g)(2)	Notification of compliance with opacity emissions standard.	Yes	Subpart MM does not contain any opacity or VE emissions standards; however, § 63.864 specifies opacity monitoring requirements.
63.9(g)(3)	Notification that criterion to continue use of alternative to relative accuracy testing has been exceeded.	Yes.	
63.9(h)	Notification of compliance status	Yes.	
63.9(i)	Adjustment to time periods or postmark deadlines for submittal and review of required communications.	Yes.	
63.9(j)	Change in information already provided	Yes.	
63.10(a)	Recordkeeping requirements—applicability and general information.	Yes	See § 63.866.
63.10(b)(1)	Records retention	Yes.	
63.10(b)(2)(i)	Recordkeeping of occurrence and duration of startups and shutdowns.	No.	
63.10(b)(2)(ii)	Recordkeeping of failures to meet a standard	No	See § 63.866(d) for recordkeeping of (1) date, time and duration; (2) listing of affected source or equipment, and an estimate of the quantity of each regulated pollutant emitted over the standard; and (3) actions to minimize emissions and correct the failure.
63.10(b)(2)(iii)	Maintenance records	Yes.	
63.10(b)(2)(iv)–(v)	Actions taken to minimize emissions during SSM.	No.	
63.10(b)(2)(vi)	Recordkeeping for CMS malfunctions	Yes.	
63.10(b)(2)(vii)–(xiv)	Other CMS requirements	Yes.	
63.10(b)(3)	Records retention for sources not subject to relevant standard.	Yes	Applicability requirements are given in § 63.860.
63.10(c)(1)–(14)	Additional recordkeeping requirements for sources with CMS.	Yes.	
63.10(c)(15)	Use of SSM plan	No.	
63.10(d)(1)	General reporting requirements	Yes.	
63.10(d)(2)	Reporting results of performance tests	Yes.	
63.10(d)(3)	Reporting results of opacity or VE observations.	Yes	Subpart MM does not include any opacity or VE standards; however, § 63.864 specifies opacity monitoring requirements.
63.10(d)(4)	Progress reports	Yes.	
63.10(d)(5)(i)	Periodic startup, shutdown, and malfunction reports.	No	See § 63.867(c)(3) for malfunction reporting requirements.
63.10(d)(5)(ii)	Immediate startup, shutdown, and malfunction reports.	No	See § 63.867(c)(3) for malfunction reporting requirements.
63.10(e)(1)	Additional reporting requirements for sources with CMS—General.	Yes.	
63.10(e)(2)	Reporting results of CMS performance evaluations.	Yes.	
63.10(e)(3)(i)–(iv)	Requirement to submit excess emissions and CMS performance report and/or summary report and frequency of reporting.	No	§ 63.867(c)(1) and (3) require submittal of the excess emissions and CMS performance report and/or summary report on a semi-annual basis.
63.10(e)(3)(v)	General content and submittal dates for excess emissions and monitoring system performance reports.	Yes.	
63.10(e)(3)(vi)	Specific summary report content	No	§ 63.867(c)(1) specifies the summary report content.
63.10(e)(3)(vii)–(viii)	Conditions for submitting summary report versus detailed excess emission report.	No	§ 63.867(c)(1) and (3) specify the conditions for submitting the summary report or detailed excess emissions and CMS performance report.
63.10(e)(4)	Reporting continuous opacity monitoring system data produced during a performance test.	Yes.	
63.10(f)	Waiver of recordkeeping and reporting requirements.	Yes.	
63.11	Control device requirements for flares	No	The use of flares to meet the standards in subpart MM is not anticipated.
63.12	State authority and delegations	Yes.	
63.13	Addresses of State air pollution control agencies and EPA Regional Offices.	Yes.	

TABLE 1 TO SUBPART MM OF PART 63—GENERAL PROVISIONS APPLICABILITY TO SUBPART MM—Continued

General provisions reference	Summary of requirements	Applies to subpart MM	Explanation
63.14	Incorporations by reference	Yes.	
63.15	Availability of information and confidentiality	Yes.	
63.16	Requirements for Performance Track member facilities.	Yes.	

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FEDERAL REGISTER

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Part III

The President

Proclamation 9652—German-American Day, 2017

Federal Register
Vol. 82, No. 195
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Presidential Documents

Title 3—

The President

Proclamation 9652 of October 5, 2017

German-American Day, 2017

By the President of the United States of America

A Proclamation

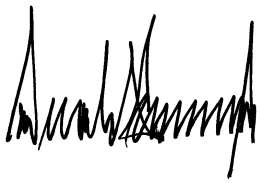
On October 6, 1683, 13 families landed in Philadelphia, having set sail earlier that year from the German city of Krefeld. These pioneers founded the first German settlement in America: Germantown, Pennsylvania, the first American community to formally protest the evils of slavery. Since this auspicious beginning, millions of German immigrants have come to our Nation in pursuit of personal and religious freedoms and economic opportunity. These immigrants and their descendants have changed the trajectory of the United States, and on German-American Day, we celebrate their role in helping our country thrive.

The more than 44 million Americans who claim German heritage join previous generations in making important contributions to every facet of American life. As the proud grandson of German grandparents, I am keenly aware of how German Americans have helped drive our economy, enrich our culture, and protect and defend the land they embrace as their own. Notable German-American leaders in business and finance include William Boeing, John D. Rockefeller, Henry Heinz, and Milton S. Hershey. Many others, such as Neil Armstrong, George Herman ''Babe'' Ruth Jr., Walt Disney, Amelia Earhart, and the inimitable ''Dr. Seuss'' (Theodor Seuss Geisel) have become beloved figures. German Americans Chester Nimitz, John Pershing, and Norman Schwarzkopf, Jr. are among the most decorated military officers in American history. American painters of German descent include Emanuel Leutze, best known for his classic work *Washington Crossing the Delaware,* and Albert Bierstadt, whose canvas captured the majestic beauty of the American West. German Americans have also designed some of the most iconic landmarks in the United States, including Johann August Roebling's Brooklyn Bridge. Even the quintessential American hot dog owes a debt to German immigrant Charles Feltman, who debuted the savory treat when he opened the first hot dog stand at Coney Island.

Today, the United States and Germany enjoy a close relationship through our shared history and common interests. As our Nation's largest ancestry group, German Americans are rightfully proud of how their deep cultural, historical, and familial ties have helped strengthen this robust transatlantic relationship. A strong partnership between the United States and Germany is vital to ensuring that we live in a peaceful world filled with vibrant economic opportunities for all.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 6, 2017, as German-American Day. I call upon all Americans to celebrate the achievements and contributions of German Americans to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.



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